GREATER DANDENONG
City of Opportunity



# Agenda

## Council Meeting

Monday 8 July 2024, 7:00 pm

Dandenong Civic Centre, 225 Lonsdale Street,
Dandenong, Victoria 3175

greaterdandenong.vic.gov.au

## Council Meeting Details

At the time of printing this Agenda, the Council Meeting to be held on Monday 8 July 2024, will be open to the public to attend in person but will be subject to venue seating capacity. This will be a hybrid meeting consisting of Councillors attending in person and remotely.

If we are unable to accommodate you indoors, you will still be able to watch the webcast live on the Urban Screen in Harmony Square. To view the webcast and stay informed about the status of Council Meetings please visit Council's website.

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

## Your Councillors

**Mayor Lana Formoso**

**Deputy Mayor Richard Lim OAM**

**Cr Phillip Danh**

**Cr Tim Dark**

**Cr Rhonda Garad**

**Cr Angela Long**

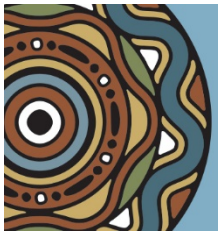
**Cr Jim Memeti**

**Cr Bob Milkovic**

**Cr Sean O'Reilly**

**Cr Sophaneth (Sophie) Tan**

**Cr Loi Truong**



**We acknowledge the Traditional Owners and Custodians of this land, the Bunurong People, and pay respect to their Elders past and present.**

We recognise and respect their continuing connections to climate, Culture, Country and waters.


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Acknowledging Bunurong Country

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# COUNCIL OBLIGATIONS AND AGENDA REPORTS

Council has several obligations in relation to its Community Vision, Council Plan, Instruments of Legislation and Council policy. These are summarily considered in each Agenda report and further details are added as required. The obligations are as follows:

## Community Vision 2040 (Community Vision | Greater Dandenong Council)

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

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

Reports in this Agenda will identify when any of the above principles are relevant.

## The Council Plan 2021-25 (Council Plan 2021-25 | Greater Dandenong Council)

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four years. The Council Plan has the following key strategic objectives:

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

Reports in this Agenda will identify when any of the above principles are relevant.

## *The Overarching Governance Principles of the Local Government Act 2020*

Section 9 of the *Local Government Act* 2020 states that a Council must in the performance of its role give effect to the overarching governance principles. These are:

a) Council decisions are to be made and actions taken in accordance with the relevant law;
b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
d) the municipal community is to be engaged in strategic planning and strategic decision making;
e) innovation and continuous improvement are to be pursued;
f) collaboration with other Councils and Governments and statutory bodies is to be sought;
g) the ongoing financial viability of the Council is to be ensured;
h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
i) the transparency of Council decisions, actions and information is to be ensured.

Also, in giving effect to the overarching governance principles above, a Council must take into account the following supporting principles:

a) the community engagement principles (section 56);
b) the public transparency principles (section 58);
c) the strategic planning principles (section 89);
d) the financial management principles (section 101);
e) the service performance principles (section 106).

Reports in this Agenda will identify when any of the above principles are relevant.

## The Gender Equality Act 2020

The *Gender Equality Act 2020* came into operation on 31 March 2021 and requires councils to take positive action towards achieving workplace gender equality and to promote gender equality in their policies, programs and services. The objects of the Act are as follows:

a) to promote, encourage and facilitate the achievement of gender equality and improvement in the status of women; and

b) to support the identification and elimination of systemic causes of gender inequality in policy, programs and delivery of services in workplaces and communities; and

c) to recognise that gender inequality may be compounded by other forms of disadvantage or discrimination that a person may experience on the basis of Aboriginality, age, disability, ethnicity, gender identity, race, religion, sexual orientation and other attributes; and

d) to redress disadvantage, address stigma, stereotyping, prejudice and violence, and accommodate persons of different genders by way of structural change; and

e) to enhance economic and social participation by persons of different genders; and

f) to further promote the right to equality set out in the Victorian Charter of Human Rights and Responsibilities and the Convention on the Elimination of All Forms of Discrimination against Women.

Council is obligated to think about how its programs and services affect different people and different communities and how we can avoid reinforcing unintentional inequalities. Reports authors must consider the requirements of the *Gender Equality Act* 2020 and Council's Diversity, Access and Equity Policy when asking Council to consider or review any issues which have a direct or significant impact on members of the Greater Dandenong community.

## Victorian Charter of Human Rights and Responsibilities

Council, Councillors and members of Council staff are a public authority under the *Charter of Human Rights and Responsibilities Act* 2006 and, as such, are all responsible to act in accordance with the *Victorian Charter of Human Rights and Responsibilities* 2006 (the Charter). The Charter is founded on the following principles:

- human rights are essential in a democratic and inclusive society that respects the rule of law, human dignity, equality and freedom;
- human rights belong to all people without discrimination, and the diversity of the people of Victoria enhances our community;
- human rights come with responsibilities and must be exercised in a way that respects the human rights of others;
- human rights have a special importance for the Aboriginal people of Victoria, as descendants of Australia's first people, with their diverse spiritual, social, cultural and economic relationship with their traditional lands and waters.

Given this municipality's diversity and inclusiveness, when developing or preparing a report for Council consideration, report authors are required to ensure their report is consistent with the standards set by the Charter.

## Consideration of Climate Change and Sustainability

One of the overarching governance principles of the *Local Government Act* 2020 is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

In January 2020, this Council joined a growing number of cities around Australia and declared a “Climate and Ecological Emergency” and committed this Council to emergency action on climate change. Council has developed a Climate Change Emergency Strategy and Action Plan 2020-30 to help the City of Greater Dandenong become a resilient, net zero carbon emission city with an active community prepared for the challenges of changing climate.

When developing or preparing a report for Council consideration, report authors are required to consider what impacts their issue has on Council’s Declaration on a Climate and Ecological Emergency, Council’s Climate Change Emergency Strategy and the requirements of the *Local Government Act* 2020 in relation to the overarching principle on climate change and sustainability.

