ORDINARY COUNCIL MEETING

M I N U T E S

MONDAY, 25 JULY 2011 AT 7:05PM

Council Chambers
39 Clow Street
DANDENONG VIC 3175
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6.5.1 Constitutional Recognition of Local Government

6.5.2 Report on Matters Discussed at Councillor Briefing Sessions During June 2011

6.5.3 Springvale Night Market

6.6 CONTRACTS

6.6.1 Contract No. 1101-52: Supply of Electricity for Public Lighting under Procurement Australia Contract 1407/0614

7 NOTICES OF MOTION

8 REPORTS FROM COUNCILLORS/DELEGATES & COUNCILLORS’ QUESTIONS

9 QUESTION TIME - PUBLIC

10 URGENT BUSINESS
1 ATTENDANCE

Apologies
Cr Youhorn Chea (Leave of Absence)
Cr Jim Memeti

Councillors Present
Cr Roz Blades (Chairperson)
Cr Peter Brown, Cr Paul Donovan, Cr Yvonne Herring, Cr John Kelly, Cr Angela Long,
Cr Maria Sampey, Cr Loi Truong, Cr Pinar Yesil

Officers Present
John Bennie, Chief Executive Officer; Mal Baker, Director Development Services;
Mark Doubleday, Director Community Services; Mick Jaensch, Director Corporate Services;
Bruce Rendall, Director Engineering Services

2 OFFERING OF PRAYER

All present remained standing as Mr Gurdarshan Singh Gill from the Sikh Community, a
member of the Greater Dandenong Interfaith Network, read the opening prayer:

"The Dear Lord is my Mother, the Dear Lord is my Father; the Dear Lord is my
Cherisher.
The Dear Lord takes care of me; I am the child of the Lord.
Consistently and steadily he feeds me; He never leaves me abandoned.
He overlooks my shortcomings, and hugs me to His Bosom.
He blesses me with all that I ask for: He is the Peace-Giving Father,
He blesses me with the Wealth of Wisdom, and the treasure of the Naam, He has
made me worthy of Himself.
He has made me a partner with the Guru, and now all joy is mine.
My Lord shall never forsake me. My Lord is All-Powerful.

Dear God,
May the City of Greater Dandenong continue to progress in peace and harmony
under the leadership of the Mayor of the city, the Councillors and the Council staff.
God, please take care of all beings in the City. May Peace and prosperity come to
all?
God Bless."
3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting of Council held 11 July 2011.

Recommendation
That the minutes of the Ordinary Meeting of Council held 11 July 2011 be confirmed.

MINUTE
894
Moved by: Cr Yvonne Herring
Seconded by: Cr Loi Truong

That the minutes of the Ordinary Meeting of Council held 11 July 2011 be confirmed.

CARRIED

4 ASSEMBLIES OF COUNCIL

The following assemblies of Council occurred in the period 8 – 21 July 2011:

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| 11/07/11   | Councilor Briefing Session | Roz Blades, Peter Brown, Youhorn Chea, Paul Donovan, Yvonne Herring, John Kelly, Angela Long, Jim Memeti, Maria Sampey, Loi Truong, Pinar Yesil | • Library Funding Agreements
• Funeral Service for John Filmer
• Agenda items for Council meeting 11 July 2011 |
| 18/07/11   | Councilor Briefing Session | Roz Blades, Peter Brown, Paul Donovan, Yvonne Herring, John Kelly, Angela Long, Jim Memeti, Maria Sampey, Loi Truong |
• Dog Off-Leash Strategy
• Ross Reserve Master Plan
• Overview of proposed effects of Carbon Tax
• CCTV – Future Direction
• Springvale Stories - Unity in Diversity (Face to Face)
• Library Funding Agreements
• Barry Powell Reserve & Jan Wilson Centre Car Park Security
• Agenda items for Council Meeting 25 July 2011 |

Recommendation
That the assemblies of Council listed above be noted.
MINUTE
895
Moved by: Cr Pinar Yesil
Seconded by: Cr Yvonne Herring
That the assemblies of Council listed above be noted.
CARRIED

5 DISCLOSURES OF INTEREST

Cr Truong disclosed a Conflict of Interest (direct interest) in Item 6.3.2: Planning Delegated Decisions Issued June 2011, as he is the applicant for Planning Application No. PLN09/0841.01. Cr Truong left the Chamber prior to discussion and voting on this item.

PRESENTATION BY THE MAYOR

“Welcome all to our Council Meeting tonight.

Tonight we had a special guest for dinner – Stuart Marriner. He attended with friends Gionvana McKercher and Thelma Wakelam.

Stuart Marriner is one of Greater Dandenong’s Living Treasures.

Although he was not born in Dandenong, Stuart has lived and worked here since 1959. He spent his working life at Southeastern Timber until he retired in 1978.

After this first retirement, Stuart became an ‘honorary grandfather’ to many of the children at the Doveton-Hallam Community Centre and became a valuable asset to the Dandenong and District Benevolent Society.

As most of us know, Stuart has also successfully lobbied Council to provide local facilities for homeless youth.

However, it is in his role as an environmental ‘watchdog’ that Stuart is best known. He has been a staunch lobbyist for the environment. He lobbied for vast improvements to industrial zonings in Greater Dandenong.

Stuart was a foundation member of the Dandenong Residents’ Action Group (DRAG) and Residents Against Toxic Waste in the South East (RATWISE). Together, they persistently questioned government and industry bodies about how they tackle serious pollution problems within the city. The group’s sustained pressure was successful in having polluted sewerage treatment land sealed off from development of any kind. More importantly, it was a catalyst for establishing effective consultation between industry and the community. As a consequence today, the Dandenong South Industrial Zone has become a model for the environmental management of industry.
Stuart Marriner is a man of principle who believes that individuals must contribute to community good. Over the years his efforts to ensure improved standards of welfare and a healthier environment within the City of Greater Dandenong have benefited all those who live and work here.

He has done much good for this City himself and is now “retiring again” to Apollo Bay – which, at 92, is well deserved.

On behalf of the Councillors, I thank you Stuart for your contributions to the City of Greater Dandenong community and wish you all the best for the future.”

Cr Roz Blades, Mayor presented a Certificate of Appreciation to Stuart Marriner.
6 OFFICERS' REPORTS

6.1 DOCUMENTS FOR SEALING

6.1.1 Documents for Sealing

File Id: fA4586
Responsible Officer: Director Corporate Services

Report Summary

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

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

Recommendation Summary

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

There are 2 (two) items being presented to Council's meeting of 25 July 2011 for signing and sealing as follows:

1. A letter of recognition to D. Karaitiana, Engineering Services for 20 years of service to the City of Greater Dandenong; and

2. A Transfer of Land between the Greater Dandenong City Council and the Victorian Urban Development Authority regarding a property in Steven Street, Dandenong being part of the Metro 3175 Redevelopment land.

Recommendation

That the listed documents be signed and sealed.

MINUTE

896

Moved by: Cr Angela Long
Seconded by: Cr Pinar Yesil

That the listed documents be signed and sealed.

CARRIED
6.2 DOCUMENTS FOR TABLING

6.2.1 Receipt of Petitions and Joint Letters

File Id: qA337
Responsible Officer: Director Corporate Services

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.

Petitions and Joint Letters Tabled

Council received no petitions and one (1) joint letter prior to the Council Meeting of 25 July 2011 as follows:

- A joint letter signed by ten (10) residents from Noble Park in objection to Planning Application No. PLN11/0096 for a proposed development at a property in Chandler Road, Noble Park. This joint letter will be considered as part of the statutory planning process.

Recommendation

That the listed items be received.

MINUTE

897
Moved by: Cr Loi Truong
Seconded by: Cr Yvonne Herring

That the listed items be received.

CARRIED
6.3 TOWN PLANNING

6.3.1 Planning Decisions Issued by Planning Minister’s Delegate - June 2011

Attachments: Planning Declared Area Delegated Decisions - June 2011

File Id: qA1054

Responsible Officer: Director Development Services

Report Summary

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

It provides a listing of Town Planning Applications decided for June 2011.

It should be noted that permits issued are consistent with the Planning Scheme and council’s policies.

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

Recommendation

That the report be received and noted.

MINUTE

898

Moved by: Cr Yvonne Herring
Seconded by: Cr Angela Long

That the report be received and noted.

CARRIED
The attachment to this report is available under a separate cover at:

www.greaterdandenong.com

(“Council”, “Council Meetings”, “Agendas and Minutes”)

or by contacting:
Governance - 9239 5309
6.3.2 Planning Delegated Decisions Issued June 2011

Attachments: Planning Delegated Decisions Issued June 2011
File Id: qA280
Responsible Officer: Director Development Services

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 decided for June 2011. It should be noted that permits issued are consistent with the Planning Scheme and council’s policies. Application numbers with a PLN#.01 or similar, are applications making amendments to previously approved planning permits.

Recommendation

That the report be received and noted.

Cr Truong disclosed a Conflict of Interest (direct interest) in this item, as he is the applicant for Planning Application No. PLN09/0841.01. Cr Truong left the Chamber at 7.16pm prior to discussion and voting on this item.

MINUTE
899
Moved by: Cr Pinar Yesil
Seconded by: Cr Angela Long
That the report be received and noted.

CARRIED

Cr Truong returned to the Chamber at 7.17pm.
The attachment to this report is available under a separate cover at:

www.greaterdandenong.com

("Council", "Council Meetings", "Agendas and Minutes")

or by contacting:
Governance - 9239 5309
6.3.3 Town Planning Application - No. 2 Caledonian Court, Keysborough
(Planning Application No. PLN10/0294)

Attachments:  Locality Plan and Locations of Objectors
Submitted Plans
Clause 55 Assessment

File No: 204395
Responsible Officer: Director Development Services

Application Summary

Applicant: The Lines Den
Proposal: Construction of two (2) dwellings.
Zone: Residential 3 Zone
Overlay: Nil
Ward: Paperbark

The application proposes to demolish the existing dwelling and to develop the land for two (2) double storey dwellings. Pursuant to Clause 32.06-4 of the Greater Dandenong Planning Scheme, a permit is required to construct two (2) or more dwellings on a lot.

Objectors Summary

As a result of advertising the application, two (2) objections were received. The grounds of objections relate to: overlooking; overshadowing; noise, vibration and danger due to the proximity of garage 1 to a habitable room window of an adjoining property; additional traffic and on-street parking; the unsightly proposed walls on the boundaries; and property devaluation.

Assessment Summary

The subject site and surrounding properties were zoned Residential 1 at the time the application was submitted. The site and surrounding properties were rezoned to Residential 3 on 24 February 2011. As such, the application is assessed against the provision within the Schedule to the Residential 3 Zone, in addition to Clause 22.09 (Residential Development & Neighbourhood Character Policy) and Clause 55 (Two or more dwellings on a lot and Residential Buildings).

An assessment of the application found that the subject site being a corner location, is appropriate for the proposed two (2) double storey dwellings. The proposed dwellings would not result in overlooking, overshadowing, noise, vibration or danger to the surrounding properties. The proposed multi-dwelling development, like any other multi-dwelling developments, would result in some additional traffic to the locality, however, the surrounding street networks would be able to cater for the additional traffic. The proposed design has provided sufficient car parking on the site and in accordance with Clause 55 of the Planning Scheme.

The assessment of this report recommended minor alterations to improve on and off-site amenity impacts and to improve the overall appearance of the development from the streetscape and from the adjoining properties. The proposed development is consistent with the provisions of Clause 55.
Subject to minor modifications to the private open space dimensions of the proposed dwellings, the proposed development would be consistent with Clause 22.09 and the Schedule to the Residential 3 Zone.

The proposed dwellings are consistent with the existing character of the area and would not result in material detriment to the adjoining properties or anyone.

It is considered that the proposal is consistent with the State and Local Planning Policy Frameworks in providing for urban consolidation and supplying diverse housing types in an area well served by infrastructure.

**Recommendation Summary**

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

Subject Site

The subject site is located at the south-east corner of Caledonian Court and Darren Road. The site is a slightly irregular lot with a maximum width of 17.07m along the south-east boundary, a maximum length of 39.66m along the south-west boundary and a total site area of 599 square metres.

The site contains an existing single storey dwelling with hipped tiled roof. The site has a garage at near south-east boundary with access from Darren Road. The existing side and rear boundary fences are 1.65m high and the existing front fence is 0.9m high. The site has a slope of 0.82m from the north-east (front) corner to the south-west corner (rear).

The subject site is not affected by any Overlays.

The broader locality of the site is bounded by Harold Road to the north, Cheltenham Road to the south, Corrigan Road to the east and Springvale Road to the west.

Surrounding properties are used for residential purposes. The Keysborough Primary School is located 110m to the north-west. The proposed Dingley Arterial is located 385m to the south-west. A local shopping centre between Mackay Street and Athol Road is located 1360m to the north-west and Parkmore Shopping Centre is located 1540m to the south-east.

A Locality Plan is provided in Attachment 1.

A Melway Map of the subject site is provided below.
Background

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

Proposal
The application proposes the construction of two (2) double storey dwellings. The existing single storey dwelling on the site would be removed for the proposed development. Details of the proposal are as follows:

**Dwelling 1 (3 bedrooms, Double storey)**
Dwelling 1 would be located to the front of the site facing Caledonian Court with a front setback of 7m. The dwelling would comprise on the ground floor: an open dining / kitchen / family room; living room; laundry; and powder room. Three (3) bedrooms (one with ensuite), a rumpus, bathroom and water closet are proposed on the first floor. A single garage and tandem car space is proposed to the north-east of the dwelling with access from a proposed crossover located at the north-east corner of the site on Caledonian Court. The dwelling would be provided with 46 square metres of secluded private open space (including the alfresco area) to the east with a dimension between 4m to 5.78m and has access to the family / meals area. The dwelling would also have an area of 22 square metres with a minimum dimension of 2.25m to the west and a front yard of 75 square metres. The total private open space area for the dwelling would be 143 square metres.

**Dwelling 2 (3 Bedrooms, Double storey)**
Dwelling 2 would be located to the south-east of dwelling 1 with a frontage facing Darren Road. The dwelling would comprise on the ground floor: an open dining / kitchen / family room; living room; laundry; and powder room. Three (3) bedrooms (one with ensuite), a rumpus, bathroom and water closet are proposed on the first floor. A single garage and tandem car space with access from Darren Road is proposed for the dwelling. The dwelling would be provided with an area of 40 square metres of secluded private open space (including the alfresco area) to the north with a dimension between 3.6m to 4m. The dwelling would also have a service yard of 15 square metres to the south and a front yard of 38 square metres. The total private open space area for the dwelling would be 93 square metres.

The proposed dwellings would be constructed of brickworks for the ground floor and a mixture of rendering and colorbond cladding for the first floor. Hipped tiled roofs with eaves are proposed for both dwellings.

The proposed site coverage is 46.9% and proposed permeable surface area is 44.6%.

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

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:

- To construct two (2) or more dwellings on a lot under Clause 32.06-4 of the Residential 3 Zone.

The relevant controls and policies are as follows:

Zoning Controls

The subject site is located in a Residential 3 Zone, as is the surrounding area.

The purpose of the Residential 3 Zone outlined at Clause 32.06 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 residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.
- To encourage residential development that respects the neighbourhood character.
- To limit the maximum height of a dwelling or residential building.
- In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

Pursuant to Clause 32.06-4, a permit is required to construct two or more dwellings on a lot. The development must meet the requirements of Clause 55.

Clause 32.06-5 states that the schedule to the zone may specify differing requirements to some of the Standards of Clause 55. It is noted that in the schedule to the Zone, different requirements are set for the following:

- Standard B8 (Site Coverage) – Up to 50%.
- Standard B17 (Side and Rear Setbacks) A minimum 2 metre setback from side and rear boundaries where opposite a high amenity outdoor living area or main living room window with a high amenity outlook. Otherwise as per B17;
- Standard B28 (Private Open Space) – An area of 60 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room; and,
- Standard B32 (Front Fence Height) – Maximum 1.5 metre height in streets in Road Zone Category 1, 1.2 metre maximum height for other streets.
Overlay Controls

No overlays affect the subject site or surrounding area.

State Planning Policy Framework

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

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

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

The matter of Settlement is outlined at Clause 11. Metropolitan Melbourne is considered under Clause 11.04 with the following objective outlined at Clause 11.04-5 relating to Melbourne’s Urban Growth of particular relevance to this application:

To set clear limits to Metropolitan Melbourne’s urban development.

Clause 15 of the Scheme looks at Built Environment and Heritage, with the Urban Environment focused on under Clause 15.01. Relevant objectives of that Clause to be considered include:

- To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.
- To improve community safety and encourage neighbourhood design that makes people feel safe.
- To recognise and protect cultural identity, neighbourhood character and sense of place.

Clause 15.02 – Sustainable Development is also of relevance to this application, with the following objective relating to Energy and Resource Efficiency at Clause 15.02-1 having to be considered:

To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
Housing, which is of particular relevance to this application, is considered under Clause 16 of the Scheme. Objectives relating to Residential Development outlined at Clause 16.01 to be considered include:

- To promote a housing market that meets community needs.
- To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.
- To identify strategic redevelopment sites for large residential development in Metropolitan Melbourne.
- To provide a range of housing types to meet increasingly diverse needs.
- To deliver more affordable housing closer to jobs, transport and services.

With Infrastructure considered at Clause 19, Clause 19.03 the broad objectives relating Development Infrastructure should be considered. Those objectives include:

- To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.
- To reduce the impact of stormwater on bays and catchments.

**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:

- In 2006 Greater Dandenong was home to over 130,000 people within an area of 129.6 square kilometres (Clause 21.02-1).
- There is considerable diversity within Greater Dandenong’s housing stock. Most housing stock is between 30 to 50 years, though there are some areas with dwellings in excess of 100 years old. Areas of newer housing are located in the north-east and central southern areas, with in-fill development occurring across the municipality (Clause 21.02-3)
- Higher density housing is generally located in proximity to railway stations and major shopping centres, in particular in central Dandenong (Clause 21.02-3).
- The municipality has similar levels of home ownership and people renting when compared to metropolitan Melbourne (Clause 21.02-3).
- Housing is relatively affordable in Greater Dandenong, though the costs have risen steeply in recent years, with house prices having risen by 27 percent in the past 5 years within Greater Dandenong compared with 4 percent across metropolitan Melbourne (Clause 21.02-3).
The older age population (60 and above) accounts for 19 percent of the Greater Dandenong population as compared to 18 percent for metropolitan Melbourne (Clause 21.02-3).

There is a clear predominance of single detached dwellings within the municipality however there are a range of other dwelling types including dual occupancies, villa-units, townhouses and apartments. The highest concentration of older villa-units and apartments and more recent multi-dwelling redevelopment have occurred around central Dandenong, Springvale and Noble Park activity centres (Clause 21.02-4).

Cultural influences have defined certain precincts with their own built form character, generally flat unarticulated facades, prominent balconies, limited front and side setbacks, and limited or no landscaping (Clause 21.02-4).

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

The objectives and strategies of the MSS are under four (4) main themes including: land use; built form; open space and natural environment; and, infrastructure and transportation (considered individually under Clauses 21.04 to 21.07). Of particular relevance to this application are 21.05 – Built Form and 21.07 – Infrastructure and Transportation.

Under Clause 21.05 – Built Form the matters of: urban design, character, streetscapes and landscapes; and, sustainability, amongst others, are covered. It is noted that within that Clause the identification of preferred character areas and the incorporation of clear policy directions with regard to building types and design elements appropriate to the particular character is noted as important in facilitating the achievement of attractive and sustainable built form. Relevant objectives and strategies of Clause 21.05-2 relating to the matter of urban design, character, streetscapes and landscapes, include:

1. To facilitate high quality building design and architecture.
   1.1 Ensure building design is consistent with the preferred character of an area and fully integrates with surrounding environment.
   1.2 Encourage high standards of building design and architecture, which allows for flexibility and adaptation in use.
   1.3 Encourage innovative architecture and building design.

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

3. To improve the quality, consistency and function of the city’s environment.
   3.3 Apply the Residential and Neighbourhood Character Policy at Clause 22.09.
6. To ensure that design of the public and private environment supports accessibility and healthy living.
   6.2 Encourage new developments to provide for safe environments.
   6.3 Ensure that all new developments accord with and embrace universal design principles outlined in Council’s ‘Access and Inclusion Strategy for people with Disabilities 2004-2008’.

7. To protect and improve streetscapes.
   7.1 Ensure new developments improve streetscapes through generous landscape setbacks and canopy tree planting.
   7.2 Ensure landscaping within private property that complements and improves the streetscapes and landscaping of public areas.

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

Relevant objectives and strategies of Clause 21.05-4 relating to sustainability, include:

1. To promote ecologically sustainable development.
   1.1 Encourage the design of developments to provide for integration of water sensitive urban design.
   1.2 Encourage the recycling of grey water in new developments.

Under Clause 21.07 – Infrastructure and Transportation matters of physical, community and cultural infrastructure and public transport, amongst others, are covered.

Relevant objectives and strategies of Clause 21.07-1 relating to the matter of physical, community and cultural infrastructure include:

2. To manage the impact of discharge of stormwater to minimise pollution and flooding.
   2.1 Promote water sensitive urban design principles.

3. To minimise damage to physical infrastructure (including trees) from development.
   3.1 Ensure that developments are appropriately designed and sites to minimise damage to the physical infrastructure.
   3.2 Ensure works associated with development minimise the impact on tree roots.

Relevant objectives and strategies of Clause 21.07-2 relating to the matter of public transport include:

1. To increase the use of public transport.
   1.1 Encourage development in locations which can maximise the potential use of public transport.
   1.2 Encourage medium-density housing and mixed use development to locate:
      - near activity centres which have access to public transport, or
      - are within walking distance (300m) of the Principal Public Transport Network (PPTN).

Relevant objectives and strategies of Clause 21.07-3 relating to the matter of walking and cycling include:

1. To promote and facilitate walking and cycling.
   Ensure walking and cycling are important design elements in all land use and development decisions.
   1.4 Discourage vehicle cross-overs where they have a significant impact on pedestrian movements.
Under **Clause 21.08 – Reference Documents** the *City of Greater Dandenong Neighbourhood Character Study* (Sept 2007) is listed.

**Clause 22.09 – Residential Development & Neighbourhood Character Policy** is of particular relevance to this application. The objectives of that Policy are:

- To guide the form of residential development that occurs in residential areas throughout Greater Dandenong, having regard to metropolitan policies and planning policies concerning urban form and housing, while respecting valued characteristics of residential neighbourhoods throughout the municipality.
- To promote a range of housing types, in appropriate locations, to accommodate the future needs of the municipality’s changing population.
- To improve the quality and standard of residential development that occurs throughout Greater Dandenong and the quality, sustainability and standard of on site landscaping provided in residential developments.
- To encourage high quality, creative and innovative design that makes a positive contribution to the streetscape.
- To encourage varied forms and intensities of residential development in appropriate locations throughout Greater Dandenong, having regard to metropolitan policies promoting urban consolidation and increased densities, and existing neighbourhood character.
- To encourage higher densities and forms of development in preferred strategic locations that have good access to existing public transport and the Proposed Public Transport Network (PPTN), commercial, community, educational and recreational facilities.
- To ensure that the siting and design of new residential development takes account of its interface with existing residential development on adjoining sites and responds to the individual circumstances of its site and streetscape it is located within.
- To implement the *City of Greater Dandenong Neighbourhood Character Study* (Sept 2007).

The Policy identifies three (3) areas of change to occur within the residential areas of the municipality – substantial, incremental and limited change, with those areas relating to Residential 2, Residential 1 and Residential 3 zoned areas respectively. Each area of change is identified by an existing and future character, with design guidelines for each change area also identified.

Under this Policy, the subject site would be located in a Limited Change Area identified under Clause 22.09-3.3. These areas are noted as being located a greater distance from the central spine of the municipality. The areas are noted as displaying a gradual transition in age from 1960’s through to the 1980’s, with the areas developed as residential subdivision expanded outward from the central spine. The character is defined as predominately single storey, with occasional double storey, detached dwelling.
That Clause continues to note that it is envisaged that the character of these areas will evolve over time to contain a relatively limited number of well designed and site responsive infill medium density residential developments. Such developments would essentially comprise dwellings with ground floor components and a building form that comprises a mix of one (1) and two (2) storeys, with separation between dwellings at least at the upper level. Sufficient ground level space around the development will provide for landscaping and canopy trees to generate a landscaped character throughout. Sensitive outdoor living areas or main outlooks from living areas on adjoining properties are to be preserved.

Clause 22.09-3.3 provides design guidelines, some of which also relate to the variances to the requirements of standards to Clause 54 under the Schedule to the Residential 3 Zone. The guidelines consider matters such as: housing form; height; bulk; site coverage; permeable site area; front setback; side and rear setbacks; private open space; car parking; landscaping; and, front boundary treatment.

The Design Guidelines of the Incremental Change area under Clause 22.09-3.3 includes:

<table>
<thead>
<tr>
<th>Housing form</th>
<th>A lower proportion and intensity of medium density infill development than in substantial and incremental change areas.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height</td>
<td>A mix of 1 and 2 storeys, with entirely 2 storey development only where appropriate considering its interface with existing residential development, response to site circumstances and streetscape.</td>
</tr>
<tr>
<td>Bulk</td>
<td>Built form to respect the scale of the existing prevailing built form character. Separation between dwellings at the upper level. Double storey buildings to the rear of existing buildings on a lot are generally discouraged.</td>
</tr>
<tr>
<td>Site coverage</td>
<td>Up to 50%.</td>
</tr>
<tr>
<td>Permeable site area</td>
<td>Minimum of 40%.</td>
</tr>
<tr>
<td>Front setback</td>
<td>As per Clause 55 with an emphasis on encouraging ample setback to provide for soft landscaping and canopy trees.</td>
</tr>
<tr>
<td>Side &amp; rear setbacks</td>
<td>Minimum of 2 metres where opposite a high amenity outdoor area or a living room window with a high amenity outlook, then as per Clause 55</td>
</tr>
<tr>
<td>Private open space</td>
<td>Minimum of 60m² per unit at ground level within a minimum of 40m² secluded private open space (all areas to have a minimum dimension of 5 metres).</td>
</tr>
<tr>
<td>Car parking</td>
<td>Garages and car parking areas located behind buildings, generally hidden from view.</td>
</tr>
<tr>
<td>Landscaping</td>
<td>70% of ground level front setback planted with substantial landscaping and canopy trees.</td>
</tr>
<tr>
<td>Front boundary</td>
<td>Open or low scale front fences not to exceed 1.5m for street in Road Zone Category 1 and maximum height of 1.2 metres for other roads.</td>
</tr>
</tbody>
</table>

Clause 22.09-3.4 identifies that villa units, dual occupancies and detached houses are the preferred housing styles within areas of Limited Change.
Additional matters to be considered including those relating to: context and setting; position on the site — frontage setback and width; façade patterns and articulation; colours and materials; trees and landscaping; front boundary treatment; community safety; heritage and special character areas; and, areas for redevelopment or with significant multi-unit development, are listed at Clause 22.09-5.

The *City of Greater Dandenong Neighbourhood Character Study* (Sept 2007) is listed as a reference document at Clause 22.09-6.

**Particular Provisions**

**Clause 55 – Two or more dwellings on a lot and residential buildings**, details the provisions which relate to an application for residential development. Its purpose includes:

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

Under this Clause, the objectives must be met, and the standards should be met as a means of meeting the objectives.

**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.

**Reference Documents**

The ‘City of Greater Dandenong Neighbourhood Character Study’ (Sept 2007) is a reference document listed both under Clauses 21.08 and 22.09. That document was used to formulate the policy outlined at Clause 22.09 of the Scheme. It is noted that in addition to identifying areas of preferred character that document also considers existing character in greater detail, with the subject site located in Character Area C as identified in that Study.

**Proposed Planning Scheme Amendments**

No proposed planning scheme amendment is applicable to this site.
Other Council Documents

Council has some documents, which whilst not included in the Planning Scheme should be considered in the assessment of the application for the purpose of being used for guidance.

This includes Council’s ‘Multi-Unit Developments Waste Collection Guidelines for Developers’ (December 2004). Those Guidelines aim to provide developers with guidance on waste collection and management requirements when designing multi-dwelling developments with the municipality.

Council’s general waste collection for residential properties typically comprises:

- A weekly collection of household garbage using an 80 or 140 litre mobile bin;
- A fortnightly recycling collection using a 240 litre mobile bin; and,
- A fortnightly garden waste collection (on alternate weeks to the recycling service) using a 240 litre mobile bin.

Under the Guidelines, for the collection of waste from the nature strip a minimum length of 1.76 metres is required for the garbage bin and either the recycling/garden waste bin, clear of any obstructions. A minimal clearance equal to the height of each bin (up to 1.1 metres) is required behind and along the lifting arc. Where the provision of waste collection from the nature strip is inappropriate, collection from the site will be required, which may or may not be undertaken by Council services.

Restrictive Covenants

The perusal of the Certificate of Title submitted with the application confirmed that there are no restrictive covenants or restrictions restricting or prohibiting the proposal.

Links to Council Annual Plan

In accordance with the commitment in Council’s Annual Plan, all applications are considered on their merits.

Diversity (Access & Equity)

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

Community Safety

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

Safe Design Guidelines

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

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

Internal

The application was internally referred to Council’s Engineering Services and Parks Department for their consideration. The comments provided will be considered in the assessment of the application.

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, one facing Caledonian Court and one facing Darren Road.

The notification has been carried out correctly.

Council has received two (2) objections to date.

Consultation

A consultative meeting was held with the applicant, one (1) objector and Council representatives in attendance. One (1) Councillor also attended the meeting. Whilst the issues were discussed at length, there was no resolution and the objection stands as received.

The other objection from the objector who did not attend the meeting also stands as submitted.

Summary of Grounds of Submissions/Objections

The grounds of objection from the consultation meeting and written submissions are summarised in **bold** below, followed by the town planner’s response in *italics*.

1. **The proposed development would result in overlooking into No. 14 Ennismore Drive (land opposite the site).**

   *The proposed double storey dwellings would have first floor habitable room windows facing Darren Road and into the private open space of No. 14 Ennismore Drive. However, the proposed first floor habitable room windows would be 19m from the secluded private open space of No. 14 Ennismore Drive as the two properties are separated by Darren Road. Under Standard B22 of Clause 55.04-6 (Overlooking Objective), a habitable room window within 9m of an adjoining property’s private open space should be provided with screens of at least 1.7m. As the first floor windows of the proposed dwellings would be 19m from the secluded private open space of No. 14 Ennismore Drive, the proposed first floor windows are not required to be screened.*
All first floor windows of the proposed development facing the adjoining properties to the north-east and south-east would be provided with sill height of 1.7m or obscured glazing to 1.7m.

The proposed development would not result in overlooking into the objector’s property at No. 14 Ennismore Drive or any other properties.

2. The proposed double storey dwellings would result in overshadowing.

The objector at No. 4 Caledonia Court is located to the north-east of the subject site. That property has a dwelling setback 1.1m from the subject site, a verandah to the rear of the dwelling and a private open space area to the north-east of that site. The proposed dwellings would be located to the south-west of that objector’s property which would generally not result in overshadowing to that property, beyond the requirements of Clause 55.

The other objector is located on the opposite side of a street (19m away) and would not be overshadowed by the proposed dwellings.

The adjoining property to the south-east has a driveway abutting the boundary of the subject site. The proposed garage 2 would cast a shadow over the driveway but would not impact on any existing habitable room windows or private open space area.

The proposed development would not result in any significant overshadowing to the objectors’ properties or any other properties.

3. The proximity of driveway and garage of dwelling 1 to a bedroom of the objector from No. 4 Caledonian Court would result in excessive engine noise, vibration and danger to the objector (on one occasion, the car of the owner of No. 2 Caledonian Court was burnt whilst parking on the site).

The proposed garage 1 would be located on the north-east boundary and would be 1.3m from a habitable room window of the adjoining property to the north-east. The garage would be enclosed by a double brick wall on the north-east boundary (adjoining the boundary of No. 4 Caledonian Court) and to the south-east side of the garage. It is not anticipated that a garage used ancillary to a dwelling would result in substantial noise or vibration to the adjoining property other than what would be normally associated with residential use.

However, to address the objector’s concerns, the front setback of garage 1 could be reduced to 7m, thus, increasing the setback of garage 1 from the objector’s habitable room window from 1.3m to 2.3m. The location of garage 1 would not encroach into the front setback with this recommendation as the front setback of the dwelling is also 7m, which is consistent with the front setback of the adjoining property.

It is considered that the location of garage 1 would not result in substantial noise, vibration or danger to the objectors.
4. The proximity of dwelling 1’s entry to the objector’s property (at No. 4 Caledonian Court) would result in noise from persons to and from the site.

The entry to dwelling 1 would be located 3.5m from the title boundary of No. 4 Caledonian Court and 10.5m from the closest existing habitable room window.

As the site would be used for residential purposes, it is not anticipated that the proposed development would result in substantial noise from persons to and from the site.

5. The proposed development would result in additional traffic to the area and on-street parking.

Standard B16 of Clause 55 of the Greater Dandenong Planning Scheme requires two (2) car spaces for a three or more bedroom dwelling with one space under cover. Each of the proposed dwellings would have three (3) bedrooms and is proposed with a single garage and tandem car space. The number of car parking spaces proposed for the dwellings comply with Standard B16.

Standard B16 also requires one (1) visitor car space for every five (5) dwellings. The proposed development comprises of two (2) dwellings and does not require a visitor car space.

The proposed multi-dwelling development, like any other multi-dwelling developments, would result in some additional traffic to the locality, however, the surrounding street networks would be able to cater for the addition traffic.

As the number of car spaces proposed complies with Standard B16 of Clause 55, a refusal on this ground cannot be substantiated and the existing road networks could cater for the proposed development.

6. The proposed walls on the boundary would be unsightly.

The garage of dwelling 1 is proposed on the north-east boundary and the garage of dwelling 2 is proposed on the south-east boundary.

Under Clause 55, a wall not exceeding 3m high could be provided on the boundary or located 150mm from the boundary. Thus, the proposed development is consistent with the wall on the boundary objective of Clause 55.

However, the assessment of this report recommended that to improve the appearance of the development from the streetscape and from the adjoining property, garage 1 should be setback from the boundary / boundary fence location by 150mm and a 1.8m high fence provided along the side boundary wall of the garage.

Garage 2 is required to be modified to a free standing carport by Council’s Engineering Services due to the garage being located over an easement. Thus, the carport must be provided with a paling fence of 1.8m along the side boundary for security.

The above modifications could be included as conditions of permit, if a permit were to be granted.
7. The proposed development would result in devaluation of the surrounding properties.

Devaluation of property is not considered a valid planning argument and cannot be upheld as a reason to refuse a permit. As the Victorian Civil and Administrative Tribunal frequently states, the matters which will determine the final decision of an application must be based on planning considerations. It has long been held by the Tribunal, that a general claim concerning devaluation is not a relevant planning issue.

Assessment

Use

The use of the site for the purpose of dwellings is consistent with the surrounding uses and provisions of the Greater Dandenong Planning Scheme, with a planning permit not required for this use pursuant to Clause 32.06-1.

State and Local Planning Policies

The proposal is considered to respect State and Local policies, whilst providing for residential development which contributes to further urban consolidation.

Those policies however also seek to ensure that development is respectful of the neighbourhood character, seek a high standard of design and improve the quality of streetscapes, particularly with regard to Clauses 21.04 and 21.05 of the Greater Dandenong Planning Scheme. These matters will further be considered under the Clause 55 Assessment.

Clause 55 Assessment

The proposed development has been assessed in accordance with Clause 55 – ‘Two or More Dwellings on a Lot and Residential Buildings’ which is in tabular form. This demonstrates that the proposal is consistent with the objectives within this Clause or can be so with minor amendments.

The proposed development comprise of two (2) double-storey dwellings on a corner site. One double storey dwelling on a lot could be found at No. 1 Caledonian Court (40m to the north-east) and No. 61 Darren Road (50m to the north). Although there is currently no multi-dwelling development along Caledonian Court, there are existing multi-dwelling developments in the vicinity. In particular, there are two (2) double storey dwellings on a lot at No. 5 Lachlan Place (410m to the north-east) and two (2) single storey dwellings on a lot at No. 19 Putt Grove (405m to the south-east). The proposed two (2) double storey dwellings are considered appropriate for the site.

Each dwelling is proposed with the required number of car parking spaces in accordance with Clause 55. No visitor car space is proposed or required.
The proposed development would not result in overlooking into any adjoining properties. The site has an existing 1.65m high timber paling fence along the north-east and south-east boundaries. The proposed site layout plan indicates that there would be a 1.8m high timber paling fence along these boundaries with the fence along the driveways tapered. It is considered appropriate to require a condition on any permit to be granted that any fencing modification required by the development should be borne by the owner of No. 2 Caledonian Court, Keysborough. All first floor habitable room windows facing the adjoining properties would have sill height of 1.7m or would be provided with fixed obscured glazing to 1.7m above finished first floor level.

Shadows from the proposed development would fall onto the site, along Darren Road and along the driveway of the adjoining property to the south-east. No private open spaces or habitable room windows of the adjoining properties would be overshadowed by the proposed development.

No noise beyond normal residential noises is expected from the development. The dwelling entries are visible and provide shelter, a sense of address and could easily be made accessible to persons with limited mobility.

The proposed private open spaces and secluded private open spaces for the dwelling are consistent with Clause 55 and would receive appropriate solar access.

Appropriate external storage area is proposed for each dwelling. Site services have been provided for each dwelling and letter boxes have been identified.

It is noted that the west elevation plan of dwelling 1 shows a living room window whilst the floor plan does not. Revised plans should be requested to address this inconsistency.

The proposed front setbacks, side setbacks, heights, site coverage and permeable area and other areas of the proposed development are consistent with Clause 55, except in the following instances:

**Standard B4 Infrastructure Objective**

The application proposes a garage over an easement along the south-east boundary. Due to the location of an easement along the south-eastern boundary, Council’s Engineering Services requested that garage 2 be converted to a free standing carport. A free standing carport would require to be setback 15mm from the boundary / boundary fence location, with the boundary fence retained. The applicant will require written consent to build over an easement. If this is not obtained, the carport should be converted to a car space. This can be conditioned.

**Standard B5 Integration with the Street Objective**

As per this standard, developments should integrate with the street and high fencing in front of dwellings should be avoided. The west side of dwelling 1 is blocked from Darren Street by a high fence and highlight windows limit street views. To encourage an active streetscape, it is recommended that the 1.8m high paling fence along the side of dwelling 1 be lowered to a height of 1.2m and the fence material modified to brick or brick piers with iron infill to be consistent with the proposed fence along the front boundary of Caledonian Court. Also the west facing kitchen window for dwelling 1 should face the street. This can be conditioned.
Standard B14 Access Objectives and B15 Parking Location Objectives
These standards seek to encourage safe vehicle movements. To improve safety to the site and surrounding properties, the side boundary fences within 5m of the front boundary of each dwelling should be noted as a maximum of 1.2m high, subject to consent from the adjoining properties. This would allow observation of pedestrian from vehicles reversing out of the site and vice-versa. The driveway of dwelling 1 should be straightened for convenient entry and exit. Subject to these changes, the proposal will comply with these standards.

Standard B18 (Walls on Boundaries Objective)
In accordance with Clause 55 Standard B18, boundary walls should have an average wall height of 3m. The proposed wall of garage 2 on the boundary appears to be higher than 3m, based on the scale provided. Garage 2 should be modified to a carport due to the easement and a notation should be provided to ensure that the carport does not exceed an average height of 3m.

Standard B31 Design Detail Objective
The design of the dwellings has provided design detail that is somewhat compatible with existing dwellings including roof form and window style. However, the presence of high facias is uncommon in this area. It is recommended that the ground floor facia of the dwellings should be lowered to 3m high. A panel lift door with transparent panels should be provided to garage 1 to avoid having a blank roller door facing the street. These could be conditioned.

It is considered that the proposal is generally consistent with the character of the area subject to conditions discussed above. The proposed design should provide adequate on site amenity for future residents. Approving the development would not result in material detriment to others. Conditions of any permit issued will result in minor changes to improve on and off site amenity. The proposed development is considered appropriate and should be supported.

Schedule to the Residential 3 Zone
The Schedule to the Residential 3 Zone contains variations to Clause 55. The variations include to Standard B8 – Site Coverage, Standard B17 – Side and Rear Setbacks, Standard B28 – Private Open Space and Standard B32 - Front Fence.

An assessment of the proposed development against the Schedule to the Residential 3 Zone is provided below:

Site Coverage
The proposed site coverage is 46.9%, below the maximum 50% permissible within the Schedule.

