



**GREATER  
DANDENONG**  
*City of Opportunity*

# **AGENDA**

**ORDINARY COUNCIL MEETING**

**TUESDAY 13 MARCH 2018**

Commencing at 7:00 PM

**COUNCIL CHAMBERS**

225 Lonsdale Street, Dandenong VIC 3175

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## **1 MEETING OPENING**

### **1.1 ATTENDANCE**

#### **Apologies**

### **1.2 OFFERING OF PRAYER**

As part of Council's commitment to recognising the cultural and spiritual diversity of our community, the prayer this evening will be offered by Cr Roz Blades AM from the Jewish Community, a member of the Greater Dandenong Interfaith Network.

### **1.3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Ordinary Meeting of Council held 26 February 2018.

#### **Recommendation**

**That the minutes of the Ordinary Meeting of Council held 26 February 2018 be confirmed.**

## 1.4 ASSEMBLIES OF COUNCIL

The following assemblies of Council occurred in the period 22 February to 7 March 2018:

Date	Meeting Type	Councillors Attending	Topics Discussed & Disclosures of Conflict of Interest
23&24/2/18	Councillor Strategic Retreat	Youhorn Chea (part), Tim Dark, Matthew Kirwan, Angela Long, Zayoun Melhem, Sean O'Reilly, Heang Tak (part)	- Councillor Strategic Retreat Weekend
26/2/18	Councillor Briefing Session	Roz Blades, Youhorn Chea, Tim Dark (part), Matthew Kirwan, Angela Long, Jim Memeti, Sean O'Reilly, Heang Tak, Loi Truong	- Discussion on the impacts of China's recent announcement to ban importing recyclable waste on Greater Dandenong's own recycling activities and costs (CONFIDENTIAL). - Hockey Victoria activity in Greater Dandenong. - Agendas items for the Council Meeting of 26 February 2018.

### Recommendation

That the assemblies of Council listed above be noted.

## 1.5 DISCLOSURES OF INTEREST

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

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

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

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

## **2 OFFICERS' REPORTS**

### **2.1 DOCUMENTS FOR TABLING**

File Id: qA228025  
Responsible Officer: Director Corporate Services

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#### **Report Summary**

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

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

#### **Recommendation Summary**

This report recommends that the listed items be received.

**2.1 DOCUMENTS FOR TABLING (Cont.)**

**List of Reports**

<b>Author</b>	<b>Title</b>
Pennington Institute	Annual Report 2017

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

**Recommendation**

**That the listed items be received.**

### 2.1.1 Petitions and Joint Letters

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

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#### Report Summary

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

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

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

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

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

**2.1.1 Petitions and Joint Letters (Cont.)**

**Petitions and Joint Letters Tabled**

Council received one [1] new petition and no joint letters prior to the Council Meeting of 13 March 2018.

A petition signed by twelve Keysborough residents regarding requests for Orlando Crescent, Keysborough. This petition has been forwarded to the relevant Council business unit for consideration.

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

**Recommendation**

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

**2.1.1 Petitions and Joint Letters (Cont.)**

**DOCUMENTS FOR TABLING**

**PETITIONS AND JOINT LETTERS**

**ATTACHMENT 1**

**PETITIONS AND JOINT LETTERS**

**PAGES 7 (including cover)**

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



2.1.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No of Petitioners	Status	Responsible Officer Response
8 January 2018	<p><b>Petition – Cover letter</b></p> <p>A letter addressed to the President of the School Council Wooranna Park Primary School, Dandenong North.</p> <p>I write to you behalf of all the residents regarding the nuisance of heavy traffic and excessive noise caused by all the hired/booked activities occurring during weeknights and weekends at the Terry O'Connor Centre.</p> <p>We constantly struggle to get out of our driveways through the heavy traffic of vehicles that park and drive up and down Wondalga Avenue and Gibb Street Dandenong North as access to the Terry O'Connor Centre and that many of us residents have been subject to near incidents through these drivers not abiding by the road law.</p> <p>We are only asking as residents and ratepayers to be able to safely and peacefully live in our own home and street.</p> <p>In support of the above, I enclose a petition, footage and audio of the excessive noise and traffic for your perusal, seeking your attention that appropriate and due consideration is taken for a satisfactory outcome.</p> <p>Please note that the City of Greater Dandenong Council has also been provided the above material.</p>	Signed by 17 residents.	Completed	<p>Tabled at Council Meeting 29 January 2018.</p> <p>Referred to Planning - Residential Amenity Unit 8 January 2018.</p> <p>29/1/18 - Local Law officers have detailed future steps required to address this matter with the head petitioner and adjoining properties.</p>

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

2.1.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No of Petitioners	Status	Responsible Officer Response
26/2/18	<p><b>Petition – Prayer letter</b></p> <p>Residents of Keysborough have requested the following for Orlando Crescent in Keysborough:</p> <ol style="list-style-type: none"> <li>1. Car parking bays on some nature strips.</li> <li>2. Erection of play equipment.</li> <li>3. Redesign of path inside park.</li> <li>4. BBQ facilities.</li> </ol>	Signed by 12 Keysborough residents.	<b>In Progress</b>	Tabled at Council Meeting 13 March 2018.

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

2.1.1 Petitions and Joint Letters (Cont.)

Date Received	Content	No of Co-Signatures	Status	Officer Response
June 2017	<p><b>(Via Change.org)</b>  <b>Begin detailed design of an integrated, intergenerational Keysborough South Community Hub.</b>                      Keysborough South needs Council to urgently start the detailed design of community hub to meet the needs of all ages and interests in a population of over 10,000 residents and still growing.</p>	Currently 111 signatories.	<b>Complete</b> <b>30/06/17</b>	
April 2017	<p><b>(Via Change.org)</b>  <b>Additional early learning services required for Keysborough by 2018.</b>                      Residents of Keysborough request that Greater Dandenong Council, deliver on the promise to establish a new maternal and child health centre and kindergarten to meet the growing needs of our community by 2018.</p>	Currently 92 signatories.	<b>Complete</b> <b>28/6/17</b>	
April 2017	<p><b>(via Change.org)</b>  <b>Cranbourne Pakenham Loop Train Line Extension including Koo-Wee-Rup &amp; Phillip Island.</b>                      Build a 3 platform station to allow a V-line train to connect Phillip Island – Cranbourne &amp; Pakenham – Koo-Wee-Rup – Melbourne City.</p>	Currently 1302 signatories.	<b>Complete</b> <b>23/5/17</b>	

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

2.1.1 Petitions and Joint Letters (Cont.)

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

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

2.1.1 Petitions and Joint Letters (Cont.)

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

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

**2.1.1 Petitions and Joint Letters (Cont.)**

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## 2.2 STATUTORY PLANNING APPLICATIONS

### 2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866)

File Id:	414665
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Submitted Plans Clause 22.09 Assessment Clause 52.06 Assessment Design Guidelines for Higher Density Residential Development Assessment VCAT Order P1784/2017 – PLN17/0145

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#### Application Summary

Applicant:	Lend Lease (Prime Life)
Proposal:	The development of the land for three (3), five (5) storey accommodation buildings and nine (9) villa units in association with an existing retirement village, reduction in car parking, and alteration to access to a road in a Road Zone, Category 1.
Zone:	General Residential Zone (Schedule 1)
Overlay:	Public Acquisition Overlay (Schedule 1)
Ward:	Lightwood

This application has been brought to a Council meeting due to the significance of the project and an earlier planning application PLN17/0145 which was refused by Council but has since been approved by VCAT.

The application proposes the development of the land for one hundred and five (105) independent living units within three (3), five (5) storey accommodation buildings and nine (9) villa units in association with an existing retirement village, reduction in car parking, and alteration to access to a road in a Road Zone, Category 1.

A permit is required under the following provisions of the Greater Dandenong Planning Scheme:

- General Residential Zone
  - 32.08-8 to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

- Clause 52.06-3 to reduce the number of car parking spaces required under clause 52.06-5.
- Clause 52.29 to create or alter access to a road in a Road Zone Category 1

It is noted that the subject application was submitted on 21 November 2016 and as such the application meets the transitional provisions of Amendments VC110 and VC136. Therefore the application is not required to meet the garden area and height requirements of the General Residential Zone or comply with Clause 58 – Apartments.

**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.

**Assessment Summary**

The multi storey buildings are of a contemporary design constructed of pre-fabricated Cross-Laminated Timber (CLT) with fibre cement cladding (light grey / brown and cream), with hipped roof form (metal pan roofing).

It is considered that the proposed multi storey buildings' external elevations have been broken up through the use of varying building materials and staggered setbacks to the elevations providing depth and a level of visual interest.

In addition the provision of nine (9) single storey villa units will provide an alternative product which will provide additional diversification of the accommodation stock on site.

As such, it is considered that the overall net community benefit of the proposed sustainable buildings that provides a much needed accommodation type within an existing retirement village outweighs the potential for visual impact due to the proposed height at this location. The visual impact in itself will be regarded as minimal due to the existing development on site, retention of vegetation, proposed setbacks and enhancement and provision of landscaping. Furthermore, VCAT have recently approved a similar five storey building on this site, and Council must consider relevant VCAT decisions in determining planning applications. As such, the proposed development is considered acceptable and should be supported.

Planning Scheme Amendment C182 (Part 1) was gazetted on 21 December 2017. Therefore the amendments to the General Residential Zone (Schedule 1) and Clause 22.09 – Residential Development and Neighbourhood Character Policy apply.

**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 an extension to the existing retirement village at the subject location with this report recommending that the application be supported and a permit be issued containing the conditions as set out in the recommendation.



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**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)****Subject Site and Surrounds****Subject Site**

The subject site is located on the eastern side of Westall Road in Springvale.

- The lot is irregular in shape with a frontage of approximately 128 metres to Westall Road, 168.47 metres to Villa Road to the north and 128.55 metres to Windsor Avenue to the south. All other boundaries are shared with residential uses. The overall site area measures 6.386 Hectares.
- The subject site has a fall of approximately seven (7) metres north to south.
- The site is currently developed with a retirement village comprising 294 independent living units in three 'snowflake' shaped buildings varying from two (2) to three (3) storeys. The current village is serviced by a dining room, gym, pool, theatre, shop and outdoor bowling green and tennis court.
- Access to the site is via four (4) crossovers (one (1) from Westall Road, two (2) from Windsor Avenue and one (1) from Villa Road. The site provides 278 existing car parking spaces.
- Mature significant trees are located adjacent to the southern and eastern boundary.
- Several drainage and sewerage easements run through the site but will not be impacted upon.

**Surrounding Area**

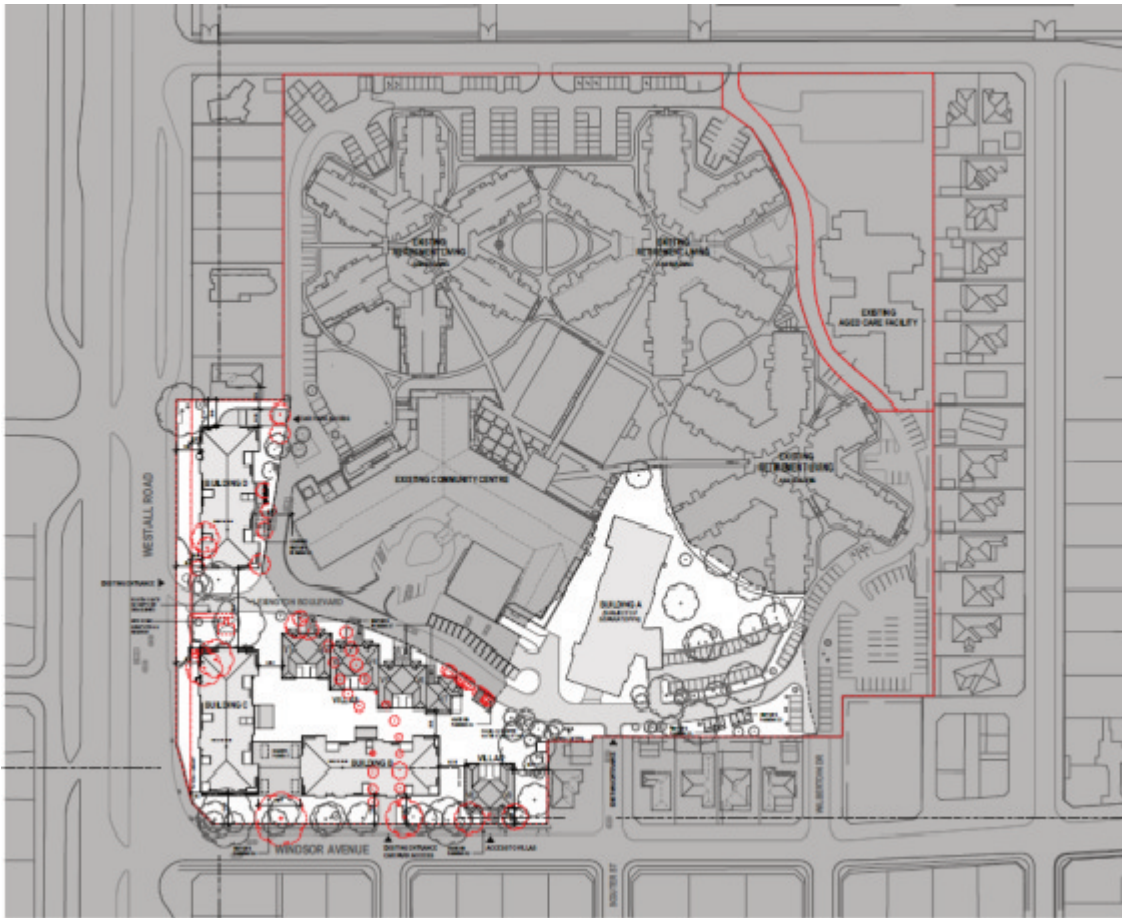
- **North:** Villa Road (approximately 9m wide). Across Villa Road the site bounded by Osborne Avenue, Regent Avenue, Villa Road and Westall Roads is currently being developed for a predominantly two and three storey residential development. It has a commercial component with a McDonalds Convenience Restaurant having already been constructed on the corners of Osborne Ave and Westall Road. Further north between Osborne Avenue and the train line and beyond the train line is a large industrial complex.
- **South:** There are three aspects to the southern interface, the first is a single storey brick dwelling located on the northern side of Windsor Avenue located at 61-53 Windsor Avenue, the second is Windsor Avenue (approximately 15m road reserve), and thirdly the traditional post war single story residential context to the south on the other side Windsor Avenue.
- **East:** To its east the site directly interfaces with a high care aged care centre. Beyond this there lies traditional single storey development that fronts Ellen Street and a small pocket of commercially zoned land at 51C Windsor Ave (south east corner). That has been developed as single storey retail premises.
- **West:** The site has a mixed interface to its west. There are two single detached dwellings within close proximity to the proposed building. These are 112 Westall Road (a single storey dwelling and carport) and 108-110 Westall Road (a large double storey dwelling). On the opposite side of Westall Road (6 lane arterial road) a number of small/light industry and associated forms are located together with traditional residential development.

2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)

Locality Plan



### 2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)



## Background

### Previous Applications

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

- Planning permit 1996/483 was issued on 18/11/1996 for the use of part of the existing buildings on the land for the purpose of a Display Centre, in accordance with the attached endorsed plans;
- Planning permit 1998/759 was issued on 7/06/1999 for a Drug Rehabilitation Centre;
- Planning permit 1999/059 was issued on 30/04/2000 for Accommodation (temporary) – Drug Rehabilitation Centre;
- Planning permit 1999/426 was issued on 10/09/1999 to use and develop the site for the purpose of Accommodation ( a Residential Village), with associated facilities, to modify access to the Road Zone Category 1 (Westall Road), to remove Native Vegetation (within the Road Zone Category 1 – Westall Road), all in accordance with the endorsed plans;
- Planning permit 2000/0176 was issued on 29 June 2001 to construct buildings and works (extension to existing aged care facility), all in accordance with the endorsed plans;



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**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

- Planning permit 2000/0195 was issued on 18 May 2000 for the erection of floodlit signage and non-illuminated signage, all in accordance with the endorsed plans.
- Planning permit 2000/0196 was issued on 8 August 2000 for the creation of new access into No's 114-122 Westall Road, Springvale, all in accordance with the endorsed plans;
- Planning permit PLN02/0829 was issued on 15/04/2003 for the development of the site incorporating extensions to the existing residential village, including an additional 120 accommodation units and associated car parking, all in accordance with the endorsed plans;
- Planning permit PLN06/0518 was issued on 20/11/2006 for a two lot subdivision;
- Planning permit PLN12/0775 was issued on 20/02/2013 for buildings and works (decking and landscaping);
- Planning permit PLN17/0215 for the removal of easement was issued on 27/07/2017.
- Planning permit PLN17/0145 for the development of the land for one (1) five (5) storey accommodation building in association with an existing retirement village, reduction in car parking, and alteration to access to a road in a Road Zone Category 1 was issued by VCAT on 19/01/2017.

**Subject Application**

**Proposal**

The application proposes the development of the land for one hundred and five (105) independent living units within three (3), five (5) storey accommodation buildings and nine (9) villa units, reduction in the parking requirements of Clause 52.06 and alteration of access to a road in a Road Zone Category 1.

Key details of the development and use are as follows:

**Accommodation Buildings**

The proposal seeks to construct three (3), five (5)-storey buildings comprising independent living units located on the first, second, third and fourth floors with car parking (undercroft) on the ground floor.

*Multistorey Buildings:*

Each building (Buildings B, C and D) will consist of:

- 24 x Two bedroom units
- 8 x Three bedroom units

Each unit is provided with a balcony directly accessed from main living areas with balcony areas of ten (10) Sq. metres with a minimum dimension of 2.6 metres.

*Villa Units:*

Two villa floor plans will be available:

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**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

- Villa Type A (units 1-6 & 8-9) – will comprise of two (2) bedrooms and provide 26 Sq. metres of POS;
- Villa Type B (units 7) – will comprise of two (2) bedrooms and a study and provide 24 Sq. metres of POS.

All Villa units will be single storey and will be accessed via Lexington Boulevard with the exception of units 8 & 9 which will be accessed via a new crossover from Windsor Avenue.

A combined total of one hundred and five (105) units will be provided.

Layout and Built form

The proposed multistorey buildings are to be prefabricated in cross laminated timber off-site and as such a standard 'product' or layout is created with identical dimensions, car parking numbers, numbers of residences and basement entries.

*Building B*

Building B is located 10.1m to the west of units 8 and 9 and to the south-east and west of the two proposed water gardens. The building maintains a setback of 10.8m from the southern boundary (Windsor Avenue). The building is recessed through its mid-section which will allow the retention of canopy planting along Windsor Avenue and provide façade articulation along the length of the building. Building B will be a maximum of 15.69 metres high.

An existing crossover from Windsor Avenue will provide access to the undercroft car parking area for building B.

*Building C*

The proposed Building C is located parallel to the western site boundary, and will maintain a minimum street setback of 3.9m and setback 29.6m south of Building D. Along with Building D, building C will frame the entry to the development from Westall Road and will present to its main interface along the busy arterial of Westall Road. Building C will be a maximum of 15.69 metres high.

This building is sited on the central boulevard of the retirement village, access is also provided from this central boulevard. Buildings B and C will be connected through a covered car parking area.

*Building D*

Building D along with Building C will frame the main entry to the development from Westall Road.

This building is setback from the boundary 9.7m to Westall Road. This setback has been adopted to ensure the building sits outside the existing Public Acquisition Overlay. Building D will be a maximum of 15.69 metres high.

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

The buildings will be constructed of a contemporary design constructed of pre-fabricated Cross-Laminated Timber (CLT) with fibre cement cladding (light grey / brown and cream), with hipped roof form (metal pan roofing). The ground floor undercroft car parking will be clad with perforated fabric metal mesh (dark grey) with separate landscape planters, arbour and earth bunds adjacent to the ground floor in order to mask the undercroft parking area.

Pedestrian entry to the buildings will be via a main entry lobby facing into the centre of the site with access via one (1) internal lift. Staircases are accessed from the car park on the ground floor level.

Each level will contain the following:

Ground floor

- Car parking/ bicycle facilities;
- Lobby to retirement units (lifts & staircases);
- Services;
- Waste storage.

First /second/third/fourth floor

- 8 independent living units (6 x 2 bedrooms, 2 x 3 bedrooms) to each floor.

**Car parking/ access**

The proposal includes car spaces located within the ground floor of each building within an undercroft car parking area for the residents accessed via external roller doors from the existing internal loop road.

Requirement Clause 52.06	Car parking required	Car parking provided	Reduction required
Retirement Village: <ul style="list-style-type: none"> <li>• 1 space per one /two bedroom dwelling;</li> <li>• 2 spaces per each three or more bedroom dwelling;</li> <li>• 1 for visitors to every five dwellings</li> </ul>	150 in total: 129 resident spaces 20 visitor spaces for the three multistorey buildings altogether 1 visitor space for the 9 villa units	128 in total: 105 resident spaces 14 visitor spaces 9 visitor spaces (1 per villa)	24 resident spaces 5 visitor spaces The villa units over cater for visitor spaces and will operate independently of the multistorey buildings therefore the proposed visitor spaces will not be utilised by the occupiers of the multistorey buildings.

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

**Vegetation Removal/ Landscaping**

The proposal will require the removal of thirty six (36) trees and one (1) tree group in areas which will be required for building footprints, driveways, carparks and their entrances. The submitted Arborist report identifies the trees on site are not remnant vegetation and as having been planted and as such no permit is required to remove vegetation under Clause 52.17 Native Vegetation. Whilst this is the case the applicants have identified that the minimum of vegetation will be required to be removed for the proposed development. A landscape plan has been submitted with this application and a condition to the permit, should one be granted, is that an amended landscape plan must be submitted and approved prior to any trees being removed and prior to any development plans being approved.

**Easements**

The proposal does not impact on any of the drainage and sewerage easements covering the land. It is identified that easements E1 and E4 have been removed under planning permit PLN17/0215.

**Alteration of Access to a road in a Road Zone, Category 1**

The existing access point to Westall Road, designated as a Road Zone, Category 1, will be used more frequently for the proposed development and as such it is considered the additional traffic movements will alter the access to the site and therefore trigger Clause 52.29.

**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**

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 a building or construct or carry out works for a use in Section 2 of Clause 32.08-2 (Clause 32.08-8 GRZ1).
- To reduce the number of car parking spaces required under clause 52.06-5.
- To create or alter access to a road in a Road Zone Category 1 under Clause 52.29.

The relevant controls and policies are as follows:

**Zoning Controls**

The subject site is located in a General Residential Zone Schedule 1 (GRZ1), as is the surrounding area.

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

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**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

A permit is required under:

- Clause 32.08-8 for the construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.

**Particular Provisions**

The site adjoins Road Zone Schedule 1 (RDZ1) Westall Road to the west.

The purpose of Clause 52.29 is to:

- *To ensure appropriate access to identified roads.*
- *To ensure appropriate subdivision of land adjacent to identified roads.*

A permit is required to create or alter access to a road in a Road Zone Category 1. Alteration to a Road Zone Category 1 includes the intensification of the use occurring on the land.

**Overlay Controls**

**A Public Acquisition Overlay is identified along the western boundary with Westall Road. The subject overlay does not affect the subject location of the proposed building.**

**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.*



**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

*(e) To protect public utilities and other facilities for the benefit of the community.*

*(f) To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e).*

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

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

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

- To create urban environments that are safe, 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 encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

**Housing**

is the focus of

**Clause 16**

and includes the following provisions:

- Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.
- New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.
- Planning for housing should include providing land for affordable housing.

**Clause 16.01-2 Location of residential development** includes an objective that aims 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.

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

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

**Local Planning Policy Framework**

A **Vision for Greater Dandenong** is outlined at **Clause 21.03**. Included in the vision are the following points of relevance:

- A municipality where, central Dandenong, major activity centres, other neighbourhood and local centres function as activity centres where high quality, appropriate, high to medium housing exists in harmony with a thriving and well-managed retail and commercial sector.
- A municipality where, housing diversity and choice is promoted in its various attractive neighbourhoods.

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

**Clause 21.04 Land Use** contains the following objectives and strategies which are of relevance to the current application:

- 1. To encourage and facilitate a wide range of housing types and styles which increase diversity and cater for the changing needs of households.*

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**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

*1.1. Encourage a mix of housing types that better reflects the cross section of the community in Greater Dandenong.*

*1.3. Encourage the provision of housing that is adaptable to support the needs of the changing needs of present and future residents.*

*2. To respect and improve residential environments.*

*2.1. Encourage developments to exceed minimum compliance with the requirements of Clauses 54, 55 and 56, where appropriate and identified.*

*2.2. Encourage new residential development that incorporates adequate space for the planting and the long term viability and safe retention of canopy trees.*

**Clause 21.05 Built Form** contains the following objectives and strategies which are of relevance to the current application:

*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.*

*2.2. 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.*

*7. To protect and improve streetscapes.*

*7.1. Ensure that 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.*

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**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

*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.*

**Clause 22.05 Greater Dandenong Gateways Policy**

The subject site is located within a significant entry point to the City of Greater Dandenong. As shown on Map 1 – Gateway Locations the subject site is located within Area 1.

The objectives of Clause 22.05-2 are:

- *To develop gateways that engage, challenge and inspire the community.*
- *To encourage gateway developments that uniquely identify the City of Greater Dandenong.*
- *To provide certainty as to how gateway locations will look, feel and function.*
- *To improve the perception of the City of Greater Dandenong among its residents and visitors.*
- *To improve the visual amenity of the municipality's gateway locations.*

Where a permit is required for land use or development the following policy applies:

- *An application for a Planning Permit must include an assessment against the Public Realm and Built Form Guidelines contained within the relevant Gateway Concept Plan (City of Greater Dandenong Gateways Strategy, December 2011).*

**Clause 22.09 Residential Development & Neighbourhood Character Policy** sets out Council policy for future residential development within the municipality, identifying which areas are suitable to undergo varied levels of change.

Relevant details from that policy include the following:

- To guide the location and design of different types of residential development within Greater Dandenong, having regard to State and local planning policies, while respecting the valued characteristics and identified future character of residential neighbourhoods.
- To ensure that new residential development is consistent with the identified future character and preferred built form envisaged for the three Future Change Areas.
- To provide certainty about which areas are identified for, or protected from, increased residential development consistent with the purpose of the applicable zone.
- To facilitate high quality, well designed residential development and on-site landscaping.
- To promote a range of housing types to accommodate the future needs of the municipality's changing population.
- To ensure that residential development uses innovative, responsive and functional siting and design solutions that:

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**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

- Achieve high quality internal amenity and private open space outcomes for future residents;
- Make a positive contribution to the streetscape through quality design, contextual responsiveness and visual interest;
- Promote public realm safety by maximising passive surveillance;
- Demonstrate responsiveness to the site, adjoining interfaces, streetscape and landscape context;
- Respect the amenity of adjoining residents and the reasonable development potential of adjoining properties;
- Achieve environmentally sustainable design outcomes;
- Use quality, durable building materials that are integrated into the overall building form and façade; and
- Minimise the visual dominance of vehicle accessways and storage facilities, such as garages, car ports and basement entrances.

Clause 22.09-3.1 provides overarching design principles which consider matters such as: safety, landscaping, car parking, setbacks, front boundary and width, private open space, bulk and built form, site design, materials and finishes, domestic services and internal amenity.

Clause 22.09-3.3 provides additional design principles which development must be assessed against in the incremental change area including, preferred housing type, building height, landscaping, setbacks, front boundary and width, private open space and bulk and built form.

An assessment against this clause is included as Attachment 2.

**Particular Provisions**

**Clause 52.06 Car Parking** needs to be considered under the current application. The purposes of this provision are:

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

Pursuant to Clause 52.06-3 a permit is required to reduce (including reducing to zero) the number of car parking spaces required under Clause 52.06-5.

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

The proposal seeks to expand the existing use on the site through the construction of an additional accommodation building for the following:

- Residential Village.

The table at Clause 52.06-5 sets out the car parking requirement that applies to the proposed uses of land as follows:

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

The proposal seeks a reduction of 24 of the required car spaces for the additional accommodation building (residential village). The applicant also seeks a reduction of 5 visitor car spaces of the total number required to be provided. A total of 128 car spaces are proposed to be provided on site.

An application must meet the Design standards for car parking included at Clause 52.06-8.

*An assessment against this clause is included as Attachment 3.*

**Clause 52.29 land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road** needs to be considered under the current application. The purposes of this provision are:

The purpose of Clause 52.29 is to:

- *To ensure appropriate access to identified roads.*
- *To ensure appropriate subdivision of land adjacent to identified roads.*

A permit is required to create or alter access to a road in a Road Zone Category 1.

### **General Provisions**

Clause 65 – Decision Guidelines need 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.

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**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

**Proposed Planning Scheme Amendments**

**Planning Scheme Amendment VC110 affects the proposal which is explained below:**

Planning Scheme Amendment VC110 was gazetted by the Victorian State Government on 27 March 2017. This amendment introduced:

- Mandatory minimum garden areas; and
- Maximum building heights of 11 metres or no more than three (3) storeys in the General Residential Zone.

The amendment included Transitional provisions which details as follows:

*“The minimum garden area requirement of Clause 32.08-4 and the maximum building height and number of storeys requirements of Clause 32.08-9 introduced by Amendment VC110 do not apply to:*

- *A planning permit application for the construction or extension of a dwelling or residential building lodged before the approval date of Amendment VC110”.*

It is identified that the application was submitted on 21 November 2016 before the 27 March 2017 gazettal of the amendment and therefore the amendments under VC110 do not apply to this application.

**Planning Scheme Amendment VC136 affects the proposal which is explained below:**

Planning Scheme Amendment VC136 was gazetted by the Victorian State Government on 13 April 2017. This amendment introduced:

- Clause 58 – Apartment Developments into the Greater Dandenong Planning Scheme. This clause provides objective and standards in relation to minimum design requirements for apartment developments of five or more storeys.

The amendment included Transitional provisions which details as follows:

*“Clause 58 does not apply to:*

*An application for a planning permit lodged before the approval date of the amendment”.*

It is identified that the application was submitted on 21 November 2016 before the 13 April 2017 gazettal of the amendment and therefore the amendments under VC136 do not apply to this application.

**Restrictive Covenants**

No Restrictive Covenants registered on title.



### 2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)

#### Council Plan 2013-2017 – Strategic Objectives, Strategies and Plans

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

#### Diversity (Access & Equity)

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

#### Community Safety

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

#### Safe Design Guidelines

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

#### Referrals

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

External Referrals	Advice/Response/Conditions
Vic Roads	No objections (no conditions)
Public Transport Victoria	No objections (subject to conditions)

#### Internal

The application was internally referred to the following Council Departments for their consideration:

Council Referrals	Advice/Response/Conditions
Strategic Planning	No objection
Asset Planning	No objection subject to conditions
Civil Development	No objection subject to conditions
ESD/ Sustainability	No objection subject to conditions



**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

Transport Planning	No objection subject to conditions
Urban Design	Comments provided
Waste Management	No objection
Arborist	No objection subject to conditions

The comments provided have been 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; and
- Placing four (4) signs on site facing Westall Road and Windsor Avenue.

The notification has been carried out correctly.

Council has received no objections to date.

**Consultation**

A consultative meeting was not required to be held.

**Assessment****Statutory Context**

The subject site is located with the General Residential Zone (Schedule 1):

It is noted that the following recent Victorian Planning Scheme Amendments do not apply to the subject application for a five (5) storey accommodation building:

- Amendment VC110 – Minimum Garden Area and height controls (11 metres / 3 Stories). The application was submitted prior to amendment VC110 being gazetted on 27/03/2017 and as such benefits from the transitional provisions under Clause 32.08-14.
- Amendment VC136 – The subject application must be assessed against Clause 52.35 – Design Response for residential development over five or more storeys, rather than Clause 58 – Apartments as the application was submitted prior to amendment VC136 being gazetted on 13/04/2017 and as such benefits from the transitional provisions.

It is noted that the subject use is not identified as either a dwelling or residential building under the definition of the Planning Scheme. As such the application is not subject to an assessment under the Design Guidelines for Higher Density Residential Development which was incorporated into the Greater Dandenong Planning Scheme at Clause 52.35 prior to Amendment VC136 being gazetted on 13/04/2017. Notwithstanding that, it has been used to assess this application.