## Related Council Policies, Strategies or Frameworks

Report authors will consider how their report aligns with existing Council policies, strategies, frameworks or other documents, how they may affect the decision of this report or are relevant to this process.

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# 1 MEETING OPENING

## 1.1 OPENING OF MEETING BY MAYOR

## 1.2 ATTENDANCE

## 1.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS OF LAND

We acknowledge the Traditional Custodians of this land, the Bunurong People, and pay respect to their Elders past and present.

We recognise and respect their continuing connections to climate, Culture, Country and waters and we also pay our respect and acknowledge all Aboriginal and Torres Strait Islander peoples and their Elders present here today, in acknowledging their journey.

## 1.4 OFFERING OF PRAYER, REFLECTION OR AFFIRMATION

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

## 1.5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Meeting of Council held 24 June 2024.

### Recommendation

**That the Minutes of the Meeting of Council held 24 June 2024 be confirmed.**

## 1.6 DISCLOSURES OF INTEREST

Any interest that a Councillor or staff member has deemed to be significant and has disclosed as either a material or general interest is now considered to be a conflict of interest. Conflict of Interest legislation is detailed in Division 2 – Conflicts of Interest: sections 126, 127, 128, 129 & 130 of the *Local Government Act 2020*. This legislation can be obtained by contacting the Greater Dandenong Governance Unit on 8571 5216 or by accessing the Victorian Legislation and Parliamentary Documents website at www.legislation.vic.gov.au.

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

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

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

# 2 OFFICERS REPORTS - PART 1

## 2.1 DOCUMENTS FOR SEALING

### 2.1.1 Documents for Sealing

**Responsible Officer:** Manager Governance, Legal & Risk
**Attachments:** Nil

#### Executive Summary

1. Under the *Local Government Act* 2020, each Council is a body corporate and a legal entity in its own right. Each Council must therefore have a common seal (like any corporate entity) that is an official sanction of that Council. Sealing a document makes it an official document of Council as a corporate body. Documents that require sealing include agreements, contracts, leases or any other contractual or legally binding document that binds Council to another party.
2. This report recommends that the listed documents be signed and sealed.

## Item Summary

3. There are five (5) items being presented to Council's meeting of 8 July 2024 for signing and sealing as follows:

a) A letter of recognition to Karyn Smart, Community Strengthening for 20 years of service to the Greater Dandenong City Council;
b) A letter of recognition to Thi Keo Trang, Community Strengthening for 20 years of service to the Greater Dandenong City Council;
c) A letter of thanks to Laura Buckley in recognition of her contribution to the South East Leisure Board;
d) A letter of thanks to Steven Wright in recognition of his contribution to the South East Leisure Board; and
e) An Instrument of Appointment of Authorised Officer under the provisions of the *Local Government Act 1989*, the *Local Government Act 2020*, the *Heritage Act 2017,* the *Infringements Act 2006*, the *Land Acquisition and Compensations Act 1986*, the *Planning and Environment Act 1987*, the *Sex Work Act 1994*, the *Subdivisions Act 1988*, the *Victorian Civil and Administrative Tribunal Act 1998* and the Regulations made under each of those Acts; the Local Laws made under the *Local Government Act 1989* and the *Local Government Act 2020;* and any other Act, Regulation or delegated legislation (including the Greater Dandenong Planning Scheme) which relates to the powers of the Council made under the provisions and enactments described. This instrument enables the following Council officer to carry out the statutory responsibilities of the above Acts and is subject to policy and delegations previously adopted by Council:

    - Sophie Williams

## Officer Recommendation

**That the listed documents be signed and sealed.**

# 2.2 PETITIONS AND JOINT LETTERS

## 2.2.1 Petitions and Joint Letters

**Responsible Officer:** Manager Governance, Legal & Risk

**Attachments:** 1. Petitions and Joint Letters 1 [**2.2.1.1** - 2 pages]

### Executive Summary

1. 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.
2. Issues raised by petitions and joint letters will be investigated and reported back to Council if required.
3. A table containing all details relevant to current petitions and joint letters is provided in Attachment 1. It includes:
   a) the full text of any petitions or joint letters received;
   b) petitions or joint letters still being considered for Council response as pending a final response along with the date they were received; and
   c) 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.
4. This report recommends that the listed items in Attachment 1, and the current status of each, be received and noted.

## Petitions and Joint Letters Tabled

5. Council received no new petitions and no joint letters prior to the Council Meeting of 8 July 2024.

*Note: Where relevant, a summary of the progress of ongoing change.org petitions and any other relevant petitions/joint letters/submissions will be provided in the attachment to this report.*

## Officer Recommendation

**That this report and its attachment be received and noted.**

| Date Received | Petition Text (Prayer) | No. of Petitioners | Status | Responsible Officer Response |
|---|---|---|---|---|
| 22/05/2024 | We the undersigned would like the Greater Dandenong City Council to address the traffic and parking issues faced by all residents in Power Street, Dandenong, especially those who live between Macpherson Street and Clow Street and surrounding side streets, when there are events held on the soccer grounds and also in the Sports Hall (religious gatherings & basketball) at St Johns Regional College – Dandenong campus.<br><br>Over the last 12-month period, the residents enjoyed no traffic and parking issues for only a period of 4-6 weeks (mid December 2023 to mid to January 2024). From mid to late January 2024 the parking and traffic issues have already started and will quadruple at the start of Term 2. All through-out terms 2, 3 & 4 we faced issues regarding illegal parking (in No Parking zone), ½ on road ½ off road and at times driveways being blocked (partially and fully) by cars parking across and in driveways.<br>The main times of issue are Tuesdays and Thursdays from 4.30pm to 7.00pm, Saturday mornings from 9.00am to 3.00pm / 5.00pm (which increases from 8 / 8.30am to 8.00pm during terms 2, 3 & 4 when the basketball competition also gets underway).<br><br>Sundays when there are religious gatherings on a Sunday morning starting from 9 / 9.30am to 1.00pm (also on occasion longer).<br><br>With this brings reduced access to driveways and along the road overall, if there has been rain, then people are parking on grassed areas and then subsequently getting bogged and then there is the added pressure of tow trucks blocking the road so that there is no traffic moving in either direction.<br>It is also extremely dangerous if residents are trying to exit their driveway as it is extremely difficult to see oncoming traffic from either direction due to the number of cars parked partly off and on the street, often along both sides of the streets. Children crossing the street are also in danger.<br>With all this also comes with people walking along the road, instead of crossing to the footpath and walking along it, instead of on the road. | **46** | **Completed** | Responsible Officer: Executive Director City Futures.<br><br>Petition acknowledged by Governance.<br><br>Petition is being responded to directly by Council's transport team. |