Side and Rear Setback
The family room of dwelling 2 would be located 1m from the boundary of the adjoining property to the north-east. The adjoining property to the north-east has a verandah and secluded private open space area facing dwelling 2. The verandah is part of an outdoor living area, thus, it is recommended that the living room of dwelling 2 should be setback 2m from the north-east boundary. This could be achieved via an appropriate condition, if a permit were to be granted.

The adjoining property to the south-west has a driveway abutting the subject site with its high private open space area located well away from the subject site.
Private Open Space
The proposed private open spaces and secluded private open spaces of all the dwellings are consistent with Standard B28 of Clause 55.

Dwelling 1 would be provided with 143 square metres of private open space. 46 square metres of the private open space would be secluded private open space (including the alfresco area) located to the east of the dwelling with a minimum dimension between 4m to 5.78m and has access to the living area. The 46 square metres could easily be modified to achieve a minimum a minimum dimension of 5m. This could form a permit condition, if a permit were to be granted.

Dwelling 2 would be provided with a total of 93 square metres of private open space. 40 square metres of private open space would be secluded private open space (including the alfresco area) located to the north of the dwelling with a minimum dimension between 3.6m to 4m. The 40 square metres could easily be modified to achieve a minimum area of 40 square metres with a minimum dimension of 5m. This could also form a permit condition, if a permit were to be granted.

Front Fence
A new 1m high brick fence is proposed to the front of dwelling 1 and a new 0.9m high timber fence is proposed to the front of dwelling 2. The heights of the proposed front fences comply with the Schedule.

A 1.8m high timber paling fence is proposed to the side of dwelling 1, along Darren Road. As this fence forms the side boundary of dwelling 1, it is permissible by this Standard. However, as the dwelling has sufficient secluded private open space to the east, it is considered that this area is not required to be secluded. It is recommended that any fence within the side setback of dwelling 1 along Darren Road should be lowered to a maximum height of 1.2m. Screen planting with a minimum planting height of 1.5m could be provided along this boundary and a fence and gate should be provided from the corner of the family room to the boundary of dwelling 2 to provide security to the secluded private open space area. This could be addressed via an appropriate condition, if a permit is granted.

Subject to minor modifications, the proposed development complies with all the provisions within the Schedule to the Residential 3 Zone.

Clause 22.09 Residential Development & Neighbourhood Character Policy

Clause 22.09-3.3 provides design guidelines, some of which also relate to the variances to the requirements of the standards within Clause 55 and the Schedule to the Residential 3 Zone. Under this policy, the subject site and surrounding land are located within a Limited Area. Limited Change Area encourages development of villa units, dual occupancy and detached houses. The proposed development is considered as dual occupancy and is a preferred development type in this location.

An assessment of the proposal against the guidelines is provided below:

Housing Form
The proposed development comprises of only two (2) dwellings on a site and is considered to be a low density multi-dwellings development which is consistent with the housing form in the area.
Height
In the immediate vicinity, the rears of lots are generally vacant backyards or contain single storey outbuildings. Although both proposed dwellings would be double storey, the subject site has the advantage of being a corner allotment, thus allowing both dwellings to face the street. The proposed dwelling 1 would be inline with the existing dwellings along Caledonian Court whilst the proposed dwelling 2 would be inline with the existing dwellings along Darren Road. The proposed double storey dwellings would not impact on the open space corridor of the area and are considered appropriate for the site.

Bulk
The proposed design which includes large habitable room windows facing the street and hipped roofs with eaves, is considered to respect the scale of the existing built form of the area. A separation of 4m is proposed between the first floor of the dwellings which reduced building mass and is considered appropriate.

Site coverage
The proposed site coverage is 46.9% and less than the maximum 50% permissible under this guideline.

Permeable Site Area
The proposed permeable area is 44.6% and exceeds the minimum 40% required under this guideline.

Front setback
The proposed front setback of dwelling 1 which faces Caledonian Court, is 7m and is consistent with the front setback of the adjoining property to the north-east at No. 4 Caledonian Court. The proposed front setback of dwelling 2 which faces Darren Road, is 3m. The proposed front setbacks of the dwellings are consistent with Clause 55. This guideline does not alter the front setback of Clause 55 but encourage ample setback to provide soft landscaping and canopy trees. The design as submitted would allow ample landscaping within the front setbacks of both dwellings and is consistent with this guideline.

Side and Rear Setback
The secluded private open spaces of the adjoining properties to the north-east and south-east are located well away from the boundaries of the subject site. Although the proposed development is consistent with this guideline, minor modifications could be made to improve the amenity of the adjoining properties. This has been discussed in the above assessment under the Schedule to the Residential 3 Zone.

Private Open Space
The proposed private open spaces and secluded private open spaces of all the dwellings are consistent with Standard B28 of Clause 55.

However, the dimensions of the private open spaces do not comply with the dimension required by this Clause which specifies that the secluded private open space should have a minimum area of 40 square metres with a minimum dimension of 5m. Whilst both areas of secluded private open space measure greater than 40 square metres, a minimum dimension of 5m is required. A condition could be placed on the permit requiring the secluded private open space of each dwelling to be modified to comply with this Clause. This could easily be achieved without major alterations to the development.
**Car Parking**

The garage / carport of both dwellings would be located to the side of their respective dwellings. The garage / carport would be setback further from the front boundary than the dwellings and would not dominate the streetscape. Noting that land with one dwelling on a lot generally has the garage to the side of the dwelling and not hidden from the street. The assessment under Clause 55 recommended a panel lift door with transparent panels should be provided to garage 1 to improve the visual appearance of the development from the street. Garage 2 is required to be modified to a carport by Council’s Engineering Services due to the garage been located over an easement. This could be addressed via an appropriate condition, if a permit were to be granted. The locations of the proposed garage / carport are considered appropriate.

**Landscaping**

Only one crossover and driveway is proposed along each street frontage which would leave at least 70% of the front street setback for landscaping. The proposal is consistent with this guideline.

**Front Boundary**

The proposed front fences for the dwellings would not exceed 1.2m high. This has been discussed in the assessment under the Schedule to the Residential 3 Zone.

Subject to minor modifications, the proposed development complies with all the guidelines of Clause 22.09.

**Waste Collection**

There is sufficient space for bins to be provided on the nature strip in front of the site during waste collection day. The proposal would not result in any waste management issue.

**Vegetation & Tree Impact (Site & Surrounds)**

Several small trees would be required to be removed from the subject site for the proposed development. The trees are only small trees and are not of any significant. No vegetation on the surrounding properties would be impacted by the proposed development.

The development proposes a curved driveway for dwelling 1 to achieve a 3m distant from an existing tree on the nature strip of Caledonian Court. However, this would result in difficulty for vehicles entering and exiting the site. It is recommended that a straight driveway should be provided. This would require the removal of the existing tree on the nature strip of Caledonian Court. This recommendation was referred to Council’s arborist for comments who has no objection to the removal of the tree subject to a replacement tree provided at the cost of the owner of No. 2 Caledonian Court. It is considered appropriate to request two (2) replacement trees to be provided, one (1) on each side of the proposed driveway on Caledonian Court, to enhance the appearance of the streetscape.

**Aboriginal Cultural Heritage Sensitivity**

The subject site is not located within an area of Aboriginal Cultural Heritage Sensitivity.

**Proposed Planning Scheme Amendments**

There is no proposed Planning Scheme Amendment applicable to this site.
Conclusion

The application has been assessed against the relevant sections of the Greater Dandenong Planning Scheme, including the State and Local Planning Policy Framework, Municipal Strategic Statement, Clause 55 and Clause 65.

The assessment reveals that the relevant matters of the Planning Scheme can be met by the proposal subject to conditions and it is therefore appropriate to the area.

Recommendation

That Council resolves to issue a Notice of Decision to grant a permit in respect of the land known and described as No. 2 Caledonian Court, Keysborough, for the development of two (2) dwellings in accordance with the plans submitted with the application subject to the following conditions:

1. Before the development starts, 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. Survey plan details showing the current boundary fence locations and any deviation from the title boundary locations, with setbacks of the development taken from the fence if this is within the title boundary (otherwise from title boundary);

1.2. The elevation plans must specify natural ground level, finished ground level, finished floor level and total building heights measured in relation to the Australian Height Datum (AHD);

1.3. The side boundary fences within the front setback noted as a maximum of 1.2m high, subject to consent from the adjoining properties;

1.4. A 1m wide pedestrian path from the entrance of dwelling 2 to Darren Road or to the driveway pavement;

1.5. The 1.8m high paling fence along the side of dwelling 1 and within the setback of Darren Road lowered to a maximum of 1.2m high and the fence material modified to brick or brick with iron infill;

1.6. A 1.8m high fence and gate between dwelling 1’s family room and the boundary fence of dwelling 2;

1.7. Garage 1 setback 7m from Caledonian Court with an internal length of 6m, provided with a panel lift door to the front, offset 0.15m from the boundary / boundary fence location and a 1.8m high paling fence provided along the side boundary;

1.8. Garage 2 converted to a free standing carport and setbacks 0.15m from the title boundary / boundary fence location, provided with a 1.8m high paling provided to the side boundary and a 1.8m high paling fence and gate provided to the rear if the consent to build over the easement is demonstrated, otherwise garage 2 to be a car space;
1.9. The heights of the garage / carport on the boundaries, ensuring these do not exceed an average of 3m;

1.10. The ground floor facia of the dwellings along Caledonian Court and Darren Road, lowered to a maximum of 3m high, except the porches;

1.11. Window/s to the side of the entrance to dwelling 2;

1.12. A larger window or an additional horizontal window to the kitchen of dwelling 1;

1.13. Dwelling 1 provided with a minimum area of 40 square metres of secluded private open space to the east of the dwelling with a minimum dimension of 5m (this may include the alfresco area but must not include the storage shed area);

1.14. Dwelling 2 provided with a minimum area of 40 square metres of secluded private open space to the north-east of the dwelling with a minimum dimension of 5m (this may include the alfresco area);

1.15. Consistency between the elevation plans and the site layout plans, particularly the west elevation of dwelling 1;

1.16. Dwelling 2 setback a minimum of 2m from the north-east boundary; and

1.17. A straight crossover and driveway provided to dwelling 1 with the tree on the nature strip of Caledonian Court noted as to be removed. Two (2) replacement trees must be provided on the nature strip of Caledonian Court, one (1) on each side of the proposed crossover.

To the satisfaction of the Responsible Authority.

2. Prior to the endorsement of plans under Condition 1, a landscape plan must be submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of the permit.

The landscape plan must be drawn to scale with dimensions and two (2) copies must be provided. The landscaping plan must be prepared by a suitably qualified person, and must show:

2.1. The site at a scale of 1:100/200, including site boundaries, existing and proposed buildings, neighbouring buildings, car parking, access and exit points, indicative topography and spot levels at the site corners, existing and proposed vegetation, nature strip trees, easements and landscape setbacks;

2.2. Details of the proposed layout, type and height of fencing;

2.3. Legend of all plant types, surfaces, materials and landscape items to be used including the total areas of garden and lawn;

2.4. A plant schedule giving a description of botanical name, common name, mature height and spread, pot size, purchase height (if a tree) and individual plant quantities;

2.5. At least one (1) advanced canopy tree with a minimum planting height of 1.5 metres within the rear secluded open space areas of each dwelling and within the front yard; and
2.6. Any paving or deck areas within the secluded open space area of the proposed dwelling on a permeable base.

To the satisfaction of the Responsible Authority.

3. The layout of the site and size, design and location of the buildings and works permitted must always be in accordance with the endorsed plans, unless with the written consent of the Responsible Authority.

4. Once the development has started, it must be continued and completed in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.

5. The dwellings 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.

6. Provision must be made for the drainage of the site including landscaped and pavement areas, all to the satisfaction of the Responsible Authority.

7. Stormwater discharge is to be retained on site to the pre-development level of peak stormwater discharge, to the satisfaction of the Responsible Authority.

8. All piping and ducting above the ground floor storey of the building, except for downpipes and spouting, shall be concealed to the satisfaction of the Responsible Authority.

9. Service units, including air conditioning/heating units, must not be located where they will be visible from any public area.

10. The obscure glazing to the windows shown on the endorsed plans must be through frosted glass or similarly treated glass, and thereafter maintained to the satisfaction of the Responsible Authority. Adhesive film or the like that can be removed must not be used.

11. All boundary walls in the development must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.

12. Before the occupation of the dwellings hereby approved, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

   12.1. Constructed in accordance with the endorsed plan/s.
   12.2. Properly formed to such levels that they can be used in accordance with the plans.
   12.3. Surfaced with an all-weather sealcoat.
   12.4. Drained to the legal point of discharge.

To the satisfaction of the Responsible Authority.
13. Car spaces, access lanes and driveways must be maintained and kept available for these purposes at all times.

14. Standard concrete vehicular crossings must be constructed to suit the proposed driveway/s in accordance with the Council’s standard specifications and any vehicle crossing no longer required must be removed and the land, footpath and kerb and channel reinstated, to the satisfaction of the Responsible Authority.

15. Prior to the occupation of the dwellings hereby permitted, all landscaping as shown on the endorsed plans, including trees, shrubs and lawn, shall be planted and thereafter maintained, to the satisfaction of the Responsible Authority.

16. Any changes to external boundary fencing required for under this development shall be constructed at the cost of the owner of No. 2 Caledonian Court, Keysborough, to the satisfaction of the Responsible Authority.

17. Before the development starts arrangement must be made with the Responsible Authority for the removal of the existing street tree and replanting of two (2) trees. All costs associated with the removal and replanting of the street trees must be borne by the owner of No. 2 Caledonian Court, Keysborough, to the satisfaction of the Responsible Authority.

18. This permit will expire if:

   18.1. The development does not start within two (2) years of the date of this permit, or
   18.2. The development is not completed within four (4) years of the date of this permit.

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

Notes

- A vehicle Crossing Permit must be obtained from Council for all vehicular crossings prior to construction of the crossing/s.

- A Building Approval is required prior to the commencement of the approved development.

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

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

- Any future subdivision of the land must have regard to relevant building requirements, including the fire rating of any wall openings or structures located on boundaries.
• No buildings or works shall be constructed over any easement without the written consent of the relevant authorities.

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

MINUTE

900

Moved by: Cr Pinar Yesil
Seconded by: Cr Peter Brown

That Council resolves to issue a Notice of Decision to grant a permit in respect of the land known and described as No. 2 Caledonian Court, Keysborough, for the development of two (2) dwellings in accordance with the plans submitted with the application subject to the following conditions:

1. Before the development starts, 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. Survey plan details showing the current boundary fence locations and any deviation from the title boundary locations, with setbacks of the development taken from the fence if this is within the title boundary (otherwise from title boundary);

1.2. The elevation plans must specify natural ground level, finished ground level, finished floor level and total building heights measured in relation to the Australian Height Datum (AHD);

1.3. The side boundary fences within the front setback noted as a maximum of 1.2m high, subject to consent from the adjoining properties;

1.4. A 1m wide pedestrian path from the entrance of dwelling 2 to Darren Road or to the driveway pavement;

1.5. The 1.8m high paling fence along the side of dwelling 1 and within the setback of Darren Road lowered to a maximum of 1.2m high and the fence material modified to brick or brick with iron infill;

1.6. A 1.8m high fence and gate between dwelling 1’s family room and the boundary fence of dwelling 2;

1.7. Garage 1 setback 7m from Caledonian Court with an internal length of 6m, provided with a panel lift door to the front, offset 0.15m from the boundary / boundary fence location and a 1.8m high paling fence provided along the side boundary;
1.8. Garage 2 converted to a free standing carport and setbacks 0.15m from the title boundary / boundary fence location, provided with a 1.8m high paling provided to the side boundary and a 1.8m high paling fence and gate provided to the rear if the consent to build over the easement is demonstrated, otherwise garage 2 to be a car space;

1.9. The heights of the garage / carport on the boundaries, ensuring these do not exceed an average of 3m;

1.10. The ground floor facia of the dwellings along Caledonian Court and Darren Road, lowered to a maximum of 3m high, except the porches;

1.11. Window/s to the side of the entrance to dwelling 2;

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1.13. Dwelling 1 provided with a minimum area of 40 square metres of secluded private open space to the east of the dwelling with a minimum dimension of 5m (this may include the alfresco area but must not include the storage shed area);

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1.15. Consistency between the elevation plans and the site layout plans, particularly the west elevation of dwelling 1;

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1.17. A straight crossover and driveway provided to dwelling 1 with the tree on the nature strip of Caledonian Court noted as to be removed. Two (2) replacement trees must be provided on the nature strip of Caledonian Court, one (1) on each side of the proposed crossover.

To the satisfaction of the Responsible Authority.

2. Prior to the endorsement of plans under Condition 1, a landscape plan must be submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of the permit.

The landscape plan must be drawn to scale with dimensions and two (2) copies must be provided. The landscaping plan must be prepared by a suitably qualified person, and must show:

2.1. The site at a scale of 1:100/200, including site boundaries, existing and proposed buildings, neighbouring buildings, car parking, access and exit points, indicative topography and spot levels at the site corners, existing and proposed vegetation, nature strip trees, easements and landscape setbacks;

2.2. Details of the proposed layout, type and height of fencing;

2.3. Legend of all plant types, surfaces, materials and landscape items to be used including the total areas of garden and lawn;

2.4. A plant schedule giving a description of botanical name, common name, mature height and spread, pot size, purchase height (if a tree) and individual plant quantities;
2.5. At least one (1) advanced canopy tree with a minimum planting height of 1.5 metres within the rear secluded open space areas of each dwelling and within the front yard; and

2.6. Any paving or deck areas within the secluded open space area of the proposed dwelling on a permeable base.

To the satisfaction of the Responsible Authority.

3. The layout of the site and size, design and location of the buildings and works permitted must always be in accordance with the endorsed plans, unless with the written consent of the Responsible Authority.

4. Once the development has started, it must be continued and completed in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.

5. The dwellings 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.

6. Provision must be made for the drainage of the site including landscaped and pavement areas, all to the satisfaction of the Responsible Authority.

7. Stormwater discharge is to be retained on site to the pre-development level of peak stormwater discharge, to the satisfaction of the Responsible Authority.

8. All piping and ducting above the ground floor storey of the building, except for downpipes and spouting, shall be concealed to the satisfaction of the Responsible Authority.

9. Service units, including air conditioning/heating units, must not be located where they will be visible from any public area.

10. The obscure glazing to the windows shown on the endorsed plans must be through frosted glass or similarly treated glass, and thereafter maintained to the satisfaction of the Responsible Authority. Adhesive film or the like that can be removed must not be used.

11. All boundary walls in the development must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.

12. Before the occupation of the dwellings hereby approved, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

12.1. Constructed in accordance with the endorsed plan/s.

12.2. Properly formed to such levels that they can be used in accordance with the plans.

12.3. Surfaced with an all-weather sealcoat.

12.4. Drained to the legal point of discharge.

To the satisfaction of the Responsible Authority.
13. Car spaces, access lanes and driveways must be maintained and kept available for these purposes at all times.

14. Standard concrete vehicular crossings must be constructed to suit the proposed driveway/s in accordance with the Council's standard specifications and any vehicle crossing no longer required must be removed and the land, footpath and kerb and channel reinstated, to the satisfaction of the Responsible Authority.

15. Prior to the occupation of the dwellings hereby permitted, all landscaping as shown on the endorsed plans, including trees, shrubs and lawn, shall be planted and thereafter maintained, to the satisfaction of the Responsible Authority.

16. Any changes to external boundary fencing required for under this development shall be constructed at the cost of the owner of No. 2 Caledonian Court, Keysborough, to the satisfaction of the Responsible Authority.

17. Before the development starts arrangement must be made with the Responsible Authority for the removal of the existing street tree and replanting of two (2) trees. All costs associated with the removal and replanting of the street trees must be borne by the owner of No. 2 Caledonian Court, Keysborough, to the satisfaction of the Responsible Authority.

18. This permit will expire if:-

18.1. The development does not start within two (2) years of the date of this permit, or

18.2. The development is not completed within four (4) years of the date of this permit.

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

Notes

- A vehicle Crossing Permit must be obtained from Council for all vehicular crossings prior to construction of the crossing/s.

- A Building Approval is required prior to the commencement of the approved development.

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

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

- Any future subdivision of the land must have regard to relevant building requirements, including the fire rating of any wall openings or structures located on boundaries.
• No buildings or works shall be constructed over any easement without the written consent of the relevant authorities.

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

CARRIED
The attachment to this report is available under a separate cover at:

www.greaterdandenong.com

(“Council”, “Council Meetings”, “Agendas and Minutes”)

or by contacting:
Governance - 9239 5309
6.3.4 Town Planning Application - No. 117 Clow Street, Dandenong (Planning Application No. 1997/576.01)

Attachments: Submitted Plan
File No: 296795
Responsible Officer: Director Development Services

Application Summary

Applicant: Dandenong Baseball Club Incorporated
Proposal: Amend the extent of the area used as a Licensed Place of Assembly in association with the existing pavilion pursuant to Clause 52.27 of the Greater Dandenong Planning Scheme, by including the area underneath the pergola
Zone: Public Park and Recreation Zone (PPRZ)
Overlay: Land Subject to Inundation Overlay (LSIO)
Design and Development Overlay 3 (DDO3)
Ward: Red Gum

The application proposes to amend the extent of the area used as a Licensed Place for the serving and consumption of liquor. It is noted that Planning Permit No. 1997/576 was issued on 29/12/1997 for the use of the existing pavilion as a licensed Place of Assembly in accordance with the endorsed plans. The endorsed plans showed the extent of the licensed area (also called “red line”).

The applicant wishes to amend the existing red line area in order to allow for the serving and consumption of alcohol within the pergola area attached to the clubrooms, pursuant to Clause 52.27 of the Greater Dandenong Planning Scheme. This will allow the applicant to obtain a variation to their existing liquor licence from the Liquor License Authority and will enable patrons to view baseball games from the verandah whilst consuming alcohol under the pergola area.

Pursuant to Clause 52.27 of the Greater Dandenong Planning Scheme a planning permit is required if the area that liquor is allowed to be consumed or supplied under a licence is to be increased.

The application has been assessed against the State and Local Planning Policies and other relevant provisions of the Planning Scheme and is considered to be appropriate and consistent with the purposes of the zone.

Objectors Summary

The application was advertised to the surrounding area through the erection of a notice on-site and the mailing of notices to adjoining and surrounding owners and occupiers. No objections were received to the application.

Recommendation Summary

As assessed, the proposal is consistent with, and appropriately responds to, the provisions of the Greater Dandenong Planning Scheme. The proposal appropriately responds to strategic policy for recreational facilities in the area with this report recommending that the application be supported, and that an Amended Permit be granted subject to conditions as set out in the recommendation.
Subject Site and Surrounds

Subject Site
The subject site (Robert Booth Reserve) is a large, irregularly shaped site with an area of approximately 152,300m² (15.23 hectares) located on the northern side of Clow Street, Dandenong, between Besley Street in the west and Dandenong Creek in the east. It is currently occupied by an athletics track, two (2) baseball diamonds, two (2) pavilions, two (2) playgrounds and two (2) car parks.

The southern pavilion, which is used by the Dandenong Baseball Club, is the subject of the current application. This pavilion has a length of 19.3 metres and a width of 14.3 metres (with the exception of a 4.83m long by 1.63 metre wide section at the western corner), giving it a floor area of 268.13m². The area under the pergola is located along the north-eastern side of the pavilion and has a length of 19.3 metres and a width of 5.1 metres (or an area of 98.43m²). As such the licensed area would increase from 268.13m² to 366.56m².

Surrounding Area
The subject site is located within an established residential area in Dandenong. It is bounded by residential areas to the north and west, Clow Street and residential dwellings beyond it to the south and the Dandenong Creek (and Myuna Farm beyond it within Doveton in the City of Casey) to the east.

Locality Plan

![Subject Site Map]

Subject Site Melway Ref: 90 G7
Background

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

- Planning Permit No. 1997/576 was issued on 29/12/1997 for ‘The use of the existing pavilion as a licensed Place of Assembly in accordance with the endorsed plans’. The plan was endorsed on the same date.
- Planning Permit Application No. PLN09/0643 for a ‘Telecommunications Facility’ was lapsed on 24/11/2010 due to a failure to provide further information within the statutory timeframe.

Proposal

The application proposes to amend the extent of the area used as a Licensed Place for the serving and consumption of liquor. It is noted that Planning Permit No. 1997/576 was issued on 29/12/1997 for the use of the existing pavilion as a licensed Place of Assembly in accordance with the endorsed plans. The endorsed plans showed the extent of the licensed area (also called “red line”).

The applicant wishes to amend the existing red line area in order to allow for the serving and consumption of alcohol within the pergola area attached to the clubrooms, pursuant to Clause 52.27 of the Greater Dandenong Planning Scheme. This will allow the applicant to obtain a variation to their existing liquor licence from the Liquor License Authority and will enable patrons to view baseball games from the verandah whilst consuming alcohol under the pergola area.

If approved, an extended red line will need to be shown on the plan to be endorsed under the amended permit. This will necessitate the requirement for a new Condition 1 which would read as follows:

1. **Before the use starts, two (2) copies of amended plans drawn to scale and dimensioned, must be submitted to the Responsible Authority for approval. The use must not commence until the plan/s have been approved and endorsed by the Responsible Authority. The endorsed copy of the plan/s forms part of this permit.**

   *The plans must be in accordance with the plans submitted with the application but modified to show:*

   - **1.1 A red line to show the full extent of the licensed area.**
   - **All to the satisfaction of the Responsible Authority.**

As such, the existing Conditions 1 to 5 will need to be renumbered accordingly.
The opening hours for the sale and consumption of alcohol on the site will remain unchanged from the previously approved opening hours, which are:

- **Thursday**: 07:00 p.m. – 10.00 p.m.
- **Friday**: 05.00 p.m. – 11.00 p.m.
- **Saturday**: 12.00 noon – 11.00 p.m.
- **Sunday**: 12.00 noon – 10.00 p.m.

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

**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:

- To increase the area that liquor is allowed to be consumed or supplied under a licence pursuant to Clause 52.27 (Licensed Premises)

The relevant controls and policies are as follows:

**Zoning Controls**

The subject site is located in a Public Park and Recreation Zone (PPRZ). The residential dwellings to the north and west are located in a Residential 1 Zone, Clow Street to the south is located in a Road Zone Category 2 (with the residential dwellings beyond the road in a Residential 2 Zone). Land to the east is located within the City of Casey.

The purpose of the Public Park and Recreation Zone outlined at Clause 36.02 is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To recognise areas for public recreation and open space.
- To protect and conserve areas of significance where appropriate.
- To provide for commercial uses where appropriate.

**Overlay Controls**

Pursuant to Clause 43.02 a DDO3 (outer) 47.9m to AHD affects the subject site, and the surrounding area.

This refers to Schedule 3 of the Design and Development Overlay (Dandenong Hospital Flightpath Protection (Outer)).
This overlay has the following design objectives:

- To ensure that the height of new building and works does not encroach on the flight paths associated with the Dandenong Hospital’s Emergency Medical Services (EMS) helipad.
- To ensure that the height of new development avoids creating a hazard to aircraft using the Dandenong Hospital’s Emergency Medical Services (EMS) helipad and to facilitate safe emergency medical service helicopter operations.
- To implement the Airfields Policy set out in the State Planning Policy Framework of this planning scheme.

It also states that a permit is not required to construct a building or to construct or carry out works, which have a height of less than 47.9 metres above the Australian Height Datum.

Given that the current application is for an increase to the area covered by a liquor licence, this overlay is not relevant to this application.

Pursuant to Clause 44.04 a Land Subject to Inundation Overlay (LSIO) affects the subject site. However it is not relevant to this application as it covers the portion of the subject site along its eastern boundary with Dandenong Creek which does not form part of the application.

State Planning Policy Framework

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

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

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

Clause 19 (Infrastructure) states that: “Planning is to recognise social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support (mental health, aged care, disability, youth and family services) facilities”.
Local Planning Policy Framework

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

The MSS is contained within Clause 21 of the Scheme. Clause 21.04-2 (Retail, Commerce and Entertainment – Social Issues) states that 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.

Particular Provisions

Licensed Premises

Clause 52.27 – Licensed Premises needs to be considered. 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.
- A different licence, or category of licence is required from that which is in force.
- The hours of trading allowed under a licence are to be extended.
- The number of patrons allowed under a licence is to be increased.
- The area that liquor is allowed to be consumed or supplied under a licence is to be increased.

This does not apply:

- To a limited licence.
- To a licence to manufacture liquor.
- If the schedule to this clause specifies that a permit is not required to use land to sell or consume liquor under a particular type of licence.
- To a variation that reduces the hours of trading allowed under a licence.
- To a variation that reduces the number of patrons allowed under a licence.
- To a variation that reduces the area within which liquor is allowed to be consumed or supplied under a licence.
- To a variation of licence at the initiative of the Director, pursuant to section 58 of the Liquor Control Reform Act 1998.
To a variation of licence for a variation prescribed in Part 6, Regulation 31 of the Liquor Control Reform Regulations 2009.

If a different licence or category of licence is required solely as a result of the changes to licence categories.

The schedule to this clause may specify that a permit may not be granted to use land to sell or consume liquor under a particular type of licence.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the following decision guidelines, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

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

The applicant has provided a declaration to Council advising that the proposal does not breach, in any way, an encumbrance on title. A perusal of the title confirms that this is indeed the case.

Links to Council Annual Plan

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

The Safe Design Guidelines are not relevant in this application as it only relates to land use.
Referrals

External

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

Internal

The application was not required to be internally referred, however it is noted that a letter from Council’s Sport and Leisure Unit dated 03/12/2010 granted the Dandenong Baseball Club permission to apply for an extension to the licensed area at Robert Booth Reserve.

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 a sign on site facing Clow Street

The notification has been carried out correctly.

Council has received no objections to date.

Assessment

State and Local Planning Policy

Clause 19 (Infrastructure) states that: “Planning is to recognise social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support (mental health, aged care, disability, youth and family services) facilities”.

It is considered that the proposal to amend the extent of the area used as a Licensed Place of Assembly in association with the existing pavilion pursuant to Clause 52.27 of the Greater Dandenong Planning Scheme, by including the area underneath the pergola, would recognise a social need by enabling the viability of the Dandenong Baseball Club.

Clause 21.04-2 (Retail, Commerce and Entertainment – Social Issues) states that 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.

Conditions on any permit issued will help to manage late-night disturbances. It is noted that the nearest residential properties to the Baseball Pavilion are located 60 metres to the west. It is noted that patrons do not have to pass near residential premises to access the car park approximately 25 metres to the south; or to access public transport, which comprises of the 843 (Dandenong to Mossgiel Park) and the 845, 849 and 861 (all Dandenong to Endeavour Hills) bus routes, which run along Clow Street approximately 70 metres to the south.
Use

It is noted that a planning permit is not required for the use as it is existing and has already been approved under Planning Permit No. 1997/576. The applicant seeks to amend the extent of the area used as a Licensed Place of Assembly in association with the existing pavilion shown on the endorsed plan to the existing permit to include the area underneath the pergola.

This will allow the applicant to obtain a variation to their existing liquor licence from the Liquor Licence Authority. To determine the appropriateness of the proposed extension to the licensed area, consideration must be made of the decision guidelines at Clause 52.27 of the Greater Dandenong Planning Scheme. The following is an assessment against each of the decision guidelines:

- **The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.**
  It is considered that the proposal for the inclusion of the area under the pergola of the existing pavilion as part of the licensed Place of Assembly is in accordance with Clause 21.04-2 (Retail, Commerce and Entertainment – Social Issues) of the MSS which recognises the importance of entertainment and associated uses in maintaining local cultural vitality. It is policy that whilst the importance of entertainment is acknowledged, entertainment premises must be managed to avoid late night disturbances to surrounding residents. It is noted that in this instance, the existing premises has operated with a liquor licence for the past fourteen (14) years. This application has been advertised to surrounding residents and no complaint has been received from any of the residents.

- **The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.**
  The subject site is located on the northern side of Clow Street and the nearest residential land uses are located approximately 60 metres away (as the crow flies) to the west of the pavilion. It is noted that patrons do not have to pass near residential premises to access the subject site.

  A condition which addresses the management of patron behaviour can be added to the amended permit (if granted) as part (d) to read as follows: “adverse behaviour of patrons on, to or from the premises”. It is considered that this would appropriately address the potential for adverse impacts on the amenity of the area.

- **The impact of the hours of operation on the amenity of the surrounding area.**
  The days and hours of operation for the Place of Assembly approved under the existing permit (1997/576) are as follows:

    | Day      | Hours            |
    |----------|------------------|
    | Thursday | 07:00 p.m. – 10.00 p.m. |
    | Friday   | 05:00 p.m. – 11.00 p.m.  |
    | Saturday | 12.00 noon – 11.00 p.m.  |
    | Sunday   | 12.00 noon – 10.00 p.m.  |

  The current application does not propose any variation to these hours of operation.
• The impact of the number of patrons on the amenity of the surrounding area.
The current application does not propose any additional patrons, although it is noted that there is no condition on the existing permit which restricts the number of patrons allowed for the existing licensed Place of Assembly.

• The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.
The proposal to amend the extent of the area used as a Licensed Place of Assembly in association with the existing pavilion pursuant to Clause 52.27 of the Greater Dandenong Planning Scheme, by including the area underneath the pergola. This is considered to be a minimal increase to the licensed area and will have no added impact on the amenity of the surrounding area. It is noted that there are no other licensed premises in close proximity to the subject site.

General Matters
It is also considered necessary to amend Condition 2 of the permit to include a reference to the sale and consumption of alcohol only occurring within the ‘red line’. This condition currently reads as follows:

2. The sale and consumption of alcohol may only occur between the following days and hours unless the Responsible Authority gives further consent in writing:
   Thursday 07:00 p.m. – 10.00 p.m.
   Friday 05.00 p.m. – 11.00 p.m.
   Saturday 12.00 noon – 11.00 p.m.
   Sunday 12.00 noon – 10.00 p.m.

The modified condition would then read as follows:

2. The sale and consumption of alcohol may only occur within the red line shown on the plan endorsed to this permit between the following days and hours unless the Responsible Authority gives further consent in writing:
   Thursday 07:00 p.m. – 10.00 p.m.
   Friday 05.00 p.m. – 11.00 p.m.
   Saturday 12.00 noon – 11.00 p.m.
   Sunday 12.00 noon – 10.00 p.m.

A red line will need to be shown on the amended endorsed plan as well. This will necessitate the requirement for a new Condition 1 which would read as follows:

1. Before the use starts, two (2) copies of amended plans drawn to scale and dimensioned, must be submitted to the Responsible Authority for approval. The use must not commence until the plan/s have been approved and endorsed by the Responsible Authority. The endorsed copy of the plan/s forms part of this permit.

   The plans must be in accordance with the plans submitted with the application but modified to show:

   1.1 A red line to show the full extent of the licensed area.

   All to the satisfaction of the Responsible Authority.
As such, the existing Conditions 1 to 5 will need to be renumbered accordingly.

The above changes are considered reasonable to allow for an increase to the extent of the area used as a Licensed Place of Assembly in association with the existing pavilion pursuant to Clause 52.27 of the Greater Dandenong Planning Scheme.

The inclusion of the area underneath the pergola will allow patrons to view baseball games whilst consuming alcohol under the pergola area, which is also considered reasonable.

Vegetation & Tree Impact (Site & Surrounds)
There are no trees or vegetation on the subject site, or on adjoining or surrounding properties, which will be affected by the proposal.

Aboriginal Cultural Heritage Sensitivity
The subject site is located in an area with potential Aboriginal Cultural Heritage Significance and as such is considered to be a culturally sensitive area as defined under the Aboriginal Heritage Act 2006.

It is noted that the subject site has been developed for an athletics track, two (2) baseball diamonds, two (2) pavilions, two (2) playgrounds and two (2) car parks.

The southern pavilion, which is used by the Dandenong Baseball Club, is the subject of the current application. The proposal would be contained within the area underneath the existing pergola associated with this pavilion and no additional buildings and works are proposed. As such, a Cultural Heritage Management Plan is not required for the subject site.

Conclusion
As assessed, the proposal is consistent with and appropriately responds to the provisions of the Greater Dandenong Planning Scheme. The proposal appropriately responds to strategic policy for recreational facilities in the area with this report recommending that the application be supported, and that an Amended Permit be granted subject to conditions as set out in the recommendation.

Recommendation
That Council resolves to Grant an amended planning permit in respect of the land known and described as No. 117 Clow Street, DANDENONG VIC 3175, for ‘The use of the existing pavilion as a licensed Place of Assembly in accordance with the endorsed plans’ and subject to the following conditions:

1. Before the use starts, two (2) copies of amended plans drawn to scale and dimensioned, must be submitted to the Responsible Authority for approval. The use must not commence until the plan/s have been approved and endorsed by the Responsible Authority. The endorsed copy of the plan/s forms part of this permit.

The plans must be in accordance with the plans submitted with the application but modified to show:

1.1 A red line to show the full extent of the licensed area.

All to the satisfaction of the Responsible Authority.
2. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. The sale and consumption of alcohol may only occur within the red line shown on the plan endorsed to this permit between the following days and hours unless the Responsible Authority gives further consent in writing:

   Thursday  07:00 p.m. – 10.00 p.m.
   Friday    05.00 p.m. – 11.00 p.m.
   Saturday  12.00 noon – 11.00 p.m.
   Sunday    12.00 noon – 10.00 p.m.

4. The amenity of the area must not be detrimentally affected by the use or development, through the:
   (a) transport of materials, goods or commodities to or from the land;
   (b) appearance of any building, works or materials;
   (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
   (d) adverse behaviour of patrons on, to or from the premises

5. Noise emitted from the premises must not exceed the permissible noise levels determined in accordance with the Environment Protection Policy N-2 Control of Music Noise from Public Places.

6. This permit will expire if –
   6.1 the use does not start within two (2) years of the date of this permit, or
   6.2 the use is discontinued for a period of two years.

Before the permit expires or within three (3) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.
That Council resolves to Grant an amended planning permit in respect of the land known and described as No. 117 Clow Street, DANDENONG VIC 3175, for ‘The use of the existing pavilion as a licensed Place of Assembly in accordance with the endorsed plans’ and subject to the following conditions:

1. Before the use starts, two (2) copies of amended plans drawn to scale and dimensioned, must be submitted to the Responsible Authority for approval. The use must not commence until the plan/s have been approved and endorsed by the Responsible Authority. The endorsed copy of the plan/s forms part of this permit.

The plans must be in accordance with the plans submitted with the application but modified to show:

1.1 A red line to show the full extent of the licensed area.

All to the satisfaction of the Responsible Authority.

2. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. The sale and consumption of alcohol may only occur within the red line shown on the plan endorsed to this permit between the following days and hours unless the Responsible Authority gives further consent in writing:

Thursday 07:00 p.m. – 10.00 p.m.
Friday 05.00 p.m. – 11.00 p.m.
Saturday 12.00 noon – 11.00 p.m.
Sunday 12.00 noon – 10.00 p.m.

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

(a) transport of materials, goods or commodities to or from the land;
(b) appearance of any building, works or materials;
(c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
(d) adverse behaviour of patrons on, to or from the premises

5. Noise emitted from the premises must not exceed the permissible noise levels determined in accordance with the Environment Protection Policy N-2 Control of Music Noise from Public Places.

6. This permit will expire if –

6.1 the use does not start within two (2) years of the date of this permit, or
6.2 the use is discontinued for a period of two years.

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

CARRIED
The attachment to this report is available under a separate cover at:

www.greaterdandenong.com

("Council", "Council Meetings", "Agendas and Minutes")

or by contacting:
Governance - 9239 5309
6.3.5 Town Planning Application - No. 9 Handley Crescent, Dandenong  
(Planning Application No. PLN10/0628)

Attachments: Submitted Plans
File No: 344805
Responsible Officer: Director Development Services

Application Summary

Applicant: Christmas 4 you
Proposal: To use the site for the purpose of a Retail Premises (other than a Shop), to construct buildings and works comprising of a mezzanine and to erect and display non-illuminated business identification signage.

Zone: Industrial 1 Zone
Overlay: Not applicable
Ward: Red Gum

The application proposes to use the site at 9 Handley Crescent, Dandenong for the purpose of a Retail Premises (other than a Shop), to construct buildings and works comprising of a mezzanine and the erection and display of non-illuminated business identification signage.

A planning permit is required pursuant to Clause 33.01-1 of the Greater Dandenong Planning Scheme to use the site for the purpose of a retail premises (other than a Shop), pursuant to Clause 33.01-4 for the construction of buildings and works comprising of a mezzanine, pursuant to Clause 52.05-1 for the display of the proposed signage and pursuant to Clause 52.06-1 of the Greater Dandenong Planning Scheme for a reduction of the car parking requirement.