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**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

The application for development must be assessed against the General Residential Zone (as was in place prior to the above outlined Amendments) and Cause 52.35 of the Planning Scheme.

Planning Scheme Amendment C182 (Part 1) was gazetted on 21 December 2017. Therefore the amendments to the General Residential Zone (Schedule 1) and Clause 22.09 – Residential Development and Neighbourhood Character Policy must be applied. An assessment against Clause 22.09 as amended under C182 has been undertaken and is attached to this report (Attachment 2).

**Use**

The proposed use of the site for an expansion of the existing accommodation use (retirement village) does not require a permit, with the use being established through historic permits as identified earlier in this report.

**Development**

The development proposes a total of one hundred and five (105) independent living units within three (3), five (5) storey accommodation buildings and nine (9) villa units on the subject site.

The subject site is identified as an existing large scale retirement village being comprised of large two (2) to three (3) storey buildings (294 units) utilised by the elderly and retirees. In addition Planning Permit PLN17/0145 was issued by VCAT on 19 January 2018 for:

*“The development of the land for one (1) five (5) storey accommodation building in association with an existing retirement village, reduction in car parking, and alteration to access to a road in a Road Zone Category 1”.*

Whilst the application is not required to be assessed against the Design Guidelines for Higher Density Residential Development (DSE 2004), an assessment was undertaken in order to ensure the proposed development would not cause detriment to the amenity of the area both physically and visually. Overall the proposal is considered to meet all of the objectives as outlined within the guidelines.

It is considered that the proposed three (3) multi storey buildings external elevations have been broken up through the use of varying building materials and staggered setbacks to the elevations providing depth and a level of visual interest. The steel permeable balustrades to the balconies allow for views which also assist in minimising the perceived bulk of the building.

The style of the buildings is contemporary and the development will not appear out of context with the established village, but will create a unique and appealing architecture which has utilised a combination of external finishes and colours designed to create visual interest when viewed from the internal road network, Souter Street, Windsor Avenue, Westall Road and the surrounding area.

Whilst the proposed development will be unique in terms of being the only current five (5) storey buildings within the immediate area, the development is considered to contribute to an improved urban character whilst still being respectful of the existing surrounding residential interfaces. This will be aided by the retention of the large trees located along the Windsor Avenue frontage with the exception of a number of trees to be removed in order to provide vehicular access to Villa Units 8 & 9 and Building B.

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**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

The design of the independent living units both within the five (5) storey buildings and villa units are open plan, have good accessibility and will meet the needs of a broader range of the retiring/elderly community. The internal layout of the units seeks to minimise expensive modifications if short or longer term impairment occurs for any of the residents.

It is considered sufficient solar access is provided to all the units with large windows and balconies / ground floor private open space, allowing for a good amount of natural light into the units.

The proposed building height of five (5) storeys for the three (3) buildings whilst being higher than the two (2) storey preferred building height under Clause 22.09-3.2 is considered acceptable at this location.

It is considered that:

- The setbacks of the buildings from all boundaries afforded due to the considerable size of the site, specifically to Windsor Avenue;
- The existing and proposed landscaping and vegetation retention along the eastern and southern boundaries of the lot;
- The overall context of the site and existing significant built form;
- The use being provided for (retirement village); and
- The sustainability initiatives and construction model proposed;

allow for a departure from the preferred two storey built form that would normally be required within the incremental change area under Clause 22.09 (as amended).

In addition, it is identified within the Neighbourhood Character Study 2007 (NCS), which informed the new residential zones and the drafting of Clause 22.09 at figure 10 that the subject site is located within an anomaly area. A question of the NCS was should consolidated allotments be able to be developed with a more intensive built form than the surrounding area?

It is considered that in this instance, on this site, within the anomalies area, the more intense form of development should be supported.

As required under Clause 10.04 – Integrated Decision Making:

*“Planning Authorities and Responsible Authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations”.*

It is identified that between 2017 and 2026 the forecast population of 65+ year olds will increase by 10% with 75+ year olds increasing by 15% (source: Population current and forecast in Greater Dandenong January 2014).

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**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

It is considered that as the over 65 or retiree population within the City of Greater Dandenong increases, facilities and residential / retirement villages such as Lexington Gardens will need to expand in order to provide accommodation. It is considered that due to a lack of larger consolidated parcels of land and affordability, independent living units in denser developments such as the one proposed are acceptable and should be supported.

The applicants will construct the subject multistorey buildings using an advanced building technique. Central to the projects sustainability strategy is the selection of cross-laminated timber (CLT) for the building's structure. CLT is an innovative construction material that allows higher rise buildings to be built from timber rather than concrete; the resulting embodied energy savings are considerable, achieved through the substitution of energy, water and materials intensive concrete with renewable, sustainable timber. It is estimated that the selection of CLT structure will reduce the embodied carbon in the building by 50%.

In addition, the overall planning and design of all the units has been developed to maximise indoor environment quality.

As such, it is considered that the overall net community benefit of the proposed sustainable buildings, along with the diversity of unit typologies within an existing residential village outweighs the potential for visual impact due to the proposed height at this location. The visual impact in itself will be regarded as minimal due to the existing development on site, retention of vegetation and enhancement and provision of landscaping; as such the proposed development is considered acceptable and should be supported.

This view is supported by VCAT in the Tribunals decision to issue Planning Permit PLN17/0145 for the development of the land for one (1) five (5) storey accommodation building in association with an existing retirement village on the subject site (identified as Building A). Building A is to be located east of the existing retirement village amenities building and due to the topography of the site will sit higher than the proposed buildings B, C & D (See context Elevation Plan LEX TP041 Rev 4).

Member Wilson in her decision found that there was, *“considerable support in the Planning Scheme for additional housing catering for older age groups, a sector of the population that is projected to increase and more generally for greater diversity of housing in accessible locations.”*

It is identified that this is an important factor in balancing all the matters that must be considered and reaching a decision that achieves net community benefit and sustainable development for the benefit of present and future generations as required under Clause 10.04 of the Planning Scheme.

Member Wilson also found that there is significant emphasis in various provisions and policies of the Planning Scheme on ensuring that development responds appropriately to context and is respectful of neighbourhood character. Regard should be given to the unique characteristics of the site, the siting and design of the building and to the balancing of neighbourhood character objectives against the established use of the land for a retirement village and policy that seeks increased diversity of housing, especially for the aged.

The member considered the departure to include a more intense and higher form (5 storeys) of development proposed should be supported. Whilst in the case for Building A (PLN17/0145) Council lawyers argued that the proposal should not be supported and that the Council refusal should be

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**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

upheld, the Member agreed with the views expressed in the Council report that there are circumstances that justify departure from the preferred two-storey height and preferred medium density housing in the incremental change area. In addition the Member found that:

*“The overall height of the building, although two storeys higher than the three storeys allowed for in the GRZ and anticipated in the incremental change areas, will have limited impact outside the site given its location internally within a large site that effectively has its own character”.*

In relation to the subject application, the additional three (3), five (5) storey buildings will be located fronting Westall Road and Windsor Avenue. It is considered that the five (5) storey built form (Buildings C & D) along Westall road with a varied setback of 3.79 – 9.64 metres from the western boundary will provide a robust built form when located adjacent to the six (6) lane road. It is considered in the context and character of the site, buildings of this scale would not look or feel out of place but would frame this corner location.

In terms of Building B, it is considered that the 10.9 metre setback, retention of the 1.8-2 metre high fence, retention of the majority of mature trees (with the exception for the provision of access), proposed additional landscaping and the topography of the land will help reduce any perception of bulk and scale. The building will be appropriately and extensively screened along Windsor Avenue (see Attachment 1 - Lexington Gardens - Photomontage – Windsor Avenue dated 11/08/2017).

Overall it is not considered that the proposed buildings will dominate or erode the character of Windsor Avenue or the surrounding residential area as was found by Member Wilson in her decision for Building A whereby it was identified that:

*“Assessing the proposal against the neighbourhood character objectives of Schedule 1 to the GRZ I find as follows:*

- *The scale, built form and setbacks respond to the existing site circumstances which do not have the consistent built form and street patterns evident in the more traditional residential streetscapes where Schedule 1 to the GRZ applies.*
- *There is generous opportunity for substantial high quality landscaping and canopy trees.*
- *The development will not result in car parking or vehicle access dominating a streetscape.*
- *The development provides a useable area of private open space for each unit.”*

It is important to remember that when determining planning applications, Council's must take into consideration relevant VCAT decisions. In this case, there is a very recent VCAT decision for a similar proposal on the same site, which was approved.

**Vegetation and landscaping**

The proposal will require the removal of thirty six (36) trees and one (1) tree group in areas which will be required for building footprints, driveways, carparks and their entrances. The submitted Arborist report identifies the trees on site to not be remnant vegetation but to have been planted and as such no permit is required to remove vegetation under Clause 52.17- Native vegetation of the Greater Dandenong Planning Scheme. Whilst this is the case, the applicants have designed the proposed development so that the minimum of vegetation will be required to be removed. The majority of the

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

existing mature trees located along the southern boundary (Windsor Avenue) and at the entrance from Westall Road will be retained. All retained trees will be required to be protected during construction and conditions will be placed on any permit issued to ensure the provision of Tree Protection Zones at that time.

In addition, it can be identified from the Landscape Concept Plan that extensive and substantial landscaping is proposed along all interfaces with any existing dwellings (east), Windsor Avenue and Westall Road as well as internal of the site. It is considered that the increase in landscaping vegetation will soften the built form and more than adequately replace any vegetation to be lost.

**Clause 52.35 - Design Guidelines for Higher Density Residential Development Assessment**

**An assessment of the proposed development has been made against Clause 52.35 as the application is subject to the transitional requirements under Amendment VC136. Overall the applicant submitted an appropriate Urban Context Report which is considered to meet all of the application requirements.**

**Car Parking**

Car parking for the proposed five (5) storey buildings has been provided in the form of under croft parking for the residents accessed from the both the internal road and Windsor Avenue with each of the Villa units being provided with a single garage each along with one additional space in tandem.

The application has been assessed against the design standards of Clause 52.06-8 as per the table attached to this report and is considered to comply with all of the design standards.

Pursuant to Clause 52.06-5 the following car parking rates are applicable to the proposed uses (retirement village).

Car parking required	Car parking provided	Reduction required
150 129 resident spaces 20 visitor spaces for the three multistorey buildings altogether 1 visitor space for the 9 villa units	128 in total: 105 resident spaces 14 visitor spaces 9 visitor spaces (1 per villa)	24 resident spaces 5 visitor spaces The villa units over cater for visitor spaces. As the villas visitor spaces will operate independently of the multistorey buildings therefore the proposed visitor spaces will not be utilised by the occupiers of the multistorey buildings.



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**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

Based on the above the proposal is seeking a car parking reduction of twenty nine (29) car spaces (24 resident and 5 visitor spaces). The applicant has advised through a Traffic and Transport Assessment that the reduction in car parking is appropriate for the use.

The reduction in parking of the twenty four (24) residential spaces (reduction of one (1) space per three (3) bedroom unit) is considered acceptable due to the use of the building for retirees and the inclusion of car sharing schemes and other transportation options provided by the management of the village (e.g. buses to and from shopping areas etc.).

It is considered that the reduction in the visitor car parking requirements is not acceptable and should be provided. Therefore a condition will be placed on any permit to be issued to provide an additional five (5) visitor spaces in close proximity to the proposed buildings in order to meet the requirement.

**Clause 52.29 – to alter access to a road in a Road Zone Category 1**

The subject site adjoins Westall Road to the west which is a Road Zone Category 1 (RDZ1).

The site has an existing access point from Westall Road which will be used more frequently for the proposed development.

The application was referred to VicRoads which had no objection to the proposal.

**Conclusion**

The proposed development for three (3), five (5) storey accommodation buildings and nine (9) villa units in association with an existing retirement village, reduction in car parking, and alteration to access to a road in a Road Zone, Category 1 is considered acceptable at this location due to the overall context of the site, setbacks, proposed design and sustainable construction methods and the overall net community benefit the proposal will bring to the municipality.

**Recommendation**

**That Council resolves to issue a Permit to grant a permit in respect of the land known and described as 114-122 Westall Road, Springvale (Lot 1 PS543421V), for the development of the land for three (3), five (5) storey accommodation buildings and nine (9) villa units in association with an existing retirement village, reduction in car parking, and alteration to access to a road in a Road Zone, Category 1 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;**

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**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

- 1.1. An additional five (5) visitor car parking spaces located in close proximity to the subject building.**
- 1.2. The location(s) for all outdoor AC units. If they are placed on the balcony, must be concealed from the street and surrounding views.**
- 1.3. Tree protection zones for all trees which may be impacted by the construction of the proposed building in compliance with the Australian Standard AS4970-2009 Protection of Trees on Building Sites.**
- 1.4. All physical environmentally sustainable design features referred to within the Sustainability Report prepared by Lendlease dated 17 November 2016 or any subsequent amended report.**
- 1.5 Villa Units 8 & 9 to be provided access to the proposed footpath to the rear of the units via a gate from the each unit's private open space.**

**To the satisfaction of the Responsible Authority.**

- 2. Before plans are endorsed under condition 1, a revised Sustainability Report detailing sustainable design strategies to be incorporated into the development must be submitted to, and approved by the Responsible Authority this includes the submission of a revised BESS assessment. The revised Sustainability Report is to address the issues identified by the Responsible Authority including but not limited to energy efficiency, water efficiency and indoor environmental quality.**
- 3. Prior to the occupation of the development, a report from the author of the Sustainability Report approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainability Report have been implemented in accordance with the approved Plan.**
- 4. Before the plans are endorsed under condition 1, and before any trees or vegetation are removed, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and 3 copies must be provided. The amended landscape plan must be generally in accordance with the landscape concept plans prepared by CJ Arms & Associates dated 7 August 2017 but modified to show:**
  - 4.1 Plans to accord with Condition 1 of this permit;**



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**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

- 4.2 Demonstration that proposed planting will substantially screen ground floor car park walls;**
- 4.3 Natural ground level and altered ground levels;**
- 4.4 Proposed surfacing;**
- 4.5 Details of arbour, gazebo and any other proposed structures in the landscaped area; and**
- 4.6 Irrigation system to all planted areas**

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

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

- 5. Before the approved development starts, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Construction Management Plan must address, but is not limited to:**
  - 5.1. Hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints;**
  - 5.2. All Traffic Management Plans for the site demolition, excavation, deliveries and other construction related activities that will affect vehicle and pedestrian traffic;**
  - 5.3. The location of all areas on-site and off-site to be used for construction staff parking;**
  - 5.4. A Parking Management Plan for all associated construction vehicles;**
  - 5.5. All site sheds, portable toilet, storage and materials, etc. must be confined to the land;**
  - 5.6. The covering and maintenance of all roads/storage areas/external stockpiles/or vacant areas to avoid dust nuisance to any residential and commercial premises;**
  - 5.7. A truck wheel-wash must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways;**

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2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)

- 5.8. **No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the land;**
- 5.9. **All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;**
- 5.10. **The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the land; and**
- 5.11. **No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system.**

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

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

- 6. **Prior to the occupation of the accommodation buildings approved by this permit, an appropriate stormwater discharge arrangement from the site must be designed and constructed to the satisfaction of the Responsible Authority. When required, fees for plan checking and supervision must be paid to the Responsible Authority.**
- 7. **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.**
- 8. **Once the development has started, it must be continued and completed in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.**
- 9. **The development must be constructed in accordance with the recommendations of the Sustainability Report to the satisfaction of the Responsible Authority.**
- 10. **The accommodation buildings or any stage of the development 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.**

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

- 11. Prior to the occupation of the accommodation building 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.**
- 12. Access to the site and any associated roadwork must be constructed, all to the satisfaction of the Responsible Authority. Vehicle Crossing permit is required for alteration/removal/reinstatement of existing vehicle crossings and construction of new vehicle crossings. Works are to be in accordance with Council Standards.**
- 13. Any works undertaken within the road reservation and easements will require the developer to obtain a Civil Works Permit from Council.**
- 14. 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.**
- 15. Before the approved development is occupied, the area(s) set-aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:**
  - 15.1. Constructed in accordance with the endorsed plan/s.**
  - 15.2. Properly formed to such levels that they can be used in accordance with the plans.**
  - 15.3. Surfaced with an all-weather sealcoat.**
  - 15.4. Drained to the legal point of discharge.**

**All to the satisfaction of the Responsible Authority**
- 16. Visitor parking must be clearly marked and well-lit outside of daylight hours.**
- 17. Car spaces, access lanes and driveways must be maintained and kept available for these purposes at all times.**
- 18. Provision must be made for the drainage for proposed development including landscaped and paved areas, all to the satisfaction of the Responsible Authority.**
- 19. The connection of the internal drainage infrastructure to the Legal Point of Discharge must be to the satisfaction of the Responsible Authority.**

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

- 20. Collected stormwater must be retained onsite and discharged into the drainage system at pre development peak discharge rates as stated in the Legal Point of Discharge approval letter. Approval of drainage plan including any retention system within the property boundary is required.**
  
- 21. Before the approved building is occupied, the development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkway. Lighting must be located, directed and shielded to the satisfaction of the Responsible Authority so as to prevent any adverse effect outside the land.**
  
- 22. Except with the prior written consent of the Responsible Authority, floor levels shown on the endorsed plan/s must not be altered or modified.**
  
- 23. No buildings or works may be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority without the prior written consent of the relevant authority and the Responsible Authority.**
  
- 24. Before the accommodation building is occupied, all landscaping as shown on the endorsed plans, including trees, shrubs and lawn, must be planted to the satisfaction of the Responsible Authority.**  
  
**At all times, the landscaping must be maintained to the satisfaction of the Responsible Authority.**
  
- 25. Access to the site and any associated roadwork must be constructed, all to the satisfaction of the Responsible Authority.**  
  
**Note all existing vehicle crossing will need to be removed and reinstate with kerb in accordance with Council Standards. Also, the developer will need to obtain a Vehicle Crossing Permit from Council.**
  
- 26. Except with the prior written consent of the Responsible Authority and under the supervision of a consulting qualified Arborist, the following must not occur within the Tree Protection Zone:**
  - 26.1. vehicular or pedestrian access;**
  - 26.2. trenching or soil excavation; and**
  - 26.3. storage or dumping of tools, equipment or waste, including stockpiled**

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2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)

**soil and building debris;**

**All to the satisfaction of the Responsible Authority.**

27. **Before the approved development starts, all existing trees shown on the endorsed plans to be retained on the land must, to the satisfaction of the Responsible Authority, be suitably marked in a "Tree Protection Zone" with the Tree Protection Zones as required under Australian Standard AS4970-2009 Protection of Trees on Building Sites.**
28. **The provisions, recommendations and requirements of the endorsed Acoustic Report by Marshall Day Acoustics report no: Rp001R03 2017008 must be implemented and complied with to the satisfaction of the Responsible Authority.**

**Public Transport Victoria**

29. **The permit holder must take all reasonable steps to ensure that disruption to bus operations along Westall Road and Windsor Avenue is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations during construction and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.**
30. **This permit will expire if:**
  - 30.1. **The development does not start within two (2) years of the date of this permit, or**
  - 30.2. **The development or any stage of it is not completed within four (4) years of the date of this permit.**

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

Notes

- **A Building Approval is required prior to the commencement of the approved development. This planning permit does not constitute any building approval.**
- **A Vehicle Crossing Permit must be obtained from Council for all vehicular crossings prior to construction of the crossings. You may be required to apply for a Asset Protection Permit from Council's engineering services. Queries regarding engineering requirements can be directed to Council's general phone number on 8571 1000.**
- **Approval of any retention system within the property boundary is required by the relevant building surveyor.**

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

- **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.**
- **Mailboxes should be provided and located for convenient access as required by Australia Post.**
- **The property is identified to be subject to flooding in major rain events. An application for Report and Consent for Flooding is required. Infrastructure Planning is to be contacted to confirm the minimum finished floor level (FFL) of the proposed development.**
- **Prior works commencing the developer will need to obtain an Asset Protection Permit from Council.**

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

**STATUTORY PLANNING APPLICATIONS**

**TOWN PLANNING APPLICATION – NOS. 114-122 WESTALL ROAD,  
SPRINGVALE (PLANNING APPLICATION PLN16/0866)**

**ATTACHMENT 1**

**SUBMITTED PLANS**


**PAGES 33 (including cover)**

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

2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)

PLANNING PERMIT APPLICATION  
AUGUST 2017  
**LEXINGTON GARDENS**  
114 WESTALL ROAD, SPRINGVALE VIC 3171  
ARCHITECTURAL DRAWINGS LIST

NO.	DESCRIPTION	DATE
1	GENERAL LAYOUT PLAN	10/08/17
2	LANDSCAPE ARCHITECTURE PLAN	10/08/17
3	CONCEPTUAL SITE PLAN	10/08/17
4	CONCEPTUAL SITE PLAN	10/08/17
5	CONCEPTUAL SITE PLAN	10/08/17
6	CONCEPTUAL SITE PLAN	10/08/17
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100	CONCEPTUAL SITE PLAN	10/08/17



lendlease

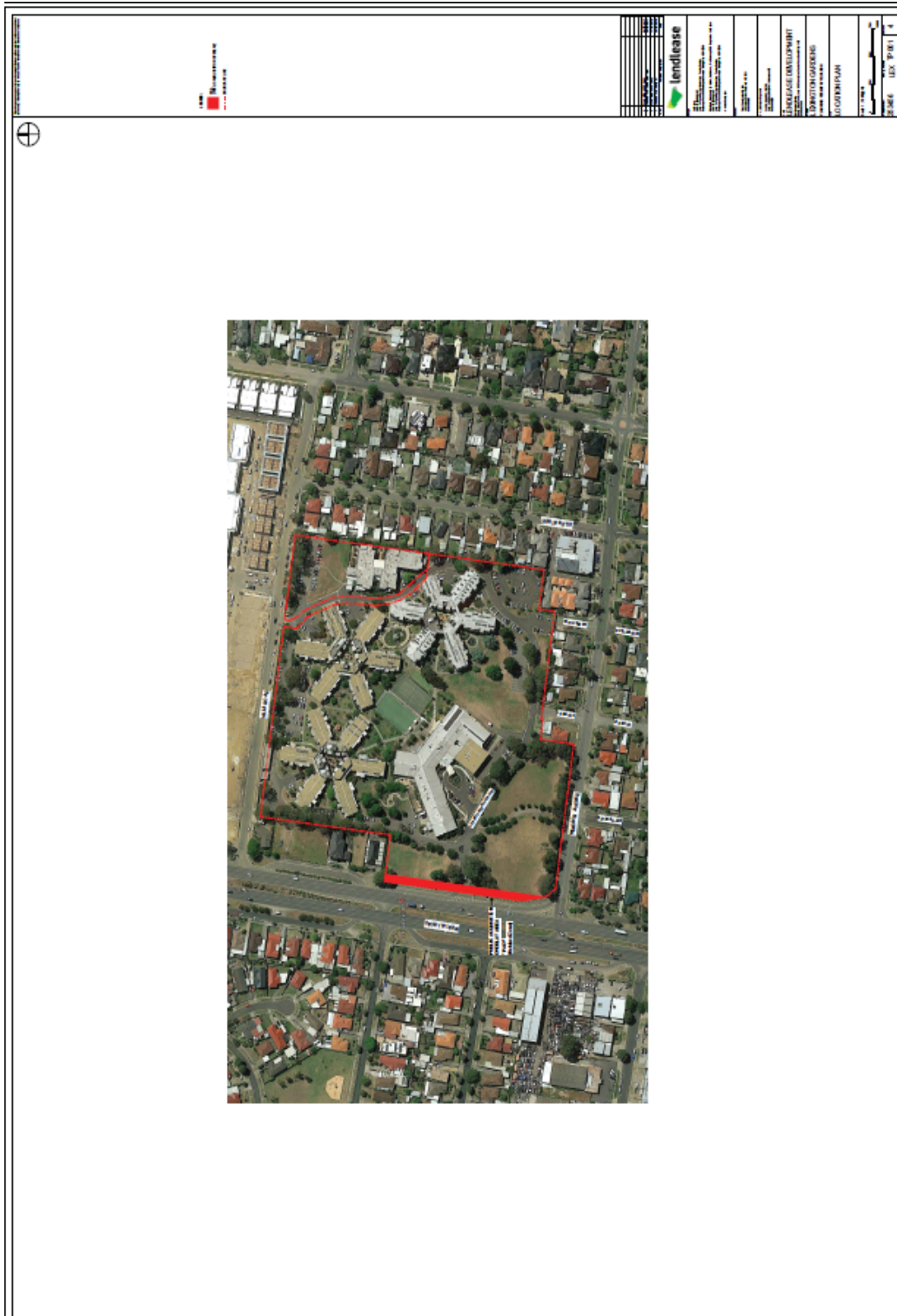
LANDLEASE DEVELOPMENT  
114 WESTALL ROAD, SPRINGVALE VIC 3171  
ARCHITECTURAL DRAWINGS LIST

DATE: 10/08/17

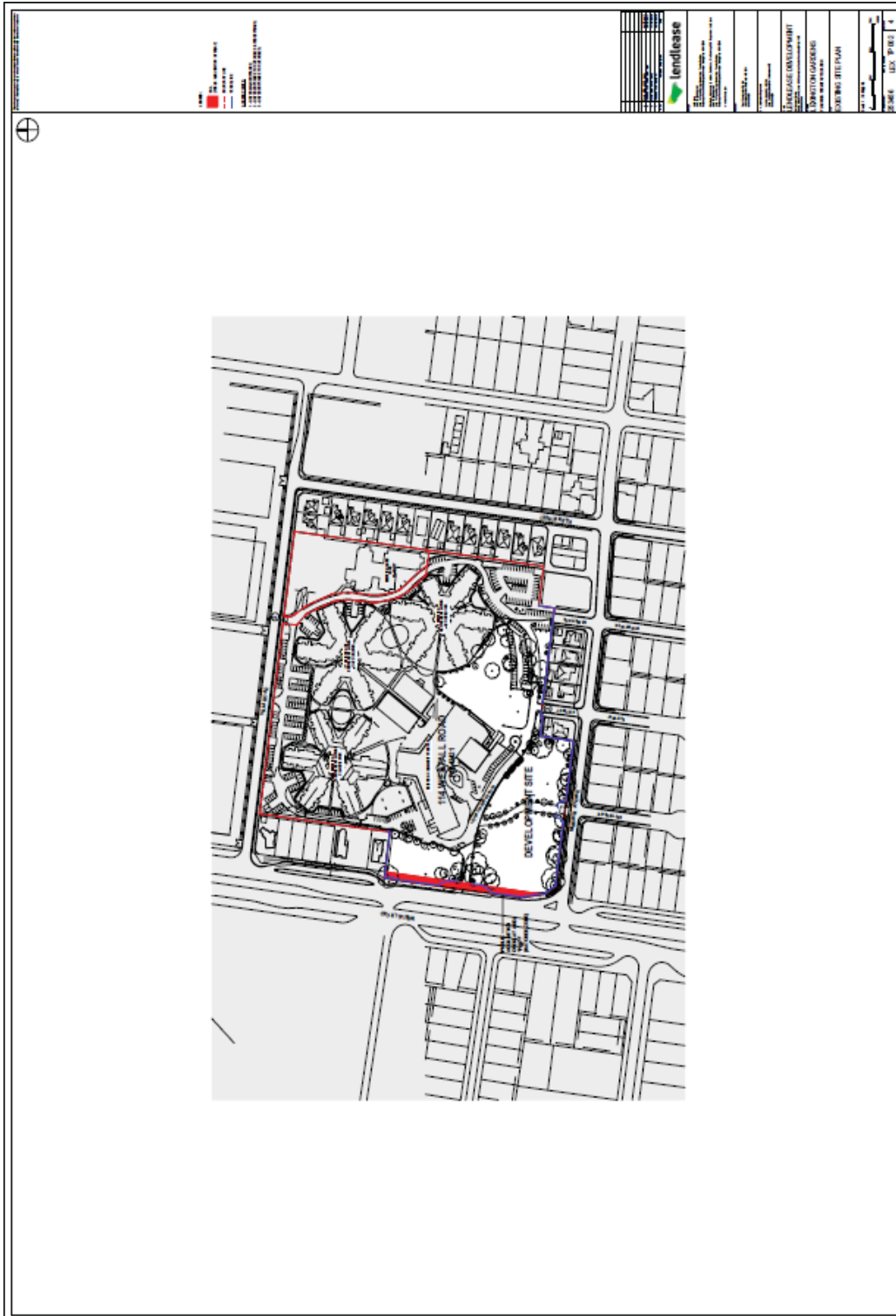
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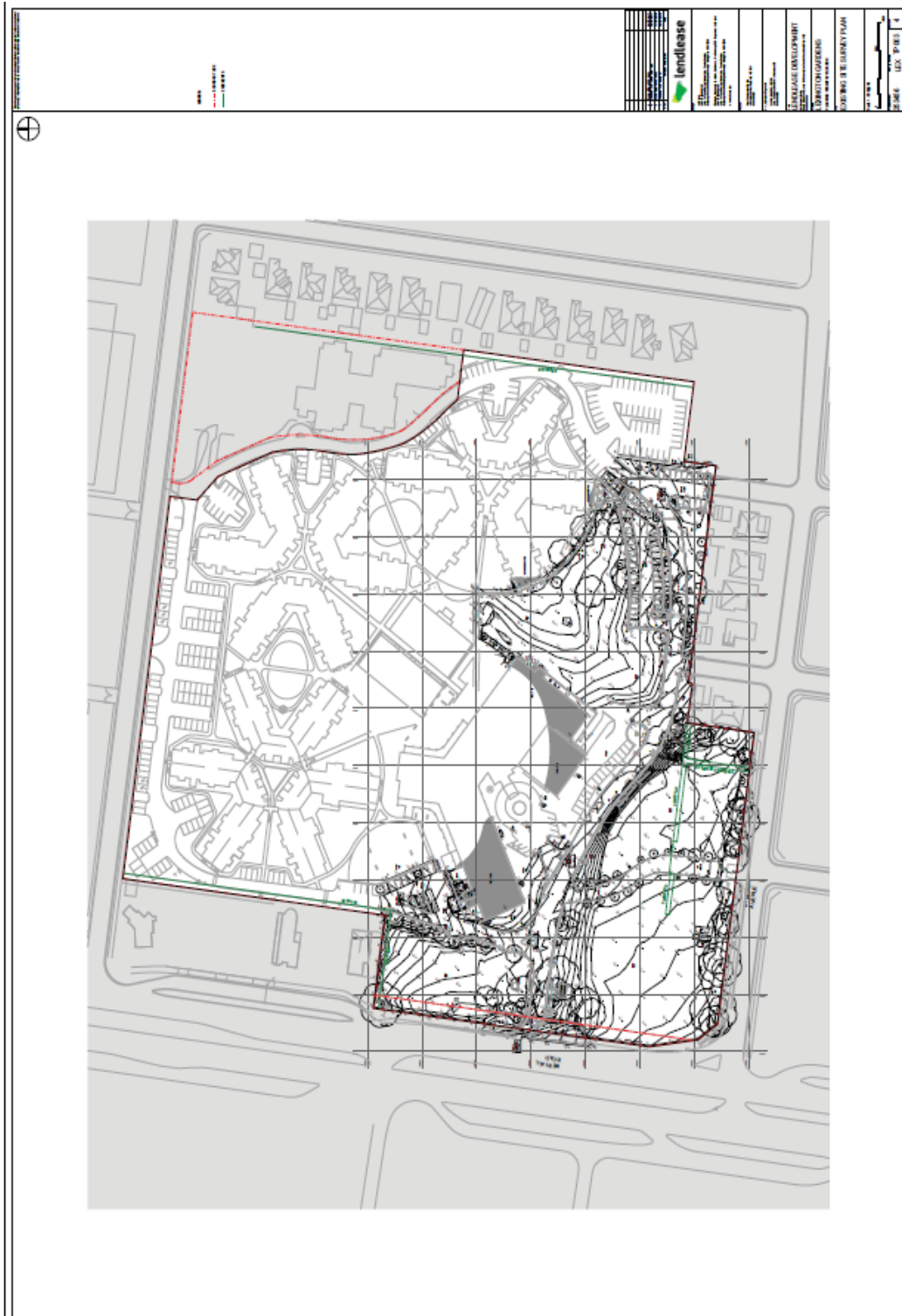
2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)