| Date Received | Petition Text (Prayer) | No. of Petitioners | Status | Responsible Officer Response |
|---|---|---|---|---|
| | Also, during these times local residents are unable to have any functions involving friends and family in their homes, as there is nowhere for any visitors to park. For example at Orthodox Easter, several residents in Nova Drive, had no visitor access. There is also no where for families dropping off at school without dropping off illegally<br>If for some reason there was a need for response by emergency services to any house there would be very little room and/or access for multiple vehicles eg all services responding such as Police, Fire and Ambulance services. One large fire tanker would have trouble navigating the winding street and then there would be no movement of traffic in either direction.<br><br>We feel that if St Johns Regional College is going to hire out their facilities, then it is their responsibility to provide adequate off road / onsite parking facilities to ensure that there is no disruptions for local residents.<br><br>Please note enclosed school plan which shows onsite parking for staff only and satellite image showing an area near Clow Street as a possible parking area with gate access. | | | |

# 3 PUBLIC QUESTION TIME

**Question Time at Council meetings provides an opportunity for members of the public in the gallery to address questions to the Councillors, Delegates and/or officers of the Greater Dandenong City Council. Questions must comply with s. 4.5.8 of Council's Governance Rules.**

## QUESTIONS FROM THE GALLERY

Questions are limited to a maximum of three (3) questions per individual. Where time constraints deem it likely that not all questions can be answered within the time allowed for Question Time, the Mayor at his/her discretion may determine only the first question may be presented verbally with others deferred to be managed in the same manner as public questions not verbally presented.

Priority will be given to questions that relate to items on the Council Agenda for that meeting. Questions including any preamble should not exceed 300 words.

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

b) All such questions must clearly note a request to verbally present the question and must be received by the Chief Executive Officer or other person authorised for this purpose by the Chief Executive Officer no later than:
   i) the commencement time (7.00pm) of the Ordinary meeting if questions are submitted in person; or
   ii) noon on the day of the Ordinary meeting if questions are submitted by electronic medium.

c) A question can only be presented to the meeting if the Chairperson and/or Chief Executive Officer has determined that the question:
   i) does not relate to a matter of the type described in section 3(1) of the *Local Government Act 2020* (confidential information);
   ii) does not relate to a matter in respect of which Council or a Delegated Committee has no power to act;
   iii) is not defamatory, indecent, abusive or objectionable in language or substance, and is not asked to embarrass a Councillor, Delegated Member or Council officer; and
   iv) is not repetitive of a question already asked or answered (whether at the same or an earlier meeting).

d) If the Chairperson and/or Chief Executive Officer has determined that the question may not be presented to the Council Meeting or Delegated Committee, then the Chairperson and/or Chief Executive Officer:
   i) must advise the Meeting accordingly; and
   ii) will make the question available to Councillors or Members upon request.
   iii) The Chairperson shall call on members of the gallery who have submitted an accepted question to ask their question verbally if they wish.

e) The Chairperson, Chief Executive Officer or delegate may then direct that question to be answered by a nominated Councillor or member of Council staff.

f) No debate on, or discussion of, a question or an answer will be permitted other than for the purposes of clarification.

g) A Councillor, Delegated Committee Member or member of Council staff nominated to answer a question may:
   i) seek clarification of the question from the person who submitted it;
   ii) seek the assistance of another person in answering the question; and
   iii) defer answering the question, so that the answer may be researched and a written response be provided within ten (10) working days following the Meeting (the question thereby being taken on notice).

h) Question time for verbal presentations is limited in duration to not more than twenty (20) minutes. If it appears likely that this time is to be exceeded then a resolution from Council will be required to extend that time if it is deemed appropriate to complete this item.

i) The text of each question asked and the response will be recorded in the minutes of the Meeting.

# 4 OFFICERS REPORTS - PART 2

## 4.1 POLICY AND STRATEGY

### 4.1.1 Planning Scheme Amendment C239 - 250 Fernside Drive, Bangholme

**Responsible Officer:** Executive Director City Futures

**Attachments:**

1. Amendment C 239 gdan 250 Fernside Drive Explanatory Report Authorisation [**4.1.1.1** - 10 pages]
2. Amendment C 239 gdan 250 Fernside Drive Planning statement Authorisation [**4.1.1.2** - 20 pages]
3. Amendment C 239 gdan 250 Fernside Drive Instruction Sheet Authorisation [**4.1.1.3** - 1 page]
4. Amendment C 239 gdan 250 Fernside Drive 001 zn Map 08 Authorisation [**4.1.1.4** - 1 page]