Objectors Summary

The application was not notified to the surrounding area with respect to Section 52 of the Planning and Environment Act 1987 as it is considered it will not be of detriment to any person or the surrounding area. As such, there were no objections to this application.

Recommendation Summary

As assessed, the proposal is consistent with and appropriately responds to the provisions of the Greater Dandenong Planning Scheme. The proposal appropriately responds to strategic policy for retail development in the area with this report recommending that the application be supported, and that a Permit be granted subject to conditions as set out in the recommendation.
Subject Site

The subject site is located on the southern side of Cheltenham Road between Eastlink in the west and Dingley Avenue in the east, and the northern side of Handley Crescent between Egan Road in the west and Dingley Avenue in the east. The subject site has a northern frontage to Cheltenham Road of approximately 18.0 metres, an eastern boundary of approximately 45.0 metres, a southern frontage to Handley Crescent of approximately 18.0 metres and a western boundary of approximately 45.0 metres. The subject site has an area of approximately 810m². The subject site is currently occupied by ‘Christmas 4 You’ which sells Christmas products by wholesale and retail. There are six (6) car parking spaces to the south of the existing building which are accessed via Handley Crescent and are located within the boundaries of the subject site.

It is also one of twenty-one (21) tenancies which have a frontage to a one hundred and fifty-six (156) space car park along the southern side of Cheltenham Road, all of which are in common property and are shared between the twenty-one (21) tenancies which have a frontage to it.

Surrounding Area

The site is located within an industrial and commercial area which is bounded by Eastlink to the west, Cheltenham Road to the north, Metro 3175 to the east, Dandenong Creek to the south-east and Kirkham Road West to the south. The area accommodates a wide variety of light and general industrial and commercial uses.
Background

Previous Applications
A search of Council records indicates that the existing building on the subject site was constructed in 1982.

The following planning applications have previously been considered for the subject site:

- Planning Permit No. 101247 was issued on 19/06/1981 for a ‘Factory’.
- Planning Permit No. 92/015 was issued on 14/05/1992 for ‘Peripheral Sales’.

Subject Application
The subject site has been the subject of Planning Enforcement action in relation to the illegal signage, being PLC10/0345 (Breach CGD Planning Scheme - Signage) dated 22/07/2010. The current planning permit application was lodged as a response to this.

Proposal
It is proposed to use the premises for the sale of Christmas products including decorations, tinsel, Christmas trees, lights and ornaments. The proposed land use falls under the definition of Retail Premises pursuant to Clause 74 of the Greater Dandenong Planning Scheme. The details are as follows:

- A maximum of three (3) employees, comprising one (1) full time staff member and two (2) casual staff members, would be based at the premises at any one time.
- The existing building would mostly comprise of floor space devoted to the Retail Premises use, with an ancillary office with a floor area of 22.78m² located within the building.
- The hours of operation (each year) will be:
  - December 1 to December 24 Open 7 days 9.30am to 4.30pm.
  - December 25 to February 15 Closed
  - February 16 to June 30 Closed Sunday-Monday, Open 10.00am to 4.00pm Tuesday-Saturday.
  - July 1 to November 30 Closed Sunday-Monday, Open 9.30am to 4.30pm Tuesday-Saturday.

The application proposes to gain retrospective approval for the construction of buildings and works as follows:

- A 113.86m² mezzanine at first floor level, comprising of:
  - Storage space.
  - A staircase leading from the ground floor to the first floor mezzanine.
The application also proposes to gain retrospective approval for the erection and display of non-illuminated business identification signage. The proposed signage is intended for the purposes of business identification and includes:

- A 12.9 metre wide by 1.8 metre high sign (with an area of 23.22m²) approximately 3.5 metres above ground level on the northern elevation of the building along Cheltenham Road. The sign would consist of white text stating ‘Christmas 4 You’, and the telephone number of the premises on a purple background, and the company website in red text on a white background and would be non-illuminated.

- A 1.8 metre wide by 0.9 metre high sign (with an area of 1.62m²) approximately 2.1 metres above ground level on the northern elevation of the building along Cheltenham Road. The sign would consist of purple text stating ‘146’ (being the Cheltenham Road street address of the subject site) on a white background and would be non-illuminated.

- Two (2) 0.5 metre wide by 3.5 metre high signs (with a combined area of 3.5m²) approximately 2.3 metres above ground level on the northern elevation of the building along Cheltenham Road. The signs would be located on either side of the northern façade and would consist of letters stuck directly onto the red brick façade stating ‘XMAS’ in white text and would be non-illuminated.

- A 1.85 metre wide by 0.75 metre high sign (with an area of 1.39m²) approximately 5.0 metres above ground level on the southern elevation of the building along Handley Crescent. The sign would consist of white text on a purple background stating ‘Christmas 4 You’, the telephone number of the premises, and the Handley Street address of the subject site, as well as the company website in red text on a white background, and would be non-illuminated.

The total area of the business identification signage proposed under this application is 29.73m².

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

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:

- For the use of the site for a Retail Premises (other than a Shop) under Clause 33.01-1.
- For the construction of buildings and works comprising of a mezzanine under Clause 33.01-4.
- For the display of the proposed signage under Clause 52.05-1.

The relevant controls and policies are as follows:
Zoning Controls

The subject site is located in an Industrial 1 Zone, as is the surrounding area to the west, south and east. Cheltenham Road to the north is in a Road Zone Category 1.

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 33.01-2 a permit is required for the use of land in an Industrial 1 Zone. Under the Industrial 1 Zone the use of land for a Retail Premises (other than a Shop) is a permit required use pursuant to Clause 33.01-1.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use

It is noted that a planning permit is required for the use, which is a Retail Premises.

Under the Industrial 1 Zone, a planning permit is required to construct a building or construct or carry out works pursuant to Clause 33.01-4. That Clause continues to state the application requirements and decision guidelines for such applications, along with exemptions from notice and review.

Pursuant to Clause 33.01-5 the advertising sign requirements at Clause 52.05, Category 2 are of relevance.

Overlay Controls

No overlays affect the subject site or surrounding area.
State Planning Policy Framework

The State Planning Policy Framework (SPPF) 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.

Clause 10 of the Greater Dandenong Planning Scheme outlines the general goals and principles of the SPPF and identifies those to be considered in the assessment of the application.

Clause 11 – Settlement, sets out the needs and requirements of the planning system to adequately cater for and respond to the needs of existing and future communities.

Clause 14 of the Scheme focuses on Natural Resource Management, which should be considered broadly under this application. Clause 14.02 – Water is of particular relevance with the following objectives to be considered:

- To protect water quality.
- To ensure that water resources are managed in a sustainable way.

Strategies of those objectives seek to ensure that land use and development are appropriately sited to not affect waterways and also to encourage the use of rainwater tanks, recycled water, etc. in developments.

Clause 15 – Built Environment and Heritage provides specific objectives and strategies to create quality built environments that support the social, cultural, economic and environmental wellbeing of our communities, cities and towns. Relevant objectives of this clause include:

- To create urban environments that are safe, functional and provide good quality
- environments with a sense of place and cultural identity.
- To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.
- To improve community safety and encourage neighbourhood design that makes people feel safe.
- To recognise and protect cultural identity, neighbourhood character and sense of place.
- To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

Clause 15.01-1 – Urban Design, is of particular relevance to this application. Clause 15.01-2 notes that for development proposals of residential or non-residential nature not covered by Clause 54, 55 or 56 of the Planning Scheme, planning and responsible authorities must have regard to the following design principles: context; the public realm; safety; landmarks, views and vistas; pedestrian spaces; heritage; consolidation of sites and empty sites; light and shade; energy and resources efficiency; architectural quality; and landscape architecture.
Clause 15.02 – Sustainable Development is also of relevance to this application, with the following objective relating to Energy and Resource Efficiency at Clause 15.02-1 having to be considered:

*To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

Economic Development is of particular relevance to this application, with that outlined at Clause 17 of the Scheme. Under that matter Business is focused on at Clause 17.01-1 with the objective of that Clause being:

- *To encourage development which meet the communities’ needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

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.*

Movement Networks at Clause 18.02 should also be considered with the following objectives to be considered:

- *To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.*
- *To ensure an adequate supply of car parking that is appropriately designed and located.*

With Infrastructure considered at Clause 19, the broad objectives of Clause 19.03 relating to Development Infrastructure should be considered. Those objectives include:

- *To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.*
- *To reduce the impact of stormwater on bays and catchments.*
- *To avoid, minimise and generate less waste to reduce damage to the environment caused by waste, pollution, land degradation and sustainable waste practices.*
Local Planning Policy Framework

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

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

- Greater Dandenong is a net provider of jobs, providing the third highest number of jobs in metropolitan Melbourne, with the employment sector largely orientated towards the manufacturing occupations. Within metropolitan Melbourne, in terms of job stock Greater Dandenong is ranked first in manufacturing, second in storage, third in road transport and fourth in wholesale trade (Clause 21.02-1).
- Greater Dandenong is one of Australia's premier industrial regions with exporting strengths in manufacturing, wholesale trade and transport and storage (Clause 21.02-2).
- Eastlink and the Dingley Freeway reservation, which provides the opportunity for the linking of major roads, is expected to result in significant expansion and enhancement to the municipality’s transport network and will further improve the strategic regional position of Greater Dandenong (Clause 21.02-2).
- Approximately one-third of employed residents worked in labouring or trades, compared with 20 percent of people throughout metropolitan Melbourne, with 14 percent of employed residents holding professional/managerial occupations compared with the metropolitan average of 30 percent (Clause 21.02-3).
- Industries range from small-scale light industries in older established areas, to newer, generally industrial estates with large allotments and purpose built facilities (Clause 21.02-3).
- Key industries located in Greater Dandenong include advanced manufacturing in automotive, plastics and scientific equipment, as well as food processing and distribution and metal fabrication (Clause 21.02-3).
- Greater Dandenong has approximately 1,730 hectares of industrially zoned land in proximity to major freight and passenger transport routes, with an additional 1,040 hectares to be made available close to the road and rail transport network (Clause 21.02-3).
- Extensive transport networks link Greater Dandenong with Melbourne’s rapidly expanding south-east region and provide excellent access to the Melbourne Central Activities District, sea and air ports (Clause 21.02-6).

Greater Dandenong’s vision is outlined at Clause 21.03. Amongst others, the vision is that Greater Dandenong will be a nationally and internationally competitive city; and a pre-eminent industrial centre for Melbourne’s south-east with a significant high-tech/knowledge industrial component.

The objectives and strategies of the MSS are under four (4) main themes including: land use; built form; open space and natural environment; and, infrastructure and transportation (considered individually under Clauses 21.04 to 21.07).
Under Clause 21.04 – Land Use, the matter of ‘industrial’, amongst others, is covered. It is noted within Clause 21.04-3 relating to the matter of industrial that Greater Dandenong has a task of achieving a healthy balance between providing for an increased population and supporting robust activity centres and protecting key industries. Noise and air pollution, along with other adverse amenity impacts need to be managed, with industries to be encouraged to develop best practice to make efficient use of energy and resources. Relevant objectives and strategies contained within that Clause include:

1. To provide development, employment and industrial opportunities, which cater for a broad range of industries.
   1.1 Provide a diversity of locational opportunities for all types of industrial activity, including those enterprises that combine manufacturing with general office activities.
2. To facilitate new investment, development and redevelopment.
   2.1 Discourage business or non-industrial uses on industrial land.
   2.2 Encourage new hi-tech and knowledge industry to be established.
3. To develop and exploit existing infrastructure and locational advantage of the City’s industrial areas.
   3.1 Encourage the establishment of industries that add value to the local industry products, component manufacturers.
   3.2 Encourage the establishment of industries that create local employment opportunities.
   3.3 Protect the supply of industrial land by encouraging retail and office uses to locate in business zones.
6. To protect industrial zones for industrial activity.
   6.1 Strongly discourage the issue of planning permits for bulky goods retail developments in industrial zones.

Under Clause 21.05 – Built Form the matters of: urban design, character, streetscapes and landscapes, amongst others, is covered. It is noted that within that Clause that there is a need to improve community perception of the industrial and commercial image of the City. Promoting appropriate urban design to improve the public realm of those areas, particularly along main roads and at gateways is noted as facilitating more economic activity. Relevant objectives and strategies of Clause 21.05-2 relating to the matter of urban design, character, streetscapes and landscapes, include:

1. To facilitate high quality building design and architecture.
   1.1 Ensure building design is consistent with the preferred character of an area and fully integrates with surrounding environment.
   1.2 Encourage high standards of building design and architecture, which allows for flexibility and adaptation in use.
   1.3 Encourage innovative architecture and building design.
2. To facilitate high quality development, which has regard for the surrounding environment and built form.
   2.1 Promote views of high quality landscapes and pleasing vistas from both the private and public realm.
   2.2 Promote all aspects of character – physical, environmental, social and cultural.
   2.3 Encourage planting and landscape themes, which complement and improve the environment.
   2.4 Encourage developments to provide for canopy trees.
3. To improve the quality, consistency and function of the city’s environment.
   3.1 Encourage new developments which are adjacent to public open spaces to address and complement the open space.
7. To protect and improve streetscapes.
   7.1 Ensure new developments improve streetscapes through generous landscape setbacks and canopy tree planting.
   7.2 Ensure landscaping within private property that complements and improves the streetscapes and landscaping of public areas.

It is also noted within this clause that signs are noted as having an important role in the built environment. Managing the impact of signs particularly in the commercial and industrial areas is noted as a challenge and requires consideration of the context. Major promotion signs in proximity to arterial roads is seen as a pressure, with signs adjacent to residential areas having to be well managed. Relevant objectives and strategies of Clause 21.05-2 relating to the matter of urban design, character, streetscapes and landscapes, include:

9. To ensure a co-ordinated approach to sign design and placements, in commercial, industrial, residential areas and along road corridors.
   9.1 Ensure that the design and placement of new signs considers the cumulative impact of existing signs on the host building, adjoining building and the streetscape.
   9.2 Encourage signs in appropriate areas to include English and the one other language reflecting the cultural aspect of the locality.
   9.3 Ensure major promotion and sky signs along road corridors are appropriately spaced so as not to dominate the overall setting and to minimise impact on viewing corridors/major view lines.

Relevant objectives and strategies of Clause 21.05-4 relating to sustainability, include:

1. To promote ecologically sustainable development.
   1.1 Encourage the design of developments to provide for integration of water sensitive urban design.
   1.2 Encourage the recycling of grey water in new developments.
   1.3 Require an environmental management plan where a use or development would require on going management controls.
2. To encourage environmentally sustainable practices by industrial and commercial developments.
   2.1 Encourage the collection and use of rain water.
   2.2 Encourage industrial and commercial developments to develop sustainable water use and waste water re-use programs.

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. Clause 21.07-1 focuses on the matter of physical, community and cultural infrastructure, with relevant objectives and strategies including:

2. To manage the impact of discharge of stormwater to minimise pollution and flooding.
   2.1 Promote water sensitive urban design principles,
   2.2 Require Environmental Management Plans for large developments.
4. To ensure new developments meet the cost of infrastructure.
   4.1 Identify the requirements of infrastructure (land, works and facilities) and put in place funding arrangements with reference to:
      - The type and capacity of infrastructure already in place.
      - Accepted standards of infrastructure provision.
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.
   2.2 Encourage the co-location of services and facilities.
   2.4 Develop and implement Developer Contribution Schemes to link new developments to new transport infrastructure and service improvements.

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

1. To promote and facilitate walking and cycling.
   1.2 Ensure use and development proposals have regard to the municipal bicycle and other transport strategies.
   1.4 Discourage vehicle cross-overs where they have a significant impact on pedestrian movements.

Clause 21.07-4 relates to the matter of cars and parking, with relevant objectives and strategies being:

1. To promote significant modal shift away from the car.
   1.1 Require developers to submit integrated transport plans and transport impact assessments for major development proposals.
   1.3 Manage parking supply, where appropriate to encourage sustainable modes of transport.

Within Clause 21.07-5 the matter of transport services are the following relevant objectives and strategies:

1. To ensure that provision and location of transport related uses and services have no adverse impacts on residential areas.
   1.1 Discourage the development of freight and logistics related facilities in locations that require transport to use roads through residential areas.
   1.2 Discourage industries that are dependent on heavy road transport or high volumes of traffic from locating near residential areas.
2. To enhance the efficiency of freight movement.
   2.1 Support inter-modal (road to rail) transfer facilities that reduce truck traffic.
   2.2 Support the protection and enhancement of the existing operation and safety of arterial roads for all road users through ongoing management of vehicle access points.

Reference documents identified at Clause 21.08 include the City of Greater Dandenong Policies and Codes of Practice – Advertising Signs (City of Greater Dandenong 1997).

The local planning policy of Clause 22.03 which relates specifically to Urban Design in Commercial and Industrial Areas is of relevance to this site. The objectives of this policy are:

- To improve the appearance of all commercial and industrial areas, and particularly development along main roads and gateways.
- To provide urban design solutions which respond to the type of road and the speed of the traffic using the road.
Clause 22.03-3 sets out the criterion that needs to be considered for new commercial and industrial estates and infill development. These include: context and setting for new estates; estate and road layout; lot size, shape and orientation; interface with other uses; engineering services; built form; setbacks; storage areas; fencing; and landscaping. Further, the table to this Clause outlines specific buildings and works setbacks and landscaping design standards. Of particular relevance to this site is Area 2, however as the works are internal, an assessment against this clause is not required.

**Particular Provisions**

**Advertising Signs**
Clause 52.05 – Advertising Signs, of the Greater Dandenong Planning Scheme is applicable to this application. The purpose of this Clause is:

- To regulate the display of signs and associated structures.
- To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Clause 52.05-1 notes the requirements that must be met in relation to the advertising controls applying to the zones, including when permits are and are not required for the signs and when the signs are prohibited.

The decision guidelines in which responsible authorities must consider in addition to those at Clause 65 are outlined at Clause 52.05-3.

Clause 52.05-8 – Category 2 –relating to ‘Office and industrial’ specifically outlines the requirements of advertising signs within an Industrial 1 Zone. The purpose of this area is:

To provide for adequate identification signs and signs that are appropriate to office and industrial areas.

Pursuant to this Clause, business identification signs with an area of more than 8.0m² require a planning permit

**Car Parking**
Clause 52.06 – Car Parking needs to be considered. The purposes of this provision are:

- To ensure that car parking facilities are provided in accordance with:
  - The State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement and local planning policies.
  - Any parking precinct plan.
- To provide the opportunity to use parking precinct plans in appropriate locations.
• To promote the efficient use of car spaces through the consolidation of car parking facilities.
• To ensure the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality.
• To ensure that the design of car parking areas:
  - Does not adversely affect the amenity of the locality, in particular the amenity of pedestrians and other road users.
  - Achieves a high standard of urban design.
  - Creates a safe environment for users, particularly at night.
  - Enables easy and efficient use.
  - Protects the role and function of nearby roads.
  - Facilitates the use of public transport and the movement and delivery of goods.

Clause 52.06-1 notes that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land.

The required spaces are identified in the table to Clause 52.06-5. Clause 52.06-1 further notes that a permit may be granted to reduce or waive the number of car spaces required by the table, with the decision guidelines for such considerations also at that Clause.

Retail Premises are not listed in the table to Clause 52.06-5 as a use with a set car parking requirement. Clause 52.06-1 notes that where a use is not specified in the table at Clause 52.06-5, an adequate number of car spaces must be provided to the satisfaction of the responsible authority.

Bicycle Facilities
The Bicycle Facility requirements of Clause 52.34 of the Planning Scheme also need to be considered. 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.

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 Retail Premises requires 1 bicycle space to each 300 square metres of leaseable floor area for employees, and 1 bicycle space to each 500 square metres of leaseable floor area for visitors.

Shower and change room requirements are needed once 5 or more bicycle spaces are required.
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.

Definitions

Land Use terms are defined at Clause 74 of the Greater Dandenong Planning Scheme. Of particular relevance to this application is the definition of Retail Premises which are defined as:

Land used to:

a) sell goods by retail, or by retail and wholesale;
b) sell services;
c) hire goods.

The applicant has provided a statutory declaration made by a Certified Accountant to verify the authenticity of the figures provided with respect to the proportion of retail and wholesale sales which take place on the subject site. The statutory declaration states that for the business income of ‘Christmas 4 You’ the wholesale component comprises of 85% of their business, whilst the retail component comprises of 15% of their business. As such, it is considered that the use being conducted on the subject site falls under the definition of Retail Premises rather than Shop.

Reference Documents

The “City of Greater Dandenong Code of Practice – Advertising Signs” policy is a reference document within the Greater Dandenong Planning Scheme. The reference document identifies a number of groups. The group applicable to this application is G2 – Office and Industrial Uses and Areas. The objectives of this Group are:

- To provide for adequate identification of individual business and industries.
- To encourage signs that respect the scale, architecture and character of the building.
- To encourage a coordinated and consistent approach to the design and location of signs.
- To promote the character of industrial and office areas or to establish an image for the area.
- To provide for limited promotion advertising in areas of high business activity, consistent with other amenity, character and safety criteria.
- To reduce advertising clutter through fewer, more effective signage.
- To respect the amenity of adjoining land uses.

The document outlines a number of performance criteria and measures to be taken into account in the consideration of an application.
Restrictive Covenants

It is noted that there is a Covenant on title as follows:


The Covenant on the Plan of Subdivision states that the owner must:

a) **Not at any time prior to the 31st December, 1982 erect or cause to be erected on the land hereby transferred any building other than a building all the external walls of which (save for provision for windows and doors) are constructed of brick masonry or concrete or such other materials as may be approved by the said Jennings Industries Limited and Australian Mutual Provident Society.**

b) **Not erect or cause to be erected on the land hereby transferred nor fix or cause to be affixed to any building on the land hereby transferred any advertising sign or notice other than a sign or notice that will not extend beyond the extremities of the wall and/or roofline of the building and that will not exceed 10 square metres in area and which states no more than the name and type of business, registered office, address, telephone number, motto, trade mark, trade symbol or classification of trade or business of the occupier of the land.**

c) **Not store or cause of suffer to be stored any goods or materials on the land hereby transferred unless the same shall be fully screened from adjoining streets or roads by a wall constructed of brick or concrete or reinforced concrete or masonry or stained timber planking.**

Given that the proposal is for the use of the land, the construction of an internal mezzanine and the erection and display of business identification signage only, parts a) and c) of the Covenant are not affected.

However, part b) is relevant to this application, given that it contains a restriction in relation to signage.

The following signage is proposed under this application on the northern frontage facing Cheltenham Road:

- **A 12.9 metre wide by 1.8 metre high sign (with an area of 23.22m²) approximately 3.5 metres above ground level on the northern elevation of the building along Cheltenham Road. The sign would consist of white text stating ‘Christmas 4 You’, and the telephone number of the premises on a purple background, and the company website in red text on a white background and would be non-illuminated.**

- **A 1.8 metre wide by 0.9 metre high sign (with an area of 1.62m²) approximately 2.1 metres above ground level on the northern elevation of the building along Cheltenham Road. The sign would consist of purple text stating ‘146’ (being the Cheltenham Road street address of the subject site) on a white background and would be non-illuminated.**
Two (2) 0.5 metre wide by 3.5 metre high signs (with a combined area of 3.5m²) approximately 2.3 metres above ground level on the northern elevation of the building along Cheltenham Road. The signs would be located on either side of the northern façade and would consist of letters stuck directly onto the red brick façade stating ‘XMAS’ in white text and would be non-illuminated.

It is considered that the first sign should be reduced to a maximum size of 10 square metres and all other signage must be removed from the Cheltenham Road frontage, as a condition of permit, if granted, so as not to breach the Covenant.

The following signage is proposed under this application on the southern frontage facing Handley Crescent:

- A 1.85 metre wide by 0.75 metre high sign (with an area of 1.39m²) approximately 5.0 metres above ground level on the southern elevation of the building along Handley Crescent. The sign would consist of white text on a purple background stating ‘Christmas 4 You’, the telephone number of the premises, and the Handley Street address of the subject site, as well as the company website in red text on a white background, and would be non-illuminated.

Given that the sign proposed on the Handley Crescent frontage is less than 10 square metres, it does not breach the Covenant.

Links to Council Annual Plan

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

These Guidelines are not of relevance to this application.

Referrals

External

The application was not required to be externally referred pursuant to Section 55 of the Planning and Environment Act 1987.

Internal

The application was not required to be internally referred.
Advertising

The application was not notified to the surrounding area with respect to Section 52 of the Planning and Environment Act 1987 as it is considered it will not be of detriment to any person or the surrounding area.

Assessment

Use

The subject site is located in an Industrial 1 Zone. The purposes of the Industrial 1 Zone are:

- 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 33.01-2 a permit is required for the use of land in an Industrial 1 Zone. Under the Industrial 1 Zone the use of land for a Retail Premises (other than a Shop) is a permit required use.

The land is currently occupied by an existing industrial building which would have previously been occupied by industrial uses. The subject site is proposed to be used for the purposes of a Retail Premises which is a new use on the site.

The primary purpose of the Industrial 1 Zone is to provide for manufacturing, storage and distribution of goods and associated land uses. Although the Industrial 1 Zone is primarily earmarked for manufacturing and storage land uses, other types of land uses are permissible subject to meeting the decision guidelines at Clause 33.01-2, as well ensuring that the use of land for non-industrial purposes does not adversely affect the operation of existing nearby industrial land uses.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
  It is considered that the use of the subject site for the purposes of a Retail Premises (other than a Shop) is in accordance with the SPPF, the LPPF, the MSS and local planning policies.

- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
  The nearest existing residential (or sensitive) area is located at Metro 3175 Dandenong approximately 500 metres to the east. It is considered that the proposed land use would not have any effect on this area.
• The effect that nearby industries may have on the proposed use.
  It is considered that nearby land uses are more of a commercial than an industrial
  nature, and as such would not have an adverse effect on the proposed use.

• The drainage of the land.
  It is considered that the proposed land use would not have any effect on the drainage
  of the land.

• The availability of and connection to services.
  As this is a long-established industrial area, services and connections to them are
  already available.

• The effect of traffic to be generated on roads.
  It is considered that the effect of traffic to be generated on roads is minimal. Delivery
  vehicles would access the loading bay at the rear of the site via Handley Crescent.
  The maximum number of staff expected on the subject site at any one time is three
  (3) and hence a maximum of three (3) cars would be generated by the staff, which
  would have a negligible effect on surrounding roads, particularly the traffic volume
  generated by Cheltenham Road. At least three (3) car parking spaces on the subject
  site would be available for visitors via Handley Crescent.

• The interim use of those parts of the land not required for the proposed use.
  There are no parts of the subject site not required for the proposed use.

Overall, it is considered that the use of the land for the purposes of a Retail Premises (other
than a Shop) is appropriate.

Development

Pursuant to Clause 33.01-4 of the Greater Dandenong Planning Scheme, a permit is
required to construct a building or construct or carry out works. The proposed mezzanine
requires a Permit.

It is considered that the site has no natural values, and the proposed mezzanine does not
impact on the existing streetscape character, solar access, landscaped areas or interface
with non-industrial areas. The works do not impact on outdoor storage, lighting or stormwater
discharge.

The proposed mezzanine is minor in nature and will be contained internally within the
existing building. It will allow for the provision of storage space associated with the proposed
use on the subject site and will not result in an increase in staff numbers (and hence not
increase the car parking demand). As such, the proposed mezzanine is considered
reasonable.

There may be some impacts on parking and these are assessed below.
**Signage**

Clause 33.01-5 of the Greater Dandenong Planning Scheme requires advertisement signs to comply with Clause 52.05-8.

Clause 52.05-3 lists a number of matters that must be considered before deciding on an application to display a sign. Each of these is addressed below.

<table>
<thead>
<tr>
<th>1. The character of the area.</th>
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<tbody>
<tr>
<td>It is considered that the proposed signage is not in keeping with the character of this industrial/commercial area, as it is excessive.</td>
</tr>
<tr>
<td>It is considered that the north-facing fascia sign is required to adequately identify the business (however this sign will need to be reduced to 10 square metres as per the Covenant), and the sign stating ‘146’ can be incorporated into the fascia sign.</td>
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<tr>
<td>However the two (2) signs stating ‘Xmas’ are considered excessive, especially as they merely replicate the reference to ‘Christmas’ in the fascia sign and as such they are considered excessive.</td>
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<tr>
<td>As such, it is considered that the street address sign should be incorporated into the fascia sign which is not to exceed 10m², whilst the two (2) ‘Xmas’ signs should be removed as conditions of permit, if granted.</td>
</tr>
<tr>
<td>This would reduce the amount of signage on the Cheltenham Road frontage of the subject site from 28.34m² to 10.0m².</td>
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<tr>
<th>2. Impacts on views and vistas.</th>
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<tbody>
<tr>
<td>It is considered that the two (2) north-facing ‘Xmas’ signs will have a detrimental impact on the view for motorists driving along Cheltenham Road as they unnecessarily replicate the fascia sign.</td>
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<tr>
<th>3. The relationship to the streetscape, setting or landscape.</th>
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<tbody>
<tr>
<td>It is considered that the currently proposed coverage of the northern façade of the building by signs does not relate well to the Cheltenham Road streetscape and is excessive.</td>
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</table>

<table>
<thead>
<tr>
<th>4. The relationship to the site and building.</th>
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<tbody>
<tr>
<td>The fascia sign is proportional to the fascia to which it is attached and does not protrude above or below the fascia.</td>
</tr>
<tr>
<td>However, the two (2) ‘Xmas’ signs replicate the contents of the fascia sign and as such are considered excessive.</td>
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</table>
5. **The impact of structures associated with the sign.**

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<tr>
<td>There are no structures associated with the proposed signage which would have any detrimental impact.</td>
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6. **The impact of any illumination**

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<tbody>
<tr>
<td>The proposed signage is not illuminated.</td>
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</table>

7. **The impact of any logo box associated with the sign.**

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<tr>
<td>The proposed signage does not have a logo box associated with it.</td>
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</table>

8. **The need for identification and the opportunities for adequate identification on the site or locality.**

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<tbody>
<tr>
<td>It is considered that although there may be a need to identify the Retail Premises operating on the subject site, the fascia sign (to be modified via a condition of permit, if granted, to incorporate the street address sign) should be sufficient for this purpose. The two (2) ‘Xmas’ signs are excessive and replicate the function of the fascia sign.</td>
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9. **The impact on road safety.**

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<tr>
<td>The application was not required to be referred to Vic Roads, even though it is within 60 metres of an arterial road (being Cheltenham Road), as it is not animated or electronic.</td>
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</table>

The proposal should also be assessed against the requirements of Group 2 – Office and Industrial Uses and Areas under Council’s Code of Practice – Advertising Signs. The objectives of this category include the following:

- **To provide for adequate identification of individual businesses and industries.**
  
  It is considered that although there may be a need to identify the Retail Premises operating on the subject site, the fascia sign (to be modified via a condition of permit, if granted, to incorporate the street address sign) should be sufficient for this purpose.

  The two (2) ‘Xmas’ signs are excessive and replicate the function of the fascia sign.

- **To encourage signs that respect the scale, architecture and character of the building.**

  The fascia sign is proportional to the fascia to which it is attached and does not protrude above or below the fascia.

  However, the two (2) ‘Xmas’ signs replicate the contents of the fascia sign and as such are considered excessive.

- **To encourage a coordinated and consistent approach to the design and location of signs.**

  It is considered that the retention of the fascia sign (with the incorporation of the street address sign), and the removal of the two (2) ‘Xmas’ signs will encourage a coordinated and consistent approach to the design and location of signs.
• To promote the character of industrial and office areas or to establish an image for the area.

It is considered that the removal of the two (2) ‘Xmas’ signs, and the retention of the fascia sign (including the incorporation of the street address sign) will further the image of an orderly industrial area, without the presence of visual clutter caused by an excessive amount of signage.

• To provide for limited promotion advertising in areas of high business activity, consistent with other amenity, character and safety criteria.

It is considered that the removal of the two (2) ‘Xmas’ signs, and the retention of the fascia sign (including the incorporation of the street address sign) will provide for limited rather than excessive advertising promotion in an area of high business activity, consistent with other amenity, character and safety criteria.

• To reduce advertising clutter through fewer, more effective signage.

It is considered that the removal of the two (2) ‘Xmas’ signs, and the retention of the fascia sign (including the incorporation of the street address sign) only will reduce advertising clutter through fewer, more effective signage.

• To respect the amenity of adjoining land uses.

It is considered that the proposed signage does not affect the amenity of adjoining land uses, due to their lack of illumination in particular.

It is therefore considered that, subject to the removal of the two (2) ‘Xmas’ signs as a condition of permit if granted, the proposed fascia (modified to incorporate the street address) sign is acceptable when having regard to those guidelines and the broader urban design requirements of the Planning Scheme.

Car Parking

Clause 52.06-1 notes that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land.

Where a use is not specified in the Table at Clause 52.06-5, an adequate number of car parking spaces must be provided to the satisfaction of the Responsible Authority. Retail Premises is not specified in this Table.

Clause 52.06 does state that a Shop, which can be considered a similar land use to a Retail Premises, has a requirement for eight (8) car spaces per 100 square metres of leasable floor area. Leasable floor area is defined as: “That part of the net floor area able to be leased. It does not include public or common tenancy areas, such as malls, verandahs, or public conveniences”.
The subject portion of the existing building (including the proposed mezzanine) occupies a “leasable” floor area of 613.67m². Using the formula contained in Clause 52.06, the car parking requirement for the use proposed under this application is calculated as follows:

Shop

\[
727.53 \times 8 / 100 = 58.20 \text{ (58) car parking spaces.}
\]

There are only six (6) car parking spaces specifically provided for this proposal on the land. The applicant intends to rely on the common car park provided for the industrial or retail premises located within this strip of shops/industries for any overflow car parking requirements.

In respect of Retail Premises, Clause 52.06 – Parking, requires the Responsible Authority to be satisfied that sufficient car parking is provided for the use. There is no set ratio for this use. However, it is considered useful to compare the use with that of a Shop, and to use as a basis for analysis the tests that would apply in Clause 52.06 in considering a scenario where a reduction of car parking is being sought.

The Decision guidelines of Clause 52.06-1 specify that before a requirement for car spaces is reduced or waived, the applicant must satisfy the responsible authority that the reduced provision is justified due to the following factors which will be discussed below:

- **Any relevant parking precinct plan.**
  - There are no parking precinct plans relevant to this locality.

- **The availability of car parking in the locality.**
  - It is noted that there is:
    - Six (6) car parking spaces within the boundaries of the subject site, to the south of the existing building, which are accessed off Handley Crescent.
    - One hundred and fifty-six (156) car spaces located along the Cheltenham Road frontage to the north of the subject site, all of which are in common property area and are shared among the twenty-one (21) tenancies which have a frontage to this car park. This equates to approximately seven (7) car spaces per tenancy.

- **The availability of public transport in the locality.**
  - The subject site is serviced by public transport within walking distance of the subject site in the form of bus routes 827 and 828 (both operate between Berwick and Hampton via Dandenong) which run immediately past the subject site along Cheltenham Road.

- **Any reduction in the car parking demand due to the sharing of car spaces by multiple uses, either because of a variation of car parking demand over time or because of efficiencies gained from the consolidation of shared spaces.**
  - It is noted that at present there are one hundred and fifty-six (156) car parking spaces located in the common property area to the north of the subject site along Cheltenham Road which are to be shared between the twenty-one (21) tenancies which have a frontage to this car park.

Any car parking deficiency or surplus associated with the existing use of the land. The previous use of the land as an Industrial Building would have required 2.9 car parking spaces per 100 square metres of net floor area. The existing building on the subject site (not including the mezzanine) contains a net floor area of 613.67m².

Using the formula contained in Clause 52.06, the car parking requirement for the previous use (industry) is calculated as follows:

**Industry (includes ancillary office)**
613.67m² x 2.9 / 100 = 17.79, say 18 car spaces

For this reason, it is considered that there has been a historical car parking deficiency associated with the previous use of the land.

- **Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement.**

  There is a ‘credit’ of eighteen (18) car parking spaces associated with the previous use of the subject site for industrial purposes.

- **Local traffic management.**

  Local traffic management issues are assessed on a case-by-case basis. There is no traffic management plan for the area and every application received is assessed on its individual merits.

- **Local amenity including pedestrian amenity.**

  It is considered that the proposed use would not impede local traffic management and would not adversely affect local amenity (including pedestrian amenity) in this industrial area.
Town Planning Application - No. 9 Handley Crescent, Dandenong (Planning Application No. PLN10/0628)

(Cont)

- **An empirical assessment of car parking demand.**

  A site inspection on Tuesday June 14, 2011 at approximately 4.00pm revealed that of the one hundred and fifty-six (156) car parking spaces in the common property area along Cheltenham Road to the north of the subject site, twenty-five (25) car spaces were occupied, leaving one hundred and thirty-one (131) car spaces vacant.

  It should be further noted that of the six (6) car spaces on the subject site, only two (2) car spaces were occupied.

- **Any other relevant consideration.**

  It is anticipated that a maximum of three (3) staff will be on the premises at any one time. Therefore a maximum of three (3) car spaces out of the six (6) car spaces on the subject site (and no car parking spaces in the common property area along Cheltenham Road to the north of the subject site) will be required by the proposed use, with at least three (3) car spaces being available on the subject site for its customers.

  This will also leave all seven (7) of its ‘allocated’ car spaces in the one hundred and fifty-six (156) space car park along Cheltenham Road to the north of the subject site available for customers if needed.

  Council’s Code of Practice can also be used to calculate the car parking requirement for the site. An Industry/Warehouse with an office has a requirement of 1.4 car spaces per 100m² for that part of the building not used for offices, plus a requirement of 2.2 car spaces per 100m² for office up to 10% of the total floor area, plus a requirement of 3.5 car spaces per 100m² for the office portion in excess of 10% of the total floor area. Using this formula, the car parking for the site can be calculated as follows:

  **Industrial building**
  
  \[ 704.75 \text{m}^2 \times \frac{1.4}{100} = 9.87 \text{ car parking spaces} \]

  **Office component (up to 10% of total floor area)**
  
  \[ 22.78 \text{m}^2 \times \frac{2.2}{100} = 0.5 \text{ car parking spaces} \]

  **Office component (in excess of 10% of total floor area)**
  
  Not applicable.

  **Total: 10.37 (10) car parking spaces.**

  There are one hundred and fifty-six (156) car spaces in the common property area to the north of the subject site along Cheltenham Road, with at least seven (7) car spaces for each of the twenty-one (21) tenancies (including the subject site) which have a frontage to this car park. In addition to its ‘allocation’ of seven (7) car parking spaces, the subject site also contains six (6) car parking spaces within its title boundary, meaning that the total provision of car parking for the subject site is thirteen (13) spaces. As such, it is noted that there is a car parking deficiency on the subject site under Clause 52.06, but there is a car parking surplus under Council’s Code of Practice.
The applicant has advised that the hours of operation (each year) will be:

- December 1 to December 24: Open 7 days 9.30am to 4.30pm.
- December 25 to February 15: Closed
- February 16 to June 30: Closed Sunday-Monday, Open 10.00am to 4.00pm Tuesday-Saturday.
- July 1 to November 30: Closed Sunday-Monday, Open 9.30am to 4.30pm Tuesday-Saturday.

As such the proposed use will have no effect on the twenty (20) other premises which have a frontage to the one hundred and fifty-six (156) space car park on the southern side of Cheltenham Road from December 25 to February 15 or on Sundays and Mondays from February 16 to November 30.

**Consistency with State and Local Planning Policy**

In respect to the State and Local Planning Policy Framework the proposal is supported in that it would consolidate the economic viability of this strip of commercial premises along Cheltenham Road. The proposed use will utilise an existing building which would otherwise be vacant and as such is considered reasonable.

Overall, it is considered that the six (6) car parking spaces provided on the subject site, as well as the ‘allocation’ of seven (7) car parking spaces for the subject site in the one hundred and fifty-six (156) space car park (which results in a total of thirteen (13) car spaces for the subject premises), is sufficient for the use of the subject site as a Retail Premises, and will not result in traffic-related material detriment to adjoining or surrounding properties.

**Bicycle Facilities**

Clause 52.34 outlines the requirements for new developments with regard to bicycle facilities. Under the table to Clause 52.34-3, a Retail Premises requires 1 bicycle space to each 300 square metres of leaseable floor area for employees, and 1 bicycle space to each 500 square metres of leaseable floor area for visitors. Therefore the bicycle parking requirement for the site can be calculated as follows:

\[
\text{Retail Premises other than specified in this table (employees)} = \frac{727.53 \text{m}^2 \times 1.0}{300} = 2.43
\]

\[
\text{Retail Premises other than specified in this table (visitors)} = \frac{727.53 \text{m}^2 \times 1.0}{500} = 1.46
\]

\[
\text{Total} = 2.05 + 1.23 = 3.89 \text{ (4) bicycle parking space.}
\]

No bicycle parking spaces have been provided on the subject site. Four (4) bicycle parking spaces are required and can be shown as a condition of permit, if granted.
Vegetation & Tree Impact (Site & Surrounds)

There are no trees or vegetation on the subject site or on adjoining or surrounding properties which will be affected by the proposed use, mezzanine or signage.