2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)



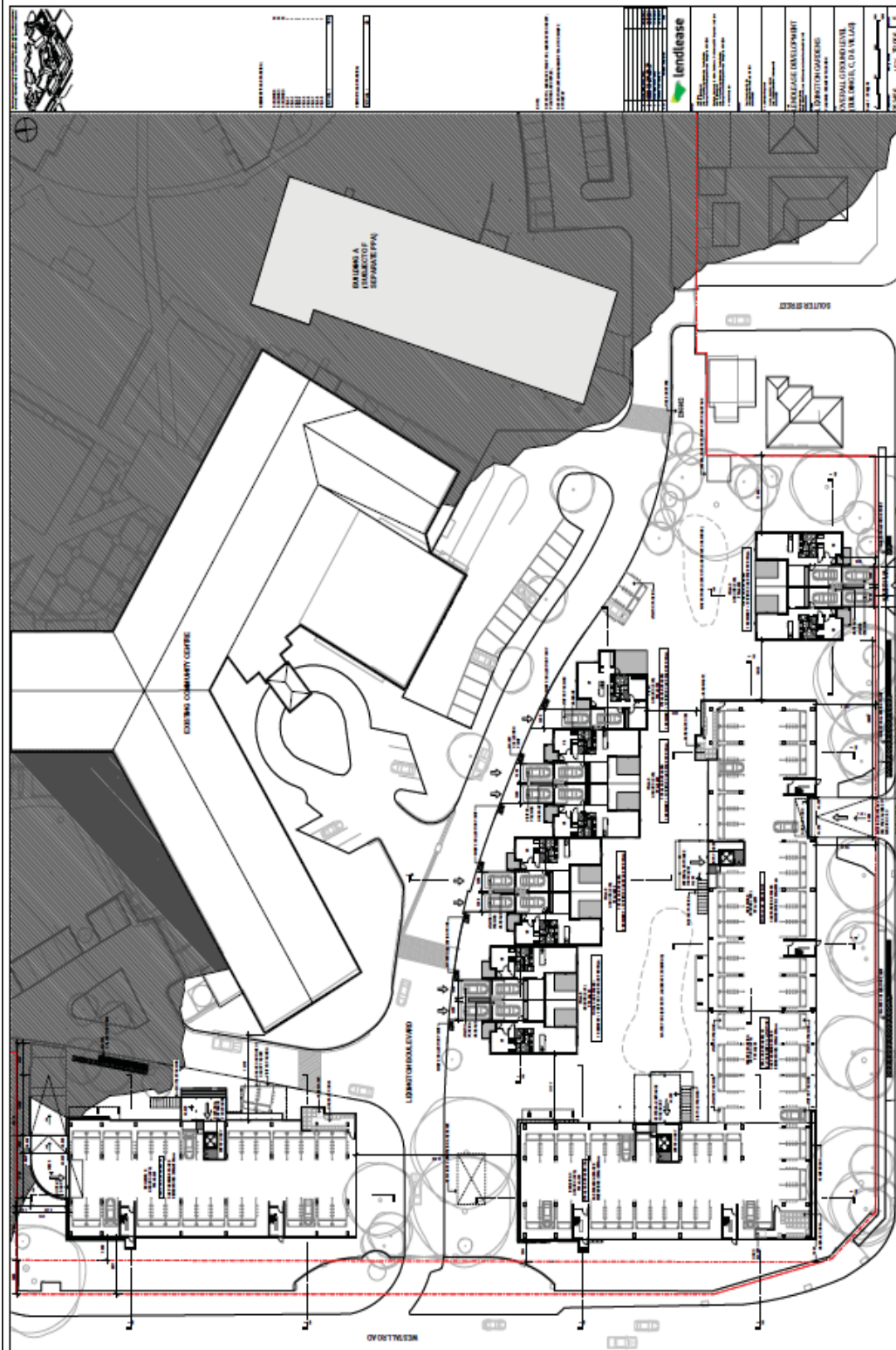
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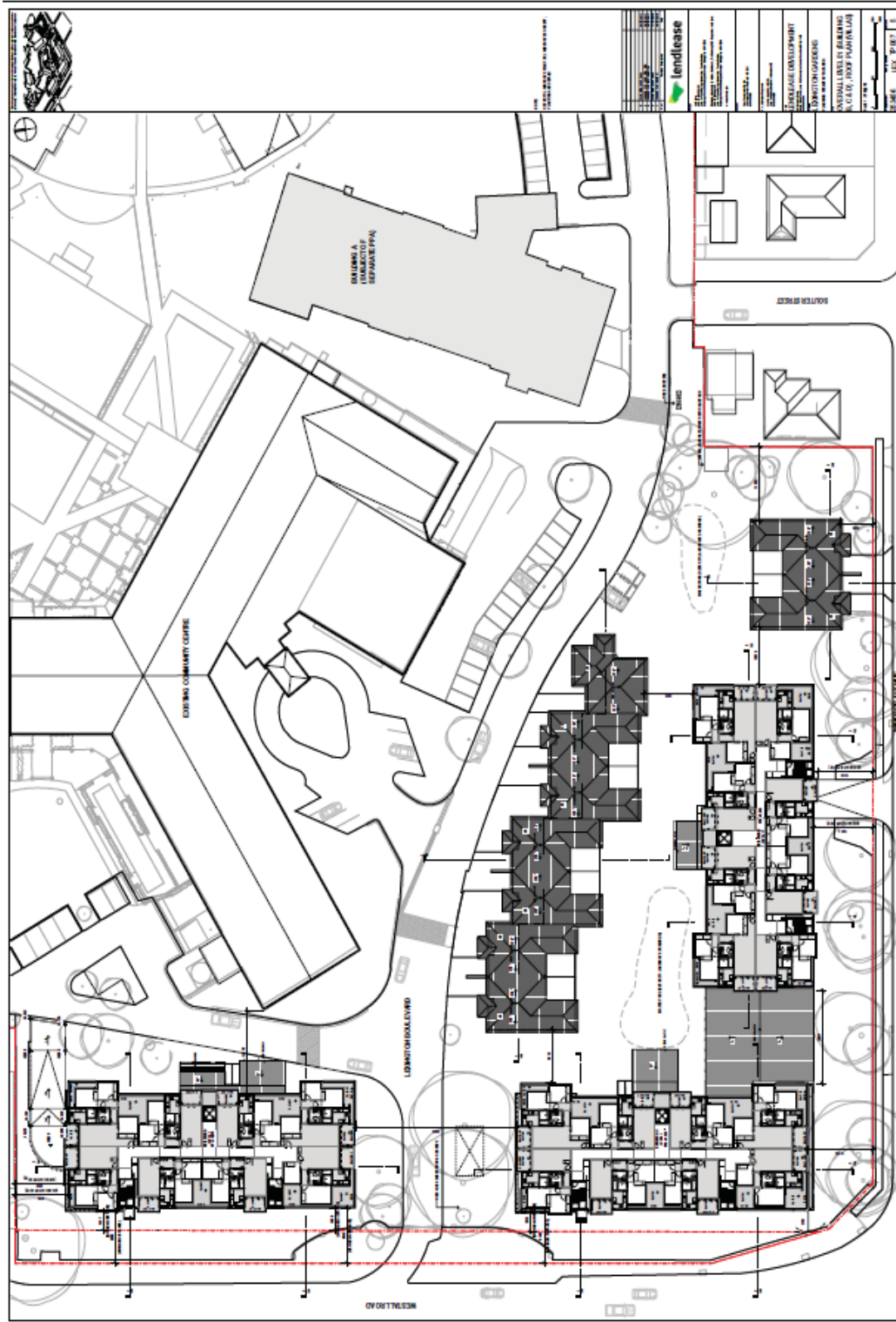




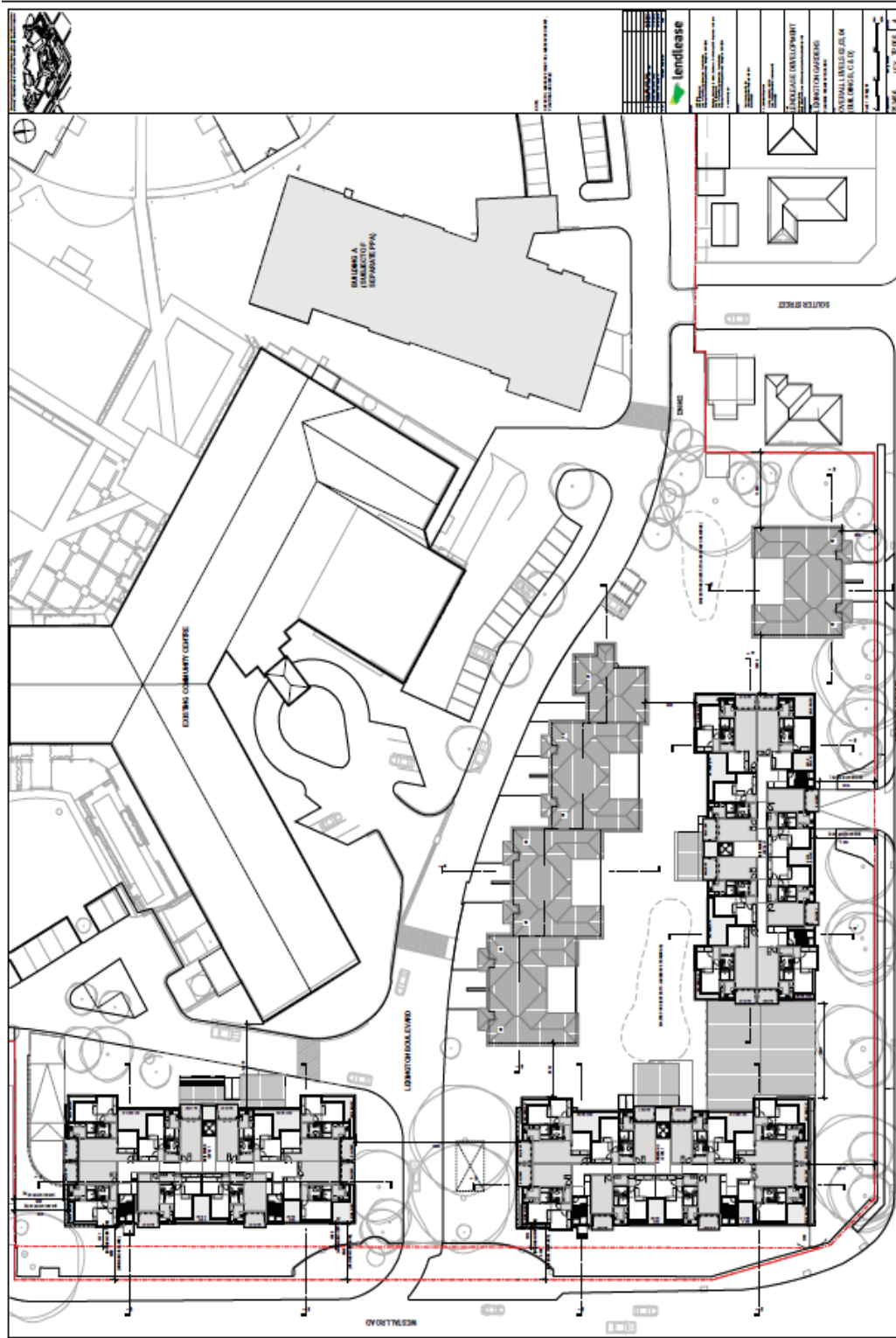
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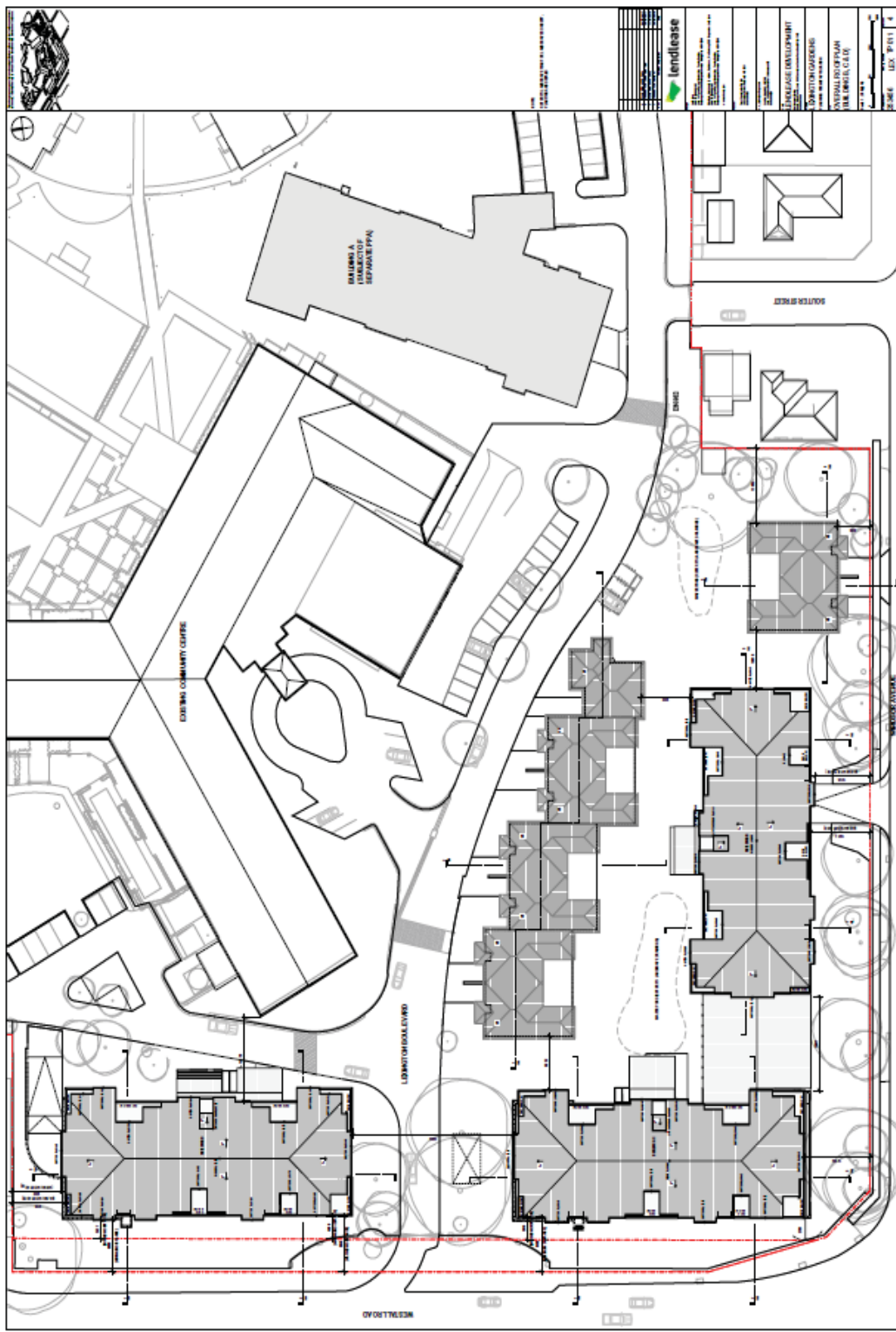


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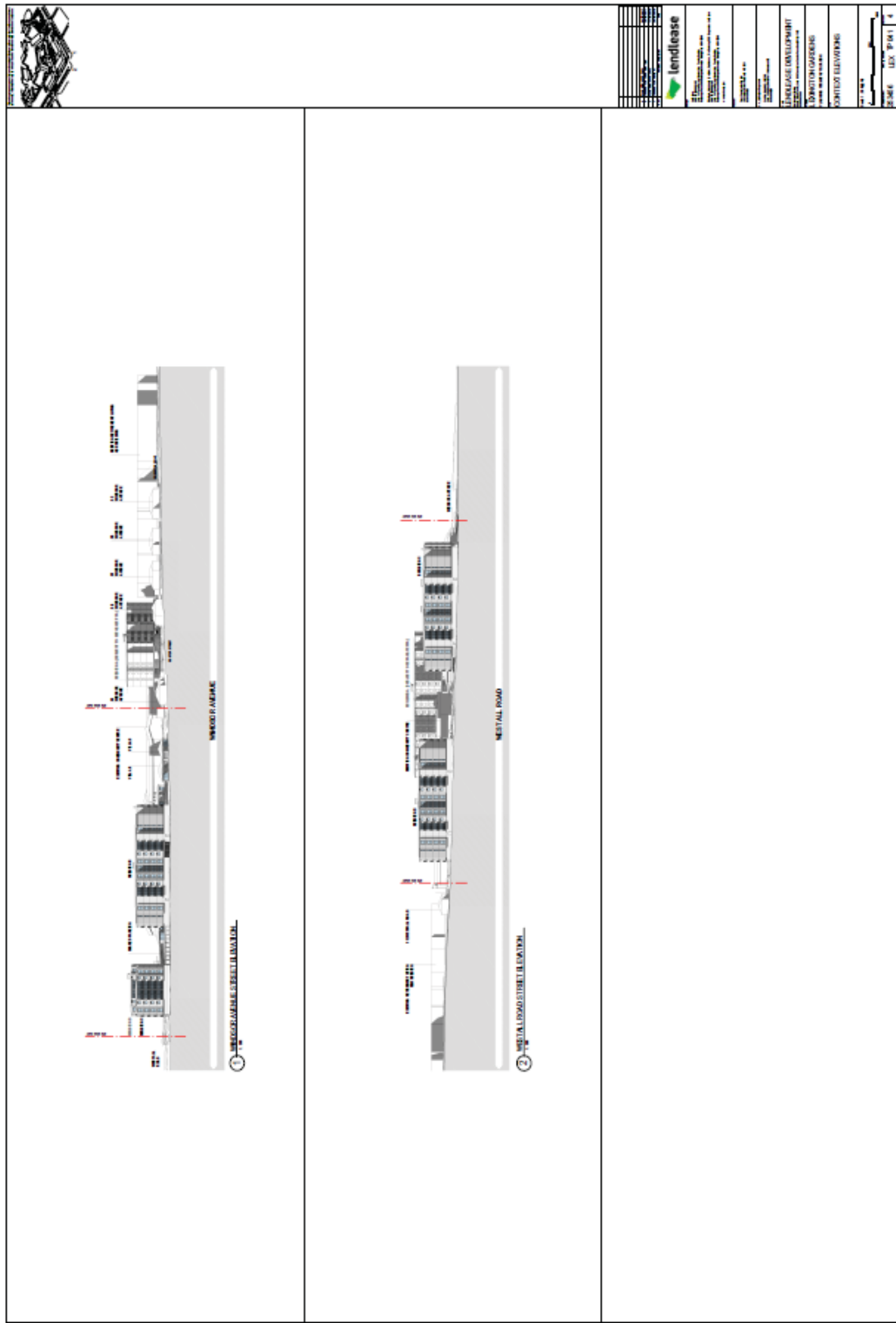


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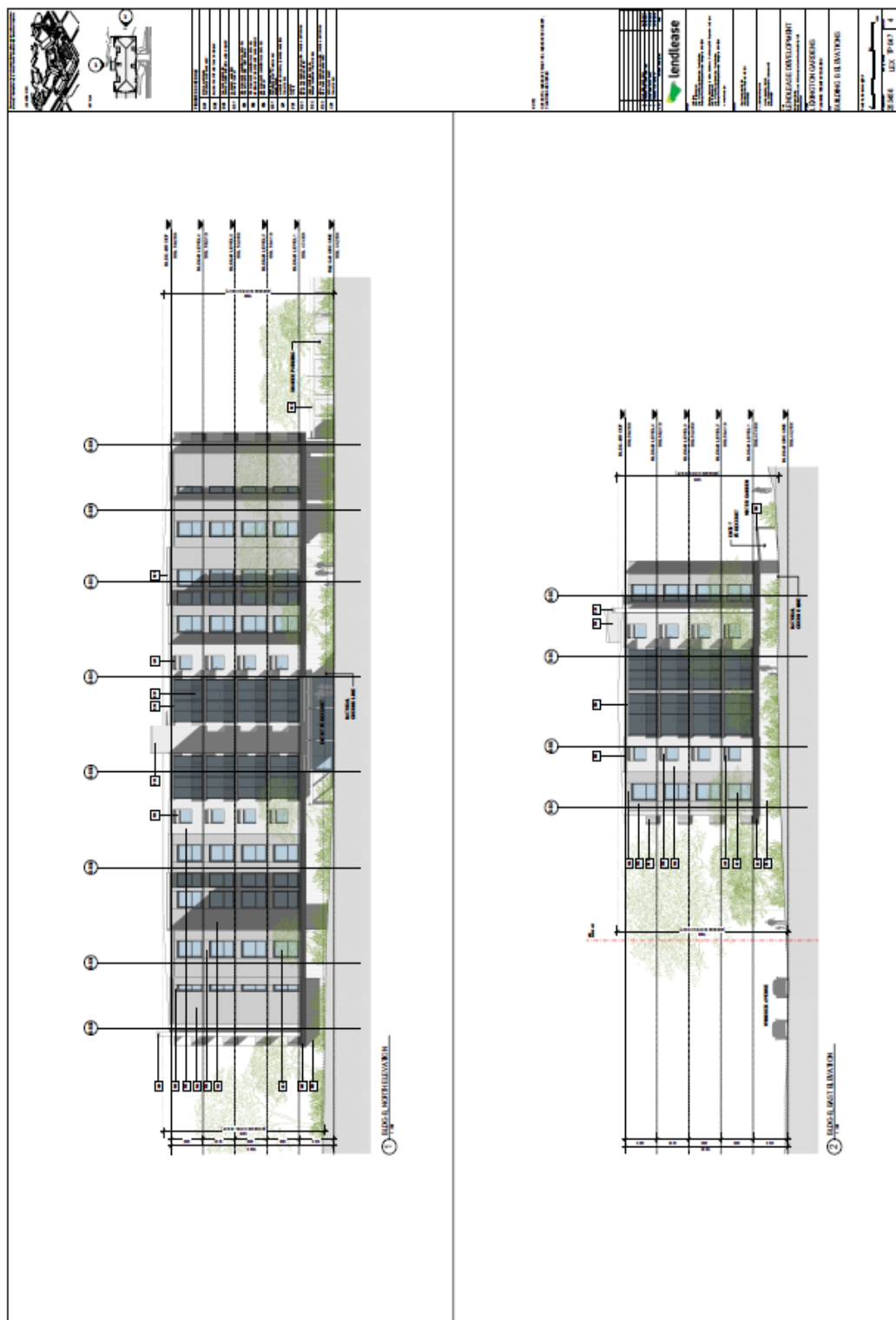