#### Executive Summary

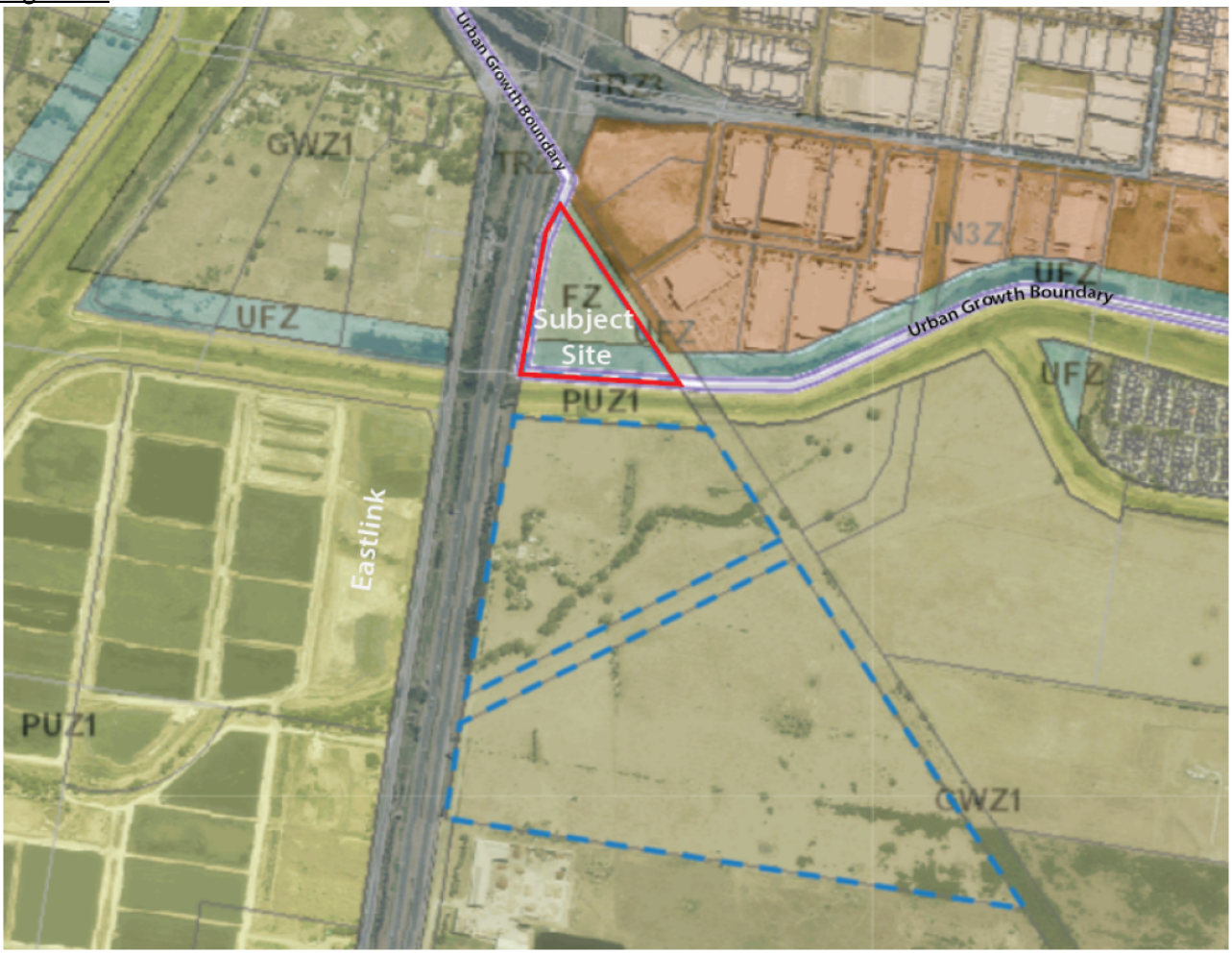
1. Planning Scheme Amendment C239gdan affects the northern most land parcel within 250 Fernside Drive, Bangholme and seeks to rezone the subject site from Farming Zone to Industrial 3 Zone.
2. This report seeks a Council resolution to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C239gdan to the Greater Dandenong Planning Scheme.
3. This report recommends that Council supports a resolution to seek authorisation from the Minister of Planning to prepare and exhibit Planning Scheme Amendment C239gdan.

## Background

Subject Site

4. The land, known as 250 Fernside Drive, Bangholme comprises three (3) land parcels totalling approximately 4.453 hectares and is triangular in shape. Amendment C239gdan affects the northern most land parcel subsequently referred to as the 'subject site' as illustrated in Figure 1.

Figure 1:




5. The subject site has a total site area of approximately 3,500m$^2$, and is currently vacant. The remaining two land parcels to the south of the Urban Growth Boundary are not affected by this amendment.

6. The subject site is located within the Urban Growth Boundary (UGB) and is positioned between an industrial area (Industrial 3 Zone – IN3Z), the Eumemmering Creak (Public Use Zone – PUZ1 and Urban Flood Way Zone – UFZ) and the Green Wedge Zone.

7. Properties to the north-east of the subject site form part of an established industrial estate zoned Industrial 3 Zone. This industrial estate is bounded by Bangholme Road (to the north), and the Eumemmerring Creek (to the south and east). The Eastlink Toll Road (Transport Zone 2 and 3) runs adjacent to the western boundary of the subject site. Properties further west of Eastlink and Worsley Road are within the Green Wedge Zone and are primarily used for agricultural purposes.

8. The subject site has been subject to the following planning matters previously.

Planning Scheme Amendment C189

9. In December 2017, a Council resolution was sought to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C189 to the Greater Dandenong Planning Scheme.

10. The amendment request sought to make the following changes at the northern most land parcel within 250 Fernside Drive, Bangholme:

    1) Rezone the subject site from Farming Zone to Industrial 3 Zone.

    2) Amend the extent of land identified as being within the Urban Floodway Zone; and

    3) Correction of zoning anomalies surrounding the subject site.

11. At 11 December 2017 Council meeting the resolution to seek authorisation from the Minister for Planning was refused by Council.

Planning Permit Application PLN21/0265

12. On 27 April 2022, Council officers refused an application for the use and development of the land for two (2) warehouses, removal of native vegetation and a reduction in car parking on land at the subject site.