Aboriginal Cultural Heritage Sensitivity

The subject site is located in an area with potential Aboriginal Cultural Heritage Significance and as such is considered to be a culturally sensitive area as defined under the Aboriginal Heritage Act 2006.

The entire site is covered by the existing building, car parking and lawn which forms part of the front nature strip and as such it is considered that a Cultural Heritage Management Plan is not required for the subject site.

Conclusion

The application has been assessed against the relevant sections of the Greater Dandenong Planning Scheme, including the State and Local Planning Policy Framework, Municipal Strategic Statement, Clause 52.05, Clause 52.06 and Clause 65.

As assessed, the proposal is consistent with, and appropriately responds to, the provisions of the Greater Dandenong Planning Scheme. The proposal appropriately responds to strategic policy for retail development in the area with this report recommending that the application be supported, that a Permit be granted subject to conditions as set out in the recommendation.

Recommendation

That Council resolves to Grant a planning permit in respect of the land known and described as No. 9 Handley Crescent, Dandenong, ‘To use the site for the purpose of a Retail Premises (other than a Shop), to construct buildings and works comprising of a mezzanine and to erect and display non-illuminated business identification signage, all in accordance with the endorsed plans’ and subject to the following conditions:

1. Before the use and development starts and the erection of the signage commences, two (2) copies of amended plans drawn to scale and dimensioned, must be submitted to the Responsible Authority for approval. No signage must be erected 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. The fascia sign facing Cheltenham Road to be reduced in size to a maximum area of 10m².
1.2. The street address sign facing Cheltenham Road to be noted as ‘to be removed’ and to be incorporated into the design of the resized fascia sign referred to in Condition 1.1 above.
1.3. The two ‘Xmas’ signs facing Cheltenham Road to be noted as ‘to be removed’.
1.4. Four (4) bicycle parking spaces within the existing building on the subject site to be shown on the floor plan.
1.5. An internal elevation/section of the proposed mezzanine from at least two (2) directions.

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. Once the use and development has started, it must be continued and completed all to the satisfaction of the Responsible Authority.

4. The use may only operate between the following hours (each year), unless with the further written consent of the Responsible Authority:

   4.1. December 1 to December 24 Open 7 days 9.30am to 4.30pm.
   4.2. December 25 to February 15 Closed
   4.3. February 16 to June 30 Closed Sunday-Monday, Open 10.00am to 4.00pm Tuesday-Saturday.
   4.4. July 1 to November 30 Closed Sunday-Monday, Open 9.30am to 4.30pm Tuesday-Saturday.

5. Goods, materials, equipment and the like associated with the use of the land must not be displayed or stored outside the building, without the further written consent of the Responsible Authority.

6. The loading and unloading of goods from or to vehicles must only be carried out on the land, all to the satisfaction of the Responsible Authority.

7. Floor levels shown on the endorsed plan(s) must not be altered or modified without the further written consent of the Responsible Authority.

8. Provision must be made for the drainage of the site including landscaped and pavement areas, all to the satisfaction of the Responsible Authority.

9. The operator under this permit must make all reasonable attempts to ensure that no vehicle under the operators control, or operator's staff, are parked in the streets nearby, all to the satisfaction of the Responsible Authority.

10. The carparking provided on the land must always be available for use by persons employed on or visiting the subject premises, and no measures may be taken to restrict access to the carpark by such persons, all to the satisfaction of the Responsible Authority.

11. The existing carparking and access lanes shown on the endorsed plans must at all times be made available for the parking of vehicles and not used for any other purpose, all to the satisfaction of the Responsible Authority.

12. The operator under this permit must make all reasonable endeavours to ensure that all vehicles entering and exiting the site should do so in a forward direction, all to the satisfaction of the Responsible Authority.

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

   13.1. Transport of materials, goods or commodities to or from the land,
   13.2. Appearance of any building, works or materials,
   13.3. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil,
   13.4. Presence of vermin,
   13.5. Adverse behaviour of patrons on, to or from the premises.

All to the satisfaction of the Responsible Authority.
14. The use of the site must at all times comply with the definitions and requirements of the Greater Dandenong Planning Scheme, all to the satisfaction of the Responsible Authority.

15. The front windows of the premises shall remain transparent at all times, save for the provision of curtains or blinds approved in writing, all to the satisfaction of the Responsible Authority.

16. The mezzanine must be removed when the premises are vacated by ‘Christmas 4 You’, all to the satisfaction of the Responsible Authority.

17. This permit in relation to the use and development of the land for a Retail Premises will expire if:-

17.1. The development does not start within two (2) years of the date of this permit, or
17.2. The development is not completed within four (4) years of the date of this permit, or
17.3. The use does not start within one (1) year of the completion of the development, or
17.4. The use is discontinued for a period of two (2) years.

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

Signage Conditions

18. The location, type and dimensions of the signage, as shown on the endorsed plan/s must not be altered unless with the consent of the Responsible Authority.

19. Before the display of the signage hereby approved begins, the following existing advertising signage must be removed:

19.1. The street address sign facing Cheltenham Road.
19.2. The two (2) ‘Xmas’ signs facing Cheltenham Road.
19.3. All other signs facing Cheltenham Road.
19.4. All other signs facing Handley Crescent.

Only signage approved under this permit is to be displayed on the site. All other signage existing on the site is to be removed within 28 days from the date of this permit.

20. The signage must not be animated and no flashing or intermittent light/s shall be displayed.

21. The signage shall only contain an advertisement which provides or supplies information relating to the business conducted on the abovementioned land.

22. The signage must not be illuminated by external or internal lighting.

23. No bunting, streamers and festooning shall be displayed.
24. The signage shall be constructed and maintained to the satisfaction of the Responsible Authority.

25. This permit expires fifteen (15) years after the date it is issued.

Notes:

1. A Building Approval may be required prior to the commencement of the approved works.

MINUTE

902

Moved by: Cr Angela Long
Seconded by: Cr John Kelly

That Council resolves to Grant a planning permit in respect of the land known and described as No. 9 Handley Crescent, Dandenong, ‘To use the site for the purpose of a Retail Premises (other than a Shop), to construct buildings and works comprising of a mezzanine and to erect and display non-illuminated business identification signage, all in accordance with the endorsed plans’ and subject to the following conditions:

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The plans must be in accordance with the plans submitted with the application, but modified to show:

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1.4. Four (4) bicycle parking spaces within the existing building on the subject site to be shown on the floor plan.
1.5. An internal elevation/section of the proposed mezzanine from at least two (2) directions.

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. Once the use and development has started, it must be continued and completed all to the satisfaction of the Responsible Authority.

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   4.1. December 1 to December 24  Open 7 days 9.30am to 4.30pm.
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4.3. February 16 to June 30 Closed Sunday-Monday, Open 10.00am to 4.00pm Tuesday-Saturday.
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5. Goods, materials, equipment and the like associated with the use of the land must not be displayed or stored outside the building, without the further written consent of the Responsible Authority.

6. The loading and unloading of goods from or to vehicles must only be carried out on the land, all to the satisfaction of the Responsible Authority.

7. Floor levels shown on the endorsed plan(s) must not be altered or modified without the further written consent of the Responsible Authority.

8. Provision must be made for the drainage of the site including landscaped and pavement areas, all to the satisfaction of the Responsible Authority.

9. The operator under this permit must make all reasonable attempts to ensure that no vehicle under the operators control, or operator’s staff, are parked in the streets nearby, all to the satisfaction of the Responsible Authority.

10. The carparking provided on the land must always be available for use by persons employed on or visiting the subject premises, and no measures may be taken to restrict access to the carpark by such persons, all to the satisfaction of the Responsible Authority.

11. The existing carparking and access lanes shown on the endorsed plans must at all times be made available for the parking of vehicles and not used for any other purpose, all to the satisfaction of the Responsible Authority.

12. The operator under this permit must make all reasonable endeavours to ensure that all vehicles entering and exiting the site should do so in a forward direction, all to the satisfaction of the Responsible Authority.

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

13.1. Transport of materials, goods or commodities to or from the land,
13.2. Appearance of any building, works or materials,
13.3. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil,
13.4. Presence of vermin,
13.5. Adverse behaviour of patrons on, to or from the premises.

All to the satisfaction of the Responsible Authority.

14. The use of the site must at all times comply with the definitions and requirements of the Greater Dandenong Planning Scheme, all to the satisfaction of the Responsible Authority.

15. The front windows of the premises shall remain transparent at all times, save for the provision of curtains or blinds approved in writing, all to the satisfaction of the Responsible Authority.

16. The mezzanine must be removed when the premises are vacated by ‘Christmas 4 You’, all to the satisfaction of the Responsible Authority.
17. This permit in relation to the use and development of the land for a Retail Premises will expire if:-

17.1. The development does not start within two (2) years of the date of this permit, or
17.2. The development is not completed within four (4) years of the date of this permit, or
17.3. The use does not start within one (1) year of the completion of the development, or
17.4. The use is discontinued for a period of two (2) years.

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

Signage Conditions
18. The location, type and dimensions of the signage, as shown on the endorsed plan/s must not be altered unless with the consent of the Responsible Authority.

19. Before the display of the signage hereby approved begins, the following existing advertising signage must be removed:

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Only signage approved under this permit is to be displayed on the site. All other signage existing on the site is to be removed within 28 days from the date of this permit.

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23. No bunting, streamers and festooning shall be displayed.

24. The signage shall be constructed and maintained to the satisfaction of the Responsible Authority.

25. This permit expires fifteen (15) years after the date it is issued.

Notes:

1. A Building Approval may be required prior to the commencement of the approved works.

CARRIED
The attachment to this report is available under a separate cover at:

www.greaterdandenong.com

(“Council”, “Council Meetings”, “Agendas and Minutes”)

or by contacting:
Governance - 9239 5309
6.3.6 Town Planning Application - No. 80-82 Ordish Road, Dandenong South
(Planning Application No. PLN11/0231)

Attachments:  
Locality Plan  
Questions raised by the EPA and Response by the Applicant  
Submitted Plans  
Site Management Plan - 19/05/2011

File No: 357845  
Responsible Officer: Director Development Services

Application Summary

Applicant: Devcon Group Pty Ltd  
Proposal: To develop and use land for the purpose of a Transfer Station and Materials Recycling Facility; with associated signage and a reduction in the car parking requirements pursuant to Clause 52.06 of the planning scheme  
Zone: Industrial 2 Zone (IN2Z)  
Overlay: Land Subject to Inundation Overlay (LSIO)  
Ward: Red Gum

The application proposes to develop and use land for the purpose of a Transfer Station and Materials Recycling Facility; with associated signage and a reduction in the car parking requirements pursuant to Clause 52.06 of the planning scheme.

The site operator for this proposal is Van Schaik’s Bio-Gro Pty Ltd. Bio-Gro is a horticultural and landscape products company which has been in business for over 40 years and is currently operating out of three (3) locations in South Australia and Victoria. In order to facilitate an efficient supply for their composting facility in South Australia, it is proposed to use the subject site for a transfer station and materials recycling facility, accepting primarily green waste from local Council’s collection which will then be sorted and shredded before being transported to their composting facility in South Australia. There will be no composting operations on the site under this proposal. Details of the proposal shall be discussed in the ‘proposal’ section of this report.

A permit is required pursuant to the following Clauses of the Planning Scheme:

- Clause 33.02-1 for the use of the land for the purpose of a Transfer Station and Materials Recycling Facility;
- Clause 33.02-4 to construct a building or construct or carry out works;
- Clause 52.05-8 for the erection and display of business identification signage.
- Clause 52.06-1 for the reduction in car parking for industry.

A Site Management Plan (“SMP”) has been prepared by the applicant in response to planning scheme objectives.
Objectors Summary

The application is exempt from the notice and decision requirements and review rights of the Planning and Environment Act 1987 (“Act”), pursuant to Clause 33.02-2 and Clause 33.02-4 of the planning scheme.

The application was not advertised and no submissions have been received.

Assessment Summary

The application has been assessed against the provisions of the planning scheme and is considered suitable for the subject site and consistent with strategic vision outlined for Industrial 2 zoned land.

It is considered that with the proposed land use listed in the table to Clause 52.10 as requiring a threshold distance that is variable, (dependent on the processes to be used and the materials to be processed or stored) and taking the general operation of the facility into consideration, it is appropriate that the use to be sited in the Industrial 2 Zone.

The application has been considered in respect of its potential impacts to both human health and the environment, and it is considered that through the implementation of the Site Management Plan (“SMP”) which includes monitoring and management regimes, and via appropriate conditions placed on any forthcoming permit, the use would not adversely affect both human health and the environment, and that the proposal is suitable for the site.

Recommendation Summary

As assessed, the proposal is consistent with and appropriately responds to the provisions of the Greater Dandenong Planning Scheme. The proposal appropriately responds to strategic policy for industrial land use in the area with this report recommending that the application be supported, and that a Permit be granted subject to conditions as set out in the recommendation.
Subject Site and Surrounds

Subject Site & Surrounding Uses

The subject site is located at No. 80-82 Ordish Road, Dandenong South. It has a frontage width to Ordish Road of 95.63 metres, a maximum depth of 297.57 metres with an overall site area of approximately 2.6 hectares (i.e. 26,000 square metres). A drainage easement is located at the north-west corner of the site. The site is located adjacent to the core of the Industrial 2 Zone.

The site currently contains a large building, which comprises a two storey office/administration component facing the street with a large warehouse building to the rear. The existing buildings also comprise a weighbridge with an office and amenities area, truck operations shed, a workshop/maintenance building with a wheel wash located to the north of this building. A truck washing area is located to the west (rear) of the truck operations shed. The total combined floor area of these buildings equates to approximately 3,861 square metres.

An existing drainage pond is located in the south-west corner of the site and a 1.5 metre high landscape bund is located along the west (rear) and the north (side) of the rear portion of the site and will be retained under this proposal.

Ingress and egress to the site is via an existing double width crossover located on the south-east corner of the site with separate egress via single width crossover located along the site’s north-east property boundary. This will ensure that all trucks can enter and exit the site in a forwards direction. No alteration to the access is proposed.

The surrounding land is developed and used for industrial purposes. Opposite the subject site at No.89 Ordish Road is South East Pet Meats. At No.91 Ordish Road is TH Hides & Skins Australia and at No.93-95 Ordish Road is GB Galvanising.

The adjoining site to the south at No.84-86 Ordish Road is occupied by DH Corrosion and DPC Coatings.

To the west of the subject site is the EastLink road reserve.

To the north of the site is Transpacific Technical Services which is a business for the collection, treatment, processing and recycling of liquid and hazardous waste, industrial waste, grease trap waste, oily waters and used mineral and cooking oils.

It is noted that Mt.Hira is located approximately 1.3km north-west of the subject site, with the newly subdivided residential estate ‘Somerfield’ in Keysborough’s south, being located approximately 1.7km north-west of the subject site. Opposite Eastlink further west of Perry Road, is land zoned Green Wedge. These properties are located approximately 750m west of the subject site.
A copy of the Locality Plan is included as Attachment 1.
Background

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

- PSUB05/0040 – Creation of a Reserve
- 1997/386 – Private Rubbish Tip and Compost Manufacture – This permit has expired.
- PLN04/0838 – Utility Installation and Materials Recycling. The permit is for a materials recycling and waste to energy plant (utility installation) which included the receiving of green waste. It is noted that this permit has lapsed.
- PLN09/0547 – Refuse Transfer Station. This permit was issued on 15 December 2009 for a refuse transfer station, signage and a reduction in the car parking requirements. Plans were endorsed to this permit on 28 January 2011. This permit has not lapsed and is still in force. As this permit relates to operations carried out by the previous operators of the site, the applicant under the current application will be required to make an application to VCAT to have the permit cancelled under Section 87 of the Planning & Environment Act 1987. This will avoid the possibility of the two similar permits being in force at the same time.

Proposal

The application proposes to use land for the purpose of a Transfer Station and Materials Recycling Facility; with associated signage and a reduction in the car parking requirements pursuant to Clause 52.06 of the planning scheme.

The site operator for this proposal is Van Schaik’s Bio-Gro Pty Ltd. Bio-Gro is a horticultural and landscape products company which has been in business for over 40 years and is currently operating out of three (3) locations in South Australia and Victoria. In order to facilitate an efficient supply for their composting facility in South Australia, it is proposed to use the subject site for a transfer station and materials recycling facility, accepting primarily green waste from local Council’s collection which will then be sorted and shredded before being transported to their composting facility in South Australia. Bio-Gro has recently purchased the site from the previous operator and has no association with the former uses on the land.

The shredding and removal of unsuitable materials is essential to maximise the efficiency of the vehicle payload in transit to South Australia. Similarly timber off-cuts and related products will be processed on site with finished product prior to distribution in bulk.

It is should be noted that it is not proposed to carry out any composting operations on the site because Bio-Gro has an existing EPA licensed composting facility in South Australia to which material will be transported for composting. Therefore, green waste will usually be removed within 24 hours and in no circumstances will it remain in site for more than 48 hours before transfer to the South Australia site.
Land Use / Development

The use is proposed to operate as follows:

1. Receiving commercial metropolitan kerbside green waste, sort, shred and despatch within 24-48 hours. Green waste will be received at an average rate of 200 tonnes per day and this material will be sorted, shredded and despatched via their existing truck fleet to Bio-Gro’s existing EPA licensed regional composting facility near Mt Gambier in South Australia. The material will not be held for more than 48 hours and therefore total holdings will not exceed 400 tonnes at any given time.

2. Receiving and processing of timber residues from demolition, local industry and forestry and timber mill residues. This material consists of the timber component of demolition waste, local industry timber waste including crates, pallets, etc., and forestry and timber mill residues such as dockings and sawdust and shavings. It is expected to receive similar volumes of this material. It will be shredded by a mobile shredder, screened, blended and despatched to Bio-Gro’s existing landscape and agricultural customers. These holdings would not exceed 500 tonnes at any given time.

3. Receiving of soils from construction and civil works projects for blending, batching and distribution. This involves certified weed and contamination-free material from construction and civil projects for processing and despatch to Bio-Gro’s existing customer base. It is anticipated that holdings would be a maximum of 500 tonnes, depending on project availability.

4. Hard waste transfer operations. This waste is non-putrescible and non-prescribed waste and will be sourced from Commercial and Industrial (C&I) and Construction and Demolition (C&D) streams. This material generally comprises the following:

   **Commercial & Industrial (C&I) Waste Stream**
   - Paper and cardboard, plastics, metals, glass.
   - Other non-recoverable waste will be sorted and removed from the site by EPA licensed waste transporters for disposal elsewhere.

   **Construction & Demolition (C&D) Waste Stream**
   - Concrete, bricks, timber, metals.
   - Other non-recoverable waste will be sorted and removed from the site from the appropriate disposal.
   - This activity will comprise a smaller component of the overall use which will largely comprise the activities carried in points 1, 2 and 3 above.

Only solid inert waste will be brought onto the site as part of this component of works and should any hazardous waste be detected amongst the above waste streams, it will be immediately placed on an appropriate container and removed from the site to an appropriate waste facility within 24 hours.

All plant and equipment would be mobile in nature, and would consist of one (1) shredder, two (2) screening plants, three (3) front loaders and ancillary forklifts and other equipment.
The proposed activities will be conducted both outdoors at the rear of the site, and indoors, within the existing warehouse building. Municipal green waste will be received, sorted and shredded outdoors at the rear of the site. Likewise, soil blending, stockpiling and distribution will occur in the north-west portion of the site. Timber residues from demolition sites, local industry and timber mills will be processed and distributed from the rear of the site just behind the green waste receiving area. The warehouse building will be used for hard waste sorting and recycling as well as general storage.

Trucks associated with the business, which are part of the Bio-Gro fleet, are proposed to be stored on the site, when not in use and these comprise of eight (8) semi-trailer size trucks and four (4) smaller trucks.

The business will operate 5½ days a week from 6:00am to 6:00pm Monday to Friday and 6:00am to 1:00pm Saturdays. A maximum of thirty (30) staff will be employed on the site. This facility will not be open to individual members of the public.

Truck movements to and from the site are expected to be in the order of twenty (20) trucks in and twenty (20) trucks out of the site per day.

It is proposed to provide thirty-four (34) car parking spaces on the site. Ten (10) car parking spaces and four (4) bicycle spaces are existing and located at the front of the office building and it is proposed to construct a further twenty-four (24) car parking spaces together with truck parking for fleet trucks that may be parked on the site overnight. It is also proposed to provide an additional twenty-four (24) deferred car parking spaces. This would equate to fifty-eight (58) car parking spaces for this site.

It is proposed to retain most of the existing buildings on the site, including the main office and warehouse, weighbridge and offices/amenities, wheel wash, equipment and maintenance workshop, truck operations shed, together with the concrete storage silo/shed and conveyor belts. The concrete storage silo/shed area will be used for the loading of trucks with processed materials. It is proposed to remove the existing energy plant (utility installation) which is located to the rear of the warehouse, which is left over from the previous operations.

As stated above, the existing warehouse will be utilised for batching, packaging and storage of the finished product, storage of input product and general storage. It is noted that the plans show an area at the rear half of the site for twelve (12) stockpiles which is for the finished product (i.e. wholesale redistribution, despatch, and transfer). Each stockpile is to be no greater than 3m in height and 200m³ cubic metres in volume.

The existing drainage pond located at the south-west corner of the site will be used as a retention dam for surface water overflow. Waste water will be contained on the site and reused. The site will be graded and levelled to drain to the retention dam. The capacity of the dam will be 1.5 million litres. The applicant submits that the dam will be checked on a regular basis for contaminants.

Further details of the proposed use and development can be found at Attachment 2, which relates to questions that the EPA have sought clarification on, with responses provided by the applicant.

A copy of the Questions raised by the EPA and Responses by the Applicant is included as Attachment 2.
Signage

In addition, to the existing directional signage located on the site, it is proposed to erect one (1) business identification, high wall sign measuring 8.55m² square metres (4.765 metres in length by 1.795 metres in height) located on the upper level of the existing administration building, and one (1) business identification sign located on the front fence. This sign will measure 2 metres in length by 1 metre in height measuring 2m² square metres.

A third information sign is proposed to be place on the front fence which will inform visitors to the site as to the types of waste which will and will not be accepted at the site, together with operating hours and contact telephone numbers. It also says that no public is allowed on the site. Dimensions have not been provided.

*A copy of the Submitted Plans is included as Attachment 3.*

Site Management Plan – Received 19/05/2011

As noted earlier, a Site Management Plan (“SMP”) has been prepared by the applicant in response to planning scheme objectives, which includes monitoring and management regimes. The SMP received on 19/05/2011 is applicable to this application.

*A copy of the Site Management Plan is included as Attachment 4.*

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 33.02-1 for the use of the land for the purpose of a Transfer Station and Materials Recycling Facility;
- Clause 33.02-4 to construct a building or construct or carry out works;
- Clause 52.05-8 for the erection and display of business identification signage; and
- Clause 52.06-1 for the reduction in car parking for industry.

The relevant controls and policies are as follows:

Zoning Controls

The subject site is located in an Industrial 2 Zone, as is the surrounding area.

The purpose of the Industrial 2 Zone outlined at Clause 33.02 is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for manufacturing industry, the storage and distribution of goods and associated facilities in a manner which does not affect the safety and amenity of local communities.*
• **To promote manufacturing industries and storage facilities that require a substantial threshold distance within the core of the zone.**

• **To keep the core of the zone free of uses which are suitable for location elsewhere so as to be available for manufacturing industries and storage facilities that require a substantial threshold distance as the need for these arises.**

Pursuant to Clause 33.02-1, a permit is required to use land for the purpose of a Transfer Station and Materials Recycling as each of these uses are within the broader definition of “Industry” within the planning scheme. Industry is a Section 2 (permit required) land use within the tables of uses at Clause 33.02-1.

Application requirements, decision guidelines and exemptions from notice and review for applications relating to the use of land are listed at Clause 33.02-2.

Pursuant to Clause 33.02-4, a permit is required to construct a building or construct or carry out works. The application requirements decision guidelines for such applications are listed at this clause, along with exemptions from notice and review listed at this clause.

The requirement for advertising signs on land within this zone is listed at Clause 33.02-5, with the requirements of Clause 52.05 applicable, in particular Category 2.

### Overlay Controls

The Land Subject to Inundation Overlay (LSIO) at Clause 44.04 of the planning scheme is applicable to the site, however, does not impact on this proposal as the overlay applies to only a small portion of the land in the north-west corner of the site, which will not be utilised in the proposed operations.

### State Planning Policy Framework

The Operation of the State Planning Policy Framework (SPPF) 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.**

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.
13.04 Noise and air

13.04-1 Noise abatement

Objective
- To assist the control of noise effects on sensitive land uses.

Strategy
- Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Policy guidelines
Planning must consider as relevant:
- Interim Guidelines for Control of Noise from Industry in Country Victoria (Environment Protection Authority, 1989).

13.04-2 Air quality

Objective
- To assist the protection and improvement of air quality.

Strategies
- Ensure that land-use planning and transport infrastructure provision contribute to improved air quality by:
  - Integrating transport and land-use planning to improve transport accessibility and connections.
  - Locating key developments that generate high volumes of trips in the Central Activity District, Principal and Major Activity Centres.
  - Providing infrastructure for public transport, walking and cycling.
- Ensure, wherever possible, that there is suitable separation between land uses that reduce amenity and sensitive land uses.

Policy guidelines
Planning must consider as relevant:
- Recommended Buffer Distances for Industrial Residual Air Emissions (Environmental Protection Authority, 1990) in assessing the separation between land uses that reduce amenity and sensitive land uses.

14.02-2 Water quality

Objective
- To protect water quality.

Strategies
- Protect reservoirs, water mains and local storage facilities from potential contamination.
Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.

Discourage incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.

Prevent the establishment of incompatible land uses in aquifer recharge or saline discharge areas and in potable water catchments.

Encourage the siting, design, operation and rehabilitation of landfills to reduce impact on groundwater and surface water.

Policy guidelines
Planning must consider as relevant:

- Mapped information available from the Department of Sustainability and Environment to identify the beneficial uses of groundwater resources and have regard to potential impacts on these resources of proposed land use or development.
- Victorian Nutrient Management Strategy (Government of Victoria, 1995).
- Construction Techniques for Sediment Pollution Control (Environmental Protection Authority, 1991).
- Environmental Guidelines for Major Construction Sites (Environmental Protection Authority, 1996 - Publication 480).
- Guidelines for planning permit applications in open, potable water supply catchment areas (Department of Planning and Community Development, 2009).

17.02 Industry
17.02-1 Industrial land development

Objective

- To ensure availability of land for industry.

Strategies

- Identify land for industrial development in urban growth areas where:
  - Good access for employees, freight and road transport is available.
  - Appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.
- Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.
- Provide an adequate supply of industrial land in appropriate locations including sufficient stocks of large sites for strategic investment.
- Protect industrial activity in industrial zones from the encroachment of unplanned commercial, residential and other sensitive uses which would adversely affect industry viability.
- Encourage industrial uses that meet appropriate standards of safety and amenity to locate within activity centres.
- Avoid approving non-industrial land uses, which will prejudice the availability of land for future industrial requirements, in identified industrial areas.
Policy guidelines
Planning must consider as relevant:
- Recommended Buffer Distances for Industrial Residual Air Emissions (Environmental Protection Authority, 1990).

17.02-2 Design of industrial development
Objective
- To facilitate the sustainable development and operation of industry and research and development activity.

Strategies
- Ensure that industrial activities requiring substantial threshold distances are located in the core of industrial areas.
- Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area.
- Minimise inter-industry conflict and encourage like industries to locate within the same area.
- Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.
- Encourage manufacturing and storage industries that generate significant volumes of freight to locate close to air, rail and road freight terminals.

Policy guidelines
Planning must consider as relevant:
- Recommended Buffer Distances for Industrial Residual Air Emissions (Environmental Protection Authority, 1990).

17.02-3 State significant industrial land
Objective
- To protect industrial land of State significance.

Strategies
- Protect large areas of industrial land of state significance to ensure availability of land for major industrial development, particularly for industries and storage facilities that require significant threshold distances from sensitive or incompatible uses. Industrial areas of state significance include but are not limited to:
  - Dandenong South in the City of Greater Dandenong.
  - Campbellfield and Somerton in the City of Hume and Thomastown in the City of Whittlesea.
  - Laverton North in the City of Wyndham and Derrimut in the City of Brimbank.
- Protect heavy industrial areas from inappropriate development and maintain adequate buffer distances from sensitive or incompatible uses.
18.02-5 Car parking

Objective

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

Strategies

- Allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.
- Encourage the efficient provision of car parking through the consolidation of car parking facilities.
- Prepare or require parking precinct plans for the design and location of local car parking to:
  - Protect the role and function of nearby roads, enable easy and efficient use and the movement and delivery of goods.
  - Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road users.
  - Create a safe environment, particularly at night.
  - Facilitate the use of public transport.
- Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.
- Plan adequate provision for taxi ranks as part of activity centres, transport interchanges and major commercial, retail and community facilities.

Policy guidelines

Planning must consider as relevant:

- Public Transport Guidelines for Land Use and Development (Department of Transport, 2008).

19.03-5 Waste and resource recovery

Objective

- To avoid, minimise and generate less waste to reduce damage to the environment caused by waste, pollution, land degradation and unsustainable waste practices.

Strategies

- Establish new sites and facilities to safely and sustainably manage all waste and maximise opportunities for resource.
- Encourage facilities for resource recovery to maximise the amount of resources recovered.
- Provide sufficient waste management and resource recovery facilities to promote re-use, recycling, reprocessing and resource recovery and enable technologies that increase recovery and treatment of resources to produce energy and marketable end products.
- Encourage waste generators and resource generators and resource recovery businesses to locate in close proximity to enhance sustainability and economies of scale.
- Ensure buffers for waste and resource recovery facilities are defined, protected and maintained.
- Site and manage waste disposal and resource recovery facilities in accordance with the Waste Management Policy (Siting, Design and Management of Landfills) (EPA, 2004).
Policy guidelines
Planning must consider as relevant:
- Victoria’s Towards Zero Waste Strategy (Department of Sustainability and Environment, 2005).
- Waste Management Policy (Siting, Design and Management of Landfills) (Environmental Protection Authority, 2004).
- Best Practice Environmental Management Guideline (Siting, Design Operation and Rehabilitation of Landfills) (Environmental Protection Authority, 2001).
- Any relevant regional waste management plans.
- Metropolitan Waste and Resource Strategic Plan (Sustainability Victoria, 2009).
- Creating Cleaner, Safer Places: Working together to remove litter from Victoria’s environment (Sustainability Victoria, 2009).
- Environmental Guidelines for Composting and other Organic Recycling Facilities (Environmental Protection Authority, 1996).

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

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

- Greater Dandenong is a net provider of jobs, providing the third highest number of jobs in metropolitan Melbourne, with the employment sector largely orientated towards the manufacturing occupations. Within metropolitan Melbourne, in terms of job stock Greater Dandenong is ranked first in manufacturing, second in storage, third in road transport and fourth in wholesale trade (Clause 21.02-1).
- Greater Dandenong is one of Australia’s premier industrial regions with exporting strengths in manufacturing, wholesale trade and transport and storage (Clause 21.02-2).
- Eastlink and the Dingley Freeway reservation, which provides the opportunity for the linking of major roads, is expected to result in significant expansion and enhancement to the municipality’s transport network and will further improve the strategic regional position of Greater Dandenong (Clause 21.02-2).
- Approximately one-third of employed residents worked in labouring or trades, compared with 20 percent of people throughout metropolitan Melbourne, with 14 percent of employed residents holding professional/managerial occupations compared with the metropolitan average of 30 percent (Clause 21.02-3).
- Industries range from small-scale light industries in older established areas, to newer, generally industrial estates with large allotments and purpose built facilities (Clause 21.02-3).
- Key industries located in Greater Dandenong include advanced manufacturing in automotive, plastics and scientific equipment, as well as food processing and distribution and metal fabrication (Clause 21.02-3).
The Dandenong Industrial 2 Precinct provides for environmentally sensitive industries and is a resource of state significance, being one (1) of only three (3) strategic locations within Victoria where industries that require significant buffers from sensitive uses can operate (Clause 21.02-3).

Greater Dandenong has approximately 1,730 hectares of industrially zoned land in proximity to major freight and passenger transport routes, with an additional 1,040 hectares to be made available close to the road and rail transport network (Clause 21.02-3).

Extensive transport networks link Greater Dandenong with Melbourne’s rapidly expanding south-east region and provide excellent access to the Melbourne Central Activities District, sea and air ports (Clause 21.02-6).

Greater Dandenong’s vision is outlined at Clause 21.03. Amongst others, the vision is that Greater Dandenong will be a nationally and internationally competitive city; and a pre-eminent industrial centre for Melbourne’s south-east with a significant high-tech / knowledge industrial component.

The objectives and strategies of the MSS are under four (4) main themes including: land use; built form; open space and natural environment; and, infrastructure and transportation (considered individually under Clauses 21.04 to 21.07). Of particular relevance to this application are Clauses 21.04 - Land Use, 21.05 - Built Form and 21.07 - Infrastructure and Transportation.

Under Clause 21.04 – Land Use, the matter of ‘industrial’, amongst others, is covered. It is noted within Clause 21.04-3 relating to the matter of industrial that Greater Dandenong has a task of achieving a healthy balance between providing for an increased population and supporting robust activity centres and protecting key industries. The protection of the Industrial 2 Zone for its intended purpose is a noted challenge, with its interface with other zones requiring careful management. Noise and air pollution, along with other adverse amenity impacts need to be managed, with industries to be encouraged to develop best practice to make efficient use of energy and resources. Relevant objectives and strategies contained within that Clause include:

1. **To provide development, employment and industrial opportunities, which cater for a broad range of industries.**
   1.1 Provide a diversity of locational opportunities for all types of industrial activity, including those enterprises that combine manufacturing with general office activities.

2. **To facilitate new investment, development and redevelopment.**
   2.1 Discourage business or non-industrial uses on industrial land.
   2.2 Encourage new hi-tech and knowledge industry to be established.

3. **To develop and exploit existing infrastructure and locational advantage of the City’s industrial areas.**
   3.1 Encourage the establishment of industries that add value to the local industry products, component manufacturers.
   3.2 Encourage the establishment of industries that create local employment opportunities.
   3.3 Protect the supply of industrial land by encouraging retail and office uses to locate in business zones.
4. To encourage the integration of commercial and industrial developments in existing Business 3 Zones.
   4.1 In order to integrate industrial and commercial uses within Business 3 Zones, no maximum combined leasable floor area (m²) shall apply in those zones.
   4.2 Discourage stand alone office development on sites within the Business 3 Zones that are outside the designated existing or proposed activity centres, gateway and/or corridor sites.

5. To protect the strategically significant Industrial 2 Zone for its primary purpose.
   5.1 Encourage the location of industries that require more extensive buffer distances (requiring 1,000 to 5,000m buffer distances under Clause 52.10 of the Planning Scheme) within the Industrial 2 Zone.
   5.2 Strongly discourage industrial land uses that do not require significant buffer distances from sensitive land uses from locating to the Industrial 2 Zone.

6. To protect industrial zones for industrial activity.
   6.1 Strongly discourage the issue of planning permits for bulky goods retail developments in industrial zones.

Under Clause 21.05 – Built Form the matters of: urban design, character, streetscapes and landscapes; and, sustainability, amongst others, are covered. It is noted that within that Clause there is a need to improve community perception of the industrial and commercial image of the City. Promoting appropriate urban design to improve the public realm of those areas, particularly along main roads and at gateways is noted as facilitating more economic activity. Relevant objectives and strategies of Clause 21.05-2 relating to the matter of urban design, character, streetscapes and landscapes, include:

1. To facilitate high quality building design and architecture.
   1.1 Ensure building design is consistent with the preferred character of an area and fully integrates with surrounding environment.
   1.2 Encourage high standards of building design and architecture, which allows for flexibility and adaptation in use.
   1.3 Encourage innovative architecture and building design.

2. To facilitate high quality development, which has regard for the surrounding environment and built form.
   2.1 Promote views of high quality landscapes and pleasing vistas from both the private and public realm.
   2.2 Promote all aspects of character – physical, environmental, social and cultural.
   2.3 Encourage planting and landscape themes, which complement and improve the environment.
   2.4 Encourage developments to provide for canopy trees.

3. To improve the quality, consistency and function of the city’s environment.
   3.1 Encourage new developments which are adjacent to public open spaces to address and complement the open space.

7. To protect and improve streetscapes.
   7.1 Ensure new developments improve streetscapes through generous landscape setbacks and canopy tree planting.
   7.2 Ensure landscaping within private property that complements and improves the streetscapes and landscaping of public areas.
Relevant objectives and strategies of Clause 21.05-4 relating to sustainability, include:

1. To promote ecologically sustainable development.
   1.1 Encourage the design of developments to provide for integration of water sensitive urban design.
   1.2 Encourage the recycling of grey water in new developments.
   1.3 Require an environmental management plan where a use or development would require on-going management controls.

2. To encourage environmentally sustainable practices by industrial and commercial developments.
   2.1 Encourage the collection and use of rain water.
   2.2 Encourage industrial and commercial developments to develop sustainable water use and waste water re-use programs.

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.
   2.2 Encourage the co-location of services and facilities.
   2.4 Develop and implement Developer Contribution Schemes to link new developments to new transport infrastructure and service improvements.

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

1. To promote and facilitate walking and cycling.
   1.2 Ensure use and development proposals have regard to the municipal bicycle and other transport strategies.
   1.4 Discourage vehicle cross-overs where they have a significant impact on pedestrian movements.

Clause 21.07-4 relates to the matter of cars and parking, with relevant objectives and strategies being:

1. To promote significant modal shift away from the car.
   1.1 Require developers to submit integrated transport plans and transport impact assessments for major development proposals.
   1.3 Manage parking supply, where appropriate to encourage sustainable modes of transport.

The local planning policy of Clause 22.03 which relates specifically to Urban Design in Commercial and Industrial Areas is of particular relevance to this application. The objectives of this policy are:

- To improve the appearance of all commercial and industrial areas, and particularly development along main roads and gateways.
- To provide urban design solutions which respond to the type of road and the speed of the traffic using the road.
Particular Provisions

Advertising Signs
Clause 52.05 – Advertising Signs, of the Greater Dandenong Planning Scheme is applicable to this application. The purpose if this Clause is:

- To regulate the display of signs and associated structures.
- To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Clause 52.05-1 notes the requirements that must be met in relation to the advertising controls applying to the zones, including when permits are and are not required for the signs and when the signs are prohibited.

The decision guidelines in which responsible authorities must consider in addition to those at Clause 65 are outlined at Clause 52.05-3.

Clause 52.05-8 – Category 2 –relating to Office and Industrial specifically outlines the requirements of advertising signs within industrial zones. The purpose of this area is:

To provide for adequate identification signs and signs that are appropriate to office and industrial areas.

Pursuant to this Clause, the following signs do not require a planning permit if the condition is met:

- Bed and breakfast sign, Business identification sign, home occupation sign, or pole sign – the total advertisement area of all signs to each premises must not exceed 8 square metres. This does not include a direction sign.
- Direction sign – only one (1) to each premises.
- Internally-illuminated sign – the advertisement area must not exceed 1.5 square metres. The sign must be more than 30 metres from a residential zone or pedestrian or traffic lights.

As the proposal seeks to erect three (3) business identification signs with a total combined advertisement area greater than 8m\(^2\) square metres, a permit is thus required for the business identification signs.

Car Parking
Clause 52.06 – Car Parking needs to be considered. The purposes of this provision are:

- To ensure that car parking facilities are provided in accordance with:
  - The State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement and local planning policies.
  - Any parking precinct plan.
- To provide the opportunity to use parking precinct plans in appropriate locations.
To promote the efficient use of car spaces through the consolidation of car parking facilities.

To ensure the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality.

To ensure that the design of car parking areas:
- Does not adversely affect the amenity of the locality, in particular the amenity of pedestrians and other road users.
- Achieves a high standard of urban design.
- Creates a safe environment for users, particularly at night.
- Enables easy and efficient use.
- Protects the role and function of nearby roads.
- Facilitates the use of public transport and the movement and delivery of goods.

Clause 52.06-1 notes that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land.

The required spaces are identified in the table to Clause 52.06-5. Clause 52.06-1 further notes that a permit may be granted to reduce or waive the number of car spaces required by the table, with the decision guidelines for such considerations also at that Clause.