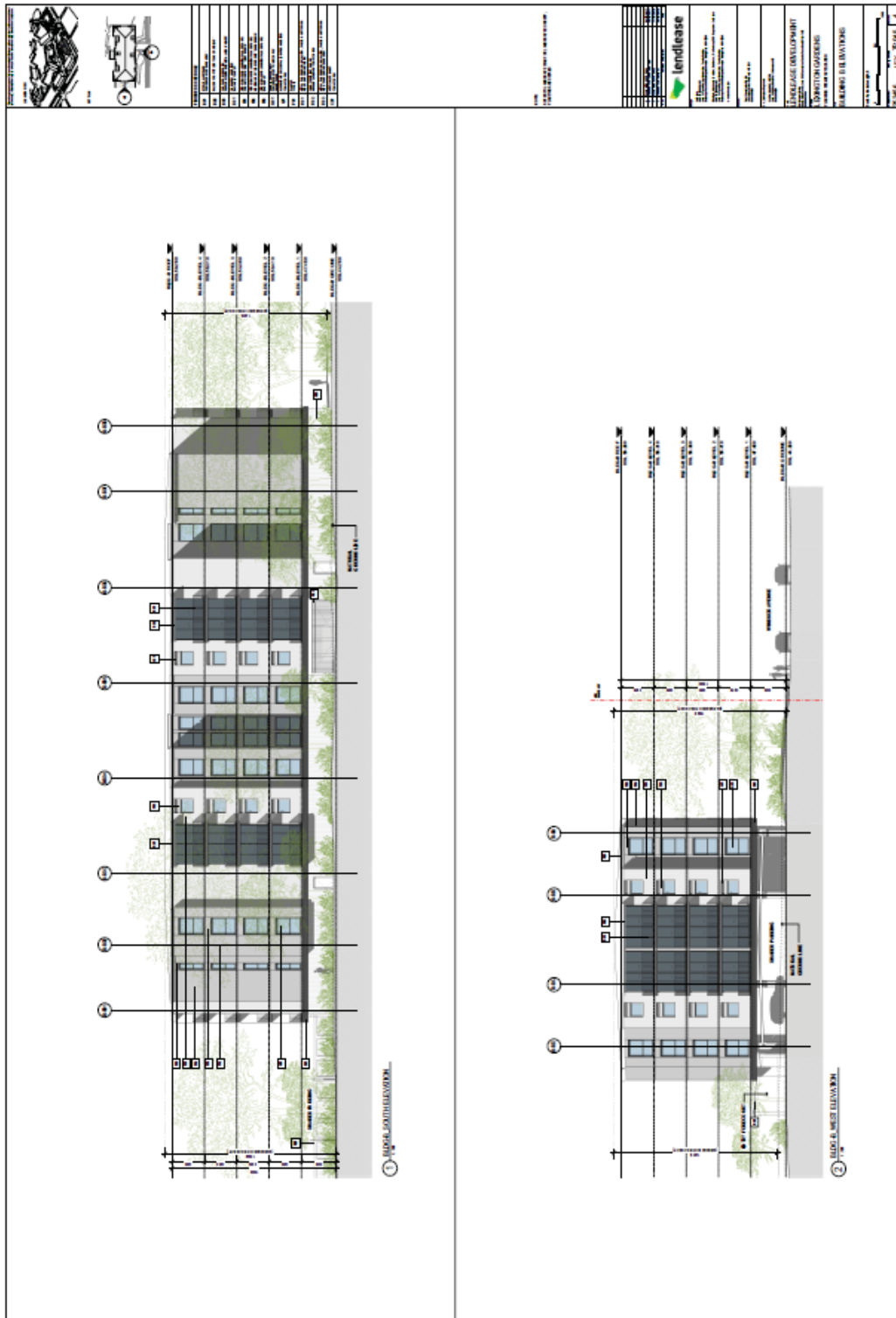
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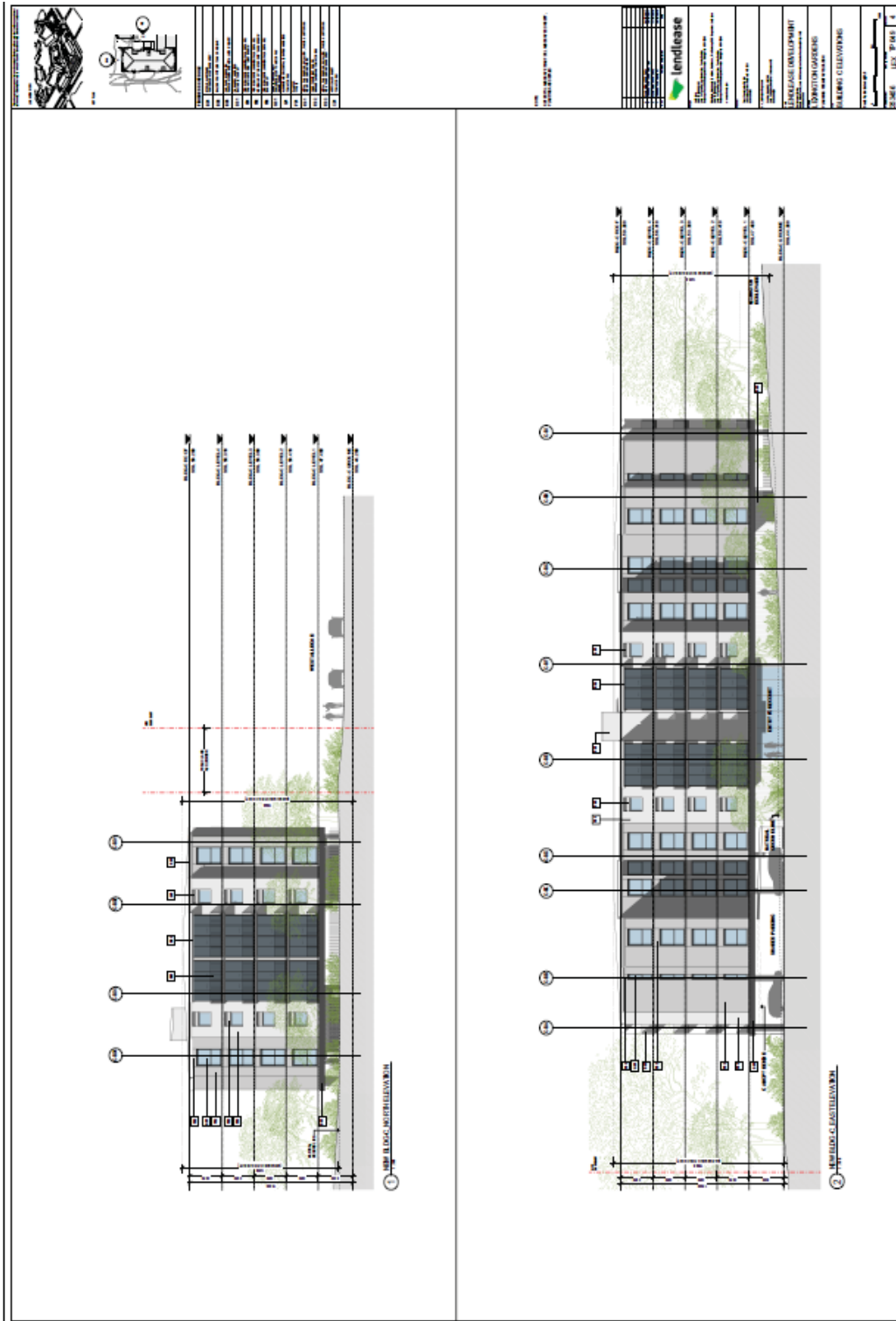
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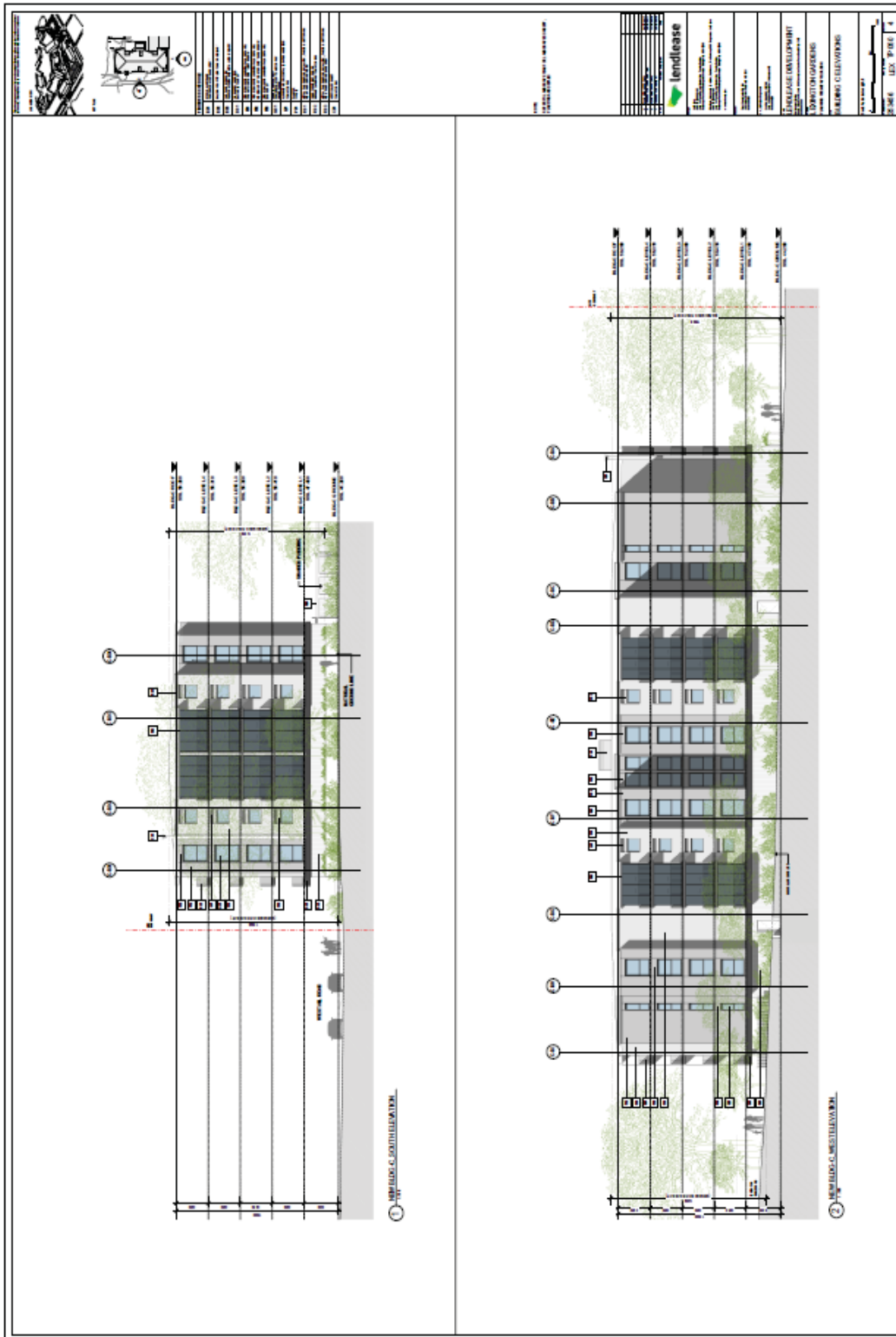
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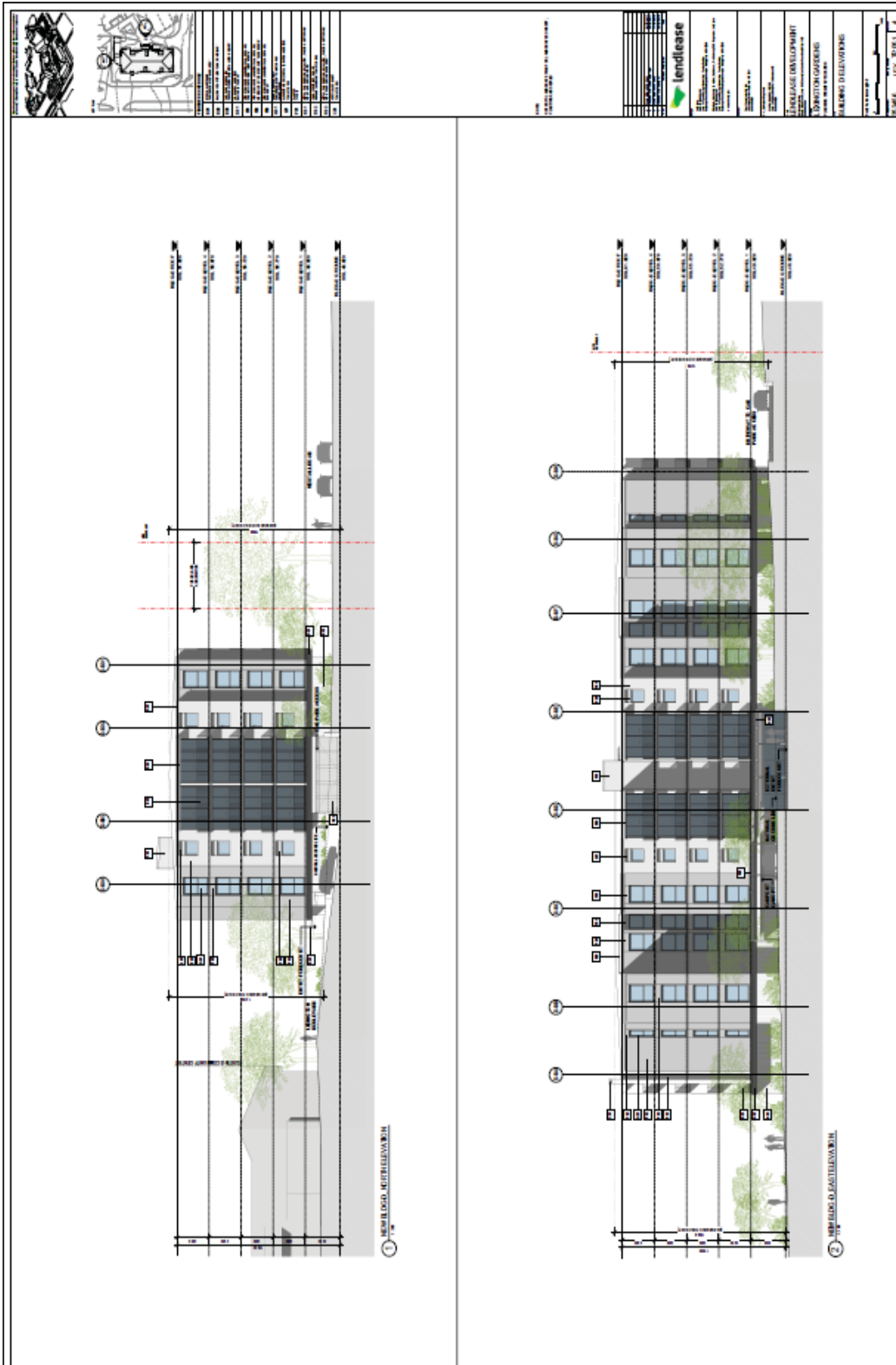
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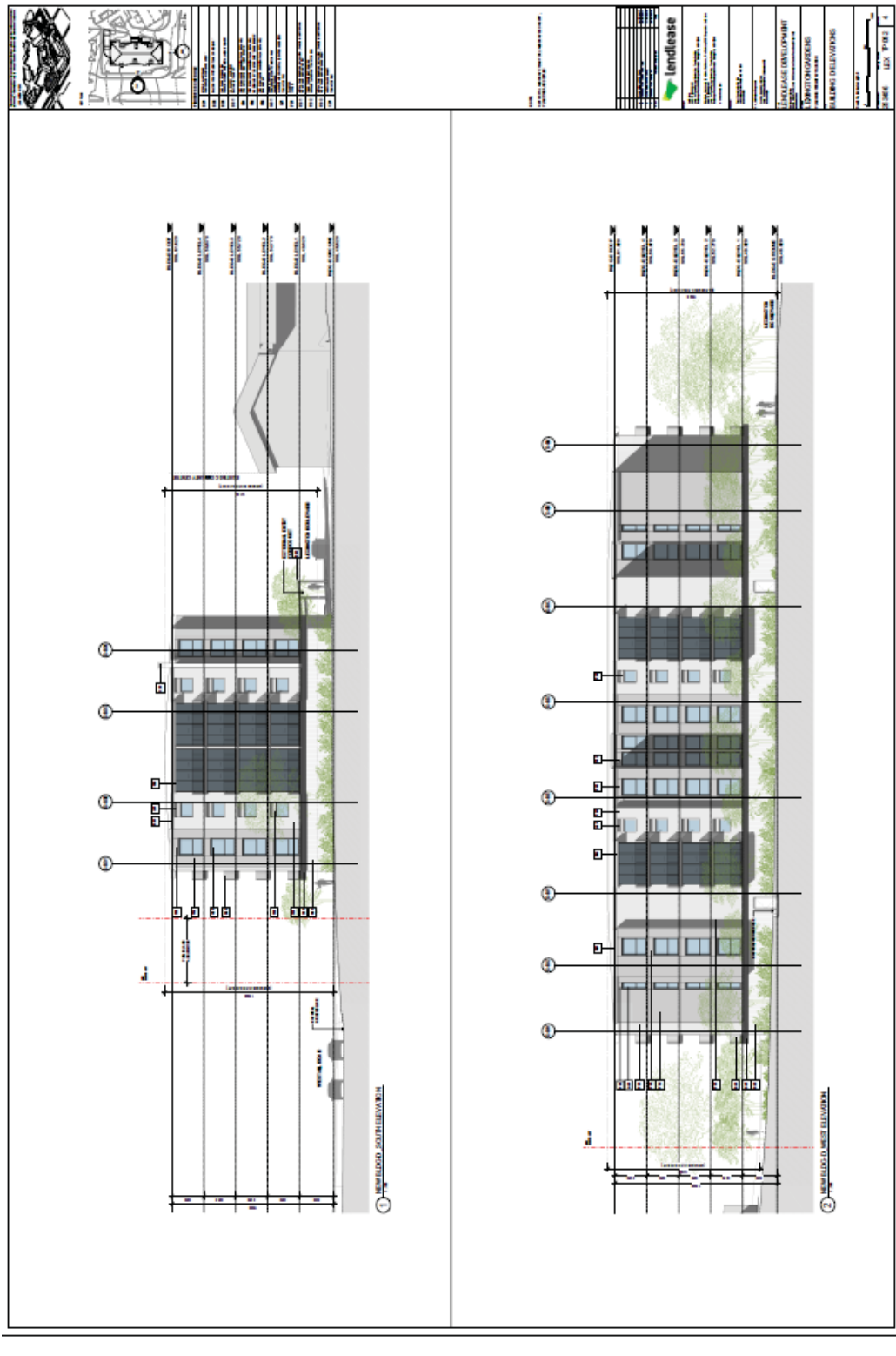
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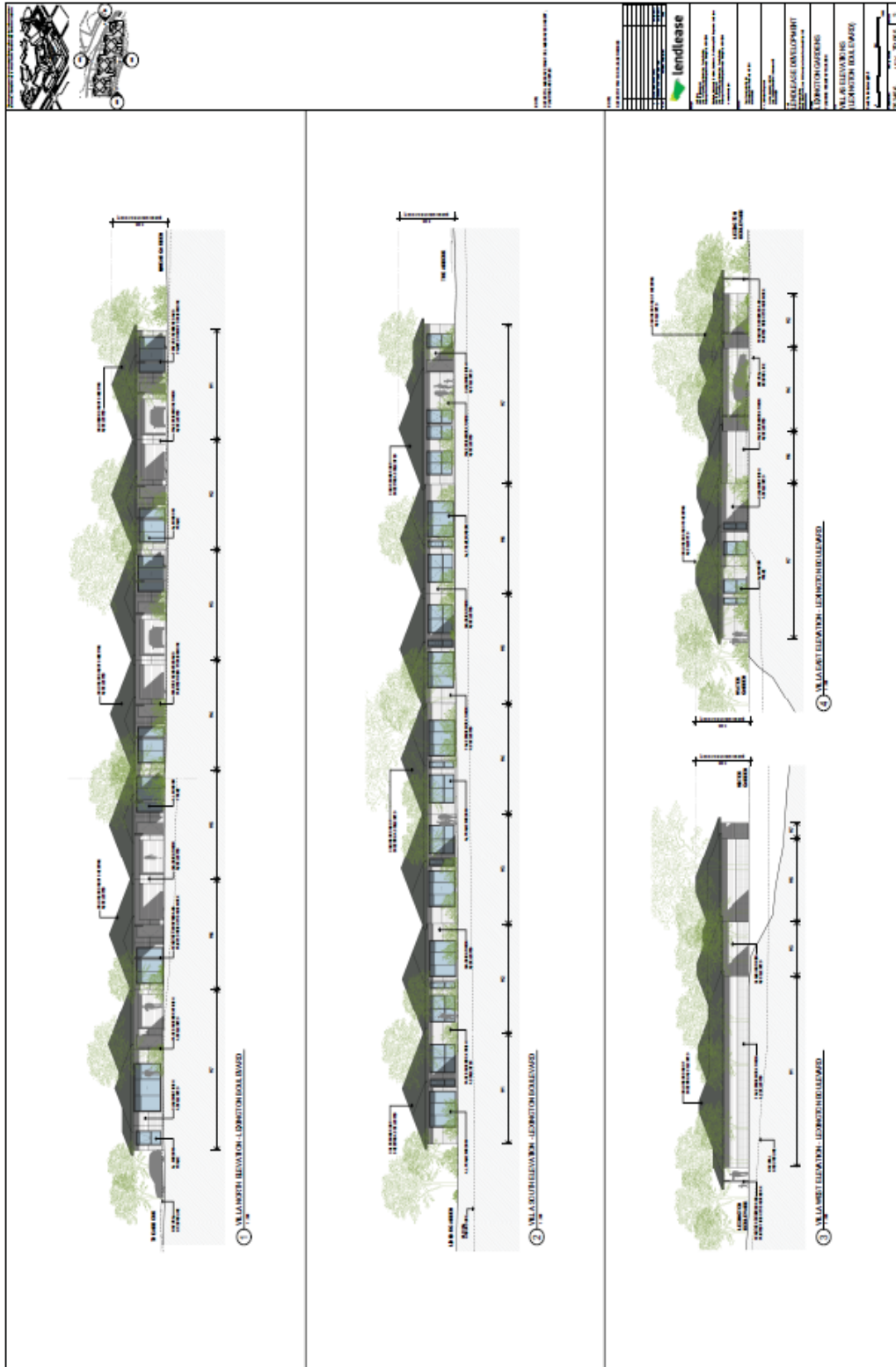


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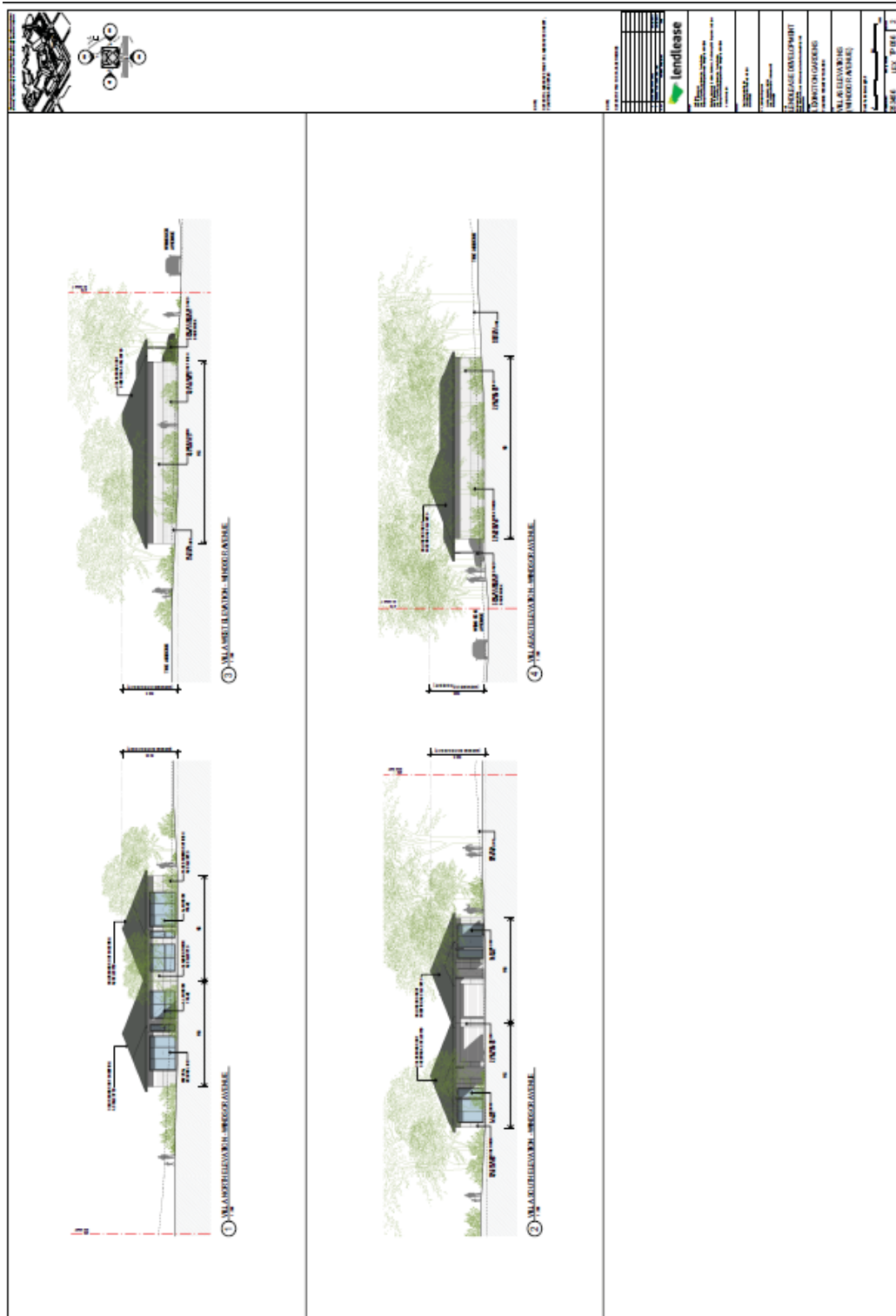


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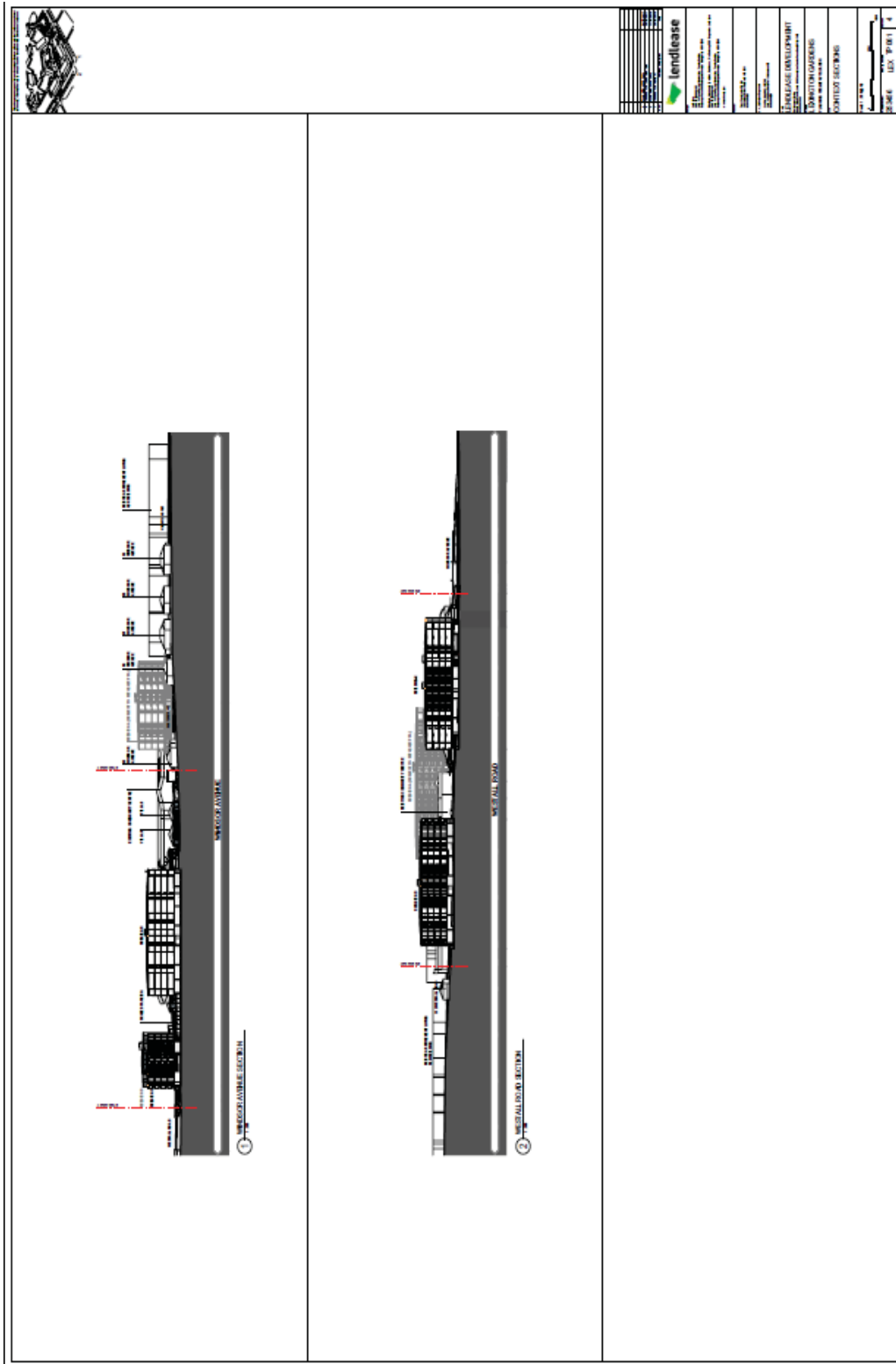




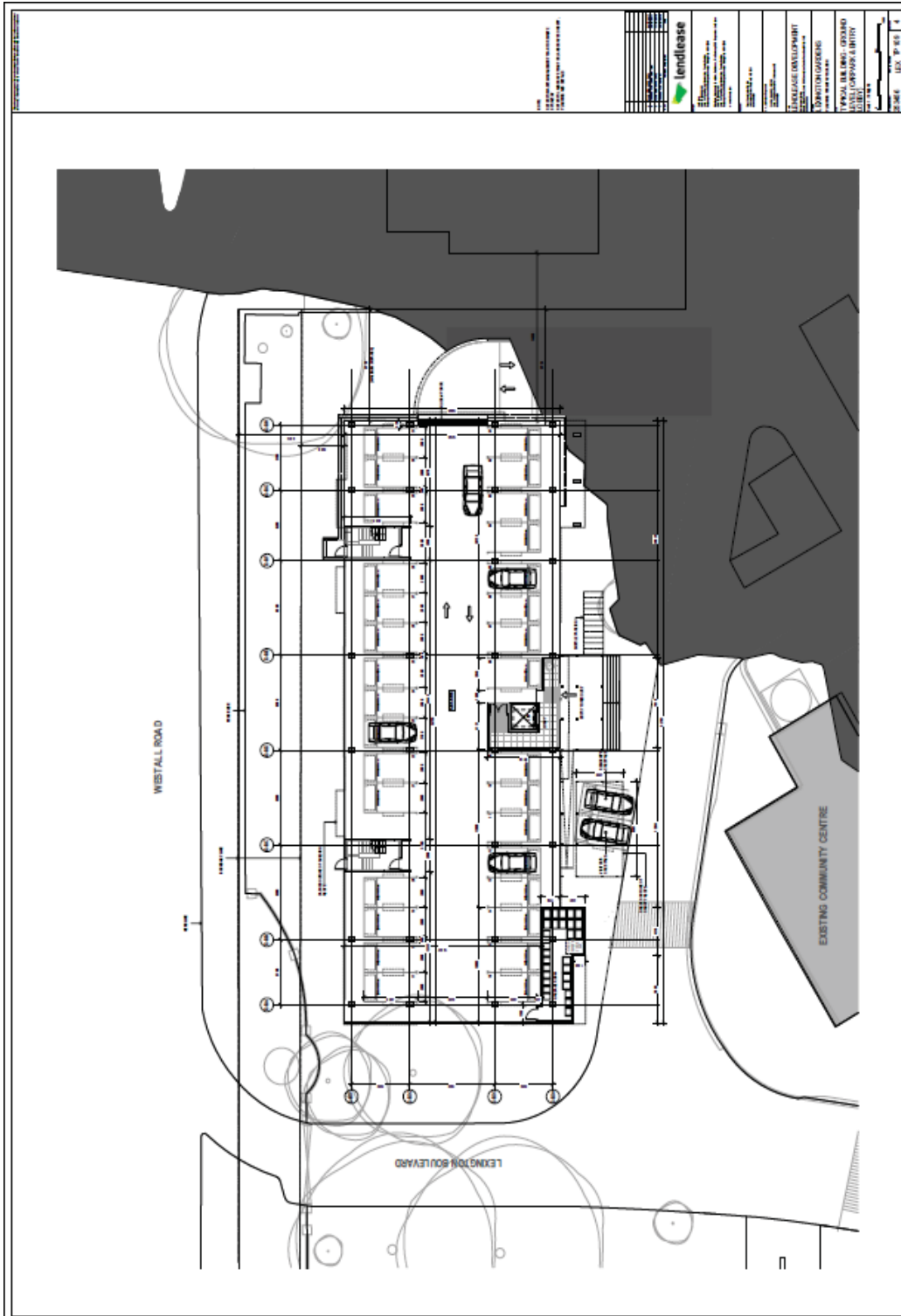
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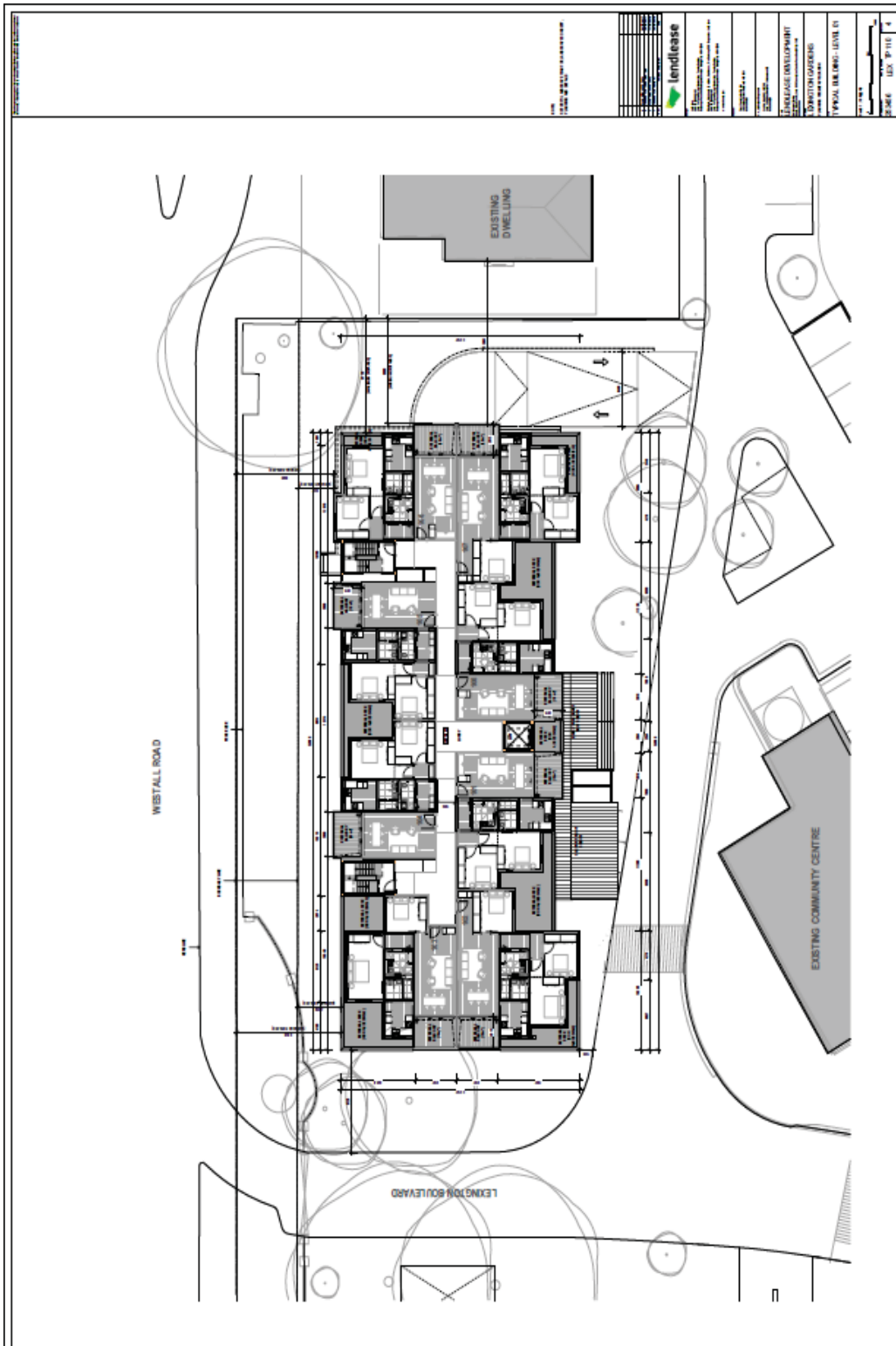
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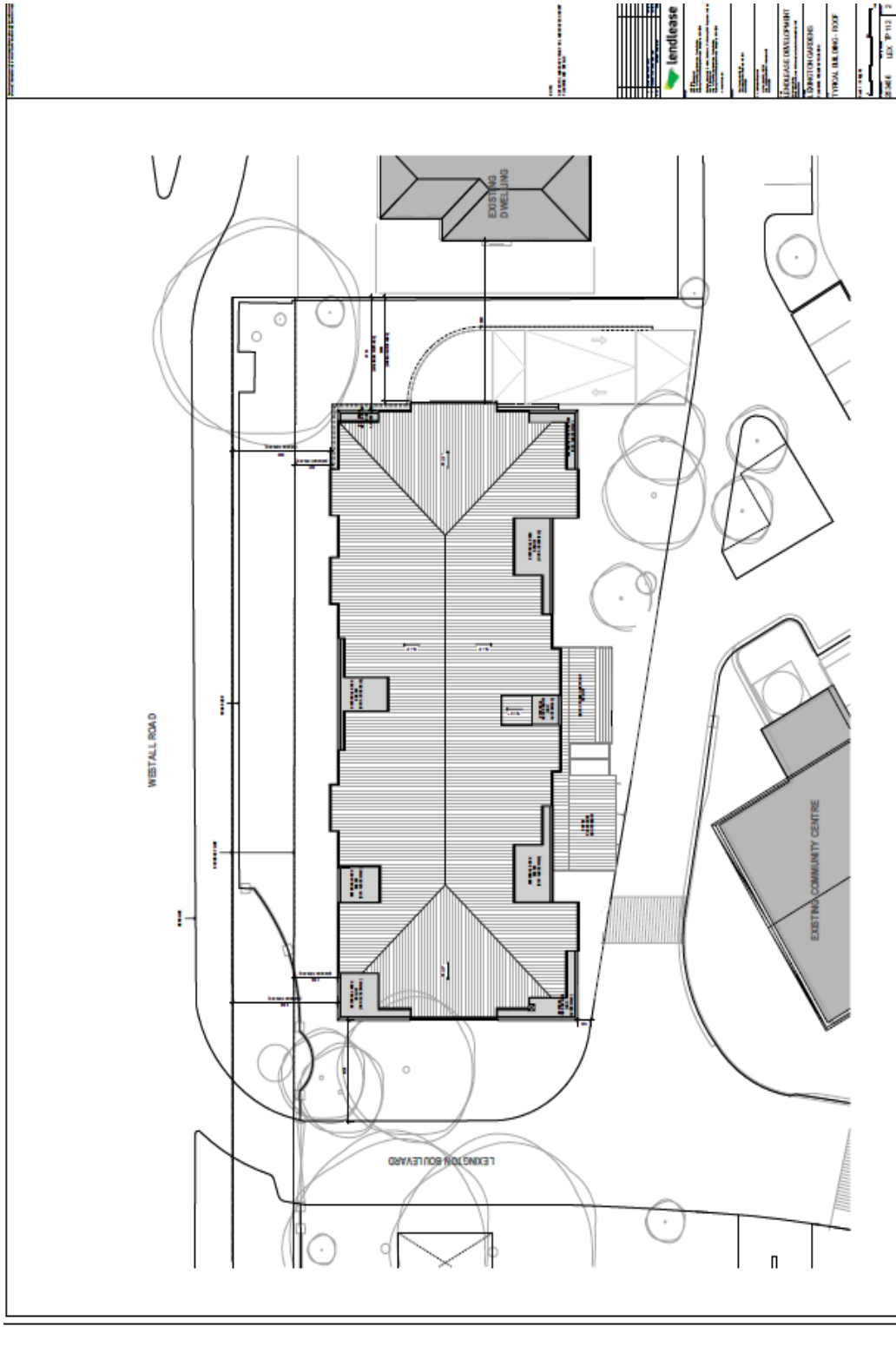


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2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)

The image contains architectural drawings for a town planning application. It is divided into two main vertical sections. The left section contains two drawings: a floor plan at the bottom and a landscape plan at the top. The floor plan is labeled '1. M.A. TYPE FLOOR PLANS - EXIST. LAND OF 114-122 WESTALL RD' and shows a detailed layout of a building with rooms, a staircase, and a carport. The landscape plan is labeled '2. M.A. TYPE LANDSCAPE PLANS - EXIST. LAND OF 114-122 WESTALL RD' and shows a site plan with various landscaping elements like trees and paths. The right section also contains two drawings: a floor plan at the bottom and a landscape plan at the top. The floor plan is labeled '3. M.A. TYPE FLOOR PLANS - EXIST. LAND OF 114-122 WESTALL RD' and shows a similar building layout to the one on the left. The landscape plan is labeled '4. M.A. TYPE LANDSCAPE PLANS - EXIST. LAND OF 114-122 WESTALL RD' and shows a site plan with landscaping elements. In the top right corner of the drawing area, there is a title block with the following information: 'lendlease' logo, 'Project Name: 114-122 Westall Road, Springvale', 'Project No: PLN16/0866', 'Scale: 1:100', 'Date: 13/03/2018', 'Drawn By: [Name]', 'Checked By: [Name]', 'Approved By: [Name]', 'Discipline: ARCHITECTURE', 'Drawing Title: TYPICAL M.A. TYPE PLANS', and a sheet number '1'.