13. The applicant lodged an application with VCAT pursuant to Section 77 of the Planning and Environment Act 1987 to review the Council's refusal to grant the permit.

14. One (1) objector who lodged a submission to the application with Council was also party to the VCAT proceeding.

15. The application was heard across two (2) days on 16 and 19 September 2022.

16. On 28 October 2022, VCAT provided a written decision overturning Council's decision and directing that planning permit is granted subject to permit conditions.

Subdivision Application PSUB20/0085

17. Council is currently assessing a subdivision application for 250 Fernside Drive, Bangholme, which seeks to divide the three parcels comprising of 250 Fernside Drive, Bangholme (shown in Figure 1) into three separate lots.

## Key Points / Issues / Discussion

Planning Scheme Amendment C239gdan

18. Amendment C239gdan seeks to:

    1) Rezone the identified land from the Farming Zone (FZ) to Industrial 3 Zone (IN3Z).

19. The amendment has been requested by the applicant as rezoning the subject site from Farming Zone to Industrial 3 Zone for industrial development will make the most efficient use of the parcel of land which is located within the Urban Growth Boundary, has a planning permit for industrial development (PLN21/0265), and is adjacent to existing Industrial 3 Zone land.

20. A key concern that was raised during the consideration of Planning Scheme Amendment C189gdan related to the potential for the site to be required for flood mitigation purposes. As part of the current amendment request, a letter has been provided by Melbourne Water which advises that they do not have any objection, subject to conditions, to the proposal from a flooding perspective.

Planning Scheme Amendment Process

21. This report outlines that Council has received a request for a Planning Scheme Amendment at the subject site, and is ready to seek authorisation from the Minister for Planning to formally prepare and exhibit a planning scheme amendment for 250 Fernside Drive, Bangholme.

22. Endorsement of the proposed amendment to the Greater Dandenong Planning Scheme is not required from Council at this time. Rather, only approval to commence the formal planning scheme amendment process, including exhibiting the amendment, is sought at this time.

23. The Planning Scheme Amendment process is a formal course of action that every planning authority is required to undertake in accordance with the Planning and Environment Act 1987 to make any changes to its planning scheme.

24. This process provides the opportunity for all stakeholders, including local residents, to make submissions in response to the proposed changes to the Scheme as part of the formal public exhibition phase.

25. Following the formal public exhibition of Planning Scheme Amendment C239gdan, Council will receive a further report on the submissions received and will determine if an independent Planning Panel is required. If no submissions are received Council will then consider whether to adopt Planning Scheme Amendment C239gdan to the Greater Dandenong Planning Scheme and submit the amendment to the Minister for Planning for approval.

Options for Council

26. Council has the following three (3) options in relation to this matter:

    a. Option 1: Seek authorisation from the Minister of Planning to prepare Planning Scheme Amendment C239gdan without changes.

    b. Option 2: Seek authorisation from the Minister of Planning to prepare Planning Scheme Amendment C239gdan with changes.

    c. Option 3: Council could also resolve to refuse to seek authorisation from the Minister of Planning to prepare Planning Scheme Amendment C239gdan. The subject site would remain in the Farming Zone, however Planning Permit PLN21/0265 would remain valid and allow for the use and development of the land for two (2) warehouses, removal of native vegetation and a reduction in car parking on land at the subject site in accordance with the conditions of the permit.

    27. Officers recommend that Council pursue Option 1.

## Financial Implications

28. There are no financial implications associated with this report. The costs associated with Planning Scheme Amendment C239gdan are accommodated through operational budgets and / or funded by the applicant.

## Community and Stakeholder Consultation

29. Council must exhibit Planning Scheme Amendment C239gdan in accordance with the requirements of Sections 17, 18 and 19 of the *Planning and Environment Act* 1987.

30. Notice of the amendment will be given in the following ways:

    1) Formal notice in the local newspaper (Dandenong Journal) and Government Gazette;

    2) Letters to Prescribed Ministers;

3) Letters to relevant Authorities;
4) Notice and explanatory material on Council's website; and
5) Explanatory folders at all Council Customer Service Centres.

31. This will occur once the Minister for Planning authorises the formal commencement of this process.

## Links to the Community Vision and Council Plan

32. This report is consistent with the following principles in the Community Vision 2040:

- Education, training, entrepreneurship and employment opportunities by supporting industrial development which will provide opportunities for emp.

33. This report is consistent with the following strategic objectives from the Council Plan 2021-25:

- A city that supports entrepreneurship, quality education and employment outcomes.

## Legislative and Policy Obligations

34. This report has considered Council's legislative and policy obligations (where applicable) as outlined in the Report Considerations section detailed in the front of this Agenda. The applicable obligations considered and applied are:

a. The Overarching Governance Principles of the *Local Government Act* 2020. Amendment C239gdan is governed by the *Planning and Environment Ac*t 1987 which administers the process for a planning authority including the requirement of Council to seek authorisation from the Minister to progress Amendment C239gdan. All relevant Sections of the Planning and Environment Act will be adhered to when preparing Amendment C239gdan, including the statutory exhibition of the Amendment to the community.

b. Climate Change and Sustainability. One of the overarching governance principles of the Local Government Act 2020 is that the economic, social and environmental sustainability of the municipal district, including planning for climate change risks, is to be promoted. Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-30 and the requirements of the Act have been considered in the preparation of this report. While the land is currently within the Farming Zone, no agricultural activity is taking place on the site. It is not anticipated that the proposed amendment will have a significant impact upon the environmental sustainability of Greater Dandenong.

## Conclusion

35. Greater Dandenong Planning Scheme Amendment C239gdan proposes to rezone the subject land from Farming Zone to Industrial 3 Zone.

36. Melbourne Water have no objection, subject to conditions, to Planning Scheme Amendment C239gdan.

37. Council has the following three (3) options in relation to this matter:

1) Option 1: Seek authorisation from the Minister of Planning to prepare Planning Scheme Amendment C239gdan without changes. Council would then have opportunity to further consider adopting the Amendment following public exhibition.