The table at Clause 52.06-5 notes that Industry requires 2.9 car spaces to each 100m² of net floor area; and Materials Recycling requires 10 percent of the site area to be set aside for car spaces and access lanes, but not driveways.

Car parking is to be designed and constructed in accordance with the requirements of Clauses 52.06-2 and 52.06-3 of the Scheme.

**Loading and Unloading**

The requirements of Clause 52.07 – Loading and Unloading of Vehicles need to be considered, with the purpose of this Clause being:

To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.

The dimensions and areas of loading bays are outlined under this Clause, with a permit required to reduce or waive these requirements.

**Uses with Adverse Amenity Potential**

Clause 52.10 – Uses with Adverse Amenity Potential is considered relevant to this application. The purpose of this clause is to define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood. This clause outlines the minimum distances from sensitive land uses required for land uses storing or producing certain products.

The table to this clause identifies a number of industrial/warehouse uses and provides threshold distances to sensitive uses. Some uses also have a ‘Note 1’ or ‘Note 2’ which allows for variable threshold distances depending on the processes and materials stored, or requires a risk assessment to be undertaken respectively.

The proposed use is one that is listed within the table to this clause under the broader land use term – Recycling and Resource Recovery which identifies this use with a ‘Note 1’ (i.e. which allows for variable threshold distances depending on the processes and materials stored).
With respect to the above, a land use which contains a ‘note 1’ must be referred to the Environment Protection Authority (“EPA”). It is noted that the EPA has no objection to the proposed land use and development subject to appropriate conditions of any permit issued.

**Bicycle Facility**

The Bicycle Facility requirements of Clause 52.34 of the Planning Scheme also need to be considered. 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.

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, an Industry requires 1 bicycle space to each 1,000 square metres of net floor area for employees. There is no rate relating to the use of a ‘Warehouse’.

Shower and change room requirements are needed once 5 or more bicycle spaces are required.

**Resource Recovery**

Clause 52.45 – is applicable to this application. The purpose of this clause is to:

- To facilitate the establishment and expansion of a Transfer station and/or a Materials recycling facility in appropriate locations with minimal impact on the environment and amenity of the area.

**Scope**

This clause applies to all land used and developed or proposed to be used and developed for:

- A Transfer station; and/or
- A Materials recycling facility.

The decision guidelines for such land uses are outlined at Clause 52.45 -3 which states:

Before deciding on an application, in addition to the Decision Guidelines of Clause 65, the responsible authority must consider:

- The contribution of the proposal to achieving resource recovery targets established by the Victorian Government.
- The impact of the proposal on the amenity of the surrounding area.
- The Towards Zero Waste Strategy (DSE, 2005) and the Metropolitan Waste and Resource Recovery Strategic Plan (Sustainability Victoria, 2009).
- Relevant guidelines applicable to the use including the Environmental Guidelines for Composting and Other Organic Recycling Facilities (EPA, 1996), the Guide to Best Practice for Organics Recovery (Sustainability Victoria, 2009) and the Guide to Best Practice at Resource Recovery Centres (Sustainability Victoria, 2009).
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.

Definitions

Land use terms are defined at Clause 74 of the Greater Dandenong Planning Scheme. Of particular relevance to this application is the definition of “Materials Recycling” which is defined as:

Land used to collect, dismantle, treat, process, store, recycle, or sell, used or surplus materials.

In addition, the land use term “Transfer Station” is also relevant, which is defined as:

Land used to collect, consolidate, temporarily store, sort or recover refuse or used materials before transfer for disposal or use elsewhere.

Other Council Documents

Council has some documents, which whilst not included in the Planning Scheme should be considered in the assessment of the application for the purpose of being used for guidance.

This includes “Code of Practice Car Parking - Town Planning”, which was adopted on 30 July 1998 and re-considered with amendments on 9 March 1999. The Code identifies car parking ratios applicable to different uses within the Greater Dandenong region.

Under that Code, the same rate is applied to an Industry or Warehouse use, which is:

- 1.5 car parking spaces to each 100 square metres of net floor area where there is no associated office; or,
- where there is an associated office, 1.4 car parking space to each 100 square metres of net floor area for that part of the building not used for offices, plus:
  - 2.2 spaces to each 100 square metres of that part of the building used for office up to 10% of the total floor area; and,
  - 3.5 spaces to each 100 square metres of that part of the building used for office in excess of 10% of the total floor area.

Proposed Planning Scheme Amendments

There is no planning scheme amendment applicable to this site.

Restrictive Covenants

The applicant has provided a declaration to Council declaring that no restrictive covenant/s affects the said land. A perusal of the Certificates of Title provided confirms this indeed the case.
Links to Council Annual Plan

In accordance with the commitment in Council’s Annual Plan, all applications are considered on their merits.

Diversity (Access & Equity)

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

Community Safety

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

Safe Design Guidelines

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

Referrals

External

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

- **Environmental Protection Authority (“EPA”).** After reviewing the application, the EPA requested additional information from the applicant seeking clarification on the following matters:
  - Whether the warehouse would be used to store, sort or shred the green waste for the 24-48 hour period or only to store the solid inert waste?
  - Will there be a soil blending operation on the site? What controls will be put in place to ensure they don’t receive contaminated waste?
  - What processes will be in place to ensure green waste is not stored and left unprocessed over the weekend and public holidays?
  - What process will be in place to manage odorous materials arriving on the site?

  The above matters were clarified by the applicant following the EPA request for further information. It is noted that the EPA has no objection to the proposed land use and development subject to appropriate conditions of any permit issued. Please refer to **Attachment 2 – “Questions raised by the EPA and response by the Applicant”**.

Pursuant to Section 52 of the Planning and Environment Act 1987, the application was externally referred to:

- **Country Fire Authority (“CFA”).** It is noted that the CFA has no objection to the proposed land use and development subject to appropriate conditions of any permit issued.
Town Planning Application - No. 80-82 Ordish Road, Dandenong South (Planning Application No. PLN11/0231) (Cont)

- **VicRoads.** It is noted that VicRoads has no objection to the proposed land use and development subject to appropriate conditions of any permit issued.

Although Council is not obliged to include the CFA and VicRoads conditions, it would be prudent to consider their comments as part of the assessment of this application.

**Internal**

The application was internally referred to Council’s Strategic Planning Unit for their consideration. Concerns were raised with respect to the drainage pond located at the rear of the subject site that will require regular monitoring for contaminants. The comments provided will be considered in the assessment of the application.

In addition, the application was internally referred to Council’s Planning Compliance Unit for their consideration. Comments were made with respect to the submitted SMP and measures to tighten this document with respect to monitoring and management procedures of site operations and matters to pursue enforcement proceedings (if required). The comments provided will be considered in the assessment of the application.

**Advertising**

The application is exempt from the notice and decision requirements and review rights of the Planning and Environment Act 1987 (“Act”), pursuant to Clause 33.02-2 and Clause 33.02-4 of the planning scheme.

Although the reduction in car parking is not exempt from the notification requirements it is considered that the reduction proposed will not be to the detriment of the surrounding area.

The application was not advertised and no submissions have been received.

**Consultation**

A consultative meeting was not required to be conducted as Council has not received any submission to the application.

**Summary of Grounds of Submissions/Objections**

Not applicable – no submissions received.

**Assessment**

**Use**

The use of the site for the purpose of Materials Recycling/Transfer Station is consistent with the surrounding uses and provisions of the Greater Dandenong Planning Scheme, however a planning permit is required for this use pursuant to Clause 33.02-1 as the nature of the specific use needs to be considered for its appropriateness in the Industrial 2 Zone.

The following is a discussion of the appropriateness of the proposed use with regard to the relevant decision guidelines for land use under the zone:
The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

As discussed under separate headings below, the proposal is consistent with both the State and Local planning policy frameworks as it assists in the policy relating to the minimisation of waste and reduction of damage done to the environment by waste under Clause 19.03-5 of the Greater Dandenong Planning Scheme.

The suitability of the industry or warehouse being located in the core of the zone, where the land is more than 1500 metres from land (not a road) which is in a residential zone, Business 5 Zone, Capital City Zone or Docklands 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 and the industry or warehouse is a purpose which is listed in the Table to Clause 52.10 as requiring a threshold distance of less than 1500 metres, or is not listed in the Table.

As noted earlier, the subject site is located adjacent to the core of the Industrial 2 Zone and is approximately 1.3km from Mt.Hira College and approximately 1.7km from the new residential estate Somerfield in Keysborough.

The materials recycling of the nature sought is specifically listed in Clause 52.10 as requiring a variable threshold distance from sensitive land uses. However, the applicant has provided the following comment with regard to buffer distances:

“Mt Hira is located approximately 1.3kms from the site, however, it is submitted that the proposed use will have no adverse amenity impacts upon Mt.Hira due to the fact that there will be no odour-generating activity (composting) on the site. It is therefore, considered to be a suitable use for the site. The use is listed with a Note 1 in Clause 52.10...It is submitted that the use is in the appropriate location (Industrial 2 Zone), given its inclusion in the table. In addition, the use is located a sufficient distance from sensitive uses in order for these uses to be protected from any adverse amenity potential”.

Noting that the subject site is well located from sensitive land uses, it is not anticipated that the proposed use would detrimentally affect the amenity of these uses. Further, noting the processes to be conducted, it is considered acceptable that the use be located within an Industrial 2 Zone, than the other industrial/business zones within the municipality.

It is considered that the proposal satisfactorily addresses the above consideration under Clause 33.02-2.

The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.

It is considered that both the residential environments as well as the nearby industrial environment are appropriately protected from adverse impacts through the adoption of the SMP as conditioned in the recommendation to this report. Council’s Planning Compliance Unit has commented that the SMP requires further modifications. It is appropriate to control the use and management practices via this document, and to that end conditions have been formed under Condition 2 at the end of this report.
The EPA have also commented that the use will follow current best practice methods for waste transfer and materials recycling facilities and that the risk of noise and dust impacts is low. It is noted that the SMP has been prepared with advice obtained from the Metropolitan Waste Management Group (“MWMG”) who have advised the following:

“The Bio Gro site in Ordish Road offers significant strategic siting benefits in line with the Metropolitan Waste and Resource Recovery Strategic Plan (MWRRSP) objectives. It is within the Industrial 2 Zone that plays a key role in providing for industries that require buffers from sensitive uses and adjoins significant transport routes. MWMG maintains the site and proposed use meets the strategic intent of Greater Dandenong Planning Scheme and MWRRSP objectives and strategies”.

Further to the above, the applicant notes;

“It is submitted that as any green waste will be removed from the site within 48 hours to be transported to Bio-Gro’s licensed composting facility, the potential for any adverse amenity impacts upon surrounding sensitive uses will be minimal. It is essential to the overall process that the materials are removed to the composting facility as soon as possible – before any composting commences. Any finished product brought back onto the site will have minimal to no noticeable odour, as any composting will have occurred elsewhere, with the finished product ready to be utilised in agriculture, horticulture and landscaping”.

With this in place, the SMP controlling various site operations would reduce adverse amenity impacts to the immediate area. Having regard to the existing significant buffer distances from sensitive land uses, the MWMG advice considered the proposal would have no effects on nearby sensitive land uses.

- **The effect that nearby industries may have on the proposed use.**

Nearby industries are not considered to have an adverse impact on the proposed use, as any detrimental activities from surrounding uses appear to be carried out within the confines of existing buildings, it is considered that these industrial uses will not detrimentally impact upon the proposed use.

- **The drainage of the land.**

The applicant notes that “the site is provided with suitable drainage and is currently connected to services, due to its previous uses. It should be noted that stormwater runoff is currently collected in 4 x 22,000 litre water tanks located along the site’s northern property boundary. Only stormwater in excess of the tanks’ capacity will be discharged into the drainage system. The property is connected to a reticulated water and sewerage system”.

Council’s Planning Compliance has commented on the management practice of the drainage pond located at the rear of the site. In this regard, the SMP must be further modified to better control this practice, as has been formed under Condition 2.

- **The availability of and connection to services.**

As noted above, the applicant notes that the site is already connected to the relevant services.
The effect of traffic to be generated on roads.

The applicant notes that “with approximately 20 truck movements into the site and 20 out of the site per day, it is submitted that these movements are consistent with the surrounding development and should not cause a detrimental impact upon the surrounding area. Further, as the facility is proposed to be open during the day and will not be a 24 hour operation, traffic generated should not have an adverse impact in the evenings and overnight”.

It is noted that Ordish Road is a wide road designed to accommodate frequent and heavy truck movements. Ordish Road and other adjoining road networks (i.e. Berends Drive, etc), in proximity to the site and located within the Industrial 2 Zone, would be capable of accommodating any traffic demand generated by the use. This is an industrial estate designed to accommodate industrial traffic. It is not considered that the proposal would have any adverse effect on the road network.

The interim use of those parts of the land not required for the proposed use.

The applicant notes that “the land which will not be utilised as part of the operation will be appropriately maintained, including surfacing to prevent dust and weed suppressant. Further, it is proposed to provide landscaping around the site, particularly along the rear boundary, to screen the operations from Eastlink and to provide an attractive outlook to Eastlink users”.

Details of such plantings along the landscaped boundaries of the site have not been provided. It will be required via a condition of permit, that these areas be planted with advanced canopy trees, shrubs and ground covers as screen planting.

Review of the Site Management Plan (SMP) – 19/05/2011

As noted, the SMP includes monitoring and management regimes of site operations. This document has been reviewed by Council’s Strategic Planning Unit as well as Council’s Compliance Unit. A copy of the SMP is included as Attachment 4.

Matters which are considered within the SMP include:

- Commercial and Industrial (C&I) waste stream
- Construction and Demolition (C&D) waste stream
- Municipal Garden Organics (MGO)
- Soil Blending / Distribution
- General Risk Management
- Managing Contaminated Waste
- Spill Management
- Drainage Management and the Retention Dam
- General Site Management Issues
As noted, Council’s Compliance Unit has commented that the SMP requires further modification to tighten the management methods being utilised. Essentially the following comments have been provided and should be included on any permit issued:

- **General Risk Management (vermin control)**
  The occupier of the land to which this SMP relates must twice yearly (6 month intervals) ensure the land is inspected by a suitably qualified and licensed pest animal management practitioner to determine if the site has evidence of pest animal and or nuisance insect infestations. Evidence of the inspection/s and what actions are required as a result of the inspections must be documented. In the event pest animals/insects are present on the land current pest animal/insect management principals are to be immediately acted upon. Such action to be documented. Records maintained with regard to pest animal/insect inspections and control measures must be made available to authorised officers of the Greater Dandenong City Council upon the request of an authorised officer to produce such records for inspection.

- **Managing Contaminated Waste**
  The occupier of the land to which this SMP relates must maintain a log to record the movement of vehicles detected conveying contaminated, proscribed, putrescible wastes, household or commercial kitchen wastes (as defined by the Environment Protection Authority) onto the land. The log is to record the details of each offending vehicle; registration details, make, model and colour of the vehicle. If not an identified company vehicle the drivers details; name and address are to be recorded. Such entry shall include the time, date and make up of the offending load and the details of the person making the entry into the log. Such log may be by way of electronically recording the event and must be capable of recording digital images of the offending vehicle and load there on. Information recorded into the log must at all times be accurate and able to identify an offending vehicle. Upon the request of an authorised officer of the Greater Dandenong City Council or officer of the Environment Protection Authority such log must be made available to the authorised officer. All entries into the log must be maintained in an uncorrupted state for a minimum of six (6) months from the date of entry.

- **Drainage Management and the Retention Dam**
  The content of the drainage retention dam located at the south west corner of the land to be annually analysed, or as directed by an authorised officer of the Greater Dandenong City Council or officer of the Environment Protection Authority by a suitable qualified environment management analyst/practitioner to determine if any contaminants as defined by the Environment Protection Authority as a type likely to adversely affect the environment are present in the dam. Such analysis is to comment on the best management principals to be put in place if there are contaminants present in the dam. The site occupier and or land owner must act on the outcome of the analysts report as directed by the analyst or authorised officer.
• General Site Management Issues
Entry sign that the site proposes must also include:

“ATTENTION ALL PERSONS ENTERING THIS LAND

This land is subject to the provisions of the Greater Dandenong City Council Planning Scheme. Failure to comply with the conditions of entry onto this land or a lawful directive of an authorised employee of the occupier or owner of the land will result in you committing an offence against the Planning and Environment Act. The maximum penalty at the time of posting this notice is $146,568.00 or 1200 penalty units. Please note that the maximum penalty units are subject to change under the Planning and Environment Act”.

Noting the above comments, the SMP will require further modification – this can be achieved via a condition of permit. It is considered proper planning to ensure the operations of the site are conducted in accordance with the SMP, which provides a suitable means of enforcing the use of the land.

State Planning Policy Framework

With respect to noise abatement at Clause 13.04-1, it is not expected that the proposal would emit excessive levels of noise beyond that prescribed within the State Environment Protection Policy (“SEPP”). In any case, an appropriate condition restricting the level of noise to that prescribed within the SEPP is common for industrial land uses.

Clause 13.04-2 related to air quality. Planning must consider the Recommended Buffer Distances for Industrial Residual Air Emissions (Environmental Protection Authority, 1990) in assessing the separation between land uses that reduce amenity and sensitive land uses. It is noted that the “treatment of organic wastes” specifies a recommended buffer distance of 500 metres from sensitive land uses. Noting that the subject site is located between 750m and 1.7km from sensitive land uses, there are unlikely to be air quality issues affecting nearby residents emanating from the site. In any case, an appropriate condition ensuring the operation of the site complies with SEPP – air quality management, will be placed on any forthcoming permit.

With respect to water quality at Clause 14.02-2 and noting comments received by Council’s Strategic Planning Unit as well as Council’s Compliance Unit with respect to drainage management and the retention dam (i.e. drainage pond), conditions of permit must ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.

It is considered that the proposal is consistent with the general implementation of Clause 17.03 (Industry) as the site is located in Dandenong South which is identified as an industrial area of State significance and a designated industrial growth area. The proposed use on the subject site will ensure the availability of Industrial 2 Zone land for appropriate industrial uses/activities which require substantial threshold distances, and act as a buffer between these industries, and nearby land to the north and west which is zoned Industrial 1 and 3. Importantly the site is well buffered from residential areas and other sensitive uses. It is further considered that the proposed use is compatible with the existing uses in the area and is the type of use envisaged for the zone.
A strategy at Clause 18.02-5 – Car Parking is to allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking. This shall be discussed further in the report.

The objective of Clause 19.03-5 – Waste and Resource Recovery is to “avoid, minimise and generate less waste to reduce damage to the environment caused by waste, pollution, land degradation and unsustainable waste practices”. It is considered that the proposal will achieve this objective by receiving waste products on the site which will then be sorted, with some minor processing in order to transfer to other facilities for recycling and re-use, thereby reducing the amount of waste which will end up in landfills.

**Local Planning Policy Framework**

The Dandenong Industrial 2 Precinct provides for environmentally sensitive industries and is a resource of state significance as it is one of only three strategic locations within the State where industries, that require significant buffers from sensitive uses can operate. It includes a diverse range of industries, among them, food processing establishments licensed for export, as well as chemical and general industries.

With respect to Clause 21.04-3 of the planning scheme, the following objectives are considered relevant:

- To provide development, employment and industrial opportunities, which cater for a broad range of industries.
- To facilitate new investment, development and redevelopment.
- To develop and exploit existing infrastructure and locational advantage of the City’s industrial areas.
- To protect the strategically significant Industrial 2 Zone for its primary purpose.
- To protect industrial zones for industrial activity.
- To ensure industrial uses do not impact adversely on the amenity and safety of surrounding land uses and the environment.

It is considered that the proposed use is consistent with the above objectives in that it would add value to the local industrial hub; create local employment opportunities, would protect the supply of industrial land in the Industrial 2 Zone and is a land use which cannot be accommodated in less offensive industrial zones, and is a use that would via day-to-day operations, adapt to best practices ensuring that any conflict between industrial uses and residential areas are kept minimal. In addition, under “Environmental Issues” the MSS states;

“Industry should be encouraged to develop best practice in regards to utilisation of energy and resources. The efficient use of energy and resources and reductions in waste generation will benefit both the business and the environment.”
The applicant notes that “the proposed amendment will utilise waste materials from the local community, industry and the timber industry in order to contribute to the production of a recycled product which will then be utilised by various stakeholders including the agricultural sector and the urban community. The ability of the permit applicant to locate this operation here will enable them to sort the material before sending to their composting facility which will reduce the number of road trips required by their truck fleet, thereby reducing the lifecycle costing of the end product and the impact upon the environment. In addition, it is anticipated that the applicant will be able to provide up to 30 jobs within the first year of operations, bringing much needed employment opportunities to the municipality”.

The objectives of Clause 21.05-4 are to promote ecologically sustainable development and to encourage environmentally sustainable practices by industrial and commercial developments.

The applicant has provided a comprehensive SMP which outlines the recycling of grey water on the site in keeping with sustainable water use and waste water re-use programs. This is an important factor for on-going management control of site operations.

Clause 21.07-4 “Cars and Parking” provides for two objectives; firstly to promote significant modal shift away from the car, and secondly to protect residential and other sensitive uses from adverse impacts of vehicular traffic. It is noted that the applicant seeks a reduction in the car parking requirements of Clause 52.06 of the planning scheme. Having noted this, the matter to consider is to manage parking supply, and where appropriate, to encourage sustainable modes of transport. This shall be generally discussed further in this report.

**Development**

A permit is required for buildings and works under the Industrial 2 Zone. The proposed development is described in full under the ‘proposal’ section of this report.

In response to the buildings and works decision guidelines at Clause 33.02-4 of the planning scheme, the following assessment is made:

- **The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.**

  The proposed buildings, works and mobile plant and equipment are consistent with the state and local planning policy frameworks. This shall be discussed further below.

- **The suitability of the proposed buildings or works for the types of industries and warehouses shown in the table to Clause 52.10.**

  The proposed development is considered suitable for the type of materials recycling (industry) proposed for this site. It is noted that the proposal will occupy an existing building, with site operations also conducted outdoors which is considered suitable for this type of land use.

- **Any natural or cultural values on or near the land.**

  As the land has been subject to development and remedial works, the land is considered to have been disturbed. To this end, there are no natural or cultural values on the land.
• **Streetscape character.**

The landscape strip along the front and rear boundaries of the site will ensure that the proposal would enhance the streetscape character at this vicinity of Ordish Road including along the rear boundary abutting EastLink. The existing administration and warehouse building and weighbridge are located to the front of the site upon entry and would otherwise be visible to the streetscape. The mobile plant and equipment would be located central to the site to the rear of the existing warehouse building and well hidden from the frontage. The stockpile of materials are to be located immediately behind the landscape strip along the rear boundary and also be central to the site. The stockpiles would be hidden from the streetscape, as the existing buildings will obscure views of the stockpiles to the street. This shall be discussed further below.

• **Built form.**

The built form of the existing buildings does not compromise the scale of nearby buildings. As noted, the existing 25 metre high energy plant located to the rear of the warehouse building is proposed to be removed from the site as it is not required. The elevation plans show this to be deleted. This is considered acceptable.

• **Landscape treatment.**

A conceptual landscape plan has been submitted, which indicates provision of canopy trees at the frontage and scattered along the rear boundary of the site. A condition of permit will ensure that a comprehensive landscape plan be provided to include details of vegetational species and that the existing landscape strips along the northern and southern boundaries are appropriately landscaped with intensive number of species.

It is noted that VicRoads requires a comprehensive landscape plan for the site to include advanced grown plantings that will grow to sufficient height and density to screen the material stockpiles, machinery operations and light spill (including vehicle headlights) from the view of motorists on Eastlink. Conditions of permit can ensure this to be the case.

• **Interface with non-industrial areas.**

The land surrounding the subject site is either established industrial uses or proposed to be developed for industrial purposes.

• **Parking and site access.**

Parking and site access shall be discussed later in this report with respect to Clause 52.06 of the planning scheme. The proposal, subject to conditions, is considered acceptable in respect of parking and site access within the zone.
• **Loading and service areas.**

The unloading/loading of materials shall be conducted within the confines of the site. The SMP outlines procedures for Municipal Garden Organics ("MGO") which states that processing and handling of MGO will be conducted at the rear portion of the site, with total holdings not exceeding 400 tonnes at any one time. Loads will be inspected prior to acceptance for type and quality with appropriate documentation completed by Bio-Gro staff. Loads found to be unacceptable shall be refused entry and directed to the appropriate facilities for disposal. Accepted loads will be taken to the rear of the site for sorting, with any contaminants removed for disposal to elsewhere. Waste to the shredded and stored ready for removal to Bio-Gro’s licensed composting facility at Mount Gambier within 24-48 hours of receival. Material may also be sent to other licensed facilities.

• **Outdoor Storage.**

The proposal is an ‘outdoor facility’ containing several stockpiles of raw and finished materials. The submitted SMP contains measures in which to limit and reduce dust and odour emissions from the site. These measures have been assessed by the EPA.

Conditions of permit can ensure that the operation of the site is undertaken in accordance with the SMP and any publication of the EPA relating to air quality management.

• **Lighting.**

It is unclear the extent of light spill that may occur during site operations. A condition of permit will ensure that light spill/glare be confined to within the site boundaries.

• **Stormwater discharge.**

As noted earlier, the proponent operator will require lodging application/s to the relevant authority for appropriate connection to services. The applicant notes that the site is fully serviced in any case.

**Signage**

Clause 52.05-8 – Category 2 relating to Office and Industrial specifically outlines the requirements of advertising signs within industrial zones. As the proposal seeks to erect three (3) business identification signs exceeding a total combined advertisement area greater than 8m² square metres, a permit is thus required/triggered under this clause.

Before deciding on an application to display a sign, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate the decision guidelines at Clause 52.05-3:
The character of the area.

Signage in the area is generally limited to business identification signage and directional signage, and is generally minimal in appearance when having regard to the size of the buildings/land. Signage is commonly located on the façades of the buildings and also towards the front of the sites, either freestanding or on the gates.

The proposed signage is similar to that common in the area both in terms of location and style and will be complementary to the character of the area.

Impacts on views and vistas.

The proposed signs would not impact on any views and vistas. It is noted that there are no signs proposed to face Eastlink.

The relationship to the streetscape, setting or landscape.

The proposed signs will be appropriately located on the site and will not be dominating to the streetscape. Whilst one (1) sign will be erected on the fence to the front of the site this is appropriate in dimension (2 metres by 1 metre) to easily identify the site to passing traffic. The other sign also located along the front fence which will inform visitors to the site as to the types of waste will and will not be accepted at the site, together with operating hours and contact telephone numbers, has not been provided with external dimensions. A permit condition can ensure this.

The relationship to the site and building.

It is noted that two signs are to be located on the front façade of the building. These signs are appropriately located and do not account for a large proportion of the façade. Furthermore, whilst one identifies the business name and incorporates the company logo, the other notes the address of the premises, therefore the information is not repetitive.

All directional signs located on the building are not greater than 0.3 square metres and provide important information to both staff and visitors on the site, including safety requirements.

The impact of structures associated with the sign.

There are no support structures proposed. The proposed signage will generally be attached to either a building or fence, which can be easily maintained.

The impact of any illumination.

Not applicable – the signs will not be illuminated either internally or through flood lighting.

The impact of any logo box associated with the sign.

There are no logo boxes proposed.
• **The need for identification and the opportunities for adequate identification on the site or locality.**

The proposed business identification signage on the site is considered appropriate for the site in which it is located. Information contained on the signage is generally not repeated, with the exception of the business name being both on the façade of the building and on the fence. Given the size of the building and land however, this is not cluttered and will allow for the appropriate identification of the site both during the day and at night (sign on the fence will be visible under truck headlights / streetlights).

• **The impact on road safety.**

The proposed signs will not impact on the safety of road users, as they will not be visually dominant nor illuminated.

It is therefore considered that the proposed signage is generally acceptable when having regard to those guidelines and the broader urban design requirements of the Planning Scheme.

The applicant notes that these signs are reasonable as they will not detrimentally impact upon the amenity of the area. Further, they are in scale with the size of the overall site and the larger sign is in scale with the existing building upon which it will sit. It should be noted that signs of these dimensions and type were approved under the previous planning approval PLN09/0547.01. It should be further noted that these signs will only be visible from Ordish Road and are in keeping with the existing signage theme of this road. It is considered that the proposed signs are reasonable in the context of the site and the surrounding area.

**Car Parking**

When having regard to the requirements of Clause 52.06 of the Scheme, car parking for the proposed land use can either be determined at a ratio for “Industry” or “Materials Recycling”. In this case, the following car parking ratios can apply:

- “Industry = 2.9 car spaces to each 100m² of net floor area”; or
- “Materials Recycling = 10 percent of site area to be set aside for car spaces and access lanes, but not driveways”.

Noting that the existing buildings contain a combined total floor area of 3,861m² and that the site area is approximately 26,000m², the following car parking calculations apply to the respective uses:

**Industry**

\[
\text{Industry} \quad 3,861 \text{m}^2 \times \frac{2.9}{100} = 111.97 \text{ (say 112 car spaces)}
\]

**Materials Recycling**

\[
\text{Site Area 26,000m}^2 (2,600m^2 = 10%) \\
\text{Car space 2.6m x 4.9m} = 12.74m^2 \\
\text{Access lanes 2.6m x 6.4m} = 16.64m^2 \\
\text{Total area} = 29.38m^2 \\
\text{Therefore...2,600m}^2 / 29.38m^2 = 88.50 \text{ (say 89 car spaces)}
\]
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The application however proposes to provide a total of 58 car parking spaces on the site, with 24 of these car spaces deferred for future construction. This results in a shortfall of 54 spaces for Industry or 31 car spaces for Materials Recycling. A permit is therefore required for a reduction in the car parking requirement under Clause 52.06-1.

Consideration of the proposed reduction against the decision guidelines of that Clause is as follows:

- **Any relevant parking precinct plan.**
  Not applicable - There is no relevant parking precinct plan for the area.

- **The availability of car parking in the locality.**
  Unrestricted on-street parking is available in Ordish Road. This however should not be relied upon given the number of heavy vehicle movements through the site and the increase in traffic throughout the area with the growth of the industrial area.

- **The availability of public transport in the locality.**
  The site does not have direct or easily accessible links with public transport. It is noted however, there is a bus route (857) in Bangholme and Hammond Roads. This route provides a peak hour and midday service between Dandenong and Chelsea railway stations.

- **Any reduction in the car parking demand due to the sharing of car spaces by multiple uses, either because of a variation of car parking demand over time or because of efficiencies gained from the consolidation of shared spaces.**
  Not applicable – There is no sharing of spaces.

- **Any car parking deficiency or surplus associated with the existing use of the land.**
  Not applicable – There is no deficiency or surplus associated with the existing use of the land.

- **Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement.**
  Planning Permit No. PLN04/0838 allowed for a reduction in the car parking requirement for the use of the land for Utility Installation and Materials Recycling, which required 10 percent (10%) of the site area to be set aside for car spaces and access lanes, but not driveways. Under that Permit, only 2.5 percent (2.5%) of the site area was set aside for such purposes, which included the provision of 23 car parking spaces. That reduction was considered appropriate for the intended use of the site as trucks were the main vehicles visiting the site.

  That is not dissimilar to the proposed use of the site, whereby trucks will be frequenting the site more often than passenger vehicles. However, it is noted that more than double the amount of parking is being proposed in this application.

- **Local traffic management.**
  Not applicable - Local traffic will not be impacted upon due to the proposed reduction in the car parking requirements.
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- **Local amenity including pedestrian amenity.**
  It is considered that the proposed reduction in car parking numbers required will not reduce local amenity, including pedestrian amenity, as the number of spaces provided on the site will sufficiently cater for the anticipated demand (see below).

- **An empirical assessment of car parking demand.**
  Council’s ‘Code of Practice Car Parking – Town Planning’ provides a reduced car parking rate for an Industry than that applied under the Planning Scheme and can be considered as an empirical assessment for car parking demand. It is noted that ‘materials recycling’ is not listed within the Code. Under the Code the proposal would generate a car parking requirement of 58 car parking spaces (i.e. $3,861 \text{m}^2 \times 1.5 / 100 \text{m}^2$). This number of car parking spaces is proposed under the application.

Furthermore, it is noted that the applicant advises that 30 staff and no more than 2 visitors at a time will be on site during working hours. The applicant advises that this will result in a maximum practical requirement of 32 car parking spaces to be provided on the site for the proposed operation. It is proposed to provide a total of 34 spaces on site. It is also proposed by the applicant that should the need arise to provide further car parking in the future, the site is of a sufficient size to provide additional car parking. Therefore, it is proposed to nominate an additional 24 car parking spaces on the site which are to be set aside as deferred car parking. Should the need arise in the future, these spaces can be constructed.

Whilst the applicant advises that a practical requirement of 34 car spaces are required based on employee numbers, it would be preferable to construct the full complement of car spaces as calculated for this site at 58 car spaces, as it is desirable to provide parking for more than the business staff operations alone. This is to be made a condition of permit.

- **Any other relevant consideration.**
  It has been submitted by the applicant that the maximum number of staff on site at any one time would be 30 persons. The number of car parking spaces proposed exceeds this number and would allow for the staffing numbers to increase to almost double whilst still providing for adequate car parking.

  It is also considered that visitor numbers to the site would be minimal.

It is therefore considered that the proposed reduction in the number of car parking spaces is acceptable, particularly when having regard to the operations of the site and what Council has determined in the past to be an acceptable empirical assessment of such a use. In this regard, the reduction of car parking is made against Industry, noting that industry includes transfer station and materials recycling.

With regard to the proposed layout of the site and access provisions it is noted that this is generally acceptable when having regard to the requirements of Clause 52.06-3.

The applicant notes that as the scale and layout of the overall operation is not proposed to be that different from what has already been approved by Council, the proposed car parking provision is appropriate. It is considered necessary however that the full 58 car parking spaces be constructed, as has been explained in the section above.
Access to the site will be retained as per the existing conditions. The site will be managed to ensure that vehicles entering and exiting the site can do so in a safe manner without affecting existing on-street traffic movements – with large trucks exiting the site via a wheel wash located along the northern boundary of the site.

**Loading and Unloading**

A designated loading bay has not been provided on the site with respect to the requirements of Clause 52.07, though it is considered that loading and unloading bays can be appropriately provided on the site. Given the nature of the use and the frequency of larger vehicles utilising the site, the application has considered truck paths and larger vehicle movements throughout the site to ensure the purpose of this Clause is met. The designated receiving areas will also ensure that the loading and unloading of vehicles is undertaken on the site. The openings within the buildings are of ample height to allow for larger trucks to manoeuvre under the roofed areas, as is the roof over the truck parking area. The location of a loading bay within the main building and dimensions should be noted on the plans via a condition of any permit issued.

For the purposes of this land use, it is considered that the proposal satisfies the objective of this clause as ample land has been set aside for the loading/unloading of materials.

**Uses with Adverse Amenity Potential**

This matter has been addressed under the decision guidelines outlined under the land use provisions of the zone. Noting that the subject site is well located from sensitive land uses, it is not anticipated that the proposed use would detrimentally affect the amenity of these uses. Further, noting the processes to be conducted, it is considered acceptable that the use be located within an Industrial 2 Zone, than in any other industrial/business zone within the municipality. It is considered that the proposal satisfactorily addresses the decision guidelines under Clause 33.02-2.

**Bicycle Facilities**

Under the requirements of Clause 52.34, a new use must not commence until the required bicycle facilities have been provided on the land. An Industry use requires bicycle facilities to be considered at a rate of 1 employee space per 1,000 square metres of net floor area.

Given the floor area is in the vicinity of 3,861 square metres, 4 bicycle parking spaces would therefore be required. This would not trigger the need for shower and change room facilities to be provided on the site, with less than 5 spaces provided.

The plans show the provision of 4 bicycle parking spaces within the frontage of the site. This is considered acceptable for this site.

**Resource Recovery**

The purpose of this clause is to facilitate the establishment and expansion of Transfer station and/or Materials recycling facilities in appropriate locations with minimal impact on the environment and amenity of the area.

Before deciding on an application, in addition to the Decision Guidelines of Clause 65, the responsible authority must consider:
The contribution of the proposal to achieving resource recovery targets established by the Victorian Government.

The following table has been extracted from the Towards Zero Waste Strategy (page 6) identifying state government targets:

<table>
<thead>
<tr>
<th>Sector</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal (Community)</td>
<td>A 65% recovery rate (by weight) of municipal solid waste for reuse and recycling by 2014. An interim target of 45% is established for 2008-09.</td>
</tr>
<tr>
<td>Commercial &amp; Industrial</td>
<td>An 80% recovery (by weight) of C&amp;I solid waste for reuse and recycling by 2014. An interim target of 65% is established for 2008-09.</td>
</tr>
<tr>
<td>Construction &amp; Demolition</td>
<td>A recovery rate of 80% (by weight) of C&amp;D solid waste for reuse and recycling by 2014. An interim target of 65% is established for 2008-09.</td>
</tr>
</tbody>
</table>

The applicant advises that “as the green waste is proposed to be sourced from Council collections as part of the Metropolitan Waste Management Group, with initial processing (shredding) to be carried out on site prior to transfer to Bio-Gro’s other facilities for composting and other processing, it is considered that the proposed use will significantly contribute towards achieving the Government’s resource recovery targets”.

The proposal seeks to ensure that solid unwanted waste is recycled and reused, reducing the need for landfill disposal and in this regard, is considered to positively and actively contribute to achieving targets set by the Victorian Government.

The impact of the proposal on the amenity of the surrounding area.

This has been discussed with respect to the decision guidelines outlined within the zone.

Given the nature of the previously approved use and the surrounding land uses, it is submitted that the proposed use will not have a detrimental impact upon the amenity of the surrounding area. Further, as the waste will only be retained on-site for short periods of time, the potential impact of odour and emissions will be minimal.

The Towards Zero Waste Strategy (DSE, 2005) and the Metropolitan Waste and Resource Recovery Strategic Plan (Sustainability Victoria, 2009).

The objectives of the Towards Zero Waste Strategy include increasing the sustainable recovery of materials for recycling and reprocessing. The proposal plans to divert waste, both green waste and C&I and C&D waste, from landfills and to either reuse or recycle these materials for other useful purposes, thereby extending the lifecycle of these unwanted products.
The applicant notes that by diverting green waste from landfill, the operators are reducing the potential for methane gas creation which is a key contributor to greenhouse gases. In addition, the proposal would be assisting Councils to achieve the Municipal Waste Targets set in the Towards Zero Waste Strategy by recycling waste products.

- Relevant guidelines applicable to the use including the Environmental Guidelines for Composting and Other Organic Recycling Facilities (EPA, 1996), the Guide to Best Practice for Organics Recovery (Sustainability Victoria, 2009) and the Guide to Best Practice at Resource Recovery Centres (Sustainability Victoria, 2009).

It is not proposed to compost any materials on site. Green waste brought onto the site will be sorted and shredded and removed from the site in 24 to 48 hours for further processing elsewhere.

The applicant notes that the amenity impacts upon the surrounding area will be minimal. Any odour that may be present when the material is on site will be insignificant and would not impact upon the amenity of the surrounding area. Likewise, noise impacts will be minimal and consistent with the industrial character of the area.

EPA have advised that conditions of permit can ensure that any emission of odour or noise can be suitably controlled.

The works will be largely screened from Eastlink by an existing bund which runs along the rear of the site. It is proposed to landscape the bund in order to screen the works from the road – conditions of permit can ensure this.

**Vegetation & Tree Impact (Site & Surrounds)**

Not applicable – there are no impacts to vegetation or trees on the subject site or surrounding properties.

**Aboriginal Cultural Heritage Sensitivity**

Although the site is located in an area of Aboriginal Cultural Heritage Sensitivity, the subject site has undergone extensive ground disturbance as part of previous approvals. For this reason, a Cultural Heritage Management Plan is not required for the site.

**Proposed Planning Scheme Amendments**

Not applicable – there are no planning scheme amendments proposed for this site.
Conclusion

The application has been assessed against the relevant sections of the Greater Dandenong Planning Scheme, including State and Local Planning Policies, incorporating the Municipal Strategic Statement and is deemed appropriate.

The subject site is located in an Industrial 2 Zone, appropriate for industrial uses that need to be located further away from residential zones and sensitive uses. The nature of the use, including the hours of operation and the material and means in which it is stored and transported to and from the site is considered appropriate for the subject site. Whilst car parking numbers provided on the site are less than that required under Clause 52.06 of the Planning Scheme, the proposed car parking is sufficient for the intended use of the land, noting that staffing levels on the site will be relatively low and the provision of 58 car spaces on the site is consistent with Council's Code of Practice for Car Parking.