2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)



2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)

### BUILDING B, C & D

**M1** **Light Grey**  
 Light Grey  
 100%  
 100%  
 100%

**M2** **Dark Grey**  
 Dark Grey  
 100%  
 100%  
 100%

**M3** **Light Green**  
 Light Green  
 100%  
 100%  
 100%

**M4** **Dark Green**  
 Dark Green  
 100%  
 100%  
 100%

**M5** **Light Brown**  
 Light Brown  
 100%  
 100%  
 100%

**M6** **Dark Brown**  
 Dark Brown  
 100%  
 100%  
 100%

**M7** **Light Green**  
 Light Green  
 100%  
 100%  
 100%

**M8** **Dark Green**  
 Dark Green  
 100%  
 100%  
 100%

### VILLAS 1 to 9

#### COLOUR SCHEME 1 (LIGHT)

**1** **Light Grey**  
 Light Grey  
 100%  
 100%  
 100%

**2** **Dark Grey**  
 Dark Grey  
 100%  
 100%  
 100%

**3** **Light Green**  
 Light Green  
 100%  
 100%  
 100%

**4** **Dark Green**  
 Dark Green  
 100%  
 100%  
 100%

**5** **Light Brown**  
 Light Brown  
 100%  
 100%  
 100%

**6** **Dark Brown**  
 Dark Brown  
 100%  
 100%  
 100%

**7** **Light Green**  
 Light Green  
 100%  
 100%  
 100%

**8** **Dark Green**  
 Dark Green  
 100%  
 100%  
 100%

#### COLOUR SCHEME 2 (DARK)

**1** **Light Grey**  
 Light Grey  
 100%  
 100%  
 100%

**2** **Dark Grey**  
 Dark Grey  
 100%  
 100%  
 100%

**3** **Light Green**  
 Light Green  
 100%  
 100%  
 100%

**4** **Dark Green**  
 Dark Green  
 100%  
 100%  
 100%

**5** **Light Brown**  
 Light Brown  
 100%  
 100%  
 100%

**6** **Dark Brown**  
 Dark Brown  
 100%  
 100%  
 100%

**7** **Light Green**  
 Light Green  
 100%  
 100%  
 100%

**8** **Dark Green**  
 Dark Green  
 100%  
 100%  
 100%

Lendlease Development  
 114-122 Westall Road  
 Springvale VIC 3171  
 Australia  
 T +61 3 9594 1000  
 F +61 3 9594 1001  
 E info@lendlease.com.au  
 www.lendlease.com.au

LENDLEASE DEVELOPMENT  
 114-122 WESTALL ROAD  
 SPRINGVALE VIC 3171  
 AUSTRALIA  
 T +61 3 9594 1000  
 F +61 3 9594 1001  
 E info@lendlease.com.au  
 www.lendlease.com.au

SCALE 1:500  
 SHEET 1 OF 4

Page 74

2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)

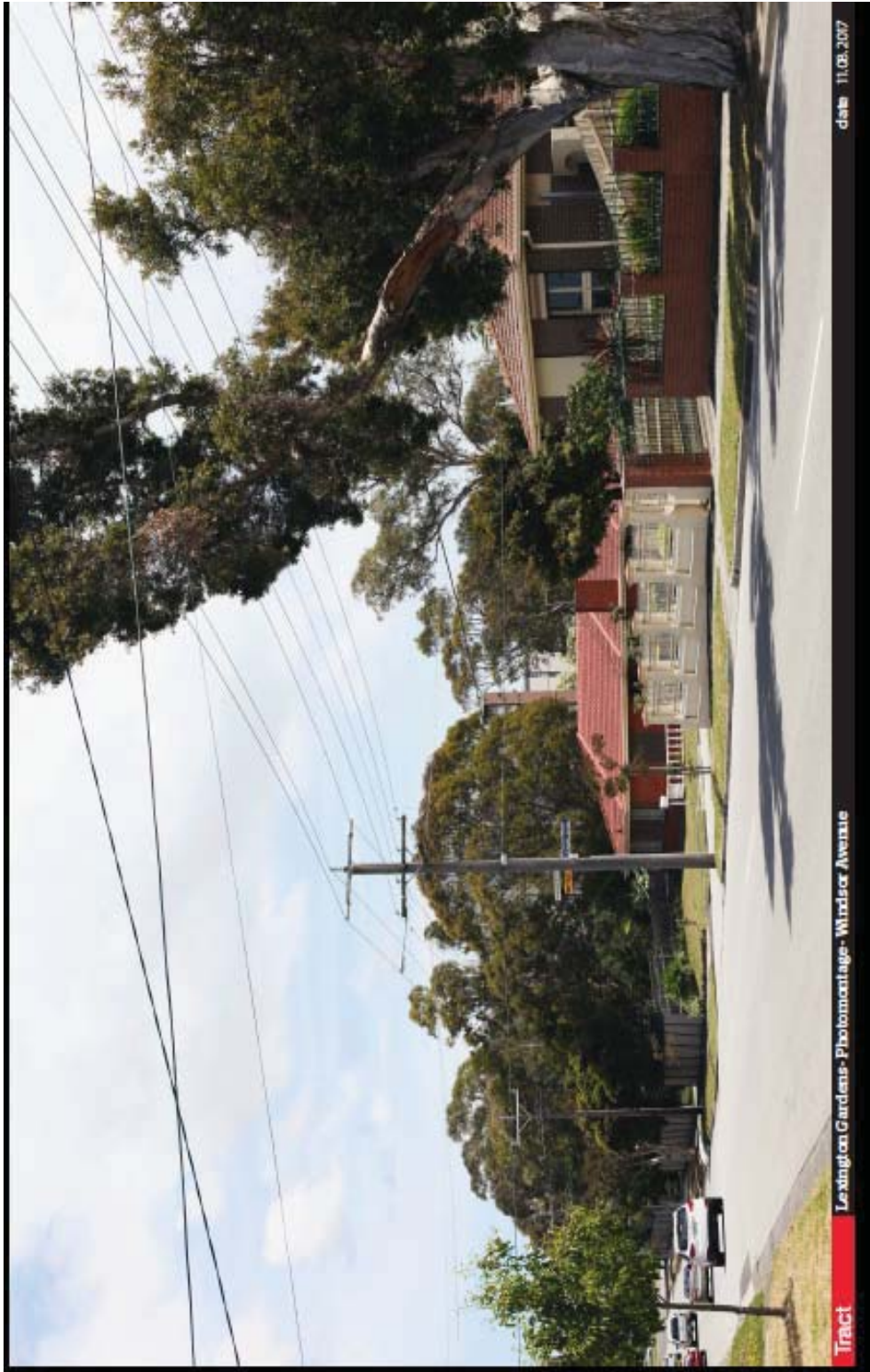


2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)





2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)



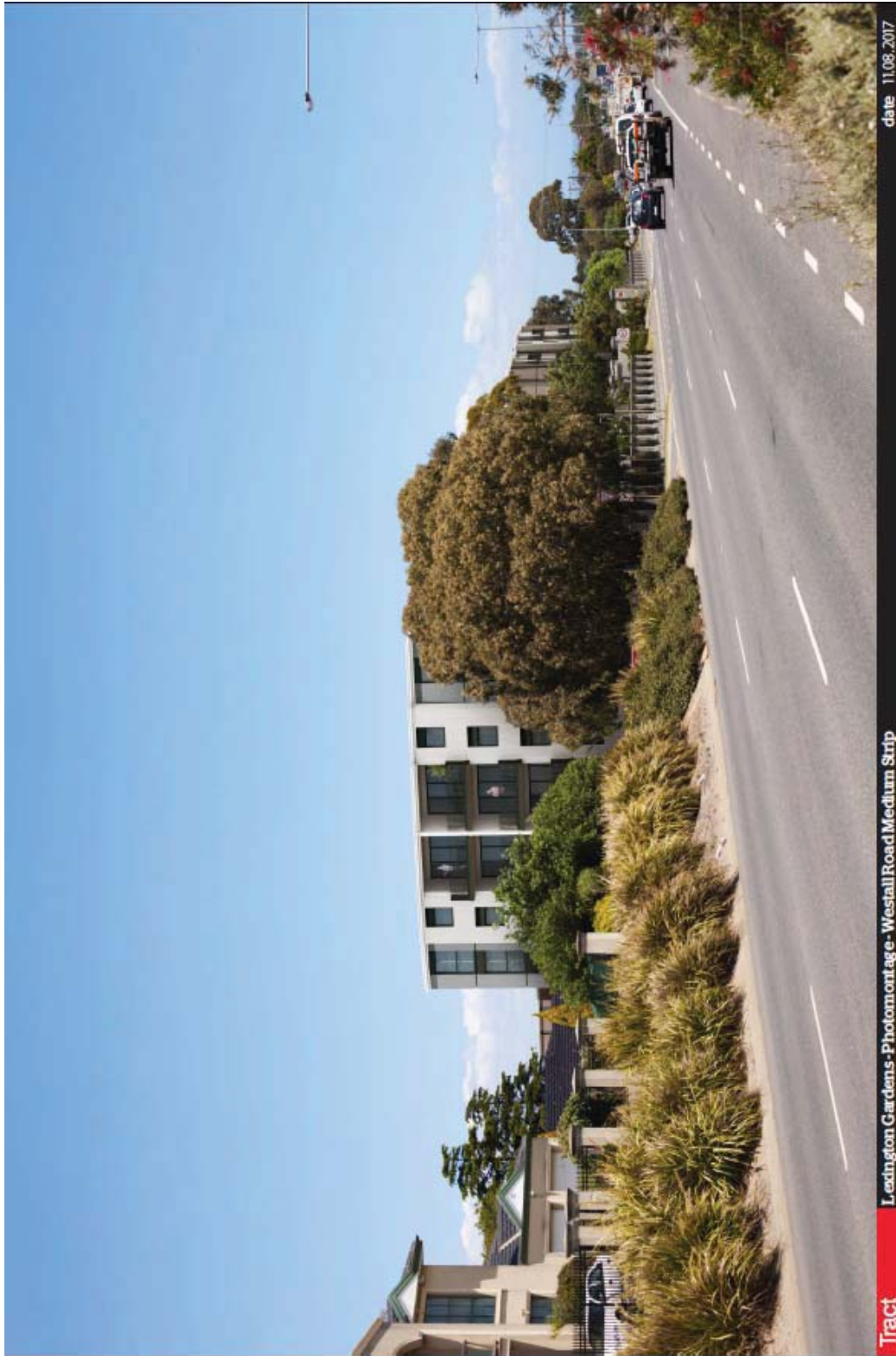
2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)



Tract Lexington Gardens - Photomontage - Westall Road date 11.08.2017



2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)



date 11.08.2017

Lexington Gardens - Photomontage - Westall Road Medium Strip

Tract

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

**STATUTORY PLANNING APPLICATIONS**

**TOWN PLANNING APPLICATION - 114-122 WESTALL ROAD,  
SPRINGVALE (PLANNING APPLICATION PLN16/0866)**

**ATTACHMENT 2**

**CLAUSE 22.09 ASSESSMENT**

**PAGES 7 (including cover)**

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

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

The subject site is located within the Incremental Change Area at Clause 22.09-3.5 Map 1 – Future Change Areas.

Clause 22.09 requires all residential developments to be assessed against the design principles, in addition to those specific to each future Change area.

The overarching Design Principles at Clause 22.09-3.1 are as follows:

Safety	Design Principle	Response
	<p>To encourage the provision of safer residential neighbourhoods, new development should enable passive surveillance through designs that:</p> <ul style="list-style-type: none"> <li>• Incorporate active frontages including ground floor habitable room windows.</li> <li>• Maximise the number of habitable room windows on all levels of residential buildings that overlook the public realm, streets, laneways, internal access ways and car parking areas.</li> <li>• Use semi-transparent fences to the street frontage.</li> <li>• Light communal spaces including main entrances and car parking areas with high mounted sensor-lights.</li> <li>• Ensure that all main entrances are visible and easily identifiable from the street.</li> <li>• Locate non-habitable rooms such as bathrooms, away from entrances and street frontage.</li> </ul>	<p>✓ <b>Complies</b></p>
<p>Landscaping</p>	<p>Residential development should:</p> <ul style="list-style-type: none"> <li>• Provide substantial, high quality on-site landscaping, including screen planting and canopy trees along ground level front and side and rear boundaries.</li> <li>• Provide substantial, high quality landscaping along vehicular accessways.</li> <li>• Include the planting of at least one substantial canopy tree to each front setback and ground level secluded private open space area.</li> <li>• Planting trees that are common to and perform well in the area.</li> <li>• Avoid the removal of existing mature trees by incorporating their retention into the site design.</li> <li>• Use landscaping to soften the appearance of the built form when viewed from the street and to respect the amenity of adjoining properties.</li> <li>• Ensure that landscaping also addresses the Safety Design Principles.</li> </ul> <p>Canopy trees should be planted in well proportioned setbacks/private open space that are sufficient to accommodate their future growth to maturity.</p> <p>Landscaping should minimise the impact of</p>	<p>✓ <b>Complies</b></p>

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

	<p>increased storm water runoff through water sensitive urban design and reduced impervious surfaces.</p> <p>Landscaping should be sustainable, drought tolerant, and include indigenous species and be supported through the provision of rainwater tanks.</p>	
Car parking	<p>The existing level of on-street car parking should be maintained by avoiding second crossovers on allotments with frontage widths less than 17 metres.</p> <p>On-site car parking should be:</p> <ul style="list-style-type: none"> <li>• well integrated into the design of the building,</li> <li>• generally hidden from view or appropriately screened where necessary,</li> <li>• located to the side or rear of the site so as to not dominate the streetscape and to maximise soft landscaping opportunities at ground level,</li> </ul> <p>Where car parking is located within the front setback it should be:</p> <ul style="list-style-type: none"> <li>• fully located within the site boundary; and</li> <li>• capable of fully accommodating a vehicle between a garage or carport and the site boundary.</li> </ul> <p>Developments with basement car parking should consider flooding concerns where applicable.</p>	✓ <b>Complies</b>
Setbacks, front boundary and width	<p>Residential developments should:</p> <ul style="list-style-type: none"> <li>• Provide a front setback with fence design and height in keeping with the predominant street pattern.</li> <li>• Maintain the apparent frontage width pattern.</li> <li>• Provide appropriate side setbacks between buildings to enable screen planting where required, and at least one generous side setback to enable the retention of trees and/or the planting and future growth of trees to maturity.</li> <li>• Provide open or low scale front fences to allow a visual connection between landscaping in front gardens and street tree planting.</li> </ul>	✓ <b>Complies</b>
Private open space	<p>All residential developments should provide good quality, useable private open space for each dwelling directly accessible from the main living area.</p> <p>Ground level private open space areas should be able to accommodate boundary landscaping, domestic services and outdoor furniture so as to maximise the usability of the</p>	<p><b>Variation</b></p> <p>Each unit is provided with a balcony given the level of development is considered reasonable. In addition the villa units are provided with ground level POS areas.</p>

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

	<p>space.</p> <p>Private open space should be positioned to maximise solar access.</p> <p>Upper floor levels of the same dwelling should avoid encroaching secluded private open space areas to ensure the solar access, useability and amenity of the space is not adversely affected.</p> <p>Upper level dwellings should avoid encroaching the secluded private open space of a separate lower level dwelling so as to ensure good solar access and amenity for the lower level dwelling.</p>	
Bulk & Built Form	<p>All residential developments should respect the dominant façade pattern of the streetscape by:</p> <ul style="list-style-type: none"> <li>Using similarly proportioned roof forms, windows, doors and verandahs; and</li> <li>Maintaining the proportion of wall space to windows and door openings.</li> </ul> <p>Balconies should be designed to reduce the need for screening from adjoining dwellings and properties.</p> <p>The development of new dwellings to the rear of existing retained dwellings is discouraged where:</p> <ul style="list-style-type: none"> <li>The siting of the retained dwelling would not enable an acceptable future site layout for either the proposed or future dwelling; or</li> <li>The retention of the existing dwelling detracts from the identified future character.</li> </ul> <p>On sites adjacent to identified heritage buildings infill development should respect the adjoining heritage by:</p> <ul style="list-style-type: none"> <li>Not exceeding the height of the neighbouring significant building;</li> <li>Minimising the visibility of higher sections of the new building; and</li> <li>Setting higher sections back at least the depth of one room from the frontage.</li> </ul>	<p><b>Variation</b></p> <p>The development will have a maximum of 5 storeys – Given the sites location and existing use; type of development; topography of land and overall net community benefit of the proposed use the height is considered appropriate. Whilst there are sensitive land uses to the east and south the building is appropriately setback and located within the centre of the site.</p> <p>The overall bulk of the building will be reduced through the use of materials and the use of screening mechanisms such as earth bunds and landscaping to reduce the overall perspective of the building.</p>
Site Design	<p>Residential development should:</p> <ul style="list-style-type: none"> <li>Preserve the amenity of adjoining dwellings through responsive site design that considers the privacy, solar access and outlook of adjoining properties.</li> <li>Maximise thermal performance and energy efficiency of the built form by addressing orientation, passive design and fabric performance.</li> <li>Ensure that building height, massing and articulation responds sensitively to existing residential interfaces, site circumstances,</li> </ul>	<p>✓ <b>Complies</b></p>

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

	<p>setbacks and streetscape and reduces the need for screening.</p> <ul style="list-style-type: none"> <li>• Provide sufficient setbacks (including the location of basements) to ensure the retention of existing trees and to accommodate the future growth of new trees.</li> <li>• Provide suitable storage provisions for the management of operational waste. Appropriately locate suitable facilities to encourage public transport use, cycling and walking.</li> </ul>	
Materials & Finishes	<p>Residential development should:</p> <ul style="list-style-type: none"> <li>• Use quality, durable building materials and finishes that are designed for residential purposes.</li> <li>• Avoid the use of commercial or industrial style building materials and finishes.</li> <li>• Avoid using materials such as rendered cement sheeting, unarticulated surfaces and excessive repetitive use of materials.</li> <li>• Use a consistent simple palette of materials, colours, finishes and architectural detailing.</li> <li>• Maximise the ongoing affordability and sustainability of residential developments through the selection of low maintenance, resource and energy efficient materials and finishes that can be reasonably expected to endure for the life of the building.</li> </ul>	✓ <b>Complies</b>
Domestic services normal to a dwelling and Building services	<p>In order to minimise the impact of domestic and building services on the streetscape, adjacent properties, public realm and amenity of future residents, new residential development should:</p> <ul style="list-style-type: none"> <li>• Ensure that all domestic and building services are visually integrated into the design of the building and appropriately positioned or screened so as to not be seen from the street or adjoining properties.</li> <li>• Be designed to avoid the location of domestic and building services: <ul style="list-style-type: none"> <li>– within secluded private open space areas, including balconies; and</li> <li>– where they may have noise impacts on adjoining habitable rooms and secluded private open space areas.</li> </ul> </li> </ul>	✓ <b>Complies</b>
Internal Amenity	<p>Residential development should:</p> <ul style="list-style-type: none"> <li>• Ensure that dwelling layouts have connectivity between the main living area and private open space.</li> <li>• Be designed to avoid reliance on borrowed light to habitable rooms.</li> <li>• Ensure that balconies and habitable room windows are designed and located to reduce the need for excessive screening.</li> </ul>	✓ <b>Complies</b>

### 2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)

	<ul style="list-style-type: none"> <li>Ensure that dwellings without ground level main living areas meet the Standards of Clauses 55.03-5, 55.04-1, 6 &amp; 7, 55.05-3, 4 &amp; 5.</li> </ul>	
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#### Assessment Table for Clause 22.09-3.3

##### Incremental change areas

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
Preferred housing types	The preferred housing type for the Incremental Change Area is medium density.	<p><b>Variation</b></p> <p>The development seeks a higher density development. Refer to report. Given the sites location and existing land use and form of development the proposed building is considered appropriate.</p>
Building Height	The preferred maximum building height for land within the GRZ1 and GRZ2 is up to 2 storeys, including ground level.	<p><b>Variation</b></p> <p>It is noted that the subject use is not identified as either a dwelling or residential building under the definition of the Planning Scheme. As such the application is not subject to an assessment under the Design Guidelines for Higher Density Residential Development which was incorporated into the Greater Dandenong Planning Scheme at Clause 52.35 prior to Amendment VC136 being gazetted on 13/04/2017. Notwithstanding that, it has been used to assess this application.</p> <p>The application for development must be assessed against the General Residential Zone (as was in place prior to the above outlined Amendments) and Cause 52.35 of the Planning Scheme.</p> <p>Planning Scheme Amendment C182 (Part 1) was gazetted on 21 December 2017. Therefore the amendments to the General Residential Zone (Schedule 1) and Clause 22.09 – Residential Development and Neighbourhood Character Policy must be applied.</p> <p>The development will have a maximum of 5 storeys – Given the sites location and existing use, type of development, topography of land and overall net community benefit of the proposed use the height is considered appropriate. Whilst there are sensitive land uses to the east and south the building is appropriately setback and located within the centre of the site.</p>
Landscaping	Residential development should use landscaping to create a landscaped character, particularly canopy trees in front and rear gardens; and to protect the outlook of adjoining properties.	<p>✓ <b>Complies</b></p>



**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

<p>Setbacks, front boundary and width</p>	<p>Parking, paving and car access within the front boundary setback should be limited in order to maximise the opportunity for soft landscaping and prevent the over dominance of carports and garages in the street.</p>	<p>✓ <b>Complies</b></p>
<p>Private open space</p>	<p>Residential development should provide secluded private open space at the side or rear of each dwelling to avoid the need for excessive screening or high front fencing</p>	<p><b>Variation</b> Each unit is provided with a balcony given the level of development is considered reasonable. In addition the villa units are provided with ground level POS areas.</p>
<p>Bulk &amp; Built Form</p>	<p>Residential development should:</p> <ul style="list-style-type: none"> <li>• ensure that the built form respects the scale of existing prevailing built form character and responds to site circumstances and streetscape;</li> <li>• provide separation between dwellings at the upper level;</li> <li>• retain spines of open space at the rear of properties to maximise landscaping opportunities and protect private secluded open space;</li> <li>• position more intense and higher elements of built form towards the front and centre of a site, transitioning to single storey elements to the rear of the lot.</li> </ul> <p>The rearmost dwelling on a lot should be single storey to ensure the identified future character of the area and the amenity of adjoining properties is respected by maximising landscaping opportunities and protecting adjoining private secluded open space.</p> <p>Two storey dwellings to the rear of a lot may be considered where:</p> <ul style="list-style-type: none"> <li>• the visual impact of the building bulk does not adversely affect the identified future character of the area; overlooking and/or overshadowing does not adversely affect the amenity of neighbouring properties;</li> <li>• the building bulk does not adversely affect the planting and future growth of canopy trees to maturity;</li> <li>• sufficient side and rear boundary landscaping can be provided to screen adjoining properties;</li> <li>• upper storey components are well recessed from adjoining sensitive interfaces.</li> </ul> <p>Residential development should be well articulated through the use of contrast, texture, variation in forms, materials, and colours.</p>	<p>✓ <b>Complies</b></p>

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

**STATUTORY PLANNING APPLICATIONS**

**TOWN PLANNING APPLICATION – NOS. 114-122 WESTALL ROAD,  
SPRINGVALE (PLANNING APPLICATION PLN16/0866)**

**ATTACHMENT 3**

**CLAUSE 52.06 ASSESSMENT**

**PAGES 4 (including cover)**

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

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

Car Parking  
Assessment Table for Clause 52.06

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
<p><b>Parking Provision</b> To ensure that car and bicycle parking for residents and visitors is appropriate to the needs of residents.</p>	<p>Car parking for residents should be provided as follows:</p> <ul style="list-style-type: none"> <li>▪ One space for each one or two bedroom dwelling.</li> <li>▪ Two spaces for each three or more bedroom dwelling, with one space under cover.</li> </ul> <p>Studies or studios that are separate rooms must be counted as bedrooms.</p> <ul style="list-style-type: none"> <li>▪ One space for visitors to every 5 dwellings for developments of 5 or more dwellings</li> </ul>	<p><b>! Variation required</b> Refer to assessment section in the report</p> <p>Reduction of:</p> <p>24 resident spaces</p> <p>5 visitor spaces</p> <p>Required Reduction in visitor car spaces not supported.</p>
<p><b>Design Standard 1 Accessways</b> The provision of car parking should meet the design requirements of this Clause.</p>	<p>Accessways should:</p> <ul style="list-style-type: none"> <li>▪ Be at least 3 metres wide.</li> <li>▪ Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.</li> <li>▪ Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.</li> <li>▪ Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres.</li> </ul>	<p>✓ <b>Complies</b></p>
	<p>If the accessway serves four or more car spaces or connects to a road in a Road Zone, the accessway must be designed so that cars can exit the site in a forward direction.</p> <p>If an accessway to four or more car parking spaces is from land in a Road Zone, the access to the car spaces must be at least 6 metres from the road carriageway.</p>	<p>✓ <b>Complies</b></p>
	<p>Provide a passing area at the entrance at least 5 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Road Zone.</p>	<p>✓ <b>Complies</b></p>
	<p>Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided.</p>	<p>✓ <b>Complies</b></p>

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
<p><b>Design Standard 2</b>  <b>Car parking spaces</b>                      Car parking spaces and accessways should have minimum dimensions.</p>	Minimum car park and accessway dimensions: <ul style="list-style-type: none"> <li>▪ Parallel – 2.3m x 6.7m with a accessway width of 3.6m</li> <li>▪ 45 degrees – 2.6m x 4.9m with a accessway width of 3.5m</li> <li>▪ 60 degrees – 2.6m x 4.9m with a accessway width of 4.9m</li> <li>▪ 90 degrees – 2.6m x 4.9m with a accessway width of 6.4m</li> </ul> (refer to the table in 55.06 for more details)	<p>✓ <b>Complies</b></p>
	A building may project into the space if it is at least 2.1 metres above the space.	<p>✓ <b>Complies</b></p>
	Car spaces in garages, carports or otherwise constrained by walls should:- <ul style="list-style-type: none"> <li>▪ Single garage 3.5m x 6m</li> <li>▪ Double garage 5.5m x 6</li> </ul>	<p>✓ <b>Complies</b></p>

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
<b>Design Standard 3 Gradients</b> Accessways to ensure safety for pedestrians and vehicles.	Accessway grades should not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.  Ramps (except within 5 metres of the frontage) should have the maximum grades of: <ul style="list-style-type: none"> <li>▪ 20 metres or less 1:5 (20%)</li> <li>▪ Longer than 20 metres 1:6 (16.7%)</li> </ul>	<b>✓ Complies</b>
<b>Design Standard 4 Mechanical parking</b>	Mechanical parking may be used to meet the car parking requirement provided: <ul style="list-style-type: none"> <li>▪ At least 25 per cent of the mechanical car parking spaces can accommodate a vehicle clearance height of at least 1.8 metres.</li> <li>▪ Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.</li> <li>▪ The design and operation is to the satisfaction of the responsible authority.</li> </ul>	<b>N/A</b>
<b>Design Standard 5 Urban Design</b>	Ground level car parking, garage doors and accessways should not visually dominate public space.	<b>✓ Complies</b>
	Car parking within buildings (including visible portions of partly submerged basements) should be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.	<b>✓ Complies</b>
<b>Design Standard 6 Safety</b>	Car parking should be well lit and clearly signed.	<b>✓ Complies</b>
	The design of car parks should maximise natural surveillance and pedestrian visibility from adjacent buildings.	<b>✓ Complies</b>
<b>Design Standard 7 Landscaping</b>	The layout of car parking areas should provide for water sensitive urban design treatment and landscaping.	<b>✓ Complies</b>
	Landscaping and trees should be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.	<b>✓ Complies</b>
	Ground level car parking spaces should include trees planted with flush grilles. Spacing of trees should be determined having regard to the expected size of the selected species at maturity.	<b>✓ Complies</b>

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

**STATUTORY PLANNING APPLICATIONS**

**TOWN PLANNING APPLICATION - 114-122 WESTALL ROAD,  
SPRINGVALE (PLANNING APPLICATION PLN16/0866)**

**ATTACHMENT 4**

**DESIGN GUIDELINES FOR HIGHER DENSITY  
RESIDENTIAL DEVELOPMENT ASSESSMENT**

**PAGES 13 (including cover)**

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

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

**ELEMENT 1 – URBAN CONTEXT**

<b>OBJECTIVE</b>	<b>SUGGESTIONS</b>	<b>PLANNERS RESPONSE</b>
<p>1.1 To ensure buildings respond creatively to their existing context and to agreed aspirations for the future development of the area.</p>	<ul style="list-style-type: none"> <li>▪ Urban context report with regard to the principles outlined in Clause 19.03.</li> <li>▪ Identify and document existing Planning Scheme objectives &amp; requirements applicable to the site.</li> <li>▪ Ensure a development is consistent with the strategic location of the site.</li> <li>▪ Consideration of likely location, size and impact of future developments/uses.</li> <li>▪ Use of an urban context report for pre-application discussions and tests.</li> </ul>	<p>The application is accompanied by an adequate neighbourhood and site description plan. The plan identifies that the site is located in an established area, with differing surrounding uses, both residential and commercial in nature.</p> <p>Strategically, the site is ideal for such a development with an existing large residential village already being established with large buildings of 2 to 3 stories spread throughout the site.</p> <p>The site is also in close proximity to Springvale Activity Centre.</p>
<p>1.2 To provide a creative design response that is based on a clear understanding of the urban context and neighbourhood character.</p>	<ul style="list-style-type: none"> <li>▪ To explain how it responds to relevant planning provisions that apply to the land.</li> <li>▪ Provide illustrations of the development in its context.</li> </ul>	<p>The design response is considered to address the urban context and neighbourhood character. Whilst a higher built form has been proposed the proposal adequately responds to its strategic context whilst minimising its impacts on the adjoining neighbours.</p>