2) Option 2: Option 1: Seek authorisation from the Minister of Planning to prepare Planning Scheme Amendment C239gdan with changes. Council would then have opportunity to further consider adopting the Amendment following public exhibition.
3) Option 3: Refuse to seek authorisation from the Minister of Planning to prepare Planning Scheme Amendment C239gdan.

38. Officers consider that it is appropriate for Council to seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C239gdan and recommend proceeding with Option 1.

## Officer Recommendation

**That Council seeks authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C239gdan to the Greater Dandenong Planning Scheme without changes.**

*Planning and Environment Act 1987*

# Greater Dandenong Planning Scheme

# Amendment C239gdan

# Explanatory Report

## Overview

This amendment has been prepared by the City of Greater Dandenong which is the planning authority for this amendment. The amendment has been made at the request of Dandenong South Land Holdings Pty Ltd.

The amendment applies to part of the land known as 250 Fernside Drive, Bangholme, which is formally known as Part Lot 2 on PS524872S. The proposal seeks to rezone this part of the land from Farming Zone to Industrial 3 Zone.

### Where you may inspect this amendment

The amendment can be inspected free of charge at the Greater Dandenong City Council website at https://www.greaterdandenong.vic.gov.au/planning/greater-dandenong-planning-scheme-amendments

And

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

- Dandenong Civic Centre, 225 Lonsdale Street, Dandenong, Victoria, 3175

The amendment can also be inspected free of charge at the Department of Transport and Planning website at http://www.planning.vic.gov.au/public-inspection or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

### Submissions

Any person may make a submission to the planning authority about the amendment . Submissions about the amendment must be received by **5pm, DAY MONTH YEAR.**

A submission must be sent to:

By email (preferred):

By post: Planning Scheme Amendment C239gdan

Dandenong Civic Centre

225 Lonsdale Street

DANDENONG VIC 3175

### Panel hearing dates

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

- Directions hearing: [insert directions hearing date]
- Panel hearing: [insert panel hearing date]

## Details of the amendment

### Who is the planning authority?

The planning authority for this amendment is the City of Greater Dandenong.

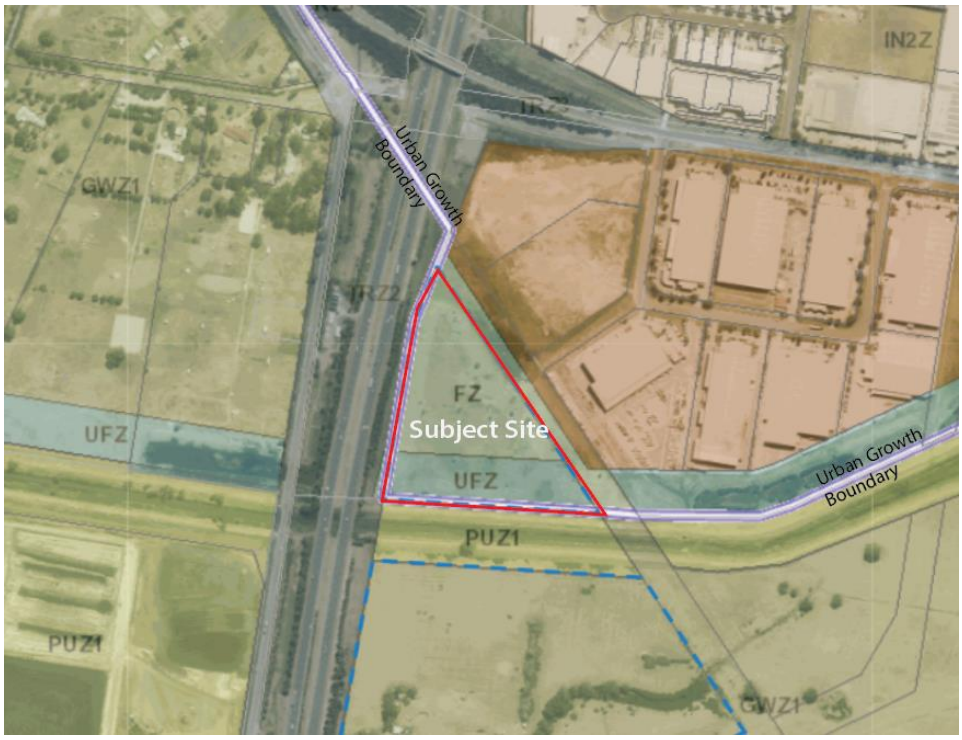
The amendment has been made at the request Dandenong South Land Holdings Pty Ltd.