The use can be controlled via stringent conditions on any permit issued including the management regimes outlined within the SMP. Conditions can also help to ensure that whilst located in an industrial area, the site contributes to improving the public realm.

The proposed development, including signage, is also considered appropriate to the industrial nature of the area and will not be to the detriment of the site or the surrounding area. Those buildings existing on the site that do not form part of this application can be removed from the land.

It is therefore submitted that the proposed use and development is appropriate to the area and site in which it is to be located, and should be supported.

Recommendation

That Council resolves to Grant a planning permit in respect of the land known and described as No. 80-82 Ordish Road, Dandenong South, for the purpose of the development and use of a Transfer Station and Materials Recycling, the display of business identification signage, and a reduction in the car parking requirements for Industry pursuant to Clause 52.06 of the planning scheme, in accordance with the plans submitted with the application subject to the following conditions:

Conditions:

1. Before the commencement of the development and the use of the land hereby approved, two (2) copies of an amended plans drawn to scale and dimensioned, must be submitted to the Responsible Authority for approval. When approved, the plans will be endorsed and will then form part of the permit.

   The plans must be generally in accordance with the plans submitted with the application but modified to show:

   1.1. The location of stockpile storage areas and bin storage areas defined for all wastes that will be accepted at this site.

   1.2. Dimensions of Sign No.3.

   1.3. The construction of all 58 car spaces on this site.
1.4. A roof plan of the main building indicating the location of any roof top plant or equipment (if applicable).

1.5. A comprehensive landscape plan prepared by a person suitably qualified in landscape architecture or equivalent, to show the following and include the requirements outlined by VicRoads hereon:

1.5.1. The incorporation of canopy trees with a planting height of at least 2 metres and mature height of greater than 20 metres to the rear of the site, such as Corymbia maculata - Spotted Gum, with the plan more in line with that approved under Planning Permit No. PLN04/0838.02.

1.5.2. The intensification of vegetation species along all boundaries of the site with canopy trees, shrubs and ground covers.

1.5.3. A bund wall around the perimeter of the drainage pond having a maximum height 1.5m and intensely landscaped.

1.6. A loading bay area within the main building with a width of at least 3.6 metres and length of 7.6 metres.

1.7. The correct signage dimensions for Sign No.2 on the signage schedule.

All to the satisfaction of the Responsible Authority.

2. Prior to the endorsement of plans under Condition 1, two (2) copies of a revised Site Management Plan (SMP) shall be submitted to the Responsible Authority for approval. Once approved the SMP will be endorsed and form part of the permit. The SMP must address the following matters to the satisfaction of the Responsible Authority:

2.1. The design and operation of the premises must be in accordance with Sustainability Victoria’s Guide to Best Practice at Resource Recovery Centres 2009.

2.2. With regard to managing issues such as odours and dust, using the existing warehouse to store green waste for wet weather events to avoid over-saturating the waste and starting the composting process.

2.3. To include the following statement within the section titled “General Risk Management (vermin control)”; The occupier of the land to which this SMP relates must twice yearly (6 month intervals) ensure the land is inspected by a suitably qualified and licensed pest animal management practitioner to determine if the site has evidence of pest animal and or nuisance insect infestations. Evidence of the inspection/s and what actions are required as a result of the inspections must be documented. In the event pest animals/insects are present on the land current pest animal/insect management principals are to be immediately acted upon. Such action to be documented. Records maintained with regard to pest animal/insect inspections and control measures must be made available to authorised officers of the Greater Dandenong City Council upon the request of an authorised officer to produce such records for inspection.
2.4. To include the following statement within the section titled “Managing Contaminated Waste”; The occupier of the land to which this SMP relates must maintain a log to record the movement of vehicles detected conveying contaminated, proscribed, putrescible wastes, household or commercial kitchen wastes (as defined by the Environment Protection Authority) onto the land. The log is to record the details of each offending vehicle; registration details, make, model and colour of the vehicle. If not an identified company vehicle the drivers details; name and address are to be recorded. Such entry shall include the time, date and make up of the offending load and the details of the person making the entry into the log. Such log may be by way of electronically recording the event and must be capable of recording digital images of the offending vehicle and load there on. Information recorded into the log must at all times be accurate and able to identify an offending vehicle. Upon the request of an authorised officer of the Greater Dandenong City Council or officer of the Environment Protection Authority such log must be made available to the authorised officer. All entries into the log must be maintained in an uncorrupted state for a minimum of six (6) months from the date of entry.

2.5. To include the following statement within the section titled “Drainage Management and the Retention Dam” 7.d ‘identifying offending vehicles’; The content of the drainage retention dam located at the south west corner of the land to be annually analysed, or as directed by an authorised officer of the Greater Dandenong City Council or officer of the Environment Protection Authority by a suitable qualified environment management analyst/practitioner to determine if any contaminants as defined by the Environment Protection Authority as a type likely to adversely affect the environment are present in the dam. Such analysis is to comment on the best management principals to be put in place if there are contaminants present in the dam. The site occupier and or land owner must act on the outcome of the analysts report as directed by the analyst or authorised officer.

2.6. To include the following statement within the section titled “General Site Management Issues”; the ‘entry sign’ at the site must also include: “ATTENTION ALL PERSONS ENTERING THIS LAND – This land is subject to the provisions of the Greater Dandenong City Council Planning Scheme. Failure to comply with the conditions of entry onto this land or a lawful directive of an authorised employee of the occupier or owner of the land will result in you committing an offence against the Planning and Environment Act. The maximum penalty at the time of posting this notice is $146,568.00 or 1200 penalty units. Please note that the maximum penalty units are subject to change under the Planning and Environment Act”.

2.7. The materials to be collected on the site;
2.8. The use of all buildings on the land and processes undertaken in each;
2.9. The materials to be stored to the rear of the site in stockpiles and the process undertaken within that area, including C&I and C&D materials;
2.10. Measures implemented to trap windblown litter etc.;
2.11. The loading and unloading of vehicles and the flow of vehicles throughout the site, noting that all articulated vehicles must exit the site via the wheel wash;
2.12. How other conditions of this permit will be implemented/met.

2.13. The correct number cross-reference to “Drainage Management and the Retention Dam” and “General Site Management Issues” within the body of the SMP.

Once approved, the use and operations of the site must be conducted in accordance with the Site Management Plan to the satisfaction of the Responsible Authority.

3. The layout of the site and size, design, location and use of the buildings and works, including signage, permitted must always accord with the endorsed plans.

4. Once the buildings and works have started, they must be continued and completed all to the satisfaction of the Responsible Authority.

5. The use hereby approved must not commence and the subject site must not be occupied for that use until all buildings and works and conditions of this permit have been complied with, including the removal of the existing energy plant (utility installation) and associated plant and equipment on the site, unless with the written consent of the Responsible Authority.

6. The existing energy plant (utility installation) and associated plant and equipment must be completely removed from the land within three (3) months of the date of this permit, unless otherwise agreed to with the written consent of the Responsible Authority.

7. Only solid inert waste from the construction/demolition and commercial/industrial sectors may be collected on the site. The operator must ensure that any putrescible waste, household waste, green waste, prescribed waste, contaminated waste, hazardous waste, or any waste designated in the Environment Protection (Industrial Waste Resource) Regulations 2009, or subsequent regulations, are not deposited on the site for any period of time, and where such wastes are detected, shall direct the carrier to the appropriate facility, or if found within the depositing or processing areas, immediately place such waste in an appropriate container and remove the waste immediately to the appropriate facility. All material must be removed within twenty-four (24) hours of detection.

8. The operator under this permit must provide and maintain a sign at the front entry of the site indicating that wastes under Condition 7 hereon are not to be deposited at the site and provide advice as to the location of the nearest approved waste facility for the various wastes. Details of the maximum penalty under the Planning and Environment Act 1987 or any other relevant Act for depositing such wastes must also be indicated. The sign and location must be to the satisfaction of the Responsible Authority.

9. The operator under this permit must at all times operate the site in accordance with any best practice bulletins or documents published by the relevant industry, organisation or relevant authority associated to the individual processes carried out on the land, all to the satisfaction of the Responsible Authority.

10. The facility hereby approved must not be open to the public.
11. The stockpiles and the like must be constructed and maintained so that they are no higher than 3 metres and only of solid inert material, all to the satisfaction of the Responsible Authority.

12. The operator under this permit must ensure that no materials are stored, stockpiled or otherwise deposited on the site outside the areas designated on the endorsed plan, all to the satisfaction of the Responsible Authority.

13. Provision must be made for the drainage of the site including landscaped and pavement areas, all to the satisfaction of the Responsible Authority.

14. 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, unless authorised by the relevant authority.

15. The discharge of water from the property shall be controlled around its limits to prevent any discharge onto any adjacent property or streets (including the Eastlink road reserve) other than by means of an underground pipe drain discharged to an approved outlet in a street or to an underground pipe drain.

16. No runoff from processing areas, storage areas or the drainage pond are to leave the site, above ground or through the water table, all to the satisfaction of the Responsible Authority.

17. Fire services are to be provided on the site in accordance with the requirements of the Country Fire Authority and must be maintained, all to the satisfaction of the Responsible Authority.

18. No wastes are to be burnt on the site.

19. The amenity of the area must not be detrimentally affected by the use or development in the land, through the:
   19.1. Transport of materials, goods or commodities to or from the land;
   19.2. Appearance of any building, works or materials;
   19.3. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
   19.4. Presence of vermin.

   All to the satisfaction of the Responsible Authority.

20. Noise emitted from the premises must not exceed the permissible noise levels determined in accordance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1.

21. Air, odour or any particulate matter emitted from the premises must not exceed the permissible air/odour/particulate levels determined in accordance with the State Environment Protection Policy (Air Quality Management).

22. Any public address system installed or used on the premises must not be audible from outside the site and such equipment shall only be used for safety purposes.
23. The surface of the land must be treated to prevent the loss of amenity to the neighbourhood by the emission of dust and the discharge of drainage, all to the satisfaction of the Responsible Authority.

24. At the completion of each day’s operation, the operator must conduct a patrol outside the site, for a distance of at least 20 metres from the site’s boundaries and collect any material which has emanated from the site, or been deposited in these locations, and dispose of the material in the appropriate manner and in accordance with the conditions of this permit, all to the satisfaction of the Responsible Authority.

25. The loading and unloading of goods to and from vehicles must only be carried out on the land, all to the satisfaction of the Responsible Authority.

26. Before the use of the land starts, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
   
   26.1. Constructed in accordance with the endorsed plans.
   
   26.2. Properly formed to such levels that they can be used in accordance with the plans.
   
   26.3. Surfaced with an all-weather sealcoat (bitumen or concrete) where within 130 metres of the site frontage.
   
   26.4. Surfaced with an all-weather sealcoat, or, with crushed rock or gravel of adequate thickness to prevent the formation of potholes or depressions including measures to prevent emission of dust or the transport of mud or other material onto nearby roads, where greater than 130 metres from the site frontage.
   
   26.5. Drained to the legal point of discharge.
   
   26.6. Line marked to indicate each car space, all access lanes, and the movements of both cars and trucks throughout the site.
   
   26.7. Signposted to indicate the staff car parking areas, visitor car parking areas, bicycle parking areas and flow of traffic through the site.

   All to the satisfaction of the Responsible Authority.

27. Parking areas and access lanes must be kept available for these purposes at all times.

28. Access to the site and any associated roadworks must be constructed, all to the satisfaction of the Responsible Authority.

29. A continuous concrete raised kerb no less than 150mm (or 75mm) in height, or other measures approved by the Responsible Authority, must be provided adjacent to the landscaped areas as protective measures to the landscaping treatment all to the satisfaction of the Responsible Authority.

30. All heavy vehicles as defined by the Road Safety Act or any other Act and light commercial vehicles must prior to exiting the premises utilise the wheel wash in such a manner so as to remove debris, dirt and waste materials from the tyres of such heavy vehicles prior to egress onto Ordish Road, all to the satisfaction of the Responsible Authority.
31. The wheel wash must be maintained in good order and all liquid and solid waste or like material collected therein must be retained on the site for disposal to an appropriate facility, all to the satisfaction of the Responsible Authority.

32. The development shall be provided with external lighting capable of illuminating access to the car parking area and pedestrian walkways. Lighting shall be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.

33. The car parking provided on the land must always be available for use by persons employed on or visiting the subject premises, and no measures may be taken to restrict access to the car park by such persons, all to the satisfaction of the Responsible Authority.

34. The site shall be kept in a neat and tidy condition at all times, all to the satisfaction of the Responsible Authority.

35. Within three (3) months of the date of issue of this permit, all landscaping, including trees, shrubs and lawn, shall be planted and thereafter maintained, all to the satisfaction of the Responsible Authority.

36. All existing vegetation shown on the endorsed plan/s to be retained must:
   36.1. Be suitably marked before any development starts on the site and be adequately protected from damage during the construction process.
   36.2. Retained unless their location or condition is likely to cause damage.

   All to the satisfaction of the Responsible Authority.

37. All signs must be constructed and thereafter maintained, all to the satisfaction of the Responsible Authority.

38. The signage must not be illuminated by external or internal light.

39. For the signage hereby approved, this permit expires ten (10) years after the issue date.

40. Conditions required by VicRoads:
   40.1. The proposal does not include the carrying out of any composting operations on the site. Green waste will usually be removed and in no circumstances will it remain on site for more than 48 hours before transfer to South Australia.
   40.2. No signage is proposed to be displayed on the boundary abutting EastLink.
   40.3. The proposed stockpiles of finished product located adjacent to the northern site boundary, will be no greater in 3 metres in height and 200m$^3$ in volume.
   40.4. The construction of a black chain wire fence 2.2 metres high with 3 strands of barb wire along the western rear boundary abutting EastLink.
   40.5. That the landscape plan be required to include advanced grown plantings and species that will grow to a sufficient height and density to screen the material stockpiles, machinery operations and light spill (including vehicle headlights) from the view of motorists on EastLink.
40.6. No drainage can be discharged from the site into the EastLink road reserve or drainage system.
40.7. Access will not be available to or from the EastLink road reserve, whether it is for construction, maintenance or any other purpose.
40.8. No stockpiled materials are to be stored within 5 metres of the western boundary fence.

41. **Conditions required by the Environment Protection Authority (EPA):**

   41.1. There must be no concrete crushing at the premises.
   41.2. There must be no composting at the premises.
   41.3. No wastes, green organics or recyclable materials shall be burnt on-site.
   41.4. Green waste must not be stored at the premises for longer than 48 hours from the time of receival.
   41.5. No more than 400 tonnes of green waste may be stored at the premises at any time.
   41.6. Material of a highly odorous nature must not be accepted at the premises.
   41.7. Prescribed industrial wastes (including asbestos), as defined by the *Environment Protection (Industrial Waste Resource) Regulations 2009*, must not be accepted at the premises. Effective measures should also be implemented to exclude these wastes from the wastes received.
   41.8. Putrescibles waste, other than green waste, must not be accepted at the premises.
   41.9. Any soil accepted at the premises should be free of contamination and partially composted material.
   41.10. There must be no emission of odours offensive to the senses of human beings beyond the boundary of the premises.
   41.11. There must be no discharge of wastewater, leachate or contaminated stormwater beyond the boundary of the premises. Suitable drains, interceptor pits, water treatment facilities, pumps and sumps must be installed to ensure that any wastewater or contaminated stormwater generated at the premises is:
      - connected to reticulated sewer, in accordance with a trade waste agreement with South East Water; or
      - collected by an EPA permitted contractor, as appropriate.
   41.12. A secondary containment system shall be provide for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the Bunding Guidelines (EPA Publication No. 347, 1992).
   41.13. There must be no visible discharge of dust beyond the boundary of the site.

42. **Conditions required by the Country Fire Authority (CFA):**

   42.1. **Site Map:**
      a. A scaled site map showing the proposed locations of access road around the perimeter and throughout the site, location of fire services and buildings is to be provided at main entry and a copy forwarded to CFA.
      b. The site map must address conditions 2 and 3 as listed below.
42.2. **Access Roads:**
   a. A road access system must be designed to allow emergency vehicle access around the site.
   b. Must be designed, constructed and maintained for a load limit of at least 23 tonnes, be all weather construction.
   c. Must provide a minimum trafficable width of 6 metres around all buildings.
   d. Must provide a minimum trafficable width of 3.5 metres, be clear of encroachments 4 metres vertically and have no encroachments for one metre either side of the roadway for balance of site.
   e. All changes of direction of driveways and access lanes to be a minimum of 8 metres radius at change of direction.

42.3. **Water Supply:**
   a. An adequate water supply to be provided at the site to meet the requirements of Australian Standard 2419.1 – 2005 and in particular Section 3.3 Open Yard Protection to the satisfaction of the CFA.

42. **Emergency Management:**
   a. A comprehensive Emergency Management Plan is to be developed for the occupants of the site to cover all likely credible emergency scenarios.
   b. These emergency management plans should be forwarded to CFA.

43. No compensation is payable under part 5 of the *Planning and Environment Act 1987* with respect to anything done under this permit.

44. The use may operate only between the hours of:
   6:00am to 6:00pm Moday to Friday; and
   6:00am to 1:00pm Saturday.

45. Not more than thirty (30) staff may be present on the premises at any one time.

46. All pedestrian access must be kept clear and unobstructed at all times, to the satisfaction of the Responsible Authority.

47. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

48. Before the use and/or development start/s, planning permit number PLN09/0547 issued on 15 December 2009 or any amended or subsequent permit, must be cancelled under Section 87 of the *Planning & Environment Act 1987*, and to provide evidence of such cancellation to the Responsible Authority.

49. This permit will expire if:
   49.1. The development hereby approved do not start within two (2) years of the date of this permit, or
   49.2. The development hereby approved are not completed within four (4) years of the date of this permit, or
   49.3. The use does not start within one (1) year of the completion of the buildings and works, or
49.4. The use is discontinued for a period of two (2) years.

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

50. The owner of the land must, within one (1) month of operations ceasing on the site, remove all stockpiled material, plant, equipment and machinery and reinstate the land to the satisfaction of the Responsible Authority if the use has ceased permanently.

Permit Notes

- Any change in the use of the land, including the intensity of the use hereby permitted, will require further permission from Council, which require a reassessment of the whole use of the land, including the car parking provision.

- A Building Approval may be required prior to the commencement of the approved works.

- Prior to the final design being completed, the applicant should consult with Council’s Infrastructure Planning Department in regard to the legal point of discharge for this site.

- A Vehicle Crossing Permit must be obtained from Council for all vehicular crossings, including alterations, prior to the construction of the crossing.

- This Permit is for use of the site as a Transfer Station and Materials Recycling only. Any other industrial use of the site will require a new planning permit.

- Access will not be available to or from the Eastlink road reserve, whether it is for construction, maintenance or any other purpose.
MINUTE
903
Moved by: Cr John Kelly
Seconded by: Cr Angela Long

That Council resolves to Grant a planning permit in respect of the land known and described as No. 80-82 Ordish Road, Dandenong South, for the purpose of the development and use of a Transfer Station and Materials Recycling, the display of business identification signage, and a reduction in the car parking requirements for Industry pursuant to Clause 52.06 of the planning scheme, in accordance with the plans submitted with the application subject to the following conditions:

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The plans must be generally in accordance with the plans submitted with the application but modified to show:

1.1. The location of stockpile storage areas and bin storage areas defined for all wastes that will be accepted at this site.

1.2. Dimensions of Sign No.3.

1.3. The construction of all 58 car spaces on this site.

1.4. A roof plan of the main building indicating the location of any roof top plant or equipment (if applicable).

1.5. A comprehensive landscape plan prepared by a person suitably qualified in landscape architecture or equivalent, to show the following and include the requirements outlined by VicRoads hereon:

1.5.1. The incorporation of canopy trees with a planting height of at least 2 metres and mature height of greater than 20 metres to the rear of the site, such as Corymbia maculata - Spotted Gum, with the plan more in line with that approved under Planning Permit No. PLN04/0838.02.

1.5.2. The intensification of vegetation species along all boundaries of the site with canopy trees, shrubs and ground covers.

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1.6. A loading bay area within the main building with a width of at least 3.6 metres and length of 7.6 metres.

1.7. The correct signage dimensions for Sign No.2 on the signage schedule.

All to the satisfaction of the Responsible Authority.
2. Prior to the endorsement of plans under Condition 1, two (2) copies of a revised Site Management Plan (SMP) shall be submitted to the Responsible Authority for approval. Once approved the SMP will be endorsed and form part of the permit. The SMP must address the following matters to the satisfaction of the Responsible Authority:

2.1. The design and operation of the premises must be in accordance with Sustainability Victoria’s Guide to Best Practice at Resource Recovery Centres 2009.

2.2. With regard to managing issues such as odours and dust, using the existing warehouse to store green waste for wet weather events to avoid over-saturating the waste and starting the composting process.

2.3. To include the following statement within the section titled “General Risk Management (vermin control)”; The occupier of the land to which this SMP relates must twice yearly (6 month intervals) ensure the land is inspected by a suitably qualified and licensed pest animal management practitioner to determine if the site has evidence of pest animal and or nuisance insect infestations. Evidence of the inspection/s and what actions are required as a result of the inspections must be documented. In the event pest animals/insects are present on the land current pest animal/insect management principals are to be immediately acted upon. Such action to be documented. Records maintained with regard to pest animal/insect inspections and control measures must be made available to authorised officers of the Greater Dandenong City Council upon the request of an authorised officer to produce such records for inspection.

2.4. To include the following statement within the section titled Managing Contaminated Waste:

“7.d Identifying Offending Vehicles: The occupier of the land to which this SMP relates must maintain a log to record the movement of vehicles detected conveying contaminated, proscribed, putrescible wastes, household or commercial kitchen wastes (as defined by the Environment Protection Authority) onto the land. The log is to record the details of each offending vehicle; registration details, make, model and colour of the vehicle. If not an identified company vehicle the drivers details; name and address are to be recorded. Such entry shall include the time, date and make up of the offending load and the details of the person making the entry into the log. Such log may be by way of electronically recording the event and must be capable of recording digital images of the offending vehicle and load there on. Information recorded into the log must at all times be accurate and able to identify an offending vehicle. Upon the request of an authorised officer of the Greater Dandenong City Council or officer of the Environment Protection Authority such log must be made available to the authorised officer. All entries into the log must be maintained in an uncorrupted state for a minimum of six (6) months from the date of entry.”
2.5 To include the following statement within the section titled *Drainage Management and the Retention Dam*:

“The content of the drainage retention dam located at the south west corner of the land to be annually analysed, or as directed by an authorised officer of the Greater Dandenong City Council or officer of the Environment Protection Authority by a suitable qualified environment management analyst/practitioner to determine if any contaminants as defined by the Environment Protection Authority as a type likely to adversely affect the environment are present in the dam. Such analysis is to comment on the best management principals to be put in place if there are contaminants present in the dam. The site occupier and or land owner must act on the outcome of the analysts report as directed by the analyst or authorised officer.

2.6 To include the following statement within the section titled “*General Site Management Issues*”; the ‘entry sign’ at the site must also include:

“ATTENTION ALL PERSONS ENTERING THIS LAND – This land is subject to the provisions of the Greater Dandenong City Council Planning Scheme. Failure to comply with the conditions of entry onto this land or a lawful directive of an authorised employee of the occupier or owner of the land will result in you committing an offence against the Planning and Environment Act. The maximum penalty at the time of posting this notice is $146,568.00 or 1200 penalty units. Please note that the maximum penalty units are subject to change under the Planning and Environment Act”.

2.7 The materials to be collected on the site;

2.8 The use of all buildings on the land and processes undertaken in each;

2.9 The materials to be stored to the rear of the site in stockpiles and the process undertaken within that area, including C&I and C&D materials;

2.10 Measures implemented to trap windblown litter etc.;

2.11 The loading and unloading of vehicles and the flow of vehicles throughout the site, noting that all articulated vehicles must exit the site via the wheel wash;

2.12 How other conditions of this permit will be implemented/met.

2.13 The correct number cross-reference to “Drainage Management and the Retention Dam” and “General Site Management Issues” within the body of the SMP.

Once approved, the use and operations of the site must be conducted in accordance with the Site Management Plan to the satisfaction of the Responsible Authority.

3. The layout of the site and size, design, location and use of the buildings and works, including signage, permitted must always accord with the endorsed plans.

4. Once the buildings and works have started, they must be continued and completed all to the satisfaction of the Responsible Authority.
5. The use hereby approved must not commence and the subject site must not be occupied for that use until all buildings and works and conditions of this permit have been complied with, including the removal of the existing energy plant (utility installation) and associated plant and equipment on the site, unless with the written consent of the Responsible Authority.

6. The existing energy plant (utility installation) and associated plant and equipment must be completely removed from the land within three (3) months of the date of this permit, unless otherwise agreed to with the written consent of the Responsible Authority.

7. Only solid inert waste from the construction/demolition and commercial/industrial sectors, as well as green waste may be collected on the site. The operator must ensure that any putrescible waste (other than green waste), household waste, prescribed waste, contaminated waste, hazardous waste, or any waste designated in the Environment Protection (Industrial Waste Resource) Regulations 2009, or subsequent regulations, are not deposited on the site for any period of time, and where such wastes are detected, shall direct the carrier to the appropriate facility, or if found within the depositing or processing areas, immediately place such waste in an appropriate container and remove the waste to the appropriate facility. All detected contaminated waste, hazardous waste or any waste designated in the Environment Protection (Industrial Waste Resource) Regulations 2009 must, once contained, be removed from the site within twenty-four (24) hours of detection. All green waste processed on the site must be moved to a licensed composting facility within forty-eight (48) hours of receipt.

8. The operator under this permit must provide and maintain a sign at the front entry of the site indicating that wastes under Condition 7 hereon are not to be deposited at the site and provide advice as to the location of the nearest approved waste facility for the various wastes. Details of the maximum penalty under the Planning and Environment Act 1987 or any other relevant Act for depositing such wastes must also be indicated. The sign and location must be to the satisfaction of the Responsible Authority.

9. The operator under this permit must at all times operate the site in accordance with any best practice bulletins or documents published by the relevant industry, organisation or relevant authority associated to the individual processes carried out on the land, all to the satisfaction of the Responsible Authority.

10. The facility hereby approved must not be open to the public.

11. The stockpiles and the like must be constructed and maintained so that they are no higher than 3 metres and only of solid inert material, all to the satisfaction of the Responsible Authority.

12. The operator under this permit must ensure that no materials are stored, stockpiled or otherwise deposited on the site outside the areas designated on the endorsed plan, all to the satisfaction of the Responsible Authority.

13. Provision must be made for the drainage of the site including landscaped and pavement areas, all to the satisfaction of the Responsible Authority.
14. 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, unless authorised by the relevant authority.

15. The discharge of water from the property shall be controlled around its limits to prevent any discharge onto any adjacent property or streets (including the Eastlink road reserve) other than by means of an underground pipe drain discharged to an approved outlet in a street or to an underground pipe drain.

16. No runoff from processing areas, storage areas or the drainage pond are to leave the site, above ground or through the water table, all to the satisfaction of the Responsible Authority.

17. Fire services are to be provided on the site in accordance with the requirements of the Country Fire Authority and must be maintained, all to the satisfaction of the Responsible Authority.

18. No wastes are to be burnt on the site.

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

19.1. Transport of materials, goods or commodities to or from the land;
19.2. Appearance of any building, works or materials;
19.3. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
19.4. Presence of vermin.

All to the satisfaction of the Responsible Authority.

20. Noise emitted from the premises must not exceed the permissible noise levels determined in accordance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1.

21. Air, odour or any particulate matter emitted from the premises must not exceed the permissible air/odour/particulate levels determined in accordance with the State Environment Protection Policy (Air Quality Management).

22. Any public address system installed or used on the premises must not be audible from outside the site and such equipment shall only be used for safety purposes.

23. The surface of the land must be treated to prevent the loss of amenity to the neighbourhood by the emission of dust and the discharge of drainage, all to the satisfaction of the Responsible Authority.

24. At the completion of each days operation, the operator must conduct a patrol outside the site, for a distance of at least 20 metres from the sites boundaries and collect any material which has emanated from the site, or been deposited in these locations, and dispose of the material in the appropriate manner and in accordance with the conditions of this permit, all to the satisfaction of the Responsible Authority.
25. The loading and unloading of goods to and from vehicles must only be carried out on the land, all to the satisfaction of the Responsible Authority.

26. Before the use of the land starts, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

   26.1. Constructed in accordance with the endorsed plans.
   26.2. Properly formed to such levels that they can be used in accordance with the plans.
   26.3. Surfaced with an all-weather sealcoat (bitumen or concrete) where within 130 metres of the site frontage.
   26.4. Surfaced with an all-weather sealcoat, or, with crushed rock or gravel of adequate thickness to prevent the formation of potholes or depressions including measures to prevent emission of dust or the transport of mud or other material onto nearby roads, where greater than 130 metres from the site frontage.
   26.5. Drained to the legal point of discharge.
   26.6. Line marked to indicate each car space, all access lanes, and the movements of both cars and trucks throughout the site.
   26.7. Signposted to indicate the staff car parking areas, visitor car parking areas, bicycle parking areas and flow of traffic through the site.

All to the satisfaction of the Responsible Authority.

27. Parking areas and access lanes must be kept available for these purposes at all times.

28. Access to the site and any associated roadworks must be constructed, all to the satisfaction of the Responsible Authority.

29. A continuous concrete raised kerb no less than 150mm (or 75mm) in height, or other measures approved by the Responsible Authority, must be provided adjacent to the landscaped areas as protective measures to the landscaping treatment all to the satisfaction of the Responsible Authority.

30. All heavy vehicles as defined by the Road Safety Act or any other Act and light commercial vehicles must prior to exiting the premises utilise the wheel wash in such a manner so as to remove debris, dirt and waste materials from the tyres of such heavy vehicles prior to egress onto Ordish Road, all to the satisfaction of the Responsible Authority.

31. The wheel wash must be maintained in good order and all liquid and solid waste or like material collected therein must be retained on the site for disposal to an appropriate facility, all to the satisfaction of the Responsible Authority.

32. The development shall be provided with external lighting capable of illuminating access to the car parking area and pedestrian walkways. Lighting shall be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.
33. The car parking provided on the land must always be available for use by persons employed on or visiting the subject premises, and no measures may be taken to restrict access to the car park by such persons, all to the satisfaction of the Responsible Authority.

34. The site shall be kept in a neat and tidy condition at all times, all to the satisfaction of the Responsible Authority.

35. Within three (3) months of the date of issue of this permit, all landscaping, including trees, shrubs and lawn, shall be planted and thereafter maintained, all to the satisfaction of the Responsible Authority.

36. All existing vegetation shown on the endorsed plan/s to be retained must:

   36.1. Be suitably marked before any development starts on the site and be adequately protected from damage during the construction process.
   36.2. Retained unless their location or condition is likely to cause damage. All to the satisfaction of the Responsible Authority.

37. All signs must be constructed and thereafter maintained, all to the satisfaction of the Responsible Authority.

38. The signage must not be illuminated by external or internal light.

39. For the signage hereby approved, this permit expires ten (10) years after the issue date.

40. Conditions required by VicRoads:
   40.1. The proposal does not include the carrying out of any composting operations on the site. Green waste will usually be removed and in no circumstances will it remain on site for more than 48 hours before transfer to South Australia.
   40.2. No signage is proposed to be displayed on the boundary abutting EastLink.
   40.3. The proposed stockpiles of finished product located adjacent to the northern site boundary, will be no greater in 3 metres in height and 200m$^3$ in volume.
   40.4. The construction of a black chain wire fence 2.2 metres high with 3 strands of barb wire along the western rear boundary abutting EastLink.
   40.5. That the landscape plan be required to include advanced grown plantings and species that will grow to a sufficient height and density to screen the material stockpiles, machinery operations and light spill (including vehicle headlights) from the view of motorists on EastLink.
   40.6. No drainage can be discharged from the site into the EastLink road reserve or drainage system.
   40.7. Access will not be available to or from the EastLink road reserve, whether it is for construction, maintenance or any other purpose.
   40.8. No stockpiled materials are to be stored within 5 metres of the western boundary fence.
41. **Conditions required by the Environment Protection Authority (EPA):**

41.1. There must be no concrete crushing at the premises.

41.2. There must be no composting at the premises.

41.3. No wastes, green organics or recyclable materials shall be burnt on-site.

41.4. Green waste must not be stored at the premises for longer than 48 hours from the time of receipt.

41.5. No more than 400 tonnes of green waste may be stored at the premises at any time.

41.6. Material of a highly odorous nature must not be accepted at the premises.

41.7. Prescribed industrial wastes (including asbestos), as defined by the Environment Protection (Industrial Waste Resource) Regulations 2009, must not be accepted at the premises. Effective measures should also be implemented to exclude these wastes from the wastes received.

41.8. Putrescibles waste, other than green waste, must not be accepted at the premises.

41.9. Any soil accepted at the premises should be free of contamination and partially composted material.

41.10. There must be no emission of odours offensive to the senses of human beings beyond the boundary of the premises.

41.11. There must be no discharge of wastewater, leachate or contaminated stormwater beyond the boundary of the premises. Suitable drains, interceptor pits, water treatment facilities, pumps and sumps must be installed to ensure that any wastewater or contaminated stormwater generated at the premises is:

   - connected to reticulated sewer, in accordance with a trade waste agreement with South East Water; or
   - collected by an EPA permitted contractor, as appropriate.

41.12. A secondary containment system shall be provide for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the Bunding Guidelines (EPA Publication No. 347, 1992).

41.13. There must be no visible discharge of dust beyond the boundary of the site.


42. **Conditions required by the Country Fire Authority (CFA):**

42.1. **Site Map:**

   a. A scaled site map showing the proposed locations of access road around the perimeter and throughout the site, location of fire services and buildings is to be provided at main entry and a copy forwarded to CFA.

   b. The site map must address conditions 2 and 3 as listed below.
42.2. **Access Roads:**
   a. A road access system must be designed to allow emergency vehicle access around the site.
   b. Must be designed, constructed and maintained for a load limit of at least 23 tonnes, be all weather construction.
   c. Must provide a minimum trafficable width of 6 metres around all buildings.
   d. Must provide a minimum trafficable width of 3.5 metres, be clear of encroachments 4 metres vertically and have no encroachments for one metre either side of the roadway for balance of site.
   e. All changes of direction of driveways and access lanes to be a minimum of 8 metres radius at change of direction.

42.3. **Water Supply:**
   a. An adequate water supply to be provided at the site to meet the requirements of Australian Standard 2419.1 – 2005 and in particular Section 3.3 Open Yard Protection to the satisfaction of the CFA.

42. **Emergency Management:**
   a. A comprehensive Emergency Management Plan is to be developed for the occupants of the site to cover all likely credible emergency scenarios.
   b. These emergency management plans should be forwarded to CFA.

43. The use may operate only between the hours of:
   6:00am to 6:00pm Moday to Friday; and
   6:00am to 1:00pm Saturday.

44. Not more than thirty (30) staff may be present on the premises at any one time.

45. All pedestrian access must be kept clear and unobstructed at all times, to the satisfaction of the Responsible Authority.

46. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

47. Before the use and/or development start/s, planning permit number PLN09/0547 issued on 15 December 2009 or any amended or subsequent permit, must be cancelled under Section 87 of the Planning & Environment Act 1987, and to provide evidence of such cancellation to the Responsible Authority.

48. This permit will expire if:
   48.1. The development hereby approved do not start within two (2) years of the date of this permit, or
   48.2. The development hereby approved are not completed within four (4) years of the date of this permit, or
   48.3. The use does not start within one (1) year of the completion of the buildings and works, or
48.4. The use is discontinued for a period of two (2) years.

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

49. The owner of the land must, within one (1) month of operations ceasing on the site, remove all stockpiled material, plant, equipment and machinery and reinstate the land to the satisfaction of the Responsible Authority if the use has ceased permanently.

Permit Notes

- Any change in the use of the land, including the intensity of the use hereby permitted, will require further permission from Council, which require a reassessment of the whole use of the land, including the car parking provision.

- A Building Approval may be required prior to the commencement of the approved works.

- Prior to the final design being completed, the applicant should consult with Council’s Infrastructure Planning Department in regard to the legal point of discharge for this site.

- A Vehicle Crossing Permit must be obtained from Council for all vehicular crossings, including alterations, prior to the construction of the crossing.

- This Permit is for use of the site as a Transfer Station and Materials Recycling only. Any other industrial use of the site will require a new planning permit.

- Access will not be available to or from the Eastlink road reserve, whether it is for construction, maintenance or any other purpose.

CARRIED
The attachment to this report is available under a separate cover at:

www.greaterdandenong.com

(“Council”, “Council Meetings”, “Agendas and Minutes”)

or by contacting:
Governance - 9239 5309
6.3.7 Town Planning Application for Permit Amendment - No. 56 & 58 Stud Road and 78 & 80 Ann Street, Dandenong (Planning Application No. PLN09/0415.01)

Attachments: Nearest Objectors to the Subject Site

File No: 323175, 323180, 292540 & 292545

Responsible Officer: Director Development Services

Report Summary

Applicant: Khak Pty. Ltd. Architects
Proposal: Application to amendment Planning Permit PLN 09/0415-Condition 10 - Operation Hours
Zone: Residential 2 Zone
Overlay: Design and Development Overlay, Schedule 3
Ward: Red Gum

The Council at its meeting of 12th July 2010 resolved to issue a Notice of Decision for a Planning permit PLN 09/415 for an application that proposes the removal of the restrictive covenant (old carriageway no longer required) from the Title to the land at No. 58 Stud Road Dandenong, and the development and use of the subject site which comprises 56 and 58 Stud Road and 78 and 80 Ann Street, Dandenong, for the purpose of a Medical Centre with the display of floodlit, business identification signage. The Notice of Decision was not taken to VCAT by the objectors and Planning Permit PLN09/0415 was issued by Council on the 10th August 2010, subject to the following conditions:

- the removal of the restrictive covenant from the Title to the land at No. 58 Stud Road Dandenong; and,
- the development and use of the land for the purpose of a Medical Centre with the display of floodlit, business identification signage,

The applicant has fulfilled requirements of the planning permit in respect of obtaining endorsed plans under condition 1 of the permit and has demolished the existing Medical Practice buildings on the sites and commenced construction of the new Medical Centre. Subsequent to the commencement of development the proprietor of the Medical Centre considered the Hours of Operation were not meeting the needs of the surrounding community or satisfying the needs of the existing patients of the existing Medical Practices.

On the 21st December 2010 the Applicant submitted an application to amend Condition 10 of Planning Permit PLN09/0415 in the following manner

From: 10. The Medical Centre may only operate between the hours of:

10.1 8.00am to 7.00pm Monday, Wednesday and Friday.
10.2 8.00am to 9.00pm Tuesday and Thursday.
10.3 8.30am to 1.00pm Saturday

Within the operating hours allowed, unless with the further consent of the Responsible Authority, there must be no more than ten (10) practitioners conducting business on the site at any one time between the hours of 9am and 6pm, with no more than five (5) practitioners conducting business on the site at any one time either side of those hours.
To: 10. The Medical Centre may only operate between the hours of:

10.1. 7.00am to 12.00am (midnight) Monday to Sunday.

Within the operating hours hereby allowed, unless with the further consent of the Responsible authority, there must be no more than ten (10) practitioners conducting business on the site at any one time between the hours of 9.00am and 6.00pm, with no more than five (5) practitioners conducting business on the site at any one time either side of those hours

The request to amend the permit is made pursuant to Section 72 of the Planning and Environment Act 1987.

Objectors

The amendment application was advertised to the surrounding area through the mailing of notices to owners and occupiers of abutting properties and through the erection of two (2) on-site notices, one (1) to the front of each site.

There are fifty-seven (57) objections received from the surrounding area. It is noted that fifty-one (51) objections are in the form of a photocopy circular, signed by each person.

Grounds of objection relate to (1) Noise pollution - unacceptable and unreasonable levels of noise during after normal business hours (after 5pm), (2) Increased Traffic - unacceptable and unreasonable levels of traffic after normal business hours (after 5pm), and (3) Proposed hours inappropriate for a residential area – diminished sense of a community of neighbours.

In addition the applicant has now requested that the time be to 10pm in lieu of the original 12.00am (midnight)

Recommendation Summary

As assessed, the proposal is consistent (subject to amendment as per this report with the hours of operation of the medical centre limited to 10.00pm) with and appropriately responds to the provisions of the Greater Dandenong Planning Scheme. With such amendment the proposal appropriately responds to strategic policy for the area with this report recommending that the application be supported, that an Amended Permit be granted and a Notice of Decision to Amend the Permit (which provides appeal rights to objectors) to grant a permit be issued containing the conditions as set out in the recommendation.
Proposal

The request to amend the permit is made pursuant to Section 72 of the *Planning and Environment Act 1987*. An Amendment request is required to be processed as if it were an application for a permit, which includes all relevant planning scheme provisions and policies.