**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

ELEMENT 2 – BUILDING ENVELOPE

OBJECTIVE	SUGGESTIONS	PLANNERS RESPONSE
<p>2.1 To ensure that the height of new development responds to existing urban context and neighbourhood character objectives of the area.</p>	<ul style="list-style-type: none"> <li>▪ Arrange building height, massing and forms to reinforce the structure and character of the area.</li> <li>▪ Mass new buildings in response to the scale of surrounding buildings, unless otherwise achieves neighbourhood character objectives.</li> </ul>	<p>The subject building will be located adjacent to existing buildings which will provide a feel of transition from one built form to another. In addition the buildings fronting the main arterial route of Westall Road will provide a robust built form at this interface.</p>
<p>2.2 To ensure new development is appropriate to the scale of nearby streets, other public spaces, and buildings.</p>	<ul style="list-style-type: none"> <li>▪ Relate building height to street width and intended character.</li> <li>▪ Set back upper levels of tall buildings or use a podium and tower form to create a pedestrian scale at street level.</li> <li>▪ Respect nearby heritage buildings and places.</li> <li>▪ Reduce heights, increase setbacks or step the mass of the building to create sensitive interfaces with adjoining buildings.</li> </ul>	<p>Although these will be the first 5 storey higher density accommodation buildings in the immediate context of the subject site, the proposal is appropriate to its strategic context.</p> <p>The proposal has generous setbacks from its boundaries at ground floor level to enable the provision of adequate landscaping to soften its visual impacts from the adjoining properties as well as the public realm. The building is well articulated by design and can be read as three smaller buildings rather than one large mass due to variations in the built form.</p>
<p>2.3 To protect sunlight access to public spaces.</p>	<ul style="list-style-type: none"> <li>▪ Avoid reducing sunlight to important public spaces.</li> </ul>	<p>The proposal does not overshadow the internal open space provided and will not overshadow any neighbouring lots.</p>

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

<p>2.4 To respond to existing or preferred street character.</p>	<ul style="list-style-type: none"> <li>▪ Reinforce consistent street edges, except where creating a new public space is an integral part of the proposal.</li> <li>▪ Match existing setbacks.</li> <li>▪ Respond to the local physical context in a way that makes a positive contribution to the pedestrian environment at street level.</li> </ul>	<p>The subject building will be located within the site approximately 10 metres from any nearby suburban street and is appropriately setback from Westall Road.</p> <p>The proposed development responds positively to the preferred streetscape character through the use of extensive and effective landscaping which will help provide a buffer between the building and the street (Windsor Avenue). It will also help integrate with the existing mature vegetation surrounding the subject site.</p>
<p>2.5 To ensure building separation supports private amenity and reinforces the neighbourhood character</p>	<ul style="list-style-type: none"> <li>▪ Don't separate buildings with side setbacks in streets that have connected buildings.</li> <li>▪ Use recesses at the street front to create the appearance of separated buildings where side setbacks are important but do not contribute to private amenity.</li> <li>▪ Use side setbacks where these are important for private amenity.</li> </ul>	<p>The buildings have been well set back from the front, side and rear boundaries, enabling adequate planting and landscaping to be provided at ground level along with the retention of existing significant trees on the eastern and southern portion of the site.</p>
<p>2.6 To ensure areas can develop with an equitable access to outlook and sunlight.</p>	<ul style="list-style-type: none"> <li>▪ Consider possible future development on adjoining sites.</li> <li>▪ Maintain sunlight and daylight access to adjoining open spaces of dwellings in accordance with Clause 55.</li> <li>▪ Provide spacing between taller buildings.</li> <li>▪ Orient new buildings to optimize sunlight and amenity for dwellings, private open spaces and adjoining public spaces.</li> </ul>	<p>The configuration of the development will provide each of the proposed apartments and villa units with adequate access to daylight. The majority of units have an aspect to an open courtyard located on the east and north, thus providing increased opportunity for solar access into the apartments and villa units.</p>

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

<p>2.7 To ensure visual impacts to dwellings at the rear are appropriate to the context.</p>	<ul style="list-style-type: none"> <li>▪ Consider views from dwellings abutting the development.</li> </ul>	<p>The site adjoins residential uses to the east (approx. 110 metres) and south (approx. 24 metres). It is considered that the introduction of extensive landscaping within earth bunds will help in reducing any visual impact the building may cause by reducing the perception of the built form.</p> <p>It is considered that views from the east will be minimally impacted as the buildings will be part obscured by existing structures, vegetation and the topography of the land.</p> <p>In terms of views from the south these will be impacted to a greater extent but will continue to 'look out' on extensive structures. It is identified that additional significant landscaping will be implemented in order to help mitigate against any feeling of increase bulk etc.</p>
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**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

<p>2.8 To maximize informal or passive surveillance of streets and other public open spaces.</p>	<ul style="list-style-type: none"> <li>▪ Provide windows overlooking these areas.</li> <li>▪ Locate living areas towards these areas.</li> <li>▪ Use level changes to allow views from residential units onto adjacent public open spaces while controlling views into these units.</li> </ul>	<p>The units provide for informal passive surveillance through balconies and windows.</p>
<p>2.9 To maximize residential amenity through the provision of views and protection of privacy within the subject site and on neighbouring properties.</p>	<ul style="list-style-type: none"> <li>▪ Locate living areas, windows and private open spaces to minimize the potential for overlooking.</li> </ul>	<p>As the site does not directly adjoin any dwellings there is no overlooking.</p>
<p>2.10 To ensure new tall buildings do not create adverse wind effects.</p>	<ul style="list-style-type: none"> <li>▪ Use stepped building forms and articulation of building mass.</li> <li>▪ Provide protection for pedestrians in public and private spaces from wind down drafts where a building is taller than surrounding development.</li> </ul>	<p>It is considered that this objective is not relevant to the application under assessment. Although the proposed buildings are taller than the surrounding buildings in existence, it is not considered as tall enough to have significant adverse wind effects.</p>
<p>2.11 To treat roof spaces and forms as a considered aspect of the overall building design.</p>	<ul style="list-style-type: none"> <li>▪ Incorporate plant and lift overruns as an integral part of roof design.</li> <li>▪ Design the roof to be used.</li> </ul>	<p>A hipped roof has been proposed over the entire development.</p>

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

**ELEMENT 3 – STREET PATTERN & STREET-EDGE QUALITY**

OBJECTIVE	SUGGESTIONS	PLANNERS RESPONSE
<p>3.1 To create walkable areas within a safe and interesting public setting.</p>	<ul style="list-style-type: none"> <li>▪ Maintain and extend street networks to create a closely spaced and interconnected street system in areas where higher density buildings are proposed.</li> <li>▪ Create new cross-site pedestrian links where the walkable perimeter of the block is greater than 400m.</li> </ul>	<p>The development of the subject site will not impact upon the existing street network with regard to pedestrian linkages.</p> <p>In addition the proposed building has been sited to create an internal public setting which will be extensively landscaped.</p>
<p>3.2 To closely integrate the layout and occupation patterns of new development with the street.</p>	<ul style="list-style-type: none"> <li>▪ Locate active ground floor uses along the street perimeter to increase safety, use and interest.</li> <li>▪ Maximise ground level windows and entrances.</li> <li>▪ Avoid blank walls, large service areas, car parking, garage doors and dense planting at street frontages.</li> <li>▪ Avoid recesses to the ground floor that could allow concealment.</li> </ul>	<p>Whilst pedestrian access points to the proposed buildings are internal to the site, the proposed buildings have been designed to have active frontages, particularly through the integration of balconies overlooking these areas.</p>
<p>3.3 To ensure car parking does not dominate the street frontage.</p>	<ul style="list-style-type: none"> <li>▪ Screen or disguise above-ground parking areas.</li> <li>▪ Screen half basement car parking.</li> </ul>	<p>Resident car parking is proposed within an undercroft area of the buildings which is well screened by landscaping and a variety of other materials. The design of the development therefore ensures that car parking is not a dominant element to the street frontage.</p>
<p>3.4 To create street entrances with a strong identity that provide a transition from the street to residential interiors.</p>	<ul style="list-style-type: none"> <li>▪ Accentuate and identify building entrances.</li> <li>▪ Support the role of entrances as points of orientation.</li> <li>▪ Create more rather than fewer entries to help activate the street.</li> <li>▪ Provide individual entries to ground floor dwellings accessed from the street.</li> <li>▪ Provide good visual and physical connections between the street and lobby spaces.</li> </ul>	<p>A common entrance is proposed via pathway on t each of the buildings this leads to a lobby and lift well as well as a flight of stairs to the upper levels.</p> <p>The proposed entrances are appropriate as they will be easily identifiable from the internal street and will provide a suitable transition from the proposed pick up drop off location.</p>

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

<p>3.5 To ensure car park entries do not detract from the street.</p>	<ul style="list-style-type: none"> <li>▪ Avoid car park entrances on shopping streets.</li> <li>▪ Incorporate pedestrian access with car park entrances or provide for discrete car entrances.</li> </ul>	<p>There is only one car parking entry to the undercroft area to each building which will be accessed via roller door. Whilst the car park entrances will be visible on the streetscape, the proposed car parking entry will be safe, convenient and not detract from the street.</p>
<p>3.6 To avoid creating inactive frontages as a result of fencing private open spaces.</p> <p>3.7 To ensure that front fences respect and contribute to neighbourhood character.</p>	<ul style="list-style-type: none"> <li>▪ Use of low, transparent or partially open fences.</li> <li>▪ Respect existing character or contribute to establishing a new character.</li> </ul>	<p>No fencing proposed</p>

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

**ELEMENT 4 – CIRCULATION & SERVICES**

OBJECTIVE	SUGGESTIONS	PLANNERS RESPONSE
<p>4.1 To provide adequate, safe and efficiently designed parking layouts.</p>	<ul style="list-style-type: none"> <li>▪ Clearly mark access into and movement through car parks with clear signage, floor markings and lighting.</li> <li>▪ Clearly identify parking spaces allocated to specific dwellings.</li> <li>▪ Make provisions for loading and unloading of goods and services.</li> <li>▪ Make provision for bicycle parking.</li> </ul>	<p>The number of visitor car parking spaces for the intended use is not considered to be adequate; all parking for visitors must be provided and will be required as a condition on any permit issued (condition 1.1).</p> <p>Parking spaces are easily identifiable with the resident parking provided within the undercroft area.</p> <p>Public transport is available along both Westall Road, and there is a high likelihood that many residents and visitors would utilise this method of transport on a frequent basis.</p>
<p>4.2 To provide safe and convenient access between car parking and bicycle areas and the pedestrian entry to buildings.</p>	<ul style="list-style-type: none"> <li>▪ Provide well considered entrances from the car park to residential lobbies, foyers and individual apartments.</li> <li>▪ Design car parks to assist orientation and way-finding.</li> <li>▪ Provide adequate parking for visitors.</li> </ul>	<p>The buildings are provided with lift and staircases from the ground level to the upper floors of the building.</p>
<p>4.3 To create shared internal spaces that contribute positively to the experience of living in higher density development.</p>	<ul style="list-style-type: none"> <li>▪ Ensure that the main entry and individual dwelling entries allow for the delivery/removal of large furniture items.</li> <li>▪ Ensure service lifts can accommodate large furniture items.</li> <li>▪ Design quality internal spaces.</li> </ul>	<p>Shared internal spaces within the buildings comprise corridors, the entry lobby; lift well, stairwell and the car parking area. These are appropriately designed to facilitate human circulation and easy movement of goods, such as furniture and service equipment, into the site.</p>



**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

<p>4.4 To minimise running and maintenance costs.</p>	<ul style="list-style-type: none"> <li>▪ Consider the total 'lifecycle' cost of the building.</li> <li>▪ Design mechanical and electrical systems to minimise energy consumption.</li> </ul>	<p>An 'ESD (Ecological Sustainable Development) report has been provided, with the building design to incorporate features that will minimise running and maintenance costs.</p>
<p>4.5 To minimise water use.</p>	<ul style="list-style-type: none"> <li>▪ Collect and re-use stormwater where practical.</li> <li>▪ Use natural irrigation in landscape areas.</li> </ul>	<p>As stated above, an Ecological Sustainable Development report has been provided to ensure that on-site water management is sufficient and acceptable for the site.</p>
<p>4.6 To incorporate provision for site services in the building design to ensure good function and ease of service and maintenance.</p>	<ul style="list-style-type: none"> <li>▪ Provide a clear method for refuse disposal.</li> <li>▪ Provide facilities for mail delivery and parcel drop off.</li> <li>▪ Ensure that all utility metres are easily accessible.</li> <li>▪ Provide space for cleaning and servicing equipment.</li> <li>▪ Ensure emergency services have easy access.</li> </ul>	<p>A detailed Waste Management Plan has been prepared and accepted by Council's Waste Services Unit as suitable for the site subject to conditions.</p> <p>Emergency services access will be possible on the site.</p>

### 2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)

#### ELEMENT 5 – BUILDING LAYOUT & DESIGN

OBJECTIVE	SUGGESTIONS	PLANNERS RESPONSE
5.1 To provide a range of dwelling sizes and types in higher density residential developments.	<ul style="list-style-type: none"> <li>▪ Design for a mix of dwelling types (eg. household size/type, people with limited mobility, incomes etc.).</li> </ul>	The development proposes a mixture of two (2) and three (3) bedroom units within the buildings. The buildings would adequately cater for people of limited mobility as a lift well is proposed to enable disabled access to all floors.
5.2 To optimise the layout of buildings in response to occupants' needs as well as identified external influences and characteristics of a site.	<ul style="list-style-type: none"> <li>▪ Design the internal layout to suit the site and surroundings as well as the needs of its occupants.</li> <li>▪ Consider multiple lifts and stair cores rather than a single central core in buildings with a larger footprint or floor plate.</li> </ul>	There is one common entrance to each building from the internal access ways. This is considered appropriate as the provision of one common entry to the development would avoid confusion and facilitate easy access to both residents and visitors.
5.3 To create functional, flexible, efficient and comfortable residential apartments.	<ul style="list-style-type: none"> <li>▪ Check layouts for practicality.</li> <li>▪ Where possible, build in some flexibility in the uses of rooms.</li> </ul>	The layout of the apartments is considered adequate to cater for their intended uses. Living areas are generally open plan to provide for greater flexibility.
5.4 To ensure that a good standard of natural lighting and ventilation is provided to internal building spaces.	<ul style="list-style-type: none"> <li>▪ Provide direct light and air to all rooms wherever possible.</li> <li>▪ Design light wells that are adequately sized for their intended purpose.</li> <li>▪ Take measures to reduce the reverberation of noise in light wells.</li> </ul>	Windows are provided to all habitable rooms allowing for adequate lighting and ventilation to the units.
5.5 To provide adequate storage space for household items.	<ul style="list-style-type: none"> <li>▪ Provide adequate storage space.</li> </ul>	Each unit is provided with a storage area within each apartment unit.
5.6 To promote buildings of high architectural quality and visual interest.	<ul style="list-style-type: none"> <li>▪ Design various building elements to suit the different ways they are viewed.</li> <li>▪ Consider materials as an integral part of the design response.</li> <li>▪ Avoid an unconsidered repetition of elements.</li> <li>▪ Use external lighting to enhance the design.</li> <li>▪ Integrate signage and graphics with the building design.</li> <li>▪ Provide a discrete location for air conditioner units.</li> </ul>	The buildings are of a contemporary style and provide for a visually interesting and high quality design.

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**
**ELEMENT 6 – OPEN SPACE & LANDSCAPE DESIGN**

OBJECTIVE	SUGGESTIONS	PLANNERS RESPONSE
6.1 To ensure access to adequate open space for all residents.	<ul style="list-style-type: none"> <li>▪ Ensure private open spaces are useable and provide reasonable levels of amenity.</li> <li>▪ Clearly distinguish between private and public spaces.</li> </ul>	Balcony areas are provided to each unit accessed from the main living areas. A large communal open space garden is also provided on the ground floor.
6.2 To ensure common or shared spaces are functional and attractive for their intended users.	<ul style="list-style-type: none"> <li>▪ Consider the availability of recreational spaces and facilities in the area, potential demands for them, and provide for facilities that are absent or undersupplied.</li> <li>▪ Consider providing high-quality specialised facilities that will be shared by other local developments.</li> <li>▪ Design open spaces that can be well maintained.</li> <li>▪ Design spaces that are usable in a range of weather conditions.</li> <li>▪ Open space should: be substantially fronted by active ground floors, including building entries; provide an outlook for as many dwellings as possible; provide opportunity for mature planting to shade, shelter and screen; be designed to protect any natural feature on or abutting the site; be accessible and useable.</li> </ul>	Common areas within the existing facility are able to be well maintained and managed.
6.3 To allow solar access to the private and shared open spaces of new high density residential units.	<ul style="list-style-type: none"> <li>▪ Orient balconies, terraces and communal open space to optimise access to sunlight.</li> <li>▪ Use the open spaces on balconies, podiums and roof terraces to provide open spaces with maximum access to sunlight.</li> </ul>	The proposed siting of the building has been provided to maximise solar access into accommodation as well as private and shared open spaces.

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

<p>6.4 To integrate the design of the shared and private open space into the overall building design and façade composition.</p>	<ul style="list-style-type: none"> <li>▪ Integrate balconies, terraces and roof gardens with the overall building form and façade composition.</li> </ul>	<p>The design of the development has ensured that balconies and roof forms have been integrated into the overall design of the building. The balconies have been located so as to provide for an appropriate rhythm to the building.</p>
<p>6.5 To provide for greenery within open spaces.</p>	<ul style="list-style-type: none"> <li>▪ Include substantial areas for landscaping.</li> <li>▪ Design to enable high quality, sustainable landscaping over structures.</li> <li>▪ Minimise the visual effects of water run-off from open space areas.</li> <li>▪ Provide permeable ground surfaces.</li> </ul>	<p>A landscape plan has been submitted with the application which indicates extensive and significant landscaping proposed and the retention of all significant trees surrounding the development.</p>
<p>6.6 To create public open space appropriate to its context.</p>	<ul style="list-style-type: none"> <li>▪ Ensure new public open spaces contribute to a safe, attractive and well used public environment.</li> </ul>	<p>Public open space areas proposed for residents within this development. As noted above, the subject site is located within a strategic context which encourages intensification of residential development. The provision of communal open space within the site is considered necessary given this strategic context.</p>

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

**STATUTORY PLANNING APPLICATIONS**

**TOWN PLANNING APPLICATION - 114-122 WESTALL ROAD,  
SPRINGVALE (PLANNING APPLICATION PLN16/0866)**

**ATTACHMENT 5**

**VCAT ORDER P1784/2017 – PLN17/0145**

**PAGES 23 (including cover)**

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

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**

**ADMINISTRATIVE DIVISION**

**PLANNING AND ENVIRONMENT LIST**

VCAT REFERENCE NO. P1784/2017  
PERMIT APPLICATION NO. PLN17/0145

**CATCHWORDS**

Section 77 of the *Planning & Environment Act 1987*. Greater Dandenong Planning Scheme. General Residential Zone, Schedule 1. Amendment C182. Retirement village. Building height. Neighbourhood character. Car parking.

<b>APPLICANT</b>	Lendlease Primelife Limited
<b>RESPONSIBLE AUTHORITY</b>	Greater Dandenong City Council
<b>REFERRAL AUTHORITY</b>	VicRoads
<b>SUBJECT LAND</b>	114-122 Westall Road, Springvale
<b>WHERE HELD</b>	Melbourne
<b>BEFORE</b>	Cindy Wilson, Member
<b>HEARING TYPE</b>	Hearing
<b>DATE OF HEARING</b>	11 December 2017
<b>DATE OF ORDER</b>	17 January 2018
<b>CITATION</b>	Lendlease Primelife Limited v Greater Dandenong CC [2018] VCAT 14

**ORDER**

- 1 In application P1784/2017 the decision of the responsible authority is set aside.
- 2 In planning permit application PLN17/0145 a permit is granted and directed to be issued for the land at 114-122 Westall Road, Springvale in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows development of the land for one, five-storey building in association with an existing retirement village, reduction in car parking and alteration to access to a road in a Road Zone Category 1

**Cindy Wilson**  
Member

### 2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)

#### APPEARANCES

For Lendlease Primelife Limited	Mr Stuart Morris QC with Ms Jane Sharp, barrister, instructed by Ms Sally Macindoe of Norton Rose Fulbright Australia. They called expert evidence from the following witnesses:  Mr Andrew Biacsi, town planner of Contour Consultants Aust Pty Ltd  Mr Jason Walsh, traffic engineer of Traffix Group Pty Ltd
For Greater Dandenong City Council	Mr Terry Montebello, solicitor, of Maddocks Lawyers
For VicRoads	No appearance

#### INFORMATION

Description of proposal	Construction of a five storey building comprising four levels of residential retirement units over ground floor parking. A total of 40 units are proposed together with 40 car spaces.
Nature of proceeding	Application under section 77 of the <i>Planning and Environment Act 1987</i> – to review the refusal to grant a permit.
Planning scheme	Greater Dandenong Planning Scheme
Zone and overlays	General Residential Zone, Schedule 1 (GRZ1) Public Acquisition Overlay affects part of the land adjacent to Westall Road. The proposal does not include development on land affected by this overlay.
Permit requirements	Clause 32.08-8 A permit is required to construct a building or construct or carry out works for a use in Section 2 of clause 32.08-2.  Clause 52.06 A permit is required to reduce the standard car parking requirement.  Clause 52.29 A permit is required to alter access to a Road Zone, Category 1. <sup>1</sup>

<sup>1</sup> Council advised it considers this clause triggers the need for a permit based on the decision in *Peninsula Blue Developments Pty Ltd v Frankston CC (Revised)* (Red Dot) [2015] VCAT 571 that found increased use of an access point (if a permit is required for use or development under any provision of the planning scheme) which will change traffic access to a road in a Road Zone Category 1, results in a requirement for a permit under clause 52.29. The applicant did not oppose consideration of this permit trigger.



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**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

Relevant scheme policies and provisions	Clauses 9, 10, 11, 15, 16, 18, 19, 21, 22.09, 32.08, 52.06, 52.29 and 65.
Land description	The review site is of irregular shape with an area of 6.38 hectares, a frontage of 128 metres to Westall Road, a frontage of 168 metres to Villa Road and a frontage of 128 metres to Windsor Avenue. The land contains a retirement village with 288 units and associated car parking and communal facilities.
Tribunal inspection	I inspected the review site and surrounds on 10 December 2017.

## 2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)

### REASONS<sup>2</sup>

#### WHAT IS THIS PROCEEDING ABOUT?

- 1 A retirement village occupies a 6.38 hectare site at 114-122 Westall Road, Springvale. Lendlease Primelife Limited seek a permit to develop a new five-storey building that will contain 40 dwellings and provide for 40 car spaces.
- 2 The Greater Dandenong City Council refused to grant a permit. The refusal grounds refer to built form and building height that is inconsistent with current neighbourhood character policy and with proposed local policy under Amendment C182 to the Greater Dandenong Planning Scheme. Insufficient provision for visitor car parking is also a concern of Council. The decision to refuse the application was contrary to the recommendation of the Council's planning officer to grant a permit subject to conditions. The conditions recommended by the Council officer included a requirement for eight visitor car spaces to be provided onsite.
- 3 The Tribunal must decide whether a permit should be granted and if so, what conditions should apply. Having inspected the site and surrounds, considered the submissions and evidence and had regard to the provisions and policies of the Greater Dandenong Planning Scheme, I have decided a permit should be granted. I have reached this decision based on my findings on the following key issues:
  - Does the Planning Scheme support additional housing on the review site?
  - Is the built form an acceptable response to context?
  - Is the car parking provision acceptable?
- 4 Before addressing these key issues, I set out a description of the relevant physical context and refer to Amendments C182 and C204 gazetted on 21 December 2017.

#### PHYSICAL CONTEXT

- 5 The review site is a large site of 6.38 hectares with frontage to Westall Road, Villa Road and Windsor Avenue, Springvale. Originally developed to house immigrants to Australia, the site has been used as a retirement village since approximately 1999 and is known as Lexington Gardens. The village comprises 288 retirement units within three 'snowflake' shaped buildings ranging in height from two to three storeys. The site also contains a community centre with dining room, shop, gym, pool, library and other communal amenities together with outdoor facilities that include a tennis court and bowling green. Vehicle access is available from Westall Road (entry only), Villa Road and Souter Street. An internal loop road provides

<sup>2</sup> The submissions and evidence of the parties, any supporting exhibits given at the hearing, have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons.

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

vehicle access within the site and provides access to 278 car spaces for residents, visitors and staff.

- 6 The site of the proposed development is an open lawn area located to the east of the community centre and north of the entry to the site from Souter Street. The land slopes up from the loop road and is devoid of any trees.
- 7 To the south of the community centre is a vacant area of land that is part of the property and has frontage to Windsor Avenue. Council advised an application for a planning permit to develop three, five-storey buildings and some single-storey units with associated car parking is currently being considered. A previous proposal for five multi-level buildings in the south part of the site, including two four level buildings in a similar location to the current proposal, was approved by the Tribunal in 2008<sup>3</sup> but has not been acted upon.
- 8 Adjoining the Lexington Gardens site, south of the proposed development, there are three abutments. First is the rear of 61 Windsor Avenue which has a side boundary to the western side of Souter Street. This lot contains a single-storey detached house with a garage located adjacent to the rear boundary. Secondly, the site abuts the northern termination of Souter Street which has a road reserve of approximately 15 metres width. Thirdly, the site abuts the rear boundary of 59 Windsor Avenue which is located with a side boundary to the east side of Souter Street. This lot contains a single-storey dwelling with a garage and sheds adjacent to the rear boundary with the review site.
- 9 Further to the south east are single storey dwellings facing Windsor Avenue with contemporary two-storey townhouse development along the east side of Wilberton Drive. A small group of shops is located on the north-west corner of Windsor Avenue and Ellen Street.<sup>4</sup>
- 10 The abutments of the overall Lexington Gardens site include an aged care facility to the immediate north east, facing Villa Road. To the east the site adjoins the rear boundaries of residential lots facing Ellen Street. These lots contain detached dwellings. Land to the north, on the opposite side of Villa Road, contains recent two to three-storey residential development. To the north-west are three detached dwellings with frontage to Westall Road. To the south west the site has frontage to Westall Road which has a road reserve of approximately 60 metres width and contains a divided carriageway.

**AMENDMENT C182**

- 11 At the hearing, Council provided a letter from the Minister for Planning<sup>5</sup> advising that Amendment C182 (Part 1) to the Greater Dandenong Planning

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<sup>3</sup> *Babcock and Brown Communities Ltd v Greater Dandenong CC* [2008] VCAT 2235

<sup>4</sup> I note that Amendment C182 (part 1), gazetted on 21 December 2017 and referred to later in this decision, designates this group of shops as a 'Local Shop Node' at clause 21.04, although there is no reference to this classification in the text of clause 21.04.

<sup>5</sup> Dated 19 November 2017.



**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

Scheme (C182) would be approved. Since the hearing, this Amendment has been gazetted.<sup>6</sup> The parties addressed me on the adopted version of this amendment. At the hearing I asked the parties if there should be a further opportunity provided for submissions on C182, following gazettal. Neither Council nor the applicant sought such an opportunity. I note that Amendment C204 to the Greater Dandenong Planning Scheme was also gazetted on the 21 December 2017 and made corrections to errors in Amendment C182. These corrections have no implications in this proceeding.

- 12 Relying upon the decision in *Ungar v City of Malvern*<sup>7</sup> that the Tribunal is required to apply the law as it exists at the date of determination. I refer to and rely on current policies and provisions of the Planning Scheme in this decision.

**Does the Planning Scheme support additional housing on the review site?**

- 13 Council welcomes additional housing on the review site in association with the existing retirement village and says this is in line with policy at clauses 16.02-4 and 21.07 of the Planning Scheme. Council does not contest that the site offers opportunity for more intensive residential development but submits that the building with its uniform building plates and five storey form will be at odds with the preferred character of the area sought in local policy.
- 14 The applicant says that there is no question that the additional independent living units on a site that is already used for the purpose of a retirement village is logical, appropriate and meets the State and local policy supporting the provision of aged care. In terms of built form, the applicant says the policy guideline on neighbourhood character to a large site, on a main road, with an existing retirement village and a history of institutional use is of little relevance.
- 15 "Retirement village" is defined in the Planning Scheme and requires a permit for use and development in the General Residential Zone (GRZ). Unlike residential aged care accommodation<sup>8</sup> which State policy specifically recognises has a different purpose and function to dwellings and an associated different built form, there is no specific concession for the built form of a retirement village
- 16 Although not disputed, it is important to my decision to set out the Planning Scheme provisions that support additional housing on the review site, and specifically housing targeted for older residents.
- 17 State policy seeks planning to accommodate projected population growth and to give consideration to opportunities for intensification of existing

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<sup>6</sup> On 21 December 2017.

<sup>7</sup> [1979] VR 259.

<sup>8</sup> Defined at clause 74 of the Planning Scheme and a use permitted without a permit in the General Residential Zone.

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

- urban areas.<sup>9</sup> Plan Melbourne says by 2051 the percentage of Melbourne's population aged over 65 is projected to increase from 13.8% to 20.5%.<sup>10</sup>
- 18 Local policy identifies the need to provide more housing and supported accommodation catering for older age groups in the municipality, acknowledges this will include higher density housing and supports residential development that allows people to age in their existing community.<sup>11</sup>
- 19 Clause 21.07 refers to a forecast that by 2031 an extra 628,000 persons aged more than 60 years will reside in metropolitan Melbourne, of whom it is estimated 42,000 will reside in Greater Dandenong. It is acknowledged that this increase in the population of older residents will raise the demand for accommodating the aged population in the form of smaller infill dwellings and retirement accommodation and seeks this accommodation, where possible, to be co-located with community facilities, welfare services and recreational facilities within activity centres close to public transport.
- 20 There is encouragement in State and local policy and in the purpose of the General Residential Zone (GRZ) for housing diversity and increased housing numbers in existing urban areas. There is support for a range of housing types to meet increasingly diverse needs, especially in middle and outer suburbs. In addition, policy seeks delivery of more affordable housing through increasing housing choice to meet the needs of households as they move through life cycle changes and for planning that enables older people to live in appropriate housing in their local community.
- 21 The planning officer report to Council on the application stated:
- It is identified that between 2017 and 2026 the forecast population of 65+ year olds will increase by 10% with 75+ year olds increasing by 15% (source: Population current and forecast in Greater Dandenong January 2014).
- It is considered that as the over 65 or retiree population within the City of Greater Dandenong increases, facilities and residential/retirement villages such as Lexington Gardens will need to expand in order to provide accommodation. It is considered that due to a lack of larger consolidated parcels of land and affordability, independent living units in denser developments such as the one proposed are acceptable.
- 22 The existing retirement village on the land offers a range of facilities and services, including shops, medical services, recreational opportunities, a bus service and theatre. Making better use of those existing services and facilities is supported by policies that relate to sustainability and housing choice.

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<sup>9</sup> At clauses 9, 11.02 and 16.01.

<sup>10</sup> At page 7 of Plan Melbourne 2017-2050: Metropolitan Planning Strategy (Department of Environment, Land, Water and Planning, 2017).

<sup>11</sup> At clauses 21.03-1, 21.04-1 and 22.09-2.

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

- 23 Taken together, I find considerable support in the Planning Scheme for additional housing catering for older aged groups, a sector of the population that is projected to increase and more generally for greater diversity of housing in accessible locations. This is an important factor in balancing all the matters that must be considered and reaching a decision that achieves net community benefit and sustainable development for the benefit of present and future generations, as required by clause 10.04 of the Planning Scheme.
- 24 There is also significant emphasis in various provisions and policies of the Planning Scheme on ensuring that development responds appropriately to context and is respectful of neighbourhood character. This is the key matter in dispute and I address this next.

**IS THE BUILT FORM AN ACCEPTABLE RESPONSE TO CONTEXT?**

- 25 Council submits that the proposed building with its uniform floor plates and five-storey built form will be at odds with the preferred character for the incremental change area that seeks development to respond to existing character and allows for medium density development up to two to three storeys. Council says the five-storey building will sit uncomfortably at the end of Souter Street, will be excessive in the context of the incremental change area policies and includes a commercial appearance and 'uninspiring' south façade, dominant in views from the south.
- 26 It is the evidence of Mr Biacsi that the proposed development is an appropriate outcome in a residential area that features considerable diversity when one takes account of the existing retirement village and the design utilises materials, colours, textures, setbacks and building articulation to achieve variation in the building mass and add visual interest when viewed from nearby public vantage points and private properties.
- 27 Themes in the Planning Scheme relevant to built form include:
- Emphasis on ensuring new development responds to its context starting with a comprehensive site analysis to inform design to achieve an outcome that reinforces special characteristics of the local neighbourhood.<sup>12</sup>
  - Architectural and urban design outcomes to contribute positively to local urban character, enhance the public realm while minimising detrimental impact on neighbouring properties.<sup>13</sup>
  - Ensure building design contributes to safety and perception of safety.<sup>14</sup>
  - Encourage development that is consistent with energy efficiency and the minimisation of greenhouse gases.<sup>15</sup>

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<sup>12</sup> At clauses 11.02-1 and 15.01-5

<sup>13</sup> At clauses 15.01-2 and 21.05-1.