### Land affected by the amendment.

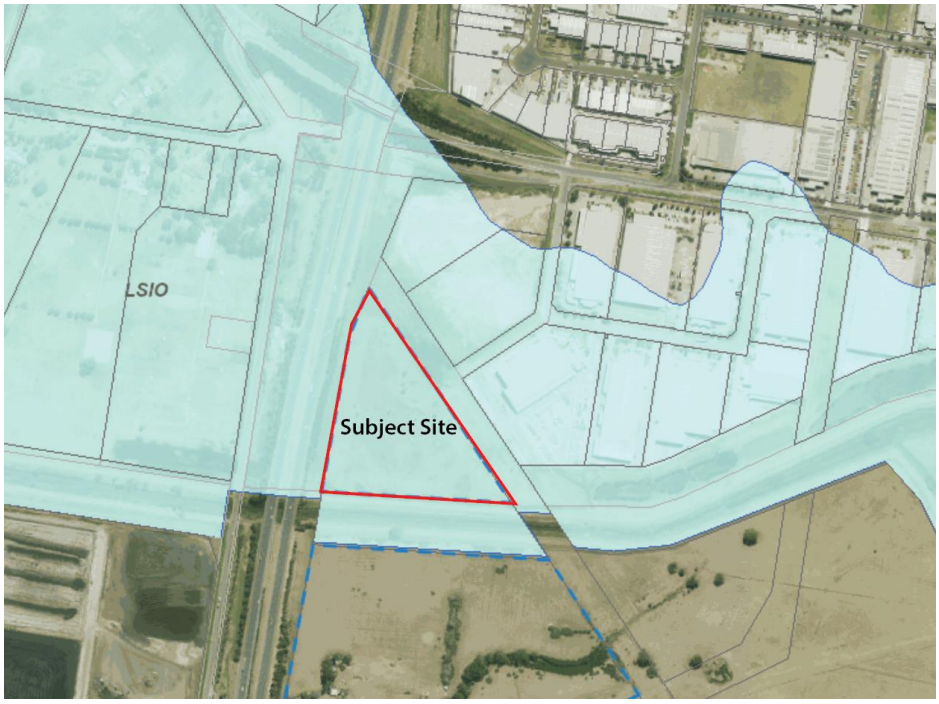
The amendment applies to a portion of the land known as 250 Fernside Drive, Bangholme and a portion of the adjoining unmade Perry Road road reserve. The parent lot is formally described as Part Lot 2 on PS524872S.

The portion of 250 Fernside Drive, Bangholme subject to the planning scheme amendment is located north of Eumemmerring Creek, within the Urban Growth Boundary. This land is identified as a future lot (Lot F) on PS836932L (unregistered).

The land is affected by the Urban Floodway Zone and Land Subject to Inundation Overlay. No changes are proposed to these.




The land is affected by the Urban Floodway Zone and Land Subject to Inundation Overlay. No changes are proposed to these.



### What the amendment does

The amendment seeks to rezone the subject site, including a portion of the unmade Perry Road road reserve from the Farming Zone to the Industrial 3 Zone. No change is proposed to the extent of the Urban Floodway Zone which applies to the site.

The land is located within the Urban Growth Boundary (UGB) and is located to the west of an existing Industrial 3 Zone and north of the Eumemmering Creek (Public Use Zone). The rezoning will facilitate additional industrial development adjacent to an established industrial area which is of National, State and local significance.

This is consistent with an existing planning permit granted by VCAT order P524/2022 for the subject site which allows for the use and development of the land for two (2) warehouses, removal of native vegetation and a reduction in car parking.

## Strategic assessment of the amendment

### Why is the amendment required?

A planning scheme amendment is required to rezone the subject site from Farming Zone to Industrial 3 Zone. This is to ensure the zoning is consistent with the recent planning permit granted by the Victorian Civic and Administrative Tribunal (VCAT) for the site and enable the land to be developed for industrial purposes.

Recognising the land is within the Urban Growth Boundary, the rezoning to an urban zone is considered appropriate and supports the objectives of planning in Victoria.

The rezoning will add to the industrial land supply within the Dandenong South Industrial Precinct, which Plan Melbourne identifies as a State Significant Industrial Precinct and a National Employment and Innovation Cluster.

It is considered orderly and proper planning for the subject site to be rezoned to Industrial 3 Zone.

### How does the amendment implement the objectives of planning in Victoria?

The Amendment implements the objectives of Planning in Victoria by addressing the following objectives set out in Section 4 (1) of the Planning and Environment Act 1987:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;

  Specifically, the amendment provides for the fair, orderly, economic, and sustainable use and development of land by ensuring that an appropriate zoning is applied to the land to enable the future use and development of the site.

- (b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;

  The amendment will support the floodway being maintained, with no change to the Urban Floodway Zone proposed.

  The land is not currently being used for farming purposes.

- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

  The amendment will support the use and development of the land for industrial purposes and will provide a wider range of employment opportunities to the community.

- (f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b) and (c);

  Refer to the above responses in paragraphs (a), (b) and (c).

- (g) to balance the present and future interests of all Victorians.

  The amendment will bring significant social and economic benefits, creating additional jobs in the immediate area and supporting the economic sustainability of the municipality.

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

- Environmental
  - A Stormwater Management Strategy (updated 2022) prepared for the subject site has informed the rezoning and planning permit for the use and development of the land. The report assessed the major drainage and flooding associated with the site and identified mitigation and treatment options to reduce and minimise the expected impacts. The report concluded that development within the subject land is viable from a flood management perspective.
  - The existing delineation of the 60 metre wide Urban Floodway Zone provides the necessary drainage reservation required for future development.
  - In a letter dated 25 March 2024 Melbourne Water state that the Urban Floodway Zone at this location must remain unchanged. No changes are proposed to the Urban Floodway Zone.
- Social & Economic
  - The rezoning will result in a net community benefit through facilitating an increased amount of industrial land and related employment opportunities.

- The rezoning will facilitate new opportunities for economic growth in an area adjacent to a State Significant Industrial Precinct.
- The location of the subject site means it has ready access to industrial infrastructure which will support its development and ongoing economic activity.
- The future occupants of the subject site will benefit from its close proximity to the wider transport network, including the adjacent EastLink, South Gippsland Freeway, Princes Highway, and the Monash Freeway.

## Does the amendment address relevant bushfire risk?

The subject site is located within a designated bushfire prone area, however is not affected by a Bushfire Management Overlay control.

It is submitted that the proposed rezoning of the subject site for industrial purposes will have no adverse impacts on the subject site's bushfire risk potential.

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

This amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes - under section 7(5) of the Planning and Environment Act 1987.

The amendment complies with Ministerial Direction No. 9 Metropolitan Strategy that seeks to ensure that planning scheme amendments have regard to the Metropolitan Planning Strategy. The amendment will implement key directions of Plan Melbourne by providing additional industrial land abutting the existing Southern State Significant Industrial Precinct and Dandenong National Employment Innovation and Cluster.

The amendment also complies with Ministerial Direction No. 11 Strategic Assessment of Amendments through the preparation of detailed background reporting to ensure a comprehensive strategic approach.