Subject Site and Surrounds

Subject Site

The subject site is located on the south-eastern corner of Stud Road and Ann Street, Dandenong. The site comprises four (4) residential allotments commonly known as No.'s 56 and 58 Stud Road and 78 and 80 Ann Street. The combined site has a Stud Road frontage of 42.67 metres and length along Ann Street of 73.15 metres, with an overall area of 3,482 square metres. The site has a fall of approximately 2.5 metres from west to east along Ann Street.

Victorian Charter of Human Rights and Responsibilities

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

Financial Implications

There are no financial implications for Council resulting from this application. All fees relating to the processing of this application have been paid.
Act, Planning Scheme and Policy Frameworks

Planning and Environment Act 1987

The request for an amendment to the permit, including plans, is made under Section 72 of the Planning and Environment Act 1987. This Section of the Act states that:

(1) A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.

(2) This section does not apply to—

(a) a permit issued at the direction of the Tribunal; or

(b) a permit issued under Division 6. (A permit issued by the Minister.)

(3) In this section a reference to a permit includes any plans, drawings or other documents approved under a permit.

Section 73 of the Act continues to outline the procedure for the amendment of permit request and states that:

(1) Subject to this section, sections 47 to 62 (with any necessary changes) apply to an application to the responsible authority to amend a permit as if—

(a) the application were an application for a permit; and

(b) any reference to a permit were a reference to the amendment to the permit.

(2) If the responsible authority decides to grant an amendment to a permit subject to conditions, the conditions must relate to the amendment to the permit; and

(3) Any conditions to which an amendment to a permit is subject form part of the permit when it is issued.

Planning Scheme and Policy Frameworks

Greater Dandenong Planning Scheme Provisions

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

• For the use of the land for the purpose of a Medical Centre under Clause 32.02-1 of the Residential 2 Zone;

The relevant controls and policies are as follows:
Zoning Controls

The subject site is located in a Residential 2 Zone, as is the surrounding area, with the exception of Stud Road which is within a Road Zone Category 1.

The purpose of the **Residential 2 Zone** outlined at **Clause 32.02** is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage residential development at medium or higher densities to make optimum use of the facilities and services available.
- To encourage residential development that respects the neighbourhood character.
- In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

Pursuant to Clause 32.02-1 a Medical Centre is a Section 2 – permit required use. Clause 32.02-6 requires a permit to construct a building or construct or carry out works for a use in Section 2 of that Clause.

Advertising sign requirements are noted at Clause 32.02-7 as being at Clause 52.05, particularly Category 3 which relates to that Zone.

State Planning Policy Framework

The State Planning Policy Framework 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.

**Clause 11** of the Scheme outlines the general goals and principles of the State Planning Policy Framework and are to be considered in the assessment of the application.

**Clause 12 – Metropolitan Development** (otherwise known as Melbourne 2030) provides specific objectives and strategies for Metropolitan Melbourne, which aim to ensure that land use and transport planning and investment always contribute to economic, social and environmental goals. Relevant objectives of this Clause include:

- To facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.
- To locate metropolitan growth close to transport corridors and services and provide efficient and effective infrastructure to create benefits for sustainability while protecting primary production, major sources of raw material and values environmental areas.
- To develop Metropolitan Melbourne and the surrounding regional cities as a network of cities to provide a choice of places to live, set up business and find a job.
- To create a strong and innovative economy.
• To create urban environments that are of better quality, safer and more functional, provide more open space and an easily recognisable sense of place and cultural identity.

• To provide fairer access to and distribution of social and cultural infrastructure.

Clause 14.01 - Planning for Urban Settlement is to also be considered and notes that planning authorities should encourage consolidation of existing urban areas while respecting neighbourhood character, through higher density and mixed use development near public transport routes.

Clause 15.12 – Energy Efficiency is also of relevance to the application. The objective of this Clause is:

To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

The matters of Economic Development under Clause 17 are to be considered under this application, with Clause 17.01 relating to Activity Centres and Clause 17.02 relating to Business of relevance. The objectives of those Clauses respectively are:

• To encourage the concentration of major retail, commercial, administrative, entertainment and cultural development into activity centres (including strip shopping centres) which provide a variety of land uses and are highly accessible to the community.

• To encourage developments which meet community’s needs for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

The matter of Infrastructure is at Clause 18 of the Scheme. Clause 18.02 relating to Car Parking and Public Transport Access to Development needs to be considered. The objective of this Clause is:

To ensure access is provided to developments in accordance with forecast demand taking advantage of all available modes of transport and to minimise impact on existing transport networks and the amenity of surrounding areas.

The general implementation of this objective should consider all modes of travel, including public transport, walking and private vehicles.

Clause 18.03 continues to consider Bicycle Transport, in which the objective is:

To integrate planning for bicycle travel with land use and development planning and encourage cycling as an alternative mode of travel.

Health facilities also falls under that matter at Clause 18.06, with its objective:

To assist the integration of health facilities with local and regional communities.

Under the general implementation of that Clause it notes that responsible authorities should facilitate the location of health-related facilities with consideration given to demographic trends, existing and future demand and the integration of services into communities.
Town Planning Application for Permit Amendment - No. 56 & 58 Stud Road and 78 & 80 Ann Street, Dandenong (Planning Application No. PLN09/0415.01) (Cont)

Clause 19.03 – Design and Built Form, is relevant to this application. Clause 19.03-1 outlines the objectives with relation to design and built form. These objectives are:

To achieve high quality urban design and architecture that:

- Reflects the particular characteristics, aspirations and cultural identity of the community.
- Enhances liveability, diversity, amenity and safety of the public realm.
- Promotes attractiveness of towns and cities within broader strategic contexts.

The general implementation notes that for development proposals of residential or non-residential nature not covered by Clause 54, 55 or 56 of the Planning Scheme, planning and responsible authorities must have regard to the following design principles: context; the public realm; landmarks, views and vistas; pedestrian spaces; heritage; consolidation of sites and empty sites; light and shade; energy and resources efficiency; architectural quality; and landscape architecture.

Local Planning Policy Framework

The Local Planning Policy Framework (LPPF) includes the Municipal Strategic Statement (MSS) and Local Policies. (It is noted that the MSS was recently revised under Planning Scheme Amendment C81, which was gazetted on 7 January 2010).

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:

- In 2006 Greater Dandenong was home to over 130,000 people within an area of 129.6 square kilometres (Clause 21.02-1).
- The Dandenong Hospital is one of Melbourne’s major acute care hospitals providing a range of services to people living within Dandenong and the surrounding areas. State Government plans for its expansion will enhance its status as an important regional health facility (Clause 21.02-2).
- The older age population (60 and above) accounts for 19 percent of the Greater Dandenong population as compared to 18 percent for metropolitan Melbourne (Clause 21.02-3).

Greater Dandenong’s vision is outlined at Clause 21.03. Amongst others, the vision is that Greater Dandenong will be a municipality with a healthy community that embraces a sense of pride and belonging and works together to achieve an economically, socially and environmentally sustainable future; and, a well balanced satisfied community, which has easy and equitable access to services important to people’s everyday life. Achieving that vision at Clause 21.03-2 includes realising opportunities and meeting challenges to get healthy communities by identifying strategies that create health promoting environments that are welcoming, inclusive and make a positive contribution to the health and wellbeing of Greater Dandenong’s diverse communities.

The objectives and strategies of the MSS are under four (4) main themes including: land use; built form; open space and natural environment; and, infrastructure and transportation (considered individually under Clauses 21.04 to 21.07). Of particular relevance to this application are Clauses 21.04 – Land Use, 21.05 – Built Form and 21.07 – Infrastructure and Transportation.
Under **Clause 21.04 – Land Use** the matter of housing and community, amongst others, is covered. It is noted within Clause 21.04-1 relating to the matter of housing and community, that Greater Dandenong is forecast to be home to some 16,700 new households by 2031, representing a 36 percent increase on the number of households when compared with numbers in 2001. Of those new households, 3,700 are forecast to be within ‘green field’ locations, and the balance within strategic redevelopment sites and within residential areas. Relevant objectives and strategies of that Clause include:

5. To protect the amenity of residential areas adjacent to particular uses and protect sensitive uses from residential development.

5.3 Discourage non-residential uses except along main roads or collector roads or on corner sites.

Under **Clause 21.05 – Built Form** the matters of: urban design, character, streetscapes and landscapes; and, sustainability, amongst others, are covered. It is noted that within that Clause the identification of preferred character areas and the incorporation of clear policy directions with regard to building types and design elements appropriate to the particular character is noted as important in facilitating the achievement of attractive and sustainable built form. Signs are noted as playing an important role in that built environment, with the visual impact of signs to be managed, with those adjacent to residential areas not adversely impacting on the amenity of the area. Relevant objectives and strategies of Clause 21.05-2 relating to the matter of urban design, character, streetscapes and landscapes, include:

1. To facilitate high quality building design and architecture.

   1.1 Ensure building design is consistent with the preferred character of an area and fully integrates with surrounding environment.

   1.2 Encourage high standards of building design and architecture, which allows for flexibility and adaptation in use.

   1.3 Encourage innovative architecture and building design.

2. To facilitate high quality development, which has regard for the surrounding environment and built form.

   2.1 Promote views of high quality landscapes and pleasing vistas from both the private and public realm.

   2.2 Promote all aspects of character – physical, environmental, social and cultural.

   2.3 Encourage planting and landscape themes, which complement and improve the environment.

   2.4 Encourage developments to provide for canopy trees.

5. To promote activity centres as attractive places for community.

   5.1 Encourage the retention and strengthening of the mix of built environments within and around the centres to support and sustain their vitality.

6. To ensure that design of the public and private environment supports accessibility and healthy living.

   6.2 Encourage new developments to provide for safe environments.

   6.3 Ensure that all new developments accord with and embrace universal design principles outlined in Council’s ‘Access and Inclusion Strategy for people with Disabilities 2004-2008’.

7. To protect and improve streetscapes.

   7.1 Ensure new developments improve streetscapes through generous landscape setbacks and canopy tree planting.

   7.2 Ensure landscaping within private property that complements and improves the streetscapes and landscaping of public areas.
8. To ensure landscaping that enhances the built environment.
   8.1 Encourage new developments to establish a landscape setting, which reflects the local and wider landscape character.
   8.2 Encourage landscaping that integrates canopy trees and an appropriate mix of shrubs and ground covers and complements and integrates with existing or proposed landscaping in public areas.

9. To ensure a co-ordinated approach to sign design and placements, in commercial, industrial, residential areas and along road corridors.
   9.1 Ensure that the design and placement of new signs considers the cumulative impact of existing signs on the host building, adjoining buildings and the streetscape.
   9.2 Encourage signs in appropriate areas to include English and one other language reflecting the cultural aspect of the locality.
   9.4 Ensure signs in residential areas do not dominate the building, the site and the streetscape.

Relevant objectives and strategies of Clause 21.05-4 relating to sustainability, include:

1. To promote ecologically sustainable development.
   1.1 Encourage the design of developments to provide for integration of water sensitive urban design.
   1.2 Encourage the recycling of grey water in new developments.

2. To encourage environmentally sustainable practices by industrial and commercial developments.
   2.1 Encourage the collection and use of rainwater.
   2.2 Encourage industrial and commercial developments to develop sustainable water use and waste water re-use programs.

Under **Clause 21.07 – Infrastructure and Transportation** matters of physical, community and cultural infrastructure and public transport, amongst others, are covered.

Relevant objectives and strategies of Clause 21.07-1 relating to the matter of physical, community and cultural infrastructure include:

2. To manage the impact of discharge of stormwater to minimise pollution and flooding.
   2.1 Promote water sensitive urban design principles.

3. To minimise damage to physical infrastructure (including trees) from development.
   3.1 Ensure that developments are appropriately designed and sites to minimise damage to the physical infrastructure.
   3.2 Ensure works associated with development minimise the impact on tree roots.

Relevant objectives and strategies of Clause 21.07-2 relating to the matter of public transport include:

1. To increase the use of public transport.
   1.1 Encourage development in locations which can maximise the potential use of public transport.

2. To integrate transport and land use planning.
   2.1 Ensure residential, commercial and industrial development provides for safe and accessible pedestrian/bicycle movement to the public transport network.
   2.2 Encourage the co-location of services and facilities.
Clause 21.07-4 focuses on cars and parking, with relevant objectives and strategies including:

2. To protect residential and other sensitive uses from adverse impacts of vehicular traffic.
   2.1 Ensure that non-residential use and development are planned and managed so that traffic generation does not impact on the amenity of residential areas.
   2.2 Ensure that appropriate traffic management measures are implemented where new land uses and development generate significant volumes of traffic.
   2.3 Support the protection and enhancement of the existing operation and safety of arterial roads for all road users through ongoing management of vehicular access points.

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.

Planning & Environment Act 1987

Section 60 of the Planning and Environment Act 1987 identifies what matters a responsible authority must consider when deciding on an application. That includes under Section 60(1):

(a) the relevant planning scheme; and
(b) the objectives of planning in Victoria; and
(c) all objections and other submissions which it has received and which have not been withdrawn; and
(d) any decision and comments of a referral authority which it has received; and
(e) any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.

Section 60(2) of that Act continues to state:

(2) The responsible authority must not grant a permit which allows the removal or variation of a restriction (within the meaning of the Subdivision Act 1988) unless it is satisfied that the owner of any land benefited by the restriction (other than an owner who, before or after the making of the application for the permit but not more than three months before its making, has consented in writing to the grant of the permit) will be unlikely to suffer—
(a) financial loss; or
(b) loss of amenity; or
(c) loss arising from change to the character of the neighbourhood; or
(d) any other material detriment— as a consequence of the removal or variation of the restriction.

(3) Despite subsection (1)(c), if no notice is required to be given under section 52(1) or 57B or the planning scheme of an application, the responsible authority is not required to consider any objection or submission received in respect of the application before deciding the application.
(4) Subsection (2) does not apply to any restriction which was—
(a) registered under the Subdivision Act 1988; or
(b) lodged for registration or recording under the Transfer of Land Act 1958; or
(c) created— before 25 June 1991.
(5) The responsible authority must not grant a permit which allows the removal or variation of a restriction referred to in subsection (4) unless it is satisfied that—
(a) the owner of any land benefited by the restriction (other than an owner who, before or after the making of the application for the permit but not more than three months before its making, has consented in writing to the grant of the permit) will be unlikely to suffer any detriment of any kind (including any perceived detriment) as a consequence of the removal or variation of the restriction; and
(b) if that owner has objected to the grant of the permit, the objection is vexatious or not made in good faith.

Other Council Documents
Council has some documents, which whilst not included in the Planning Scheme should be considered in the assessment of the application for the purpose of being used for guidance.

This includes “Code of Practice Car Parking – Town Planning”, which was adopted on 30 July 1998 and re-considered with amendments on 9 March 1999. The Code identifies car parking ratios applicable to different uses within the Greater Dandenong region.

Under that Code, a Medical Centre requires 5 car parking spaces for the first practitioner and 4 spaces for each additional practitioner.

Restrictive Covenants
The applicant has acted in accordance with the condition and requirements of PLN09/0415 to remove the restrictive covenant that encumbers the subject site.

Links to Council’s Annual Plan
In accordance with the commitment in Council’s Annual Plan, all applications are considered on their merits.

Diversity (Access & Equity)
It is not considered that the proposal raises any diversity issues affecting the planning assessment of this application.

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

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

The application was not required to be externally or internally referred.

Advertising

The application was advertised to the surrounding area through the mailing of notices to owners and occupiers of abutting properties and through the erection of two (2) on-site notices, one (1) to face Stud Road and one (1) to face Ann Street.

The notification has been carried out correctly.

Council has received Fifty–seven (57) objections to date. It is noted that fifty-one (51) objections are in the form of a photocopy circular, signed by each person.

The location of nearest objectors to the subject site shown on the plan in Attachment 1.

Consultation

A consultative meeting was held on 22nd March 2011, with the applicant, some objectors and Council representatives, including a Councillor, in attendance. Whilst the issues were discussed at length there was no resolution and the objections stand as received.

In addition the applicant submitted a number of submissions in support of the amendment, details of these are noted further in the report.

Summary of Grounds of Objection

The objections are summarised below (bold), followed by the Town Planner’s Response (in italics). Where possible the concerns have been discussed together.

Reasons for the objection

1. Noise pollution - unacceptable and unreasonable levels of noise during after normal business hours (after 5pm)

Hours of operation later in the evening will be restricted by the number of practitioners; therefore there will be a lesser number of patients attending the Centre resulting in a lesser frequency of use in the car park and surrounds. The likelihood is that patients attending the Centre after hours will park as close to the door as practicable, minimising noise away from adjoining residential uses. It is not proposed that ambulances would attend the Medical Centre. Acoustic fences and measures recommended in the acoustic report, and required under the permit will be similarly effective in attenuating noise later in the evening.
2. Increased Traffic - unacceptable and unreasonable levels of traffic after normal business hours (after 5pm)

The existing restrictions of the permit require the number of practitioners to be reduced from ten to five after 6pm. The car park has been designed to address car parking associated with operation of ten practitioners at any onetime. It follows therefore that the car park can adequately cater for patients associated with 5 practitioners. A number of objections raised a concern that patients do not park in existing Medical Centre car parks. The approved car park has been designed to relevant contemporary standards (rather than those which adapt rear yards of existing dwellings it is freely accessible directly from Ann Street). Therefore, greater ease of use and convenience of purpose built car parking and access (as well as lesser demand after hours) is likely to ensure its use.

3. Proposed hours inappropriate for a residential area – diminished sense of a community of neighbours

Hours of operation later in the evening will have a restricted number of practitioners; therefore there will be a lesser number of patients attending the Centre resulting in a lesser frequency of use in the car park and surrounds. It should also be noted that the applicant since the consultation meeting has reduced the extent of hours request and number of practitioners outside normal business hours; this will be outlined in assessment section of this report below.

Applicant’s submission for the Amendment

1. The Applicants Rationale for Proposed Extended Operating Hours.

The proposal seeks to extend operating hours to service a need to provide 'out of hours' medical care for the Dandenong area. Our instructions are that currently, after hours service is limited to the Emergency Department at Dandenong Hospital. This places unnecessary strain on the emergency system by the need to attend to patients who could be readily seen by General Practitioners.

Patients attending the Hospital for minor medical emergencies overload the already busy Casualty Department and places patients under unnecessary stress as a result of waiting times and exposure to more serious forms of medical trauma. The extended hours proposed by the facility also seek to provide a service to people who need to attend appointments outside of ordinary working hours. It is intended by the applicant that the Centre operate without pre-booked appointment in these after hours periods (principally after 6.00pm) to discourage ‘regular trading’.

In the planning context the use of Hospital facilities for the treatment of ailments which could be readily attended to by a Medical Centre is an inefficient use of community resources. The strategies at Clause 19.02-1 of the State Planning Policy recognises the need to:

‘Facilitate the location of health-related facilities (including acute health, aged care, disability services and community care facilities) with consideration given to demographic trends, the existing and future demand requirements and the integration of services into communities.’

‘Plan public and private developments together, where possible, including some degree of flexibility in use.’
A similar sentiment is expressed in the ‘Central Dandenong Local Planning Policy at Clause 22.07 which notes in relation to community uses:

‘Support the retention and enhancement of both public and private community service facilities such as administrative, vocational, health, welfare and places of worship in Central Dandenong and adjacent areas’.

The particular objectives of the Residential 2 Zone allow for community facilities and given the site’s location there could be a reasonable expectation for more intensive community facilities than in other Residential areas. The suitability of the particular site to address this need is supported by the large and purpose built nature of the Medical Centre (approved by Permit PL09/1405 and under construction) and the location of the Centre on Stud Road, in the Residential 2 Zone at the periphery of Central Dandenong, and in proximity to the Dandenong Hospital and Village Valley Mews nursing home.

2. Support for the Proposal

At the Consultation meeting the applicant client tendered a range of additional letters of support for the proposed extended hours of operation. Amongst these were letters of support from important medical and community agencies and individuals such as:

- The Honourable John Pandazopoulos (MP), Member for Dandenong
- Mr Alan Griffin, MP, Federal Member for Bruce.
- Mr Colin Briton, Manager, Migration Support Programs, Australian Red Cross.
- Ms Mary Buchanan, Director, Emergency Department, Dandenong Hospital.
- Dr Valentina Galak, Medical Director, Dandenong and District Aborigines Co-Operative Limited.
- Local Doctors from other existing medical clinics the Dandenong area.
- Ms Cynthia Mack, Village Manager, Valley Village Mews Retirement Village, 112 Stud Road, Dandenong.

In addition support has been received from many members of the local community, who have signed petitions at the local pharmacy and existing Medical Centre.

3. Offer of Compromised Trading by Applicant

The applicant being made aware of the community concern from the consultation meeting offered the following compromised;

‘Our client is cognisant of the concerns raised by residents in the surrounding area. It is their immediate objective to service the need they have identified in the broader community by offering services extending beyond the currently permitted hours from the outset. Further we note that the medical centres formerly located at No. 56 and 58 Stud Road was permitted to trade variably until 8.00pm and 9.00pm and on Saturday and Sunday. Notwithstanding the merits of the current proposal our client has indicated that in the interests of gaining an expeditious approval they would be prepared to accept a conditional support for the following:'
‘Condition 10: The medical centre may operate only between the hours of:

8.00 am to 7.00pm Monday, Wednesday and Friday
8.00am to 10.00pm Monday to Friday, Tuesday and Thursday
8.30am to 10.00pm 1.00pm Saturday and Sunday

Within the operating hours hereby allowed, unless with the further consent of the Responsible Authority, there must be no more than ten (10) practitioners conducting business on the site at any one time between the hours of 9.00am and 6.00pm, with no more than three (3) five (5) practitioners conducting business on the site at any one time either side of those hours.’

The offer of revised hours has arisen following further consideration of the critical hours for the provision of service and discussion with the Director of the Dandenong Hospital Casualty Department. We note that in addition to reduced hours this offer includes a reduction to the number of practitioners outside of ‘ordinary hours’ from five (as currently permitted) to three.’

Council Officers have assessed the request for amendment taking into consideration the requested amendment of Hours of Operation and compromise Hours of Operation offered by the applicant. Also taken into consideration were the objecting submissions from the surrounding community, Officers must also consider the supporting submissions presented by the applicant and comments from the Dandenong Hospital.

Assessment

Planning Permit PLN09/0415 was issued on 10 August, 2010 for the purpose of a medical centre, subject to the following conditions (amongst others):

‘Condition 10: The medical centre may operate only between the hours of:

8.00 am to 7.00pm Monday, Wednesday and Friday
8.00am to 9.00pm Tuesday and Thursday
8.30am to 1.00pm Saturday

Within the operating hours hereby allowed, unless with the further consent of the Responsible Authority, there must be no more than ten (10) practitioners conducting business on the site at any one time between the hours of 9.00am and 6.00pm, with no more than five (5) practitioners conducting business on the site at any one time either side of those hours.’

A range of other permit conditions relate to the operation of the business and potential for amenity impacts and include:

- A requirement for an acoustic report, which has been prepared by Heggies Consultants and endorsed in accordance with Condition 3. This report includes a requirement for construction of acoustic fences along the southern and eastern boundary to a height of 2.2 metres.
- A ‘general amenity’ condition at Condition 12.
- Limitations on external amplification, deliveries, loading and unloading (Conditions 13-15).
- Provision of baffling to outdoor lighting (Condition 20)
Since the issue of the permit in relation to the proposed hours it was considered by the applicant that the hours sought on the original application were incorrect and that the applicant now sought to increased hours of operation to meet the needs of the surrounding community or satisfy the needs of the existing patients of the existing Medical Practices.

The applicant as part of there supporting submission for the amendment wished to re-iterate that the Medical Centre replaces existing medical centres at No. 78 Ann Street, No. 56 and 58 Stud Road and that the details of the operations of these existing centres can be summarised as encompassing:

- One to two practitioners at No. 56 Stud Road, permitted to trade until 8.00pm Monday to Friday and 6.00pm Saturday and Sunday (Permits 98/207 and 95/221).
- Three practitioners at No. 58 Stud Road, permitted to trade until 6.00pm Monday to Thursday and Saturday, 9.00pm Friday and 5.00pm Sunday (Permit 99/415).
- Two practitioners at No. 78 Ann Street, permitted to trade until 7.00pm Monday to Friday and 1.00pm Saturdays (Permit PLN06/0038).

In addition it is noted that the medical centre at No. 60 Stud Road is also permitted to trade until 9pm 7 days per week under Planning Permit 93/232.

It must also be taken into considered that the Medical Centre has a valid permit to operate and only seeks to extend the Hours of Operation. The Medical Centre currently under construction is a purpose built facility that has take in to account the amenity and car parking impact on the surrounding area and has mitigated the Medical Centres impact on the surrounding properties.

It is considered that the extension of hours as reduced by the applicant in a letter to Council will provide a positive benefit to members of the community offering a service not provided at the moment, offering an alternative to the Emergency Department of the Dandenong Hospital. It is also believe that the extended hours will not impact the amenity or car parking of the area as has been suggested as it is a purpose built facility that has been designed to mitigated the Medical Centres impact on the surrounding properties.

### Conclusion

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

The request to amend the planning permit for hours of operation has been reduced by the applicant from the original amendment request after the public consultation where the applicant provide several submissions supporting the opening of the centre to 10.00pm seven nights a week.
It is considered that the parking provided and the measures that will help to alleviate off-site amenity concerns that it is reasonable to amend Condition 10 of Planning Permit PLN09/0415 to extend the hours of operation in accordance the times detailed in the report recommendation.

**Recommendation**

That Council resolves to issue a Notice of Decision to Amend a Planning Permit PLn09/0415 pursuant to section 74 of the Planning and Environment Act 0415 in respect of the land known and described as No.’s 56 & 58 Stud Road and 78 & 80 Ann Street, Dandenong, for the removal of the restrictive covenant from the Title to the land at No. 58 Stud Road Dandenong and the development and use of the land for the purpose of a Medical Centre with the display of floodlit, business identification signage, subject to conditions.

The Amended Permit to be numbered PLn09/0415.01 and will supersede Planning Permit PLn09/0415, as required.

The endorsed plans are re-endorsed to accompany the Amended permit.

**Conditions:**

Condition 10 The medical centre may operate only between the hours of:

8.00am to 10.00pm Monday to Friday

8.30am to 10.00pm Saturday and Sunday

Within the operating hours hereby allowed, unless with the further consent of the Responsible Authority, there must be no more than ten (10) practitioners conducting business on the site at any one time between the hours of 9.00am and 6.00pm, with no more than three (3) practitioners conducting business on the site at any one time either side of those hours.

**MOTION**

Moved by: Cr Peter Brown  
Seconded by: Cr Maria Sampey  

That Council resolves to issue a Notice of Decision to Amend a Planning Permit PLn09/0415 pursuant to section 74 of the Planning and Environment Act 0415 in respect of the land known and described as No.’s 56 & 58 Stud Road and 78 & 80 Ann Street, Dandenong, for the removal of the restrictive covenant from the Title to the land at No. 58 Stud Road Dandenong and the development and use of the land for the purpose of a Medical Centre with the display of floodlit, business identification signage, subject to conditions.

The Amended Permit to be numbered PLn09/0415.01 and will supersede Planning Permit PLn09/0415, as required.

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For the Motion: Crs Peter Brown (called for the division), Maria Sampey

Against the Motion: Crs Roz Blades, Paul Donovan, Yvonne Herring, John Kelly, Angela Long, Loi Truong and Pinar Yesil

LOST
The attachment to this report is available under a separate cover at:

www.greaterdandenong.com

(“Council”, “Council Meetings”, “Agendas and Minutes”)
6.4 POLICY AND STRATEGY

6.4.1 Parking Precinct Plan for the Core Retail West Precinct, Buckingham Avenue Car Park, Springvale Activity Centre - Amendment C116

File Id: qA230736
Responsible Officer: Director Development Services

Report Summary

Pursuant to a Council resolution of 11 February 2008, and following the successful development of the multi-level, public parking structure at No: 8, Balmoral Avenue, Springvale, Amendment C116 to the Greater Dandenong Planning was prepared and exhibited from 2 September to 11 October 2010 to:

- Introduce revised parking ratios for the use and development of properties for Retail (including Shop), Office, Industry and Residential as recommended in the Springvale Activity Centre (SAC) Parking Study.
- Incorporate a Parking Precinct Plan for the Core Retail West Precinct of the SAC to facilitate the introduction of the revised parking ratios; and
- Introduce a Cash-in-Lieu scheme to partially recover the cost of providing additional off-street parking (funded by Council) in the multilevel car parking as part of the mixed-use development at the corner of Balmoral and Buckingham Avenues (known as the No:8 Development)

Four submissions were received to the above Amendment. All of them are from referral authorities – Department of Sustainability and Environment, Department of Transport, Country Fire Authority and South East Water. Those authorities have no objection to the proposed Amendment C116. There being no objections or adverse submission, a Panel hearing is not required and Council can proceed with considering the adoption of the Scheme amendment.

This report seeks Council resolution to adopt Amendment C116 under Section 29 of the Planning & Environment Act and approval for forwarding the Amendment to Minister for Planning to approve it.

Recommendation Summary

This report recommends that Council adopts Amendment C116 and that the Minister for Planning be requested to approve Amendment C116.
Background

The Springvale Activity Centre (SAC) Parking Study, 2007, identified that demand for parking in the core retail areas is very high and that there is a shortfall of publicly available car parking within the Activity Centre. It is also anticipated that there will be growth in the floor area in the Centre in the short and medium term. To meet the current deficit and the estimated future demand, the parking study suggested that Council consider the possibility of providing additional public car parking as part of the car parks in Buckingham Avenue and Warwick Avenue. The Parking Study has also suggested that the provision of public parking to offset for future growth could be funded by cash-in-lieu payments from future developments, where these developments cannot meet their on-site parking requirements as per the Planning Scheme.

At its meeting on 11 February 2008, Council considered a proposal by the Director, Engineering Services to fund the construction of two additional levels of car parking in the multi-level car parking proposed as part of the mixed-use development at the corner of Balmoral and Buckingham Avenues (known as the No; 8 Development) and resolved, among other things, to:

- construct two additional parking levels on top of the 5 level Car Park proposed by the developer as part of the mixed-use development at the corner of Balmoral and Buckingham Avenues (known as the No; 8 Development) and provide funding for the construction over a period of two financial years 2008/09 and 2009/10 and the cost proposed to be recovered partially over 10 years via a cash-in-lieu scheme;
- adopt revised (lower) parking ratios for the use & development of properties for Retail (includes Shop), Office, Industry and Residential as recommended in the Springvale Activity Centre (SAC) Parking Study; and
- request the Minister for Planning to authorise a planning scheme amendment to give effect to the recommended car parking ratios and to give effect to a cash-in-lieu scheme to fund the supply of public parking.

Pursuant to the above resolution of Council, the Manager Planning & Design under delegated powers requested the Minister for Planning in March 2010 to authorise the preparation of Amendment C116 to the Greater Dandenong Planning Scheme to prepare a Parking Precinct Plan (PPP) for the Core Retail West Precinct of the Springvale Activity Centre.

Authorisation was granted on 7 June 2010. Under delegation the Manager Planning & Design authorised the exhibition of Amendment C116. Accordingly it was placed on exhibition from 2 September to 11 October 2010 as stated above.

The Springvale Activity Centre (SAC) Parking Study, 2007 for the purpose of analysing and assessing the current situation and the future parking requirements within the Springvale Activity Centre established six Precincts.

Figure 1 on the following page shows the Springvale Activity Centre and the Precincts identified by the Parking Study for the purposes of assessing the parking supply and demand.
This Study concluded that the core retail precincts to the west and east of Springvale Road and south of the Caulfield/Dandenong Railway line, experienced shortfalls in parking at peak demand times. The Study also assessed the quantum of parking required to make up the current shortfall in each of these precincts as well as estimating the future demand.

**Fig 1: Springvale Activity Centre – Parking Precincts**
State Government Review

The State Government has undertaken review of the existing state-wide parking provisions at Clause 52.06 in the Metropolitan Planning Schemes. The Advisory Committee entrusted with the review has submitted its Report. It is understood that the Report is being reviewed by the Government and is expected to be adopted in the course of this year. The Advisory Committee Report includes revised car parking ratios. These revised ratios broadly align with the ratios recommended to be adopted by Council on 11 February 2008 for the SAC. The parking ratios adopted for Springvale Activity Centre are given below:

Table 1: Car parking Ratios for Springvale Activity Centre

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Recommended Ratios for SAC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shop</td>
<td>4.0 spaces/100m²</td>
</tr>
<tr>
<td>Office</td>
<td>3.0 spaces/100m²</td>
</tr>
<tr>
<td>Industrial</td>
<td>1.5 spaces/100m²</td>
</tr>
<tr>
<td>Residential</td>
<td>1.2-2.2 spaces/dwelling</td>
</tr>
</tbody>
</table>

Floor Area Projections and Car Parking Demand in the Core Retail West Precinct

The SAC Parking Study adopted the analysis undertaken by SGS Economics Pty Ltd. to estimate the future gross areas for the different land uses. The Parking Study apportioned the future floor areas on a precinct basis based on the existing land uses and the expected future land uses from the SAC Structure Plan. In broad terms the future commercial land use floor space in the Core Retail West Precinct is expected to increase by approximately 10%.

Applying the parking ratios given in Table 1 above, the current parking shortfall within the Core Retail Precinct is estimated to be 153 spaces. The future additional parking demand is estimated to be 144 spaces, plus the potential demand for 30 additional commuter parking; a total of 174 car parking spaces will be required to be provided in the Precinct for future demand.

The No: 8 Development, in addition to catering for demand generated by its own retail and residential development will include 71 publicly available spaces in replacement of those originally on that site in addition to the 160 public spaces being provided with the two additional Council funded parking levels.

Table 2: Parking Supply and Estimated Parking Shortfall Precinct 4

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Supply</th>
<th>Estimated Current Shortfall</th>
<th>Estimated Future Shortfall</th>
<th>Projected additional Commuter Parking</th>
<th>Potential Future Supply Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>985</td>
<td>153</td>
<td>144</td>
<td>30</td>
<td>Buckingham Avenue Car park (plus on-site)</td>
</tr>
</tbody>
</table>
Parking Precinct Plan for the Core Retail West Precinct, Buckingham Avenue Car Park, Springvale Activity Centre - Amendment C116 (Cont)

Notes:
Additional Commuter Parking as per Parking Study.

Council considered the opportunity offered by the construction of a 5 level car park as part of the No: 8 Development at the corner of Balmoral and Buckingham Avenues and decided to fund the addition of further two levels in order to positively address the current and estimated future shortfall of car parking within the Core Retail West precinct.

The first of the two additional levels funded by Council will supply 80 car parking spaces. This together with the 71 extra spaces provided by the mixed-use development would effectively address the current parking shortfall of approximately 150 spaces. The second additional level of 80 spaces will provide capacity for almost half the total estimated future parking demand of 144 spaces that is anticipated to be generated by complete “build-out” of the entire Precinct.

Proposal

In order to give effect to Council resolution of 11 February 2008, it is proposed to incorporate a Parking Precinct Plan (PPP) for the Core Retail West Precinct and for a cash-in-lieu scheme applicable to that Precinct. The Cash-in-Lieu is recovery of the costs associated with the development of the parking level provided to partially offset the forecast future shortfall of parking. It is not to recover costs associated with the parking level, which makes up the historical shortfall.

The proposed Parking Precinct Plan (PPP) identifies the car parking requirements within the Western Core Retail Precinct within the Springvale Activity Centre (SAC) and to:

- Support a variation to the rates under Clause 52.06-6 of the Greater Dandenong Planning Scheme (Planning Scheme); and
- Ensure that the actual demand for car parking for any future use or development as assessed is either:
  - Provided on site; or
  - A contribution made for the number of spaces required, but not provided on site.

The PPP:

- Specifies car parking rates derived from the Springvale Activity Centre Parking Study to vary the rates specified in the Clause 52.06-6 of the Greater Dandenong Planning Scheme Car parking table.
- Sets out how car spaces are proposed to be provided to meet the current shortfall and the estimated future requirements in the Western Retail Core precinct.
- Requires a cash-in-lieu contribution to fund the car spaces as per the rates adopted for the SAC but cannot be provided on-site in respect of future use or development of sites within the Precinct.
By implementing this PPP Council expects to maintain an adequate supply of car parking in the SAC and a more equitable means of supplying the car parking to be established. This PPP will facilitate the provision of additional off-site car parking. The cost of such additional provision is proposed to be recovered from those who establish new uses or new development or intensify existing uses and development within this PPP area through a payment (cash-in-lieu) of an amount per car parking space, which is assessed as being generated by the proposal but not provided on-site by that new use or development...

Related Council Policies

The proposal to prepare a Parking Precinct Plan and to introduce a cash-in-lieu scheme to provide for the efficient provision of car parking spaces to effectively address the parking demand now and in the future is supported in the Municipal Strategic Statement.

Financial Implications

The financial implication for Council will be the costs associated with staff resources in the processing of this amendment, other costs for the advertisement, public consultation and a Planning Panel if necessary. These costs are accommodated in the Planning & Design Department’s operational Budget.

Consultation

The preparation of draft Parking Precinct Plan (PPP) for the Core Retail West Precinct has had input from the Planning and Design Department, Infrastructure Planning Department and the Finance Department.

Councillors received briefings and written updates on the proposed Amendment, following Council’s resolution of 11 February 2008.

The Planning Scheme Amendment C116 to facilitate the incorporation of PPP and schedule to the Planning Scheme Clause 56.06-6 was placed on public exhibition as part of the community engagement on this proposal. As part of the exhibition process a notice was published in the local papers- The Journal, Leader and Star. A notice was also mailed to over 400 owners and occupiers of business premises with the Core Retail West Precinct. A detailed note on the features of the proposed Parking Precinct Plan and proposed Cash-in-Lieu Scheme was also circulated to the above owners and occupiers of business premises within the Precinct. A number of business owners and others sought clarification regarding aspects of the proposal, which were dealt with by Council officers and clear explanation of the proposal provided to them to their satisfaction.

In response to the Public exhibition four (4) submissions were received from referral authorities as listed below:

<table>
<thead>
<tr>
<th>Referral Authority</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Sustainability and Environment</td>
<td>No objection</td>
</tr>
<tr>
<td>Department of Transport</td>
<td>No objection</td>
</tr>
<tr>
<td>Country Fire Authority</td>
<td>No objection; request to be heard if a Panel is appointed to hear submissions.</td>
</tr>
<tr>
<td>South East Water</td>
<td>No objection</td>
</tr>
</tbody>
</table>
The public exhibition as outlined above has provided a further opportunity for the local businesses and other stakeholders to express their views and put in submissions for Council’s consideration.

Conclusion

The Springvale Activity Centre (SAC) Parking Study has identified that demand for parking in the core retail areas is very high and that there is insufficient publicly available car parking within the Activity Centre. It is also anticipated that there will be growth in the floor area in the Centre in the short and medium term. To meet the current deficit and the potential future demand, the Parking Study suggested that Council consider the possibility of providing additional public car parking as part of the car parks in Buckingham Avenue and Warwick Avenue. The Parking Study has also suggested that the provision of public parking for future growth could be funded by cash-in-lieu payments from future developments.

Council on 11 February 2008 resolved to fund the construction of two additional levels of car parking to the 5 level car park being developed by the mixed-use development at the corner of Balmoral and Buckingham Avenues and to set up a cash-in-lieu scheme to partially recover the cost of providing that level on the car park associated with future parking shortfall.

The proposed Amendment C116 will facilitate the incorporation of the PPP and introduce a cash-in-lieu scheme as envisaged.

As submitters do not have any objection to the proposed Parking Precinct Plan and Cash-in-Lieu Scheme, Amendment C116 may be adopted and forwarded to the Minister for approval.

Recommendation

That Council:

1. adopts Amendment C116 to the Greater Dandenong Planning scheme; and

2. forwards Amendment C116 to the Greater Dandenong Planning Scheme to the Planning Minister for approval.

Cr Donovan left the Chamber at 7.33pm.

MINUTE

904

Moved by: Cr Yvonne Herring
Seconded by: Cr Loi Truong

That Council:

1. adopts Amendment C116 to the Greater Dandenong Planning scheme; and

2. forwards Amendment C116 to the Greater Dandenong Planning Scheme to the Planning Minister for approval.

CARRIED
6.4.2 Accessibility, Transparency and Accountability (ATA) Charter Review

Attachments: Amended ATA Charter
File Id: qA339
Responsible Officer: Director Corporate Services

Report Summary

On 29 June 2009, Council adopted the Accessibility, Transparency and Accountability (ATA) Charter. As a requirement of the initial resolution, the ATA Charter was reviewed in 2010 and recently reviewed in 2011. The recent review suggests that several minor amendments be made to the Charter as detailed in this report.