<sup>14</sup> At clause 15.01-4.

<sup>15</sup> At clauses 15.01-2, 15.01-3 and 21.05-3.



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**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

- To respect and improve residential environments and strongly encourage new residential development to make a positive contribution to the identified future character of each residential Future Change Area, with the existing neighbourhood character to be respected in the incremental change area.<sup>16</sup>
  - To ensure landscaping that enhances the built form with new developments encouraged to establish a landscape setting.<sup>17</sup>
- 28 Clause 22.09 contains local policy on residential development and neighbourhood character. It seeks residential development to demonstrate consistency with the policy objectives, identified future character, change area policies, preferred housing type and the applicable design principles. There are general design principles that apply to all development relating to safety, landscaping, car parking, setbacks, private open space, built form site design, materials and finishes, services and internal amenity. The three identified future change areas are substantial, incremental and limited change. The review site is within an incremental change area where the future character is identified as one which will change over time to contain a greater proportion of well-designed and site responsive medium density infill development that respects the existing neighbourhood character. Residential development will comprise well-designed houses, town houses, units and dual occupancies of up to two storeys with the main living area generally on the ground level.
- 29 Having considered the physical context of the site and the various policies and provisions of the Planning Scheme relating to built form, summarised above, I find the proposed development acceptable. I set out my findings under headings that address the design response, neighbourhood character and amenity impacts.

**Design Response**

- 30 A site analysis is an important starting point in achieving a design that is appropriately responsive to context. An analysis of the Lexington Gardens site indicates some unique characteristics which create both opportunities and constraints. The characteristics include:
- A large site in the context of surrounding conventional residential development.
  - Location on a main road.
  - Existing built form that includes large buildings including three storey height.
  - Internal road system and extensive onsite car parking.
  - Common boundary with a number of properties containing single and some double-storey dwellings to the east, south and west.

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<sup>16</sup> At clause 21.04-1.

<sup>17</sup> At clause 21.05-1.



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**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

- Some relatively large open areas within the site providing physical separation of existing development from adjoining land.
- 31 The site of the proposed development within the Lexington Gardens site has additional specific characteristics as follow:
- Open lawn setting between a three-storey residential building and a large community centre.
  - Absence of trees or significant vegetation.
  - Topography that slopes but is not steep.
  - Separated from adjoining residential sites to the south by an internal road.
- 32 Although a five-storey building in this setting will be visible and change the existing built form character, I consider the design response is well-considered and acceptable. I say this for the following reasons.
- 33 Despite the proposal being higher than other buildings on the review site, the setting is one where larger buildings exist and where more intensive built form can be absorbed. The visibility of the building from outside the site will be tempered by substantial setbacks to site boundaries. The closest neighbours to the proposal are the dwellings at 59 and 61 Windsor Avenue. The proposal will be a minimum of 15 metres from the rear boundaries of these lots, noting both have garages and outbuildings adjoining the common boundary with the review site.
- 34 The location of the building within a large site limits the impact of the building height on nearby streetscapes. Most affected will be Souter Street which terminates at the southern boundary of the review site. There will be views of the building along Souter Street looking north but the setback of over 16 metres from the street, the intervening loop road and the proposed landscaping will acceptably limit negative impacts to this street. In reaching that view, I have had regard to the streetscape character of the section of Souter Street north of Windsor Avenue which comprises the side boundaries of 59 and 61 Windsor Avenue, rather than a traditional form of regular front setbacks and established gardens.
- 35 Council raised concerns about the construction typology and referred to comments of Council's urban designer who criticised the extent of ground floor car park, the massing with a unified and blank podium wall treatment and the dull fibre cement walls.
- 36 The applicant explained the construction material is cross laminated timber, an engineered timber panel product that offers significant sustainability advantages with 'flat pack' technology allowing for fast assembly onsite, fewer waste materials and limited water use. The applicant said that although it would be possible to incorporate different layouts on each floor, the identical floor plates contribute to the efficiency and sustainability.

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

- 37 Although the residential levels above the ground level car park are uniform, I find the building is well-articulated through staggered setbacks to each façade, inclusion of balconies and fenestration to all elevations and different colours in façade panels. The ground level will be enclosed by a dark, woven wire mesh that will limit visibility of the parking area and the proposed landscaping is adjacent to the ground level for most of its perimeter providing an acceptable interface for pedestrians within the site.
- 38 Council submitted the southern elevation will appear 'commercial' and 'uninspiring' and dominant in views from the intersection of Windsor Avenue and Souter Street, particularly given it will be higher at this point due to the topography. I do not agree. The southern elevation presents with variation in setbacks across its width that will provide a modulated appearance to the four levels above the ground level car park entrance. Together with four vertical lines of windows, variation in external colours and ground level landscaping to both sides of the vehicle entry, I am satisfied the southern elevation of the building will appear acceptable.
- 39 While the building is higher at its southern elevation compared to the northern elevation, I consider the difference is not so substantial that it results in an unacceptable appearance when viewed from the south. Relevant to this finding is the siting of the building to the southern site boundary that will result in the appearance of an angled southern façade when viewed from Souter Street. I am not persuaded that the building will be unreasonably dominant when viewed from the intersection of Windsor Avenue and Souter Street, given a separation of over 50 metres.
- 40 The layout provides spacing between buildings on the site including relatively large areas to the north, east and west of the proposal. In addition to protecting amenity of existing residents of the retirement village, this design will avoid the appearance of continuous building bulk from within the overall site and when viewed from outside the site. The areas around the building will be landscaped, providing pedestrian paths, seating and an attractive, treed setting. The landscape plan shows extensive planting around the building that includes 33 trees capable of reaching a height of 5 metres or more, of which 12 will be between 8 and 15 metres. Landscaping to the south side of the building is also proposed, either side of the vehicle access, which will include three larger trees and lower level planting that will be visible when viewed from Souter Street. Importantly no significant vegetation is required to be removed

**Neighbourhood character**

- 41 Council submits that no regard has been given to the design guidelines for development in an incremental change area at clause 22.09 with no ground floor secluded private open space, building height that exceeds the two to three-storey height identified in the policy and uniform building bulk. Council submits that even if the development is considered on merit given the large site size, an allowance provided for in policy prior to approval of Amendment C182, the height and design is at odds with the preferred



**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

character for the area. This arises, Council says, from an assessment of the site and surrounds that shows the current two and three-storey scale of existing buildings on the land, the single and double-storey scale of development surrounding the land and the 11 metre/three-storey height limit that now applies under GRZ.

- 42 In addition to the planning scheme provisions set out earlier, I note the purpose of the GRZ encourages development that respects the neighbourhood character of the area and Schedule 1 includes the following neighbourhood character objectives:
- To ensure the scale, built form and setbacks of residential developments respond to the existing site circumstances by respecting the predominant built form, façade and street patterns.
  - To provide appropriate front, side and rear setbacks, garden areas and significant private open space to allow for substantial high quality landscaping and canopy trees to protect the amenity of adjoining properties and to create a landscape character.
  - To maximise the opportunities to create high quality landscaping, through minimal paving and the use of permeable ground surfaces.
  - To ensure vehicle accessways and storage facilities do not visually dominate the streetscape.
  - To ensure that residential development achieves high quality, useable private open space outcomes for future residents, including the provision of secluded private open space at the side or rear of each dwelling.
- 43 Maximum building height for residential buildings, where there is none specified in the Schedule to the zone, as is the case here, is 11 metres or three storeys at any point. Minimum garden area requirements are set out in the GRZ. However the height limit and the garden area requirements do not apply to the proposal due to transitional provisions that exempt applications made before the approval date of VC110. Furthermore the requirements of clause 55, including those varied in Schedule 1 to the GRZ, are not relevant since this clause does not apply to a development of five or more storeys. The provisions of clause 58 relating to apartment developments are not applicable pursuant to transitional provisions at clause 32.08-6 of the GRZ.
- 44 The approval of Amendment C182 (Part 1) provides detailed policy guidance for substantial, incremental and limited change areas. The revised clause 22.09 no longer includes recognition that larger sites may warrant a departure from the future character identified for the area. Even without the specific recognition for circumstances where departure from policy might be acceptable, I consider a sensible approach that avoids the application of policy as though it was a mandatory control, rather than a guide, is appropriate. I agree with the findings in *SMA Projects v Port Phillip CC*<sup>18</sup>

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<sup>18</sup> [1999] VCAT 1312.

### 2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)

In the new planning system planning decisions are meant to be heavily influenced by policy, and in particular the consistent application of policy can avoid the adverse effects of incremental change which can occur through an ad hoc site by site decision making process. Nevertheless, policy must be applied in an intelligent and flexible way having regard to the entire strategic and policy framework affecting the future use of land while at the same time avoiding unfortunate outcomes in individual permit applications. ...

- 45 Having regard to the unique characteristics of the site, the siting and design of the building and to the balancing of neighbourhood character objectives against the established use of the land for a retirement village and policy that seeks increased diversity of housing, especially for the aged, I consider the more intense development proposed should be supported.
- 46 The overall height of the building, although two-storeys higher than the three-storeys allowed for in GRZ and anticipated in the incremental change area, will have limited impact outside the site given its location internally within a large site that effectively has its own character. I agree with the views expressed in the planning officer's report<sup>19</sup> on the permit application that there are circumstances in this case that justify departure from the preferred two-storey height and preferred medium density housing in the incremental change area and these include:
- The extensive setback of the building from all boundaries afforded due to the considerable size of the site;
  - The existing and proposed landscaping and vegetation retention along the eastern and southern boundaries of the lot;
  - The overall context of the site and existing significant built form;
  - The use being provided for (residential/retirement village); and
  - The sustainability initiatives and construction model proposed.
- 47 While there is no ground level secluded private open space provided for each dwelling, all dwellings are provided with a useable private open space in the form of a 9 square metre balcony directly accessible from a living room and unscreened. Furthermore the area set aside for shared open space is generous and, when landscaped, will provide an attractive space for all residents of the complex.
- 48 Importantly I find elements of the proposal accord with the general design principles relating to neighbourhood character at clause 22.09, in addition to those specific to the incremental change areas including:
- Windows and balconies to all elevations are unscreened and allow for passive surveillance of the retirement village complex and the nearby Souter Street contributing to a safer neighbourhood.
  - The landscaping plan provided shows substantial, high quality, onsite landscaping and avoids removal of existing trees.

<sup>19</sup> Statutory Planning Applications Report dated 24 July 2017 on pages 19-20.

### 2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)

- Car parking is integrated in the design of the buildings and screened from view.
  - There are setbacks to other buildings on the site sufficient to provide for landscaping and the proposed siting does not interrupt a pattern of building setbacks and siting.
  - The site design avoids adverse amenity impacts on adjoining dwellings through consideration of privacy, solar access and outlook of adjoining properties.
  - The building is well articulated through the use of variation in setbacks, materials and colours.
- 49 Assessing the proposal against the neighbourhood character objectives of Schedule 1 to the GRZ I find as follows:
- The scale, built form and setbacks respond to the existing site circumstances which do not have the consistent built form and street patterns evident in the more traditional residential streetscapes where Schedule 1 to the GRZ applies.
  - There is generous opportunity for substantial high quality landscaping and canopy trees.
  - The development will not result in car parking or vehicle access dominating a streetscape.
  - The development provides a useable area of private open space for each dwelling in the form of a balcony

#### Amenity impacts

- 50 Although clauses 55 and 58 do not apply, there are other Planning Scheme policies and provisions<sup>20</sup> that seek to ensure acceptable amenity is achieved for future residents and to avoid unreasonable amenity impacts to existing dwellings. Although not contested by parties, it is relevant to my support of the proposal that I find the proposal acceptable in relation to amenity impacts for the following reasons.
- 51 Shadow impacts to existing dwellings are acceptably limited. There is no shadow cast outside the review site between 9.00am and 3pm at the equinox. Although the clause 55 standard relating to overshadow does not apply, it would be met.
- 52 Separation distances between proposed habitable room windows and balconies and existing secluded private open spaces and habitable room windows on adjoining properties are generous (at least 20 metres). This will avoid unreasonable loss of privacy.
- 53 The appearance of visual bulk is limited by the setback of the building from property boundaries and a built form that avoids a 'box-like' appearance through articulated elevations.

<sup>20</sup> Including clauses 15, 22.09 and 65.01.



**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

- 54 Amenity for future residents of the proposal is of a high standard with all dwellings provided with unscreened outlook from habitable room windows and balconies, useable balcony area accessible from a living area and convenient car parking. Residents will have access to the extensive range of communal facilities and services provided in the existing retirement village.
- 55 Pedestrian entry to the building is provided on the east side of the building accessible via a path from the loop road (as shown on the landscape plan) and from the ground level car park. A roof is proposed over the entry and over an adjacent entrance forecourt. Although there are two car spaces south of the forecourt that are to be covered and allocated to residents, I consider the layout will provide a sense of dwelling entry to the building, be visible and provide shelter.

**IS THE CAR PARKING PROVISION ACCEPTABLE?**

- 56 The parking requirement for a retirement village, as set out in clause 52.06 of the Planning Scheme, is one car space for each one or two bedroom dwelling, two car spaces for each three bedroom dwelling and one visitor car space per five dwellings. Application of these rates result in a requirement for 44 resident car spaces and eight visitor car spaces.
- 57 The proposed development would provide 40 car spaces for resident use, 38 under the building and two in a covered area adjacent to the main building entry. The application includes a waiver of the remaining 12 car spaces.
- 58 Council accepts the car parking proposed for residents but opposes the waiver of eight visitor spaces. Council says surveys referred to in Mr Walsh's evidence to assess visitor car parking demand were undertaken during weekdays and do not reflect the peak demand that occurs at weekends. If a permit is to be granted, Council seeks a condition that requires the provision of eight visitor car spaces on site.
- 59 It is the evidence of Mr Walsh that the allocation of one car space per dwelling will cater for the residential tenants. In relation to visitor car parking, it is the evidence of Mr Walsh that a conservative projection of demand is eight car spaces and these can be readily accommodated within the adjacent visitor car parking area.
- 60 The one car space provided per unit for residents is not contested by Council. I am satisfied that, having regard to the survey information in Mr Walsh's evidence,<sup>21</sup> the number of car spaces provided for residents will cater for demand.
- 61 The application does not propose any additional car parking for residential visitors and in fact allocates two existing visitor car spaces for resident use. Despite this arrangement, I am satisfied that the demand for visitor car spaces generated by the development can be accommodated within the

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<sup>21</sup> The parking surveys referred to by Mr Walsh showed a maximum occupancy of resident car spaces equivalent to 0.54 car space per unit at the existing 288 unit retirement village on the review site and a survey of another retirement village which showed a peak resident demand of 0.64 spaces per occupied unit.

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

existing on-site visitor parking and no additional visitor car spaces are required. I reach this view having regard to the following.

- 62 The development is adjacent to an existing parking area allocated for visitors to Lexington Gardens. This area contains 31 car spaces, which will be reduced to 29 with this development. Mr Walsh advised that the surveys undertaken of the parking showed<sup>22</sup> the maximum occupancy of this area was recorded at 25 car spaces but noted that some of this demand is likely to have been associated with the construction activity occurring nearby. It was his evidence that the normal usage of the car park would be a maximum of 11 car spaces based on surveys during October 2016 and evening surveys in November 2017, both times when there was no construction activity occurring nearby.
- 63 The availability of car spaces in the adjacent car park is further supported by an analysis of NearMap aerial photos over a two-year period undertaken by Mr Walsh. This analysis showed on nine of the ten survey times (that included one survey on Saturday and one on Sunday) the minimum number of car spaces available to be 18 of the 31 spaces. There was one surveyed time when only 12 car spaces were available but this coincided with the construction activity referred to above. In any event, at all of the observed times of the car park derived from NearMap, there was capacity for at least 12 car spaces to be parked (or 10 allowing for the reduction of the car park to 29 spaces as proposed by the development).
- 64 On the basis of this information, I find there will be capacity for parking of eight cars in the adjacent car park that would provide convenient parking for the projected visitor demand for the proposed development.
- 65 The total number of visitor car spaces on the Lexington Gardens site is 61. The surveys showed the maximum occupancy of these spaces was 43 leaving 18 spaces vacant, noting the same construction activity demand for car spaces impacts these figures. At the five survey times<sup>7</sup>, when no construction activity was occurring, the maximum occupancy was 23 of the 61 visitor spaces, leaving 38 car spaces available. At 18 or 38 car spaces, I find there is sufficient existing car parking to cater for the potential eight car spaces required for visitor car spaces under clause 52.06
- 66 Mr Walsh's evidence is that the access to the undercroft car parking from the loop road does not meet the Planning Scheme standard but this can be readily modified to achieve compliance. I have included a permit condition to ensure the required grades are achieved.
- 67 Council submitted that the existing access point to Westall Road, designated as a Road Zone, Category 1, will be used more frequently for the proposed development but does not reject the proposal for this reason. VicRoads raised no objection to the proposal.

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<sup>22</sup> The parking surveys referred were undertaken at 2.30pm, 3.30pm, 6.30pm and 7.30pm on Thursday 20 October 2016 and 11am and 9pm on Tuesday 21 November 2017.



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**WHAT CONDITIONS ARE APPROPRIATE?**

- 68 Draft permit conditions were circulated by Council and discussed at the hearing. I have generally adopted these conditions subject to changes that reflect my findings and to address the following additional matters:
- Council raised concern about collection of waste. I have included a condition that requires details of storage and collection of waste to be provided as part of Condition 1 plans.
  - Provision for storage cages in the car park area was sought by Council, although it was acknowledged that retirement living requires a lower capacity of storage spaces. The applicant advised there was some storage provided at each residential level and there is opportunity for residents to hire storage space in the community centre. I am satisfied the storage opportunities provided are adequate.

**CONCLUSION**

- 69 The applicable policy context contains some conflicting objectives relevant to this proposal. The Planning Scheme seeks integration of the relevant policies and balancing of conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.<sup>23</sup> I consider the proposal that will create additional, well-designed accommodation for older people on a large site provided with services and facilities and well-separated from adjoining sites achieves, on balance, a net community benefit.
- 70 For the reasons given above, the decision of the responsible authority is set aside. A permit is granted subject to conditions.

**Cindy Wilson**  
Member

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<sup>23</sup> At clause 10.04.

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#### APPENDIX A

<b>PERMIT APPLICATION NO:</b>	PLN17/0145
<b>LAND:</b>	114-122 Westall Road, Springvale
<b>WHAT THE PERMIT ALLOWS:</b>	
The development of land for one, five storey building in association with an existing retirement village, reduction in car parking and alteration to access to a road in a Road Zone Category 1 in accordance with the endorsed plans	

#### CONDITIONS

- 1 Before the development starts, two 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:
  - (a) Ramp grades altered to reflect the Sketch Plan – Ramp Grades in Appendix B attached to the Expert Evidence Report of Jason Walsh of Traffix Group dated 24 November 2017.
  - (b) The location(s) for all outdoor air conditioning units. If they are placed on the balcony they must be concealed from the street and surrounding views;
  - (c) Tree protection zones for all trees which may be impacted by the construction of the proposed building in compliance with the Australian Standard AS4970-2009 Protection of Trees on Building Sites;
  - (d) All physical environmentally sustainable design features referred to within the Sustainability Report prepared by Lendlease dated 17 November 2016 or any subsequent amended report;
  - (e) Arrangements for storage and collection of rubbish to the satisfaction of the Responsible Authority.

to the satisfaction of the Responsible Authority.
- 2 Before plans are endorsed under condition 1, a revised Sustainability Report detailing sustainable design strategies to be incorporated into the development must be submitted to, and approved by the Responsible Authority.
- 3 Before the approved development starts, and before any trees or vegetation are removed, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the

**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and 3 copies must be provided. The amended landscape plan must be generally in accordance with the landscape site plan and landscape sections prepared by CJ Arms & Associates dated 8 March 2017 modified to show:

- (a) plans to accord with Condition 1 of this permit;
- (b) modification to the landscaping adjacent to the southern elevation to include earth mounds and substantial planting flanking the vehicular entry gate to the car park;
- (c) Demonstration that proposed planting will substantially screen ground floor car park walls;
- (d) Natural ground level and altered ground levels;
- (e) Proposed surfacing;
- (f) Details of arbour, gazebo and any other proposed structures in the landscaped area; and
- (g) Irrigation system to all planted areas.

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

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

- 4 Prior to the occupation of the accommodation building hereby permitted, all landscaping shown on the endorsed landscape plans, including trees, shrubs and lawn, shall be planted and thereafter maintained, to the satisfaction of the Responsible Authority.
- 5 Prior to the occupation of the development, a report from the author of the Sustainability Report approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainability Report have been implemented in accordance with the Sustainability Report approved in accordance with condition 2 of this permit.
- 6 Before the approved development starts, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Construction Management Plan must address, but is not limited to:
  - (a) hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets and contact numbers for complaints;



**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

- (b) all Traffic Management Plans for the site demolition, excavation, deliveries and other construction related activities that will affect vehicle and pedestrian traffic;
- (c) the location of all areas on-site and off-site to be used for construction staff parking;
- (d) a Parking Management Plan for all associated construction vehicles;
- (e) all site shed, portable toilet, storage and materials, etc. must be confined to the land;
- (f) the covering and maintenance of all roads/storage areas/external stockpiled/ or vacant areas to avoid dust nuisance to any residential and commercial premises;
- (g) a truck wheel-wash must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways;
- (h) no water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the land;
- (i) all stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- (j) the amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the land; and
- (k) no mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system.

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

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

- 7 Prior to the occupation of the accommodation building approved by this permit, an appropriate stormwater discharge arrangement from the site must be designed and constructed to the satisfaction of the Responsible Authority. Prior to Council checking and supervising the design and construction of the stormwater discharge arrangement, the applicant must pay the requisite fees to the Responsible Authority.
- 8 The layout of the site and size, design and location of the buildings and works permitted by this permit must always be in accordance with the endorsed plans, unless with the prior written consent of the Responsible Authority.
- 9 Once the development has started, it must be continued and completed in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.

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**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

- 10 The development must be constructed in accordance with the recommendations of the Sustainability Report approved under condition 2 of this permit to the satisfaction of the Responsible Authority.
- 11 The accommodation building hereby approved must not be occupied until all buildings and works and the conditions of this permit have been complied with, unless with the prior written consent of the Responsible Authority.
- 12 Access to the site and any associated roadworks must be constructed, all to the satisfaction of the Responsible Authority. Vehicle Crossing permit is required for alteration/removal/reinstatement of existing vehicle crossings and construction of new vehicle crossings. Works are to be in accordance with Council Standards.
- 13 Any works undertaken within the road reservation and easements will require the developer to obtain a Civil Works Permit from Council.
- 14 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.
- 15 Before the approved development is occupied, the area(s) set-aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
  - (a) Constructed in accordance with the endorsed plans.
  - (b) Properly formed to such levels that they can be used in accordance with the plans.
  - (c) Surfaced with an all-weather sealcoat.
  - (d) Drained to the legal point of discharge.All to the satisfaction of the Responsible Authority.
- 16 Visitor parking must be clearly marked and well-lit outside of daylight hours.
- 17 Car spaces, access lanes and driveways must be maintained and kept available for these purposes at all times, to the satisfaction of the Responsible Authority.
- 18 Provision must be made for the drainage for the proposed development including landscaped and paved areas, all to the satisfaction of the Responsible Authority.
- 19 The connection of the internal drainage infrastructure to the Legal Point of Discharge must be to the satisfaction of the Responsible Authority.
- 20 Collected stormwater must be retained onsite and discharged into the drainage system at pre development peak discharge rates as stated in the Legal Point of Discharge approval letter. Approval of drainage plan including any retention system within the property boundary is required.

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**2.2.1 Town Planning Application - Nos. 114-122 Westall Road, Springvale (Planning Application No. PLN16/0866) (Cont.)**

- 21 Before the approved building is occupied, the development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkway. Lighting must be located, directed and shielded to the satisfaction of the Responsible Authority so as to prevent any adverse effect outside the land.
- 22 Except with the prior written consent of the Responsible Authority, floor levels shown on the endorsed plans must not be altered or modified.
- 23 No buildings or works may be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority without the prior written consent of the relevant authority and the Responsible Authority.
- 24 Except with the prior written consent of the Responsible Authority and under the supervision of a consulting qualified Arborist, the following must not occur within the Tree Protection Zone:
  - (a) vehicular or pedestrian access;
  - (b) trenching or soil excavation; and
  - (c) storage or dumping of tools, equipment or waste, including stockpiled soil and building debris;all to the satisfaction of the Responsible Authority.
- 25 Before the approved development starts, all existing trees shown on the endorsed plans to be retained on the land must, to the satisfaction of the Responsible Authority, be suitably marked in a 'Tree Protection Zone' with the Tree Protection Zones as required under Australian Standard AS4970-2009 Protection of Trees on Building Sites.
- 26 This permit will expire if:
  - (a) The development does not start within two years of the date of this permit; or
  - (b) The development or any stage of it is not completed within four years of the date of this permit.

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

**Public Transport Victoria**

- 27 The permit holder must take all reasonable steps to ensure that disruption to operations along Westall Road and Windsor Avenue is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations during construction and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior.

End of Conditions



## 2.3 POLICY AND STRATEGY

### 2.3.1 Review of Council Policy - Media

File Id:	A4830651
Responsible Officer:	Director Corporate Services
Attachments:	Media Policy

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#### Report Summary

Council establishes a number of policies and codes of practice to guide the various operations of the Greater Dandenong City Council. Existing policies and codes of practice are subject to an ongoing review process to ensure that they comply with current legislation and adequately reflect Council's operational requirements. Any changes to existing policies are subject to Council approval.

The following policy has been reviewed in detail and is submitted to Council for re-adoption:

- Media Policy

#### Recommendation Summary

This reports recommends that the Media Policy be readopted as per attached.

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**2.3.1 Review of Council Policy - Media (Cont.)****Background**

Policies establish clear processes and procedures by which Council conducts its business and activities and ensures that the decision making process is consistent.

Council has established a number of policies to guide the various functions of the City. Existing policies are subject to an ongoing review process to ensure they comply with current legislation and adequately reflect Council's operational requirements.

When Council resolves to adopt a policy and/or code of practice, in the absence of a sunset date, the policy or code remains current until Council resolves to abolish it.

It is critical that Council policies and codes of practice fully reflect the principles, values and issues that Council believes are important as outlined in the Council Plan.

Following a detailed review of a Council policy or code of practice it will be submitted to Council for either re-adoption or abolition to ensure all policies and codes of practice remain current.

A database of all Council policy documents is maintained by the Governance Business Unit.

**Proposal**

The following policy be re-adopted by Council:

Subject	Description of change to existing Policy
Media Policy	The Media Policy is presented to Council for re-adoption (with minor formatting changes only) for a further three (3) years. No changes have been made to the content of this policy.

A copy of the policy seeking re-adoption is attached to this report.

**Victorian Charter of Human Rights and Responsibilities**

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

**Financial Implications**

No financial resources are impacted by this report.

**Consultation**

Council policies and codes of practice are referred to the Executive Management Team for review and evaluation prior to reporting to Council.

**2.3.1 Review of Council Policy - Media (Cont.)**

The Media Policy was reviewed and evaluated by the Staff Consultative Committee.

**Conclusion**

The policy detailed in this report has been reviewed by relevant parties and found consistent with current legislation and Council's operational needs and is submitted to Council for re-adoption (with minor formatting changes only) for a further three (3) years.

**Recommendation**

**That the Media Policy attached to this report be readopted.**

**2.3.1 Review of Council Policy - Media (Cont.)**

**POLICY AND STRATEGY**

**REVIEW OF COUNCIL POLICY – MEDIA**

**ATTACHMENT 1**

**MEDIA POLICY**

**PAGES 6 (including cover)**

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

**2.3.1 Review of Council Policy - Media (Cont.)**

# Greater Dandenong Policy

## Media Policy

Policy Endorsement:	Endorsement required by Council		
Directorate:	Corporate Services		
Responsible Officer:	Manager Communications		
Policy Type:	Discretionary		
File Number:	A4830996	Version:	003
1 <sup>st</sup> Adopted by Council	27 January 1997	Last Adopted by Council:	14 July 2014
	Minute No.		Minute No. 642
Review Period:	Every 3 Years	Next Review:	March 2021

### 1. Purpose

This Policy ensures Council staff have clear guidelines and direction around the use of the mass media. The media is actively used to inform the wider community of Council's activities, decisions, strategic directions and stance on particular issues by planning, managing and delivering effective two-way communication.

This aims to:

- ensure that clear and consistent messages are communicated;
- minimise threats to the city's image and create positive perceptions of Greater Dandenong;
- create a positive image for Council as open, accountable and responsible; and
- ensure councillors and staff understand Council's media relations protocols and systems, and have the skills to appropriately assist in responding to the media.

This should be achieved by:

- establishing and maintaining relationships with both print and electronic media, including ethnic media outlets;
- distributing regular media releases which promote key messages as defined by the Media & Communications Unit, and organising photo opportunities where appropriate;
- managing and responding to media enquiries;
- conducting media briefings on significant decisions or activities;
- organising media training for all Councillors and selected staff; and
- conducting a quarterly media analysis and working to reduce negative trends, and identify future media opportunities.

2.3.1 Review of Council Policy - Media (Cont.)



# Greater Dandenong Policy

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## 2. Background

The City of Greater Dandenong utilises the mass media to ensure the community is well informed of its services, activities, events, decisions, and strategic directions by planning, managing and delivering effective communications.

In turn, the media provides a vital information source for Council's audiences.

The City of Greater Dandenong is committed to informing and influencing public opinion through building positive relationships with the mass media. This will ensure Council is represented in a unified and professional manner at every opportunity.

## 3. Scope

This policy applies to all persons who are employed or engaged by Council who may have interaction with or the provision of information to the Media.

## 4. References

- Marketing & Communications Strategy
- Staff Code of Conduct

## 5. Definitions

Nil

## 6. Council Policy

### Media Enquiries:

#### *Mayor and Councillors*

The Mayor is the official spokesperson for:

- all policy matters and council decisions;
- statewide political issues affecting local government; and
- issues affecting public perception of the city.

The Mayor may ask the CEO, a director, or an appropriate Councillor to make an official comment on their behalf.

As the chair or delegate of a council committee, Councillors may provide comment on matters relating to that committee.

Councillors are not to provide information deemed 'confidential' to the media.



2.3.1 Review of Council Policy - Media (Cont.)



# Greater Dandenong Policy

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**CEO**

The CEO is the official spokesperson for all operational matters pertaining to Greater Dandenong Council as an organisation, and corporate issues relating to strategic direction (e.g. Council Plan priorities, budget, etc).

The CEO may delegate authority to a director or council officer to make official comment.

**Directors**

Directors can speak to the media regarding any issues pertaining to their area of responsibility. The Manager Communications and Senior Media & Communications Coordinator are available for advice and assistance in preparing responses.

Directors may delegate this authority to a Council officer to make official comment after consulting with Media & Communications staff.

**Managers and Staff**

Staff are not to provide any Council related information to the media without prior approval from Media & Communications, unless granted prior authority by the CEO or a director. Employees should also not speak directly to the media, about Council related matters without prior authority.

If granted permission or asked to respond on behalf of a director, staff should only discuss issues directly relating to their role, routine matters involving straightforward facts and figures, or on issues of a general nature (e.g. promotional stories about improvements to service delivery). Staff should not provide personal opinion or comment on activities/personalities, etc. outside their direct role.

If the media calls you directly refer them straight to Media & Communications on 8571 5359 or after hours on 0417 475 870.

Media & Communications will then determine who the correct person is to respond to the query (Mayor, CEO or Director) and coordinate a response. Before agreeing to send them any printed material, Media & Communications must first be informed and approve the content. Contractors should refer all requests for media comment to the Media & Communications Unit on 8571 5359 or 0417 475 870.