Recommendation Summary

This report recommends that Council adopts the amended ATA Charter as provided in Attachment 1.
Background

The review that the ATA Charter went through in 2010 was significant and a number of changes were made to the document so that it could be effectively reported against. The 2010 review highlighted those components of the original document that had worked effectively in achieving the overall intent of the policy direction. The recent review undertaken in June-July 2011 has found that no significant changes need to be made to the Charter other than altering the review period to be biennially to coincide with a new Council and then halfway through that Council term.

Proposal

The following minor changes have been made to the ATA Charter.

<table>
<thead>
<tr>
<th>Existing Charter</th>
<th>Amendment Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Charter stated that reviews were required annually.</td>
<td>Amendment to alter that review is undertaken within six months of Council election in 2013 and again in 2015 at the mid point of the new Council term.</td>
</tr>
<tr>
<td>References do not include Councillor Support and Reimbursement Policy.</td>
<td>Amended to include reference to Councillor Support and Reimbursement Policy.</td>
</tr>
<tr>
<td>Under heading of Accessibility to Council, it states that Council will hold two Council Briefings or community forums.</td>
<td>Amended to read that Council may hold two Council Briefings or community forums.</td>
</tr>
<tr>
<td>Under heading Council and Mayor Reporting it states that attendances must be read out for inclusion in the Council Minutes.</td>
<td>Amended to read that attendances may be read out or tabled as a report for inclusion in the Council Minutes. Altered to reflect practice outlined in current Meeting Procedure Local Law.</td>
</tr>
<tr>
<td>Under heading Display of Mayor and Councillor Expenses it states that a table of Mayor and Councillors expenses will be published on Council’s website for mobile phones, conferences/training, airfares, taxi/train fares, accommodation and meals, childcare, vehicle/mileage, stationery, equipment and any other expenses claimed.</td>
<td>Amended to read a table of Mayor and Councillors expenses will be published on Council’s website for mobile phone usage costs, conferences/training, airfares, taxi/train fares, accommodation and meals, childcare, vehicle/mileage and any other expenses claimed. It is considered that equipment and stationery costs which includes mobile hand sets, land line, fax line and internet connection are standard costs required to be met so that Councillors can fulfil their basic obligations to Council. These costs will be excluded from the Charter</td>
</tr>
</tbody>
</table>

Victorian Charter of Human Rights and Responsibilities

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

Financial Implications

No financial resources are impacted by this report.
Consultation

The minor changes proposed to the ATA Charter were discussed with Councillors at Councillor Briefing Session on the 4 June and 4 July 2011.

Recommendation

That Council adopts the amended Accessibility, Transparency and Accountability (ATA) Charter as provided in Attachment 1.

MINUTE

905
Moved by: Cr Pinar Yesil
Seconded by: Cr Angela Long

That Council adopts the amended Accessibility, Transparency and Accountability (ATA) Charter as provided in Attachment 1.

CARRIED
The attachment to this report is available under a separate cover at:

www.greaterdandenong.com

(“Council”, “Council Meetings”, “Agendas and Minutes”)

or by contacting:
Governance - 9239 5309
6.5 OTHER

6.5.1 Constitutional Recognition of Local Government

Attachments: Summit Declaration 2008
Responsible Officer: Director Corporate Services

Report Summary

Whilst Local Government forms an essential part of Australia’s system of government, its existence is not noted in Australia’s constitution and essentially exists at the discretion of the various State Governments.

The desire to achieve constitutional recognition has become greater in recent times with a 2009 High Court case casting serious doubt over the ability of the Commonwealth Government to directly fund Local Government projects without passing funds through the State Governments.

There have been several attempts over the past 40 years to amend this situation which have not been successful. Council has received correspondence from the Australian Local Government Association (ALGA) seeking Council to pass a resolution of support calling for a referendum by 2013 to amend the constitution.

Recommendation Summary

This report recommends that Council declares its support for constitutional recognition of local government.
Background

The Australian Constitution commenced on 1 January 1901 and is the blueprint for how government at the national level works in Australia.

Local Government fulfils a significant and vitally important role within the Australian Federation. This is acknowledged by Australian Local Government Association (ALGA) representation on the Council of Australian Government. However, responsibility for Local Government is not mentioned anywhere in the Constitution and is therefore the responsibility of the States. Local government in Victoria is currently enabled under the Victorian Constitution Act 1975.

There have been several attempts at amending the Constitution to recognise local government in Australia. Changes via referendum were attempted in 1973/1974 by the Whitlam Government and in 1988 by the Hawke Government and both attempts failed. The failure to recognise local government and its role as the primary institution of local democracy has been particularly highlighted over the last five years since the Australian Government introduced a Parliamentary Resolution that recognised the importance of local government in the system of Australian governance. In 2007, the ALP went into the election with a commitment to consulting with relevant parties on the process for achieving constitutional recognition of Local Government.

Throughout this time the ALGA have reaffirmed its wish to have local government recognised in the Australian Constitution and have resolved to seek support for this recognition and advocate for a number of principles in relation to local democracy. In 2008, a special ALGA National General Assembly was called and delegates adopted a Summit Declaration which is included as Attachment 1. The declaration included the statement below:

We believe that to ensure the quality of planning and delivery of services and infrastructure provided to all Australians, and the ongoing sustainability of local government, any constitutional amendment put to the people in a referendum by the Australian Parliament (which could include the insertion of a preamble, an amendment to the current provisions or the insertion of a new Chapter) should reflect the following principles:

- The Australian people should be represented in the community by democratically elected and accountable local government representatives;
- The power of the Commonwealth to provide direct funding to local government should be explicitly recognised; and
- If a new preamble is proposed, it should ensure that local government is recognised as one of the components making up the modern Australian Federation.
At the recent ALGA National General Assembly in June 2011, constitutional recognition was one of the main issues addressed and was supported by the Prime Minister of Australia.

In its *Explanatory Notes on Constitutional Recognition for Local Government*, ALGA has acknowledged that the three main types of constitutional recognition can be identified as follows:

- **symbolic recognition** – a reference in the preamble to the Constitution implicitly recognising the existence of local government. A preamble generally does not create rights and obligations and has no legal effect but it is possible that could be changed by the High Court over time.

- **institutional recognition** – imposing a duty on States to retain a system of local government and that a council ought not to be amalgamated or dissolved without fair hearing. This does not currently exist for local government; or

- **financial recognition** – a recognition that local government requires a more secure revenue stream to provide the services and infrastructure expected by the community. Local government could then be directly funded without “passing” grants through state governments.

Whilst local government remains unrecognised in the Australian Constitution, it is the view of ALGA that local government is a residual power of the state and not an entity in its own right.

**Proposal**

The current president of the ALGA wrote to Australian councils in February and May 2011 requesting that they resolve to endorse the ALGA’s position that a referendum be held in 2013 to change the Constitution to allow direct funding of local government bodies by the Commonwealth Government and to include local government in any new Preamble to the Constitution. It is proposed the Council supports the ALGA in its advocacy for local government recognition in the Constitution.

**Victorian Charter of Human Rights and Responsibilities**

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

**Financial Implications**

No financial resources are impacted by this report.

**Consultation**

Five Greater Dandenong councillors attended the ALGA National General Assembly in June 2011 and have shared their experience with the remaining councillors and executive staff.
Recommendation
That the Greater Dandenong Council:

1. declares its support for financial recognition of local government in the Australian constitution so that the Federal Government has the power to fund local government directly;

2. declares its support for inclusion of local government in any new Preamble to the Constitution if one is proposed; and

3. calls on all political parties in writing to support a referendum by 2013 to change the Constitution to achieve this recognition.

MINUTE
906
Moved by: Cr Angela Long
Seconded by: Cr Pinar Yesil

That the Greater Dandenong Council:

1. declares its support for financial recognition of local government in the Australian constitution so that the Federal Government has the power to fund local government directly;

2. declares its support for inclusion of local government in any new Preamble to the Constitution if one is proposed; and

3. calls on all political parties in writing to support a referendum by 2013 to change the Constitution to achieve this recognition.

CARRIED
The attachment to this report is available under a separate cover at:

www.greaterdandenong.com

(“Council”, “Council Meetings”, “Agendas and Minutes”)

or by contacting:
Governance - 9239 5309
6.5.2 Report on Matters Discussed at Councillor Briefing Sessions During June 2011

File Id: fA25545
Responsible Officer: Director Corporate Services

Report Summary

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

The matters listed in this report were presented to Councillor Briefing Sessions in June 2011.

Recommendation Summary

This report recommends that the information contained within it be received and noted.
## Matters Presented for Discussion

<table>
<thead>
<tr>
<th>Item</th>
<th>Briefing Session</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <strong>Hard Waste &amp; Dumped Rubbish</strong></td>
<td>6 June 2011</td>
</tr>
<tr>
<td>Councillors were presented with an overview of the strategies being deployed to deal with the growth in dumped rubbish incidents. Details of Council’s “At Call” Hard Waste Collection Service and how it is performing, along with the number of education initiatives and enforcement processes that have been applied to this problem were discussed.</td>
<td></td>
</tr>
<tr>
<td>2. <strong>Community Grants &amp; Sponsorships</strong></td>
<td>6 June 2011</td>
</tr>
<tr>
<td>Councillors were presented with the recommendations of the Grants and Sponsorships Evaluation Panel for consideration. A formal report was considered by Council on 27 June 2011.</td>
<td></td>
</tr>
<tr>
<td>3. <strong>Social Media Policy &amp; Plaques and Memorials Policy</strong></td>
<td>6 June 2011</td>
</tr>
<tr>
<td>Councillors were presented with an overview on the use of social media for communication purposes. The intent of a new Social Media Policy is to provide understanding and guidance for the appropriate use of social media platforms and tools within Council. A formal report was considered by Council on 27 June 2011.</td>
<td>Councillors were also presented with an overview of a Plaques and Memorials Policy to provide a framework for the management of all new and existing plaques and memorials within City of Greater Dandenong. A formal report was considered by Council on 14 June 2011.</td>
</tr>
<tr>
<td>4. <strong>Proposed Sale of Land in St Johns Avenue, Springvale (CONFIDENTIAL)</strong></td>
<td>6 June 2011</td>
</tr>
<tr>
<td>Councillors and council officers discussed the proposed sale of a property in St Johns Avenue which is owned by Council and has been closed for 12 months following the relocation of the child care service to the new Lightwood Road Early Years facility in Springvale.</td>
<td></td>
</tr>
<tr>
<td>5. <strong>Noble Street, Noble Park (CONFIDENTIAL)</strong></td>
<td>6 June 2011</td>
</tr>
<tr>
<td>Councillors and council officers discussed the background to various orders, construction issues and the overview of jurisdictions in regard to the construction of an 18 unit apartment style development in Noble Street, Noble Park.</td>
<td></td>
</tr>
<tr>
<td>6. <strong>Executive Discussion</strong></td>
<td>6 June 2011</td>
</tr>
<tr>
<td>Councillors and council officers briefly discussed the following topics:</td>
<td></td>
</tr>
<tr>
<td>a) a proposed development in Princes Highway, Dandenong;</td>
<td></td>
</tr>
<tr>
<td>b) the possible allocation of any remaining funds in the Councillor Donations program;</td>
<td></td>
</tr>
<tr>
<td>c) photos taken at Dandenong Market;</td>
<td></td>
</tr>
<tr>
<td>d) ATA Charter review; and</td>
<td></td>
</tr>
<tr>
<td>b) agenda items for Council Meeting of 14 June 2011.</td>
<td></td>
</tr>
</tbody>
</table>
COUNCIL MEETING MINUTES 25 JULY 2011

Report on Matters Discussed at Councillor Briefing Sessions During June 2011 (Cont)

**Item 7. Executive Discussion**

Councillors and council officers briefly discussed the following topics:

a) the plaque for Warner Reserve facility opening;
b) a proposed offer for promotion and sponsorship of the Dandy Ham Pig;
c) Herbert Street, Dandenong proposed traffic treatments; and
d) agenda items for Council Meeting of 14 June 2011.

**Item 8. Proposed Development in Dandenong**

Councillors were presented with an overview of a proposed development in Princes Highway, Dandenong South.

**Item 9. Local Laws Review**

Councillors were presented with the outcomes of the recent statutory consultation period in relation to the Local Laws Review. A formal report was considered by Council on 27 June 2011.

Councillors were also presented with an overview of Guidelines for Footpath Goods Displays, seeking Councillors advice on options for improved management of the display of goods on footpaths, particularly in reference to the revitalised central Dandenong area.

**Item 10. Dandenong Club Gaming Machine Application**

Councillors and council officers discussed a request received from the Dandenong Club advising of its intention to apply to the Victorian Commission for Gambling Regulation (VCGR) to install eight further electronic gambling machines (EGMs) at its premises.

**Item 11. Consideration of 2011-2012 Budget Submissions**

Councillors were presented with the two submissions from members of the public in relation to the 2011/2012 Annual Budget. Council considered the submissions and its responses to the issues raised in them.

**Item 12. Executive Discussion**

Councillors and council officers briefly discussed the following topics:

a) Warner Reserve ground allocation and condition;
b) Herbert Street, Dandenong proposed traffic treatments;
c) Barry Powell Reserve security update; and
d) agenda items for Council Meeting of 27 June 2011.
<table>
<thead>
<tr>
<th>Item</th>
<th>Briefing Session</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.</td>
<td><strong>Springvale Activity Centre - Grade Separation</strong></td>
</tr>
<tr>
<td></td>
<td>Councillors were presented with an outline of the Springvale Major Activity Centre Strategy and the impacts of the Springvale grades separation at the railway crossing and concepts for the area were discussed.</td>
</tr>
<tr>
<td></td>
<td>27 June 2011</td>
</tr>
<tr>
<td>14.</td>
<td><strong>Executive Discussion</strong></td>
</tr>
<tr>
<td></td>
<td>Councillors and council officers briefing discussed the following topics:</td>
</tr>
<tr>
<td></td>
<td>a) the request from the Dandenong Club for additional gaming machines;</td>
</tr>
<tr>
<td></td>
<td>b) Dandenong Market trader fees;</td>
</tr>
<tr>
<td></td>
<td>c) ‘number 8’ carpark resurfacing completion;</td>
</tr>
<tr>
<td></td>
<td>d) HACC Services waiting lists; and</td>
</tr>
<tr>
<td></td>
<td>e) agenda items for 27 June 2011 Council meeting.</td>
</tr>
<tr>
<td></td>
<td>27 June 2011</td>
</tr>
</tbody>
</table>

**Apologies**

- Councillors Memeti and Yesil submitted apologies for the Councillor Briefing Session on 27 June 2011.

**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 that was declared confidential in Items 4 and 5 by the Chief Executive Officer under Sections 77 and 89 of the Local Government Act remain confidential until further advisement unless that information was the subject of a subsequent Council report.
MINUTE

907

Moved by: Cr John Kelly
Seconded by: Cr Pinar Yesil

That:

1. the information contained in this report be received and noted; and

2. the information discussed at the above listed Councillor Briefing Sessions that was declared confidential in Items 4 and 5 by the Chief Executive Officer under Sections 77 and 89 of the Local Government Act remain confidential until further advisement unless that information was the subject of a subsequent Council report.

CARRIED
6.5.3 Springvale Night Market

Attachments:  Budget Plan for Springvale Full Moon Night Market

File Id:       qA271826
Responsible Officer:  Director Development Services

Report Summary

This report provides Council with information on a proposed night market for the Springvale Central Activity District (CAD). It details a proposal for Council to support the introduction and establishment of this market and to influence its ongoing format.

Recommendation Summary

The report recommends that Council provide a capped amount of seeding funding to be matched by Springvale Asian Business Association (SABA), that will enable the market to be established. It also recommends that Council provides ongoing ‘in kind’ support for the market.
Background

Earlier in 2011, the Mayor, in response to requests from Springvale Asian Business Association (SABA), asked officers to look at concepts for a night market to operate in the Springvale Central Activity District (CAD). It was proposed that this market would build on the strong food and cultural reputation of the precinct, with a view to further activating the area in the evenings.

The proposed market was also intended to operate on a commercially viable platform, that would enhance economic growth in the precinct, through creating stronger customer attraction to the area and thereby, new business opportunities.

Officers subsequently developed a broad set of principles to guide development of the proposal and then entered into discussions with the SABA, to further develop a proposal.

Several meetings have now occurred with SABA, leading to the development of a market proposal, including a detailed budget. SABA is proposing to operate the market in their own right but are seeking financial support from Council to get the market off the ground. The proposal is set out below.

Proposal

The proposal is to establish a commercially viable, open air Asian themed market, which builds on the unique character of the Springvale CAD. The market is proposed to be called: ‘The Full Moon Night Market’. This title has been chosen to create a link with the lunar cycle which has great importance in Asian cultures. Similarly it is proposed that the market would be held on the second Saturday of each month, to link with the full moon cycle.

The market would operate in Buckingham Avenue Springvale, between Windsor and Balmoral Avenues. It would also extend into Council’s new ‘market square’ that is currently being constructed off Buckingham Avenue. It may also extend into private land, such as the Springvale Shopping Centre which is located within this area. In the longer term, the market may also extend further north along Buckingham Avenue, to Queens Avenue.

SABA would be the operator of the market and would be responsible for all aspects of its operation. Council and would support the market by assisting with planning, allowing use of the subject land, advertising in Council media, some traffic management assistance and compliance monitoring.

The initial events will have a strong food and family entertainment focus. Council Officers will seek to work with SABA in developing, over time, a unique, high quality image for the market focussing on the food and cultural strengths of the precinct. At start up, it is envisaged that the market would contain a minimum of forty stalls, with a target of 100+ being achieved over the longer term.

The first event is planned for the 10th September 2011 and monthly thereafter, until April 2012. The market would then continue to operate annually, September – April inclusive. Operating hours are proposed to be 3.00 pm to 10.00pm. A later closing time has been rejected, due to potential impact on new residential developments in this precinct.

SABA is seeking ‘seeding funding’ from Council to assist in getting the market established. Officers have met with SABA on a number of occasions to discuss their proposal, resulting in the plan outlined above. In consultation with Officers, SABA have also prepared a comprehensive budget for the event, which is set out in Attachment One of this report.
The budget indicates that the first event will be the most expensive to stage. This is because of some 'one-off' costs that arise, such as general planning and design, developing a traffic management plan (which can subsequently be re-used at no cost) and purchase of some reusable infrastructure.

SABA's budget proposal also includes an amount of anticipated sponsorship, which may increase over time, as the market’s popularity increases.

As a result of the meetings with SABA and discussions around possible funding arrangements, the following has been agreed as a proposal for Council’s consideration:

1. Council will provide up to 50% of the nett costs of operating the market across four events in 2011, with SABA contributing the balance of those costs.
2. This proposal is subject to the proviso that Council’s contribution will be limited to a maximum amount of up to $35,000 across four events in 2011.
3. Council provides no financial support beyond 2011, however ongoing 'in-kind' support may be available. The value of that 'in-kind' support is estimated to be approximately $2,500.00 per event.
4. SABA to fund the remaining balance of the nett costs of operating the market, after Council’s contribution has been deducted.
5. SABA to secure a minimum amount of $5,000 sponsorship for the first four events. Should SABA fail to secure that sponsorship, they will fund the budget shortfall.
6. SABA to provide a detailed plan showing how the market will be set up, managed and operated. Such plan to be submitted to Council for approval, by 29 July 2011.

SABA has provided written confirmation of its commitment to matching contributions and sponsorship arrangements. It has also been working closely with Officers to ensure the detailed planning is completed by the required date.

It is suggested that there are a number of broader community benefits which will arise out of supporting the introduction of this market. These benefits include improved personal safety around the Springvale CAD, arising out of increased numbers of people visiting the area; new business and employment opportunities; increased patronage of existing businesses; and increased patronage of Council’s 8 Balmoral car park. A vibrant and exciting night market will also provide another incentive for business investment in the Springvale CAD.

Should the proposal go ahead, a written agreement should be established between SABA and Council, addressing the matters raised in points 1-6 above. That agreement should also clearly set out the financial management arrangements, including:

- SABA to prepare and submit a final budget forecast at least seven days before each event. This budget should disclose all anticipated areas of expenditure and income.
- Post each event, SABA to provide a financial report setting out a detailed account of all actual expenditure and income, including sponsorships. That report would also summarise financial performance of the event and show nett operating profit/loss.

This proposal is commended to Council as a reasonable and responsible level of support to initiate an activity that will add positively to the growth and prosperity of the Springvale CAD.
Council Plan 2009-2013 Strategic Objectives, Strategies and Plans

This proposal assists in delivering Council’s objective to have ‘a thriving and creative City’.

Victorian Charter of Human Rights and Responsibilities

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

Financial Implications

There are no current resources allocated and this issue will need to be considered as part of the mid year financial budgetary process for 2011-2012.

To assist in offsetting the cost of supporting this market, it is also proposed that a flat rate fee will be applied to vehicles parking in the 8 Balmoral car park on market days. The proposed fee is $5.00 per vehicle. This fee will enable customers entering the car park during market trading times to stay from the time of entry until car park close.

Consultation

Officers have consulted extensively with SABA and through them, the broader Springvale trader community.

SABA has expressed concern about the night market parking fee for the first two events, suggesting that it might put visitors off. It is Officer’s view that this would not be the case, as the attractiveness of the market and other facilities at Springvale should offset any such concerns.

Conclusion

A night market fits perfectly with the current style of trading in Springvale and its cultural roots. It provides a perfect vehicle for attracting additional tourism and patronage into the area, which should lead to enhanced economic growth and business investment.

Recommendation

That Council:

1. approves funding for the Springvale night market, as set out in this report, to a maximum total of 50% of the nett operating cost of the first four events or $35,000, whichever is the lesser;

2. resolves that this funding will only be made available upon the signing of an agreement between Council and the Springvale Asian Business Association, which contains the conditions referred to in this report; and

3. establishes a flat rate market day parking fee of $5.00 for the 8 Balmoral Car Park.
MINUTE

908

Moved by: Cr Peter Brown
Seconded by: Cr Angela Long

That Council:

1. approves funding for the Springvale night market, as set out in this report, to a maximum total of 50% of the nett operating cost of the first four events or $35,000, whichever is the lesser;

2. resolves that this funding will only be made available upon the signing of an agreement between Council and the Springvale Asian Business Association, which contains the conditions referred to in this report; and

3. establishes a flat rate market day parking fee of $5.00 for the 8 Balmoral Car Park.

CARRIED

Cr Donovan returned to the Chamber at 7.37pm.
The attachment to this report is available under a separate cover at:

www.greaterdandenong.com
(“Council”, “Council Meetings”, “Agendas and Minutes”)

or by contacting:
Governance - 9239 5309
6.6 CONTRACTS

6.6.1 Contract No. 1101-52: Supply of Electricity for Public Lighting under Procurement Australia Contract 1407/0614

File Id: qA273353
Responsible Officer: Chief Executive Officer

Report Summary

This report summarises the Tender process undertaken by Council to select a suitably qualified and experienced contractor to provide Electricity for Public Lighting. This Contract is scheduled to commence on 1 August 2011 and end on 31 July 2014. The Contract provides for Two x 12 month extension options at the sole and absolute discretion of Council.

Recommendation Summary

This report recommends that council accepts the tender submission from AGL Sales Pty Ltd under the Procurement Australia (formerly the MAPS Group) Contract 1407/0614 for an estimated price over the 3 year contract period of Five Hundred and Fifty Eight Thousand, Five Hundred and Twenty Five Dollars ($558,525.00) including GST of $50,775.00 with an option to extend for two additional terms of 12 months each at the sole and absolute discretion of Council.
Background

This Contract covers all Public Lighting costs within the municipality for a period of three years. Procurement Australia ran a Member Forum on 28 March 2011, consulting with all participating councils and incorporated common requirements into the tender documents before proceeding to tender.

Part of the process requires each council to sign an Electricity Supply Agreement with the successful tenderer. The Supply Agreement will include reference to the Master Agreement between Procurement Australia and the successful tenderer.

Procurement Australia will maintain contract surveillance, supplier management and member assistance throughout the term of the contract. Procurement Australia will continue to monitor the Energy Market and provide early notification regarding future contract options to either extend a contract or recommendations for a new tender process, always keeping in mind the best interests of its members.

Tender Process

The tender was advertised by Procurement Australia in the Herald Sun on 13 April 2011 and closed on 9 May 2011 with a total of 57 Victorian Councils participating. The tender was based on the 'Retail Supply of Electricity, Variable Carbon price (‘pass through’ Costs) listed as Category 1 in the Tender document.

At the close of the Tender advertising period, four (4) tender submissions were received as follows:

AGL Sales Pty Ltd
Origin Energy
Simply Energy
TRUenergy

The tenders were evaluated by Procurement Australia using a Weighted Attribute Value Selection Method. The evaluation criteria included in the tender documents and the allocated Weightings used to evaluate the tender submissions were as follows:

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price</td>
<td>60%</td>
</tr>
<tr>
<td>Contractors Performance</td>
<td>18%</td>
</tr>
<tr>
<td>Customer Focus</td>
<td>12%</td>
</tr>
<tr>
<td>Compliance</td>
<td>8%</td>
</tr>
<tr>
<td>Corporate Responsibility</td>
<td>2%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>
The Weighted Attribute Point Scores resulting from the assessment are shown in the following table:

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Final Weighted Aggregate Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGL Sales Pty Ltd</td>
<td>256</td>
</tr>
<tr>
<td>Simply Energy</td>
<td>253</td>
</tr>
<tr>
<td>TRUenergy</td>
<td>245</td>
</tr>
<tr>
<td>Origin Energy</td>
<td>237</td>
</tr>
</tbody>
</table>

The current market conditions show significant initial savings when compared to the previous contracted prices, with average savings in the vicinity of 25% available from all Retail Electricity offers. However, the increase in non-negotiable components of electricity supply, such as Mandatory Environmental costs, Network costs and Other Regulated charges, will see the real savings to council being in the vicinity of 5% in the first year and then reducing in years two and three. This does not take into account the impact of the Carbon Tax which will be addressed under the “Financial Implications’ section of this report.

At the conclusion of the Evaluation process the Procurement Australia recommendation was that the submission from AGL Sales Pty Ltd represented the best value outcome for participating Councils

**Financial Implications**

It is difficult to predict the full impact of the Carbon Tax on Council’s Electricity charges at this point in time. Procurement Australia has advised that all Energy Contracts have the ability to ‘pass through’ costs imposed on them by other parties such as Distributors, Government or Generators. The worst case scenario is 100% ‘pass through’ of the full effect of the $23 per tonne Carbon Tax on the pure electricity supply component of the contract rate. This represents a possible 30% increase in the total cost of the Electricity supply in years two and three of this contract.

The estimated costs for 2011/12 are covered in the current Budget.

**Consultation**

Consultation was undertaken with Procurement Australia, Asset Team Leader, and Purchasing Officer of the Contracts Unit.

**Recommendation**

That Council:

1. awards Contract No 1011-52, for the Supply of Electricity for Public lighting to AGL Sales Pty Ltd for a schedule of rates as tendered by Procurement Australia under tender 1407/0614 for a term of 3 years with an estimated cost to Council of Five Hundred and Fifty Eight Thousand and Five Hundred and Twenty Five Dollars ($558,525.00) including GST of $50,775.00 with an option to extend for two additional terms of 12 months each at the sole and absolute discretion of Council; and

2. signs and seals the contract documents when prepared.
MINUTE
909
Moved by: Cr Angela Long
Seconded by: Cr Peter Brown

That Council:

1. awards Contract No 1011-52, for the Supply of Electricity for Public lighting to AGL Sales Pty Ltd for a schedule of rates as tendered by Procurement Australia under tender 1407/0614 for a term of 3 years with an estimated cost to Council of Five Hundred and Fifty Eight Thousand and Fifty Five Dollars ($558,525.00) including GST of $50,775.00 with an option to extend for two additional terms of 12 months each at the sole and absolute discretion of Council; and

2. signs and seals the contract documents when prepared.

CARRIED
7NOTICES OF MOTION

Nil.
8 REPORTS FROM COUNCILLORS/DELEGATES & COUNCILLORS' QUESTIONS

Question
Cr John Kelly

Regarding the traffic flow in Foster Street East and West, Dandenong, in particular where at peak times cars cannot make a right hand turn. I am wondering as a matter ofurgency, and I have brought this up before, can we get someone from VicUrban and VicRoads to seriously have a look at the turn right lanes? It is becoming a real concern. People are getting into that right hand lane and suddenly see that they cannot make a right hand turn so they are trying to veer back into the traffic. They are doing illegal u-turns at the Dandenong Magistrates Court. Tonight it was just absolute havoc at that intersection. Can we get someone onto that as soon as possible?

Response
Bruce Rendall, Director Engineering Services

I assume you are talking about the Foster Street and Lonsdale Street intersection. That is an intersection controlled by VicRoads. I am aware that they have done work there in recent times and changed it at the off peak. We can raise those concerns. It sounds like the concern is more about the road markings rather than the right hand turn band. Is that your main concern there Cr Kelly?

Response
Cr John Kelly

It is both. It is a serious problem. People can do a right hand turn up to about 4:00 pm and then they are in the right hand turn lane but they have got nowhere to go. It is the same coming from the other way. It is just an absolute debacle at the moment and as I said they are doing illegal turns further up Foster Street in front of the Dandenong Magistrates Court.

Response
Bruce Rendall, Director Engineering Services

We can certainly raise that with VicRoads and VicUrban.

Comment
Cr John Kelly

I did ask about that matter a number of months ago and obviously someone has taken their finger off the button because it has not changed.

Response
Mal Baker, Director Development Services

In terms of the right hand turn from Eastern Foster Street into Lonsdale Street, it has been agreed by VicRoads that the change will come in during the off peaks. The work is to enable signage to take place and the synchronisation of lights will be part of the contract for the works between Foster Street and Webster Street. My understanding is that they are currently letting that contract.
Comment
Cr John Kelly

I would like to acknowledge Stuart Marriner this evening. Stuart has left the Chamber now. Stuart and I have probably been opposed in more ways than not over the years, but I think he is an absolute icon of this City, for a 92 year old man to still be so involved environmentally within this City. It is a great loss to see him going to Apollo Bay, which is perhaps a gain to them. He has been a great asset to this City and is a Living Treasure. One of the things that a lot of people would not recognise or know is that Stuart is an absolute “Rat of Tobruk” and I think that in their own right the “Rats of Tobruk” are legends of that of that era.

On a sadder note, I was informed by Cr Brown tonight that former journalist Mike Morris passed away this morning at his work. I think everyone in this Chamber knows Mike, we all got some good runs out of him and we all got some bad runs out of him. Mike was certainly a passionate reporter with The Examiner. I think it is probably a sad loss to journalism. One thing you never did was complain about a story. If he wrote a bad one about you, he would get another one the next week. I think just a bit of sad loss certainly to the journalistic community and I wish his family all the best.

Comment
Cr Maria Sampey

I attended the Municipal Association of Victoria (MAV) conference at the weekend and I found it really interesting. The speakers were really excellent and one of the workshops was on Social Media which was really interesting. There are a few things that I want to learn further about, but it was a really good weekend.

Question
Cr Paul Donovan

Partly out of self interest, I am just wondering when the new management will take over at the Dandenong Oasis, Dandenong? Is it immediate or is it something that will happen in a month, or in a few months time?

Response
Mark Doubleday, Director Community Services

The takeover for the new operator will be on 1 October 2011. There will be a transition period agreed between the parties between now and that date.

Question
Cr Paul Donovan

I recall in the report that as part of the transition there will be new gym equipment. Sometimes the word “new” means it is just a change of equipment but are they going to buy second hand equipment because a lot of the gyms do that? Can we just clarify if it will all be brand new, top of the range equipment that coming is to the gym in Dandenong?
Response
Mark Doubleday, Director Community Services

It will be new equipment.

Comment
Cr Paul Donovan

Just two bits of news that have come to people’s attention about cycling in the past week. One which is well known, is that Cadel Evans has won the Tour De France, being the first Australian to do so. The other bit of news, which perhaps is not so well known and which some people have taken with some cynicism, is that Melbourne has been declared the bike city, in a bid to try and increase cycling tourism. So I guess with those two events, it really is a time to capitalise on all the massive momentum in cycling, both recreational and sporting. It would be great to be a part of that and attract some of the cycling tourism and keep ploughing ahead in that regard.

Comment
Cr Angela Long

These are only a few of the things that I have attended over the last two weeks.


On 14 July 2011, I attended the funeral service of John Filmer. He will be greatly lost, not only to the Dandenong Returned Services League (RSL) but also to the residents of Greater Dandenong.

On 12 July 2011, I attended the Citizenship Ceremony in Springvale.

On the 20 July 2011, I helped host a delegation from Xinyi, China.

Question
Cr Yvonne Herring

I have a couple of questions about the Aldi development in Springvale South at the Springvale Plaza on Heatherton Road. The residents of Springvale South are looking forward to significant improvements at the Springvale South Shopping Centre on Heatherton Road. The addition of Aldi offers opportunity and potential for the centre to become a viable shopping centre for our residents. There is concern on the apparent delays in the determination in the planning application. Could Mal Baker, Director Development Services advise on the status of the planning application and comment specifically on any implications including timing of an outcome and also of any referral to Victorian Civil and Administrative Tribunal (VCAT) on the basis of failure to determine or any other reason?
Response
Mal Baker, Director Development Services

This application has been a complex one and not the least of which was that there were issues with title, which prevented Council from being able to consider the application. That has taken a considerable amount of time. There are issues around the citing of the supermarket on Heatherton Road, car parking and design which have also been exercising the minds and consultations of officers. There is a meeting set with the developer and their planning representatives for next Monday and we have had that in place for the best part of ten days or more to see if we can resolve some of those outstanding issues. We would be in a position after that meeting to write a report for Council which would come to Council probably the second meeting of September. We have not been formally notified but we believe that the applicant have said that they would take the matter to VCAT for failure to decide while we have been trying to negotiate these areas of concern. That is the status of the application.

Question
Cr Yvonne Herring

If the applicants have already lodged an appeal with VCAT, can that be withdrawn if they are happy with the way Council is proceeding with their application after the meeting on Monday?

Response
Mal Baker, Director Development Services

Yes they can.

Report Tabled
Cr Roz Blades

I have got a list of events that I have attended in the last couple of weeks that will appear in the Council Minutes.

12 July 2011:
- Meetings with Council Officers.
- Meeting with Dandenong Agricultural and Pastoral Society.

13 July 2011:
- South Eastern Metropolitan Cluster meeting with Minister Napthine.

14 July 2011:
- Attended Funeral Service for John Filmer.
- Oasis Advisory Group Meeting.
- Cyrene Centre Monthly Meeting.

15 July 2011:
- Eastern Region Group of Council’s Mayor and Chief Executive Officer meeting.
- Launch the Doll’s House exhibition - Heritage Hill
16 July 2011:
• Tamil Senior Citizens Fellowship monthly meeting.
• Emerge Festival – Drum Theatre.
• Noble Park Football Club home game.

18 July 2011:
• Water 2 All warehouse/business opening.
• Meetings with Council Officers.
• Councillor Briefing Session.

19 July 2011:
• City of Greater Dandenong Prescribed Accommodation Symposium - Best Practice in Rooming House Compliance.
• Meetings with residents, Springvale
• Meetings with Council Officers, Springvale.
• Meeting with Dandenong Orchid Society.
• Attended Memorial Service for Leo Saleeba.

20 July 2011:
• Meetings with Council Officers, Springvale.
• Planning Consult Meeting, Springvale.
• Dandenong Municipal Building meeting.
• Citizenship Ceremony, Springvale City Hall.
• Neighbourhood Watch Meeting – Paddy O’Donoghue Centre.

21 July 2011:
• Meeting regarding the Andrew Erickson Reserve plaque.
• Meeting with Council Officer regarding rates.
• Planning Consult Meeting, Dandenong.
• Eastern Transport Coalition Meeting.

22 July 2011:
• Emmerson School visit.
• School Presentation – Yarraman Oaks Primary.
• Lunch with Xinyi Delegation from China.
• Attended performance by Australian Ballet – Drum Theatre.

23 July 2011:
• Attended free legal seminar held at Springvale City Hall.

24 July 2011:
• Ukrainian Accordion Concert, Noble Park.
Comment
Cr Roz Blades

I wanted to let Council know that the Tamil Senior Citizens Fellowship Victoria Inc. Australia have presented us with a Shield of Appreciation and a Certificate of Appreciation. I would also like to present to Council this scroll from the City of Xinyi in China. It is the most beautiful hand cut paper scroll. Hopefully it can be hung in a pride of pace. Maybe where the other Chinese gifts which are in Springvale. It is quite big but it is also quite beautiful. It is really lovely.

I would like to thank the councillors who represented me at events that I was not able to attend.
9 QUESTION TIME - PUBLIC

Question
John Crichton, Hallam

As a patron of the Albion Hotel during the luncheon period I am wondering if the parking hours could be changed to perhaps instead of one hour to perhaps to one and a half to two hours from 12noon so as to enable the patrons not to have to go out during their meal to attend the meter?

Response
Mal Baker, Director Development Services

I will refer that to the Parking Committee. I would say that the likelihood of changing those parking hours in that location in the City where the aim is for turnover for retail would be unlikely. It might be better to try and find a spot up in Thomas Street or somewhere where you can walk to the hotel.

Response
John Bennie, Chief Executive Officer

I thought Mal Baker, Director Development Services may have also clarified that in fact, the road rules are that a two hour parking limit is a two hour parking limit irrespective of whether the meter is continually fed or not. So I would caution any alternate practice in that regard.

Question
John Crichton, Hallam

When the fence was replaced in Bennett Street at the entrance to Greaves Reserve the area was to be family friendly with barbecue facilities. At the moment this has not been carried out. Will this happen?

Response
Bruce Rendall, Director Engineering Services

I do not have any background on this matter, so I will take that question on notice.

Question
Russell Gomez, Dandenong

The multi-storey apartments planned for Pultney Street will create parking problems/pollution and end the peace and tranquility of the area. What provisions are being made to prevent the overflow of vehicles being parked along the street and surrounds?

In which way does the construction of multi-storey apartments in Pultney Street benefit residents of the surrounding area?

Are these developments to the benefit to the residents or to the builders and developers?
Response
Mal Baker, Director Development Services

Multi-storey apartments do fit within the scheme for the area of Pultney Street that Mr Gomez is are talking about and medium density for the other parts are provided for in the scheme. When an application is assessed, one of the assessment criteria is the provision of car parking against the scheme and that is the way in which they are recommended to Council. The parking provisions are set within the scheme. There is car parking along Pultney Street, as there is in any other street, which is part of the public road and you can park there. There are often time restrictions so it is a matter of a case by case basis. In terms of what value do apartments add, all of the planning schemes across Victoria aim to provide a variety of dwelling types in each City or Shire. This Council has just recently undertaken and adopted a Neighbourhood Character Study which has certainly made an improvement around that area in terms of giving some guidance in terms of where the medium density and higher density should be. I realise that it does not satisfy everybody but never the less that is what we are bound by in the scheme.

Question
Russell Gomez, Dandenong

Will the value of the properties decrease as a result of the multi-storey developments proposed in Pultney Street?

Response
John Bennie, Chief Executive Officer

I propose to take that question on notice. I am not sure there is anybody here tonight qualified to respond to that. I can say in a general sense whilst there is a commonly held belief that developments may adversely impact on properties, there is not a lot of evidence to support that. We will refer the matter to our valuers and respond to Mr Gomez accordingly.

Question
Colin Riddiford, Dandenong North

It appears that there are still quite a few out of date garage sale signs within the City. Maybe if the Council was to enforce a fine system for any signs that are out of date say for a period of over 14 days this may keep the City cleaner. This could be publicised in The City and the local papers.

Response
Mal Baker, Director Development Services

I am fairly sure that the last amendment of the Local Laws provides for this to be handled not so much on a 14 day basis but in terms of an amenity and litter. I will pass Mr Riddiford’s suggestion on to Peter Shelton, Manager Regulatory Services and seek his views on the suggestion. It would be an amendment to Local Laws which is a fairly involved to do, but could be listed for the next review.
Question
Colin Riddiford, Dandenong North

The main entrance to the City on Stud Road shows the Basketball Stadium that Council has provided. The site is disgraced by the graffiti that is on the brick building where the phone tower is located and on fire cabinet at the front on Stud Road.

Response
John Bennie, Chief Executive Officer

Presumably the request is for us to remove the graffiti. We will take that on notice and ensure that that is done as quickly as we can.
10 URGENT BUSINESS

No urgent business was considered.

The meeting closed at 8:00PM.
Confirmed: / / 

________________________
CHAIRPERSON