The Media & Communications team encourages all media queries by journalists to be submitted in writing via email for appropriate follow up and response.

**Reporting Media Contact**

Staff should advise the Media & Communications department of any media contact relating to any council matters. This may take the form of verbal advice or an email.

**Media Releases**

The Media & Communications Unit is responsible for coordinating the approval and distribution of all media releases.

2.3.1 Review of Council Policy - Media (Cont.)



# Greater Dandenong Policy

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## Quotations

The Mayor should be quoted as the official spokesperson in all Council media releases that relate to organisational issues, as deemed appropriate by the Media & Communications team. Other staff may be quoted where relevant, or where the topic does not relate to overall Council policy and activity.

## Photo Opportunities

All photo opportunities will be coordinated through the Media & Communications team. Staff should not organise photographs to be taken directly with the newspapers. The Mayor will be advised of relevant photo opportunities and invited to attend. If the media are not available or unable to make it to a photo opportunity, Media & Communications staff may arrange to take the photograph.

## Approval

Media releases, media calls and photo opportunities are to be prepared by the Media & Communications unit and appropriate Director or the CEO prior to being sent out to the media. Issues and events considered to be very specific to an area and not part of Council's overall strategic objectives do not need to be approved by the Mayor, for example 'Musos' network activities or upcoming exhibitions at the Walker Street gallery.

Those of a more serious nature and which include a quotation by the Mayor must also be approved by the mayor prior to dispatch (unless Council is in caretaker mode).

## Badging

All media releases must display the City of Greater Dandenong logo and be in the approved format. Contact details for the Manager Communications & Customer Service and Senior Media & Communications Coordinator must appear at the end of each release.

## Distribution

Media releases will be circulated by email to local and major metropolitan media outlets (according to recipient list managed by Media & Communications). A copy of each release will also be sent out to the Mayor, Councillors and executive team via Infosum, (Councils Weekly Information Summary) and placed on Council's website.

The Media & Communications Unit may determine to restrict circulation or target specific media outlets if the matter is specific to a particular audience or is only a matter of local interest. The Media & Communications Unit will distribute all media releases, unless otherwise agreed.

## Media Briefings

All media briefings will be coordinated by the Media & Communications Unit. Media kits and appropriate presentation materials will be prepared for media briefings.

## Social Media

Social media is the use of web-based and mobile technologies to interactively communicate. It provides a low-cost, direct-to-user communications channel and is considered a key tool for community collaboration, engagement and interaction campaigns.

### 2.3.1 Review of Council Policy - Media (Cont.)



## Greater Dandenong Policy

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The **Social Media Policy** applies to those digital spaces where people may comment, contribute, create, forward, post, upload and share content.

The Social Media Policy references all online interactions: for the management of business applications, general business use, personal use, and appropriate conduct.

While social media is built around the concept of 'conversation', it is important for staff managing Council social media sites to always be courteous, patient and respectful. Content posted to social media sites is deemed to be in the public domain therefore only publicly available information should be disclosed following appropriate authorisation. For further information see the **Social Media Policy**.

#### **Media Training Requirements**

Training is important to increase the possibility of Council's messages being accurately carried by the media; preparing for approaches from and interviews with metropolitan media, particularly radio and television; and helping to minimise damage in a crisis situation.

Councillors will be given the opportunity to undertake media training within three months of election.

The Mayor will attend formal media training within two months of Council elections.

Media training is available upon request for Directors and/or their nominated staff. Media information sessions will be offered regularly, and general advice is available anytime from the Media & Communications team.

All media training will be arranged by the Media & Communications Unit.

### **7. Related Documents**

- Council Plan
- Local Government Act 1989
- Social Media Policy
- Staff Code of Conduct

## 2.4 OTHER

### 2.4.1 List of Registered Correspondence to Mayor and Councillors

File Id:	qA283304
Responsible Officer:	Director Corporate Services
Attachments:	Correspondence Received 5 February-16 February 2018

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#### Report Summary

Subsequent to resolutions made by Council on 11 November 2013 and 25 February 2014 in relation to a listing of incoming correspondence addressed to the Mayor and Councillors, Attachment 1 provides a list of this correspondence for the period 5 February-16 February 2018.

#### Recommendation

**That the listed items provided in Attachment 1 for the period 5 February-16 February 2018 be received and noted.**

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

**OTHER**

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

**ATTACHMENT 1**

**CORRESPONDENCE RECEIVED 5  
FEBRUARY - 16 FEBRUARY 2018**

**PAGES 2 (including cover)**

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

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

**Objective**  
CONNECTED. COLLABORATIVE. COMMUNITY.

**Correspondences addressed to the Mayor and Councillors received between 05/02/2018 & 16/02/2018 - for officer action - total = 4**

Correspondence Name	Date Created	Objective ID	User Assigned
The Crescent Hall hire cost enquiry	07-Feb-18	fA137486	Civic Facilities
Traffic issues in Brady Road Dandenong North	13-Feb-18	fA137713	Engineering Services
Donation request from School Crossings Victoria for an upcoming awards night	14-Feb-18	fA137763	Community Services
Obejction to PLN17/0213 - Springvale Road, Springvale	09-Feb-18	fA137617	City Planning, Design & Amenity

**Objective**  
CONNECTED. COLLABORATIVE. COMMUNITY.

**Correspondences addressed to the Mayor and Councillors received between 05/02/2018 & 16/02/2018 - for information only - total = 1**

Correspondence Name	Date Created	Objective ID	User Assigned
A letter from Hon. John Eren MP Community Sports Infrastructure Fund to confirm the outcome of Councils applications submitted	15-Feb-18	A4822265	Mayor & Councillors EA



## **2.4.2 Report on Matters Discussed at Councillor Briefing Sessions - 12 & 19 February 2018**

File Id: fA25545

Responsible Officer: Director Corporate Services

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### **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 February 2018.

### **Recommendation Summary**

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

**2.4.2 Report on Matters Discussed at Councillor Briefing Sessions - 12 & 19 February 2018 (Cont.)****Matters Presented for Discussion**

Item		Briefing Session
1	<p>Councillors and Council officers briefly discussed the following topics:</p> <p>a) Future of Recycling.  b) Upcoming Noble Park Station site visit hosted by LXRA.  c) Agenda items for the Council meeting of 12 February 2018.</p>	<b>12 February 2018</b>
2	<p><b>Strategic Property Register (Confidential)</b></p> <p>Councillor Sean O'Reilly declared a conflict of interest in part of this item and left during the discussion of this part of the item.</p>	<b>19 February 2018</b>
3	<p><b>Review of Local Government Bill – Council's Submission</b></p> <p>Councillor input was sought on the proposed draft submission.</p>	<b>19 February 2018</b>
4	<p><b>Outcome of Community Engagement Annual Plan/Budget</b></p> <p>Councillors were updated on the outcomes of the Community Engagement process.</p>	<b>19 February 2018</b>
5	<p>Councillors and Council officers briefly discussed the following topics:</p> <p>a) Recycling Industry Update.  b) Recent sport and recreation grant applications.  c) Future of the LXRA project.  d) Agenda items for the Council meeting of 26 February 2018.</p>	<b>19 February 2018</b>

**Apologies**

- Councillor Roz Blades AM submitted an apology for the Councillor Briefing Session on 12 February 2018.
- Councillor Roz Blades AM, Councillor Jim Memeti, Councillor Maria Sampey, Councillor Heang Tak and Councillor Loi Truong submitted apologies for the Councillor Briefing Session on 19 February 2018.

**2.4.2 Report on Matters Discussed at Councillor Briefing Sessions - 12 & 19 February 2018 (Cont.)**

**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 Item 2 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.**

### **2.4.3 Review of Local Government Act - Greater Dandenong Submission**

File Id:

Responsible Officer:

Director Corporate Services

Attachments:

Submission Template - Local Government Bill

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#### **Report Summary**

Victorian Local Government currently operates under the Local Government Act 1989.

Over the past two years, Local Government Victoria have been undertaking a review process of the Act with a view to adopting a new Act for Victorian Local Government.

In December, 2017, as the final phase in the consultation process, the State Government released the draft Local Government Bill with Councils having the opportunity to make submissions prior to 16 March, 2018.

This report presents Councils draft submission under that process.

#### **Recommendation Summary**

This report recommends that Council note the proposed submission in respect of the draft Local Government Bill.

**2.4.3 Review of Local Government Act - Greater Dandenong Submission (Cont.)****Background**

The release of the final draft Bill for public comment follows two earlier phases of consultation undertaken by Local Government Victoria in the development of a new Local Government Act.

A key feature of the proposed new Act is the removal of much of the prescription that is currently contained within the existing Act. Whilst this on the surface can be viewed as positive in many respects, much of this prescription will now be dealt with by regulation rather than in the Act and Council has not been able to view any proposed regulations at this point.

Council supports much of the content contained in the draft Bill but there are several key features that remain of concern to Council. The attached draft submission outlines these in detail but for the purposes of this report the following are highlighted:

- Council's current electoral structure of four wards with three wards comprising three Councillors and one ward containing two Councillors will not be allowed under the new Act. Council believes that flexibility around ward structures should be maintained rather than reduced in the new Act;
- The proposed draft Bill would remove the option for Council to require rate payments by instalments and once again introduce a lump sum option that will likely occur 7 ½ months into the financial year. The introduction of instalment payments has seen over 90% of Council residents move to this approach which is in line with all other utilities assisting people in smoothing payments over the course of the year and assisting Council with its cash-flow. Moving back to a lump sum payment in February would appear to be a retrograde step in the Act;
- Whilst current rate capping requirements exclude the waste services charge it would appear that the State Government are moving to include waste as part of future rate capping calculations. Given that costs in the waste industry are highly dynamic as evidenced by recent events relating to recycling, this has the potential to significantly financially disadvantage Council;
- The proposed conflict of interest rules in the new Act would appear extremely subjective as compared to the detailed and more prescriptive framework that currently exists and which provides greater clarity to Councillors;
- The Bill proposes that the Minister set a common method of elections for all Councils. Currently Greater Dandenong is one of nine Councils in the State that utilise attendance voting which Council believes better matches the local demographic needs and has the highest voting participation and interaction with candidates. Council is proposing that flexibility in the choice of election method be retained.

### 2.4.3 Review of Local Government Act - Greater Dandenong Submission (Cont.)

#### **Proposal**

This report recommends that Council note the proposed submission in respect of the draft Local Government Bill.

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

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

##### **Community Plan 'Imagine 2030'**

###### Opportunity

- *Leadership by the Council* – The leading Council

##### **Council Plan 2017-2021**

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

###### Opportunity

- An open and effective Council

#### **Financial Implications**

The proposed Bill, if enacted as an Act, will have several potential financial implications which will need to be further assessed at that point.

#### **Consultation**

As noted the current consultation process is the third and final step undertaken by Local Government Victoria. The proposed submission has been tabled to Council at briefing sessions held on 22 January and 19 February, 2018.



**2.4.3 Review of Local Government Act - Greater Dandenong Submission (Cont.)**

**Conclusion**

On balance, Council supports much of the proposed content in the Local Government Bill but remains concerned that it has been unable to view the regulations which will sit below the Act and contain much of the prescription which is current transparently visible in the existing Local Government Act.

Council further remains concerned about several other aspects of the Bill which are outlined in its draft submission.

**Recommendation**

**That Council note the proposed submission in respect of the draft Local Government Bill.**

**2.4.3 Review of Local Government Act - Greater Dandenong Submission (Cont.)**

**OTHER**

**REVIEW OF LOCAL GOVERNMENT ACT – GREATER DANDENONG  
SUBMISSION**

**ATTACHMENT 1**

**REVIEW OF LOCAL GOVERNMENT ACT  
SUBMISSION TEMPLATE**

**PAGES 18 (including cover)**

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

## 2.4.3 Review of Local Government Act - Greater Dandenong Submission (Cont.)



## Submission Template

## Local Government Bill – Exposure Draft

Name	Mick Jaensch
------	--------------

If you work in an organisation or council, please provide the following information:

Organisation or council name	City of Greater Dandenong
Position	Director Corporate Services
Are you providing this submission on behalf of the organisation or council?	Organisation

## Key information about making a submission

**What feedback should I provide on the exposure draft bill?**

Following an extensive consultation process that considered the policy issues that underpin the Local Government Act, we are now seeking feedback on the Local Government Exposure Draft Bill to inform the final draft legislation before the Government reviews it to present to the Victorian Parliament. We strongly encourage you to read the explanatory document (*A New Local Government Act for Victoria*) to assist you to navigate the draft legislation.

**What is the closing date for submissions?**

The closing date for submissions is **5:00 pm, Friday 23 February 2018**. Given that the draft bill is subject to parliamentary timeframes, submissions received after this date will be considered at the Government's discretion.

**How do I make a submission?**

Submissions can be made in three ways:

- **Online** by uploading your submission to the [www.yourcouncilyourcommunity.vic.gov.au](http://www.yourcouncilyourcommunity.vic.gov.au) website
- **Emailing** your submission to [local.government@delwp.vic.gov.au](mailto:local.government@delwp.vic.gov.au)
- **Posting** your submission to:  
Local Government Act Review Secretariat  
C/o Local Government Victoria,  
PO Box 500, Melbourne VIC 3002

**How do I complete this template?**

To complete this template:

- (1) Locate the part of the Draft Bill you wish to comment on.
- (2) Insert the clause number, your level of support for the clause, the proposed change and any other comments into the table.

**Can I provide a submission in another format?**

It is strongly preferred for submissions to be made by completing this template. However, if another format suits your needs or the requirements of your organisation you are welcome to use another format.

**Will submissions be made publicly available?**

Written submissions and the name of the author will be published on the [www.yourcouncilyourcommunity.vic.gov.au](http://www.yourcouncilyourcommunity.vic.gov.au) website unless confidentiality is requested and the Executive Director of Local Government Victoria grants it, or if it is determined your submission should remain confidential. Submissions that are defamatory or offensive will not be published.

Please contact the Local Government Act Review Secretariat if you have any questions on (03) 9948 8518 or [local.government@delwp.vic.gov.au](mailto:local.government@delwp.vic.gov.au)



**2.4.3 Review of Local Government Act - Greater Dandenong Submission (Cont.)**

**Part 1: Preliminary**

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?

**Do you have any overall comments on Part 1 of the Exposure Draft Bill?**

No comments on this section

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2.4.3 Review of Local Government Act - Greater Dandenong Submission (Cont.)

Part 2: Councils

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?
12 (3)	Neutral	Council acknowledges the retention of the present Councillor numbers of 5-12. The draft Bill refers to the fact that final numbers will be determined after applying criteria prescribed by Regulation. Council is concerned that these regulations have not yet been made public allowing it to have a view on any potential outcomes.	
12(4)	Do Not Support	Council currently has an electoral structure made up of four wards –one of which has Councillor numbers below the other three and consequently will not comply with the LGA. At this point Councils only options (should the number of Councillors remain unchanged) is un-subdivided or 11 single member wards.	Council believes the current structure has served Council well and is concerned that there has been no case made as to why a change to existing legislation is necessary. This proposed change would require Council to undergo an electoral review prior to the 2020 election and there are concerns that the VEC would not have the resource capability to appropriately deal with all the reviews required in this time frame.  Council supports the retention of the existing flexibility to appropriately structure wards around communities of interest.
15-16	Neutral	Council notes the extensive powers for the Minister to prescribe the future electoral structures of Councils and the potential application of an electoral structure review or a ward boundary review. In both instances the Act notes that a community engagement process will be undertaken but Council is not specifically noted as being a compulsory part of this process.	
20	Neutral / Do not Support	The Act allows the Office of Mayor to be vacated via a NOM signed by the majority (in our case 6) and supported by 75% or more (in our case 8 Councillors).	Greater Dandenong Council discussion on this matter has been mixed. One view noted was that if the Mayor does not enjoy the support of 75% of the elected members then it would be appropriate for a change to be made. This current clause does however allow for the potential for the Mayor to have a majority of Councillors voting against him/her but not too the threshold of 75% - which would see them retain their role but without majority support. NOM should therefore be set at the same threshold as the resolution requirement. This clause is

2.4.3 Review of Local Government Act - Greater Dandenong Submission (Cont.)

			also somewhat in conflict with the expectation that the Mayor is going to play a leadership role in Councillor behaviour as the Mayor will have an active disincentive to risk upsetting other Councillors. Council also noted that at present there is no requirement for the NOM to outline the cause/reasons that the Mayor is not supported or a natural justice process for the Mayor to respond to these causes.
26	Support	Agree with the change from the Directions paper that Mayors can be elected for one year terms rather than compelling it to be for 2 years.	
27	Neutral	The Act prescribes that each Council must have a position of Deputy Mayor. The previous approach in CGD is to have a 'de-facto' Deputy Mayor in that the Mayoral Representation Policy provides that the immediate past Mayor fills this role.	Greater Dandenong currently applies a policy of the immediate past mayor representing the Mayor where the Mayor is unable which has served Council well. There are even occasions where the immediate past Mayor is also unavailable and this approach there has a succession line that can be referenced. Council is not opposed to the appointment of a Deputy Mayor but believes its existing approach is also an appropriate outcome.
33	Do not support	A Councillor in the new Act can be absent for four consecutive months without a leave of absence. Previously it was four consecutive Council meetings which would appear more relevant than months?	Greater Dandenong Council currently meets twice per month. This proposed clause would allow a Councillor to miss eight consecutive Council meetings without a leave of absence being granted. Council believes the existing provisions based on meetings is more appropriate than months.
39 (2)	Do not support	Council must provide all details of any re-imbursment of Councillor expenses to the Audit Committee. For the Audit Committee to do anything with this it will need to be satisfied that expenses are bona fide – which would require an annual audit process to be undertaken?	This would appear to be loading up the AAC with a responsibility to undertake an annual audit at more expense to Council. Currently Greater Dandenong publishes a table of all Councillor expenses on its website – this would appear to be a better approach to transparency than having the AAC audit and review the expenses annually.
45	Do not support	CEO must develop and maintain a workforce plan that describes the organisational structure and specifies projected staffing needs for a period of at least 4 years. This is difficult to do with any certainty given rate capping. The plan must also set out measures to seek to ensure gender equity, diversity and inclusiveness –the principles are supported but to take this further into 'targets' would be concerning.	Council is concerned that the wording of this clause lends itself to the view that Council will be required to meet gender and/or diversity targets as compared to appointing staff on merit.



**2.4.3 Review of Local Government Act - Greater Dandenong Submission (Cont.)**

53	Do not support	<p>Audit Advisory Committee must monitor compliance of Council Policies and Procedures with overarching governance principles and the Act – therefore meaning every Council Policy and procedure would have to be a) either audited or b) go to Audit Committee prior to Council. Audit Committee self - assessment needs to be tabled at a Council meeting and now the Audit Committee needs to report to Council twice a year on its activities. (as compared to this currently occurring annually)</p>	<p>To require the AAC to sign off that all policies and procedures comply with governance principles of the Act is overkill and again will likely require the AAC to conduct an audit of all existing policies and any new ones. At present, Council endorses the minutes of every AAC with a report to the following Council meeting and meets with the AAC once per annum where the Annual Report is presented. This annual report is then presented to an open Council meeting. Council believes this level of transparency is sufficient and further reporting beyond this should not be required.</p>
<p><b>Do you have any overall comments on Part 2 of the Exposure Draft Bill?</b></p>			

**2.4.3 Review of Local Government Act - Greater Dandenong Submission (Cont.)**

**Part 3: Council decision making**

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?
54	Support	Council must have a community engagement policy with mandatory content prescribed both in the Act and in forthcoming regulations	Subject to what is included in the regulations, Council has no issue with this new requirement.
56	Neutral	Council must adopt and maintain a public transparency policy outlining ways in which Council documents and information are made publicly available. Broadly all Council information must be publicly available unless deemed confidential or contrary to public interest.	In theory Council supports this clause but has concern over the both the wording and intent expressed. For the default position to be that every document is publicly available unless deemed confidential would appear excessive and contrary to the FOI framework that currently exists to assess eligibility of documents.
58	Neutral	Council must establish a set of Governance Rules which replace the current Meeting Procedure Local Law. The rules govern the conduct of Council meetings, joint meetings, the form and availability of meeting records, election of Mayor and matters prescribed by regulation. The Governance Rules must provide for a Council to <i>institute decision making processes to ensure that any persons whose rights will directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.</i>	Council's views on Governance Rules has been mixed. It is recognised the current approach to changing a Local Law is substantial and time consuming – so having Governance Rules may offer the opportunity of more flexibility – but potentially at the loss of stability with Council able to change its Rules on the run and frequently. Potentially this could be solved by Council having to give notice of an intention to change the Governance Rules at a meeting prior to where the Rules change is considered.  The current Meeting Procedure Local Law approach has also served Council well and there would be benefits in this continuing in the future.
60	Do not support	Two or more Councils can hold a joint Council meeting. A joint meeting is a meeting of each Council for the purposes of the Act	Council view is that true collaboration between Councils is more likely to occur with informal meetings rather than a formal joint meeting. The only exception Council sees to this is the potential for Councils to meet to jointly consider collaborative tender proposals?
<b>Do you have any overall comments on Part 3 of the Exposure Draft Bill?</b>			

**2.4.3 Review of Local Government Act - Greater Dandenong Submission (Cont.)**



**2.4.3 Review of Local Government Act - Greater Dandenong Submission (Cont.)**

**Part 4: Planning and financial management**

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?
83-88	Support	The Act requires a Community Vision (10 years +), 4 year Council Plan, 10 year financial plan, 10 year asset plan and 4 year Revenue and Rating Plan. Council Plan and Revenue and Rating Plan due by 30 June following the election.	Whilst likely that CGD can comply with this requirement there would be concerns for smaller Councils meeting all of these within the 8 month period from the election in 2020. Council would support the MAV approach that the Council Plan and Annual Plan be adopted by 30 June following the election with the longer term strategic documents to follow in 2022 – but allowing those with resources to adopt earlier if they choose. Council also notes that whilst ten year financial plans sounds trendy – the reality is that there is so much financial uncertainty and change that years 6-10 are essentially for show and will undoubtedly change markedly.
89	Do not support	The Annual Budget must now be based on a four-year budget basis – due also by 30 June following election. Budget must be prepared in accordance with financial management principles and community engagement policy.	Council currently prepares an Annual Budget but also provides forward forecasts for the next four years following in the financial statements including within the budget. This should be sufficient.
90	Support with change	The triggers for a formal revised budget are any variation to the declared rates or service charges, any borrowings not included in the original budget.	The concept of materiality should be considered particularly with very minor changes to the rate in the dollar. Council is now in a position where valuations will be controlled centrally and beyond Councils ability to directly manage. Circumstances may occur where the valuations shift slightly between the point when Council prepares the budget for public display and the adoption of the budget. Prior to rate capping this would not have given rise to any concern – but now Council needs to move its rate in the dollar should any valuations change – to ensure it complies with the rate cap.
<b>Do you have any overall comments on Part 4 of the Exposure Draft Bill?</b>			

2.4.3 Review of Local Government Act - Greater Dandenong Submission (Cont.)

Part 5: Rates and charges

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?
105	Support	The current four times rule (highest cannot be more than 4 times lowest) has been retained.	Greater Dandenong Council is heavily reliant on the use of differential rates to offset the rating burden on its low socio-economic residential sector. The continuation of the four times rule is essential for Council. Preferably Council would support the elimination of this restriction in the Act altogether.
121	Do Not Support	Rate Payment Dates – The draft Bill does nothing to sort out the present issue Council has where the payment option is mandatory instalments – and should ratepayers wish to pay a single payment then they need to do this by 30 September. This clause states that Council must allow a person to pay rates in 4 instalments OR as a lump sum –with the applicable dates set the Minister. This could lead to a person being able to say they must have the option of paying in a lump sum and the date set by the Minister is 15 February. This needs to be fixed or better explained how this section is going to work to allow the over 30 odd Councils to continue with mandatory instalments and to be able to advertise 30 September as the applicable date if paying by lump sum.	In 2010, the City of Greater Dandenong moved to introduce payment by mandatory instalments. Whilst this move created confusion in the first year of operation, residents now accept the payment methodology and we have now moved to a point where 90% pay by instalments. This has been a beneficial outcome for both Council and residents in terms of making rates more affordable and spreading the rating burden across the financial year.  Should the proposed change in the Act proceed and the Minister nominate 15 February as the date for lump sum payments then residents will again be able to opt for this choice leaving Council to provide services for 7 ½ months without access to any rate payments and potentially cause residents choosing this option increased financial difficulties. No other modern utility allows customers to not pay for such an extended period and this proposal in the Act is taking local government back to the 1980's in terms of modern payment approaches.
140	Do Not Support	The definitions contained in S140 relating to how the rate cap will be calculated have been amended to include Service Charges (as prescribed by regulation). This change was not contemplated in the Directions Paper nor has it been transparently communicated in any of the information released by LGV with the draft Bill.  Local Government Service Charges all typically relate to the Waste Services Charge and as has been evident in recent years, Councils have very dynamic cost pressures in this area that	Greater Dandenong does understand that Service Charges should be based on the recovery of costs related to the function and not be inappropriately used by Council to derive profit outside of the rate cap. The approach that Council would propose as an alternative to including service charges in the rate cap is for regulations to instead require Councils to include in the Budget a summary of the costs making up the service charge and a comment explaining any increases in this cost over the preceding year – and for this statement to be

**2.4.3 Review of Local Government Act - Greater Dandenong Submission (Cont.)**

<p>subject to audit where required by the ESC.</p>	<p>must not be included in the rate cap. For example in 2018 we are dealing with a crisis in recycling that for the Greater Dandenong Council has an immediate cost implication of \$650,000 in lost revenue and potentially an even greater cost in the coming year should recycling need to be treated as landfill. In past years Council has had to deal with spirally costs in the State Government imposed landfill levy. Under no circumstances should service charges form part of the definition of the rate cap.</p>	
<p><b>Do you have any overall comments on Part 5 of the Exposure Draft Bill?</b></p>		

**2.4.3 Review of Local Government Act - Greater Dandenong Submission (Cont.)**

**Part 6: Council operations**

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?
145	Neutral	Requirement for Council to provide services to the community that are responsive to diverse needs, accessible, provide good value and be based on continuous improvement. There are no concerns expressed in respect of the principles but with 65% of our revenue capped and Council being dependent on State Government for another 20% it is highly likely that in the future Council will be required to reduce or remove current service provision. – And these decisions may well not be responsive to community needs but be driven by financial imperatives beyond Councils control.	
147	Support	Procurement Policy – Council can now set its own thresholds as to when it goes to tender. Must review the Procurement Policy once during each 4 year term of Council. Notably any report that goes before Council for a procurement agreement must include an assessment from the CEO on opportunities for collaboration with other Councils or public bodies.	Whilst Council does support the flexibility offered to set its own procurement thresholds some concern is expressed about how this may relate to significant inconsistencies throughout the industry and the flow on impact on suppliers.
154	Neutral	Lease of Council land clause similar to previous but if a proposal to lease land is included in the annual budget then there is no further community consultation requirements. If not included in the Budget then there is still no 28 day mandatory requirement – but the lease must be entered into with regard to the community engagement policy.	Whilst increased flexibility is again supported Council has expressed some concern over this clause given that any party potentially impacted by a proposed lease or sale of Council land is unlikely to read Councils budget to discover this – and that an appropriate engagement strategy should still be required.

**Do you have any overall comments on Part 6 of the Exposure Draft Bill?**



**2.4.3 Review of Local Government Act - Greater Dandenong Submission (Cont.)**



**2.4.3 Review of Local Government Act - Greater Dandenong Submission (Cont.)**

**Part 7: Council integrity**

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?
166	Do not support	General Conflict of interest deemed to exist in a matter if an impartial, fair minded person would consider that the persons private interests could result in that person acting in a manner that is contrary to their public duty. (does not include personal opinions or beliefs)	Council supports the retention of the existing Conflict of Interest framework as outlined in the 1989 Act. Whilst material conflict will be reasonably easy to define, this general conflict of interest is broad and very subjective and is likely to give rise to significant confusion in the industry.
174	Neutral	Public access to summary of personal interests. CEO must prepare a summary of the personal interests information in accordance with regulations. The summary needs to be published on Councils website and be available for inspection.	Council supports this is principle subject to understanding what will be required in yet to be seen regulations.
176	Support	Gift Policy required (we already have one in place). Councillors cannot accept a gift that exceeds the gift threshold unless they know the name and address of the person making the gift.	
179-180	Support	Council must review and adopt the Councillor Code of Conduct within 4 months of a general election. Has to have the support of 2/3rds the total number of Councillors elected. In our case at present this would require 8 Councillors to support. In any other review at other times – also requires 8 Councillors to support any amendment.	
<b>Do you have any overall comments on Part 7 of the Exposure Draft Bill?</b>			

**2.4.3 Review of Local Government Act - Greater Dandenong Submission (Cont.)**

**Part 8: Ministerial oversight**

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?
209	Support with change	Governance directions – this clause gives the Minister quite wide ranging powers to direct Council to amend, discontinue or replace its governance processes or policies, direct a Council to adopt a good practice guideline or adopt any recommendation made by a Monitor, inspector, Commission of Inquiry, Ombudsman or IBAC The Minister can also direct Council to not employ a new CEO or re-employ an existing one.	Council does not believe it should be the role of the Minister to direct Council in relation to employment matters regarding the CEO.
243	Support with change	Minister now has the power to suspend an individual Councillor or Councillors. Grounds are contributing to - the creation of a serious risk to health and safety of a Councillor or member of staff, failure by Council to provide good governance or failure to comply with a governance direction. The Minister can also act on the recommendations from a Monitor, Inspector, Ombudsman or IBAC to suspend a Councillor. Suspension is by Order in Council which needs the support of both Houses of Parliament	Council does believe that a Councillor should be afforded the opportunity to respond to a proposed suspension direct to the Minister
245	Support with change	Minister retains the ability to suspend all Councillors of a Council again by making an Order in Council which needs approval by both Houses of Parliament.	Similar to the previous clause Council believes that natural justice should be afforded to Council to put a case as to why they should not be suspended.
253	Support	Restructuring Advisory Panels must consider the views of any Council affected and ensure a process of community engagement is followed.	
<b>Do you have any overall comments on Part 8 of the Exposure Draft Bill?</b>			

**2.4.3 Review of Local Government Act - Greater Dandenong Submission (Cont.)**

**Part 9: Electoral provisions**

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?
276	Do Not Support	The Minister will determine a uniform voting system for all 79 Councils with this decision to be published 12 months in advance of the election.	The City of Greater Dandenong currently utilises attendance voting which it believes is the most appropriate form to encourage participation from an extremely diverse community. Attendance voting in this area has been the only form of voting used and is well understood and accepted by our community. It allows candidates to physically meet with electors and requires candidates to exhibit greater personal commitment levels to get elected. Council remains concerned that a potential move to postal voting will encourage the greater use of dummy candidates. Council strongly supports the retention of the ability for individual Councils to determine their method of voting.
320	Support	Election campaign donations. Donation returns must be lodged now with the Chief Municipal Inspector and not the CEO. Returns are due by no later than 7 days after nomination day or within 21 days after receipt – whichever is the latter. This may easily give rise to candidates having to lodge multiple donation returns. A return is still required even where no donations are received.	Whilst supportive of the change to the Chief Municipal Inspector Council does express some concern over the potential for some candidates to have to submit multiple donation returns under this approach.
<b>Do you have any overall comments on Part 9 of the Exposure Draft Bill?</b>			

**2.4.3 Review of Local Government Act - Greater Dandenong Submission (Cont.)**

**Part 10: General provisions**

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?

Do you have any overall comments on Part 10 of the Exposure Draft Bill?  
 No comments on this section

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**2.4.3 Review of Local Government Act - Greater Dandenong Submission (Cont.)**

**Part 11: Consequential amendments and repeals**

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?

Do you have any overall comments on Part 11 of the Exposure Draft Bill?

No comments on this section

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### **3 NOTICES OF MOTION**

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

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



#### **4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS**

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

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

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

## 5 QUESTION TIME - PUBLIC

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

### Questions from the Gallery

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

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

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

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

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

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

## **6 URGENT BUSINESS**

No business may be admitted as urgent business unless it:

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