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

## Clause 11 Settlement

**11.01-1R – Settlement – Metropolitan Melbourne**

The land is within the Urban Growth Boundary and adjacent to both the Southern State Significant Industrial Precinct and Dandenong National Employment and Innovation Cluster. The rezoning will further enhance these places of significance whilst maintaining the urban growth boundary.

**11.02-1S – Supply of urban land**

The amendment proposes a extension of an existing urban area and provision of

serviced industrial land.

## Clause 12 Environmental and Landscape Values

### 12.01-1S – Protection of Biodiversity

The land is not identified as being of significance from a biodiversity perspective.

## Clause 13 Environmental Risks & Amenity

### 13.02-1S – Bushfire Planning

The land is within a designated bushfire prone area. The urbanisation of this land will reduce the bushfire risk noting the change in use and proposed maintained landscaping.

### 13.03-1S – Floodplain Management

The land is identified as being subject to inundation. The raising of the finished surface levels as part of any development will ensure this risk is readily managed. This has been considered and responded to as part of a separate planning permit granted for the land. Melbourne Water has provided comments and has no objections to the proposed amendment (letter dated 25 March 2024).

Further, the existing Urban Floodway Zone which applies to the southern portion of the land, specifically designates where additional works are required to address inundation and water quality. No change is proposed to the application of the Urban Floodway Zone.

## Clause 14 Natural Resource Management

### 14.01-1R – Protection of Agricultural Land – Metropolitan Melbourne

The amendment provides protection of agricultural land in Melbourne's green wedges and peri urban areas by developing land within the Urban Growth Boundary thereby ensuring land within the UGB is appropriately utilised for urban purposes.

## Clause 15 Built Environment and Heritage

### 15.03-2S – Aboriginal Cultural Heritage

The amendment and development will align with the recommendations of the Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006 for the subject site.

## Clause 17 Economic Development

### 17.03-1S – Industrial Land Supply

The amendment directly provides additional industrial land adjacent to an existing State Significant Industrial Precinct (SSIP) as well as rezoning land which benefits from strong access to the freight network.

### 17.03-3S – State Significant Industrial Land

The rezoning directly results in the protection of industrial land which is state significant by ensuring the land is not developed for an incompatible land use, as well as ensuring an additional parcel of land is available to support this Precinct.

## Clause 18 Transport

### 18.01-1S – Land Use and Transport Integration

The land is located immediately adjacent to an established industrial estate with excellent access to the wider transport network. Consequently, it is unlikely to have a significant impact on the local or regional transport system.

## Clause 19 Infrastructure

### 19.01-3S – Pipeline Infrastructure

The amendment provides a suitable response to the existing pipeline infrastructure located to its east by ensuring the crossing of the infrastructure is designed in accordance with the Authority requirements as well as prohibiting sensitive uses under the proposed zoning.

### 19.03-3S – Integrated Water Management

The southern part of the land which is within the Urban Floodway Zone provides a consistent zone for the broader connection of retarding basins and treatments which extends parallel with Eumemmering Creek. No change is proposed to the Urban Floodway Zone.

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

## Clause 21 Municipal Strategic Statement

### 21.04 – Land Use

The industrial sector in Greater Dandenong is a key contributor to its economy, providing jobs and investment opportunities not only locally but within the wider southeastern region. The subject site abuts the Southern State Significant Industrial Precinct (SSIP). This SSIP is the most constrained in terms of land supply within Victoria.

The proposal seeks to provide an orderly rezoning of land which abuts these existing precincts and is within the Urban Growth Boundary. The future development of this land would provide employment and industrial opportunities that cater for a broad

range of industries and therefore achieve a key objective of this local policy.

There is no local planning policy which specifically references the value of farming land within the municipality.

## Clause 22 Local Planning Policies

**22.12 – Eastlink – Buildings, Works, and Signage**

This policy applies to all land which adjoins or has exposure to the EastLink motorway. This policy recognises that the outer flanks of the Eastlink corridor are extensively landscaped. Further, it seeks to ensure that land adjacent or with exposure to Eastlink does not conflict with the design aesthetic achieved along the corridor.

The planning scheme amendment will support the use and development of the subject land in accordance with planning permit issued by VCAT (P524/2022) which requires the provision of a landscaping buffer on the western boundary of the land.

## How does the amendment support or implement the Municipal Planning Strategy?

Not applicable.

## Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper used of the Victorian Planning Provisions through the appropriate application of the Industrial 3 Zone. The use and development permitted by VCAT P524/2022 is consistent with this zone. There is no other tool available to achieve the outcome sought.

## How does the amendment address the views of any relevant agency?

The views of Melbourne Water as the relevant flood plain management authority have been obtained and consent to the rezoning provided.

## Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment will have a manageable impact on the local and regional transport system. It will encourage urbanisation of an ‘infill’ site which is already serviced by the local and more significant road network.

## Resource and administrative costs

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

The proposed amendment will not have a significant impact on the resource and administrative costs of the responsible authority. The proponent will be liable for any costs with the planning scheme amendment process.

## Attachment 1 – Mapping reference table

| Location | Land /Area Affected | Mapping Reference | Address | Proposed Zone changes | Proposed Overlay changes | Proposed deletion changes |
|---|---|---|---|---|---|---|
| Bangholme | 250 Fernside Drive, Bangholme and a portion of the adjoining unmade Perry Road Road reserve. The parent lot is formally described as Part Lot 2 on PS524872S | Bangholme C239gdan 001IN3ZMap08 | 250 Fernside Drive, Bangholme | Rezone from FZ to IN3Z | N/A | N/A |

# Planning Report

# 250 Fernside Drive BANGHOLME

## Dandenong South Land Holdings Pty Ltd

May 2024

KLM SPATIAL
LAND DEVELOPMENT INTELLIGENCE

KLM SPATIAL
LAND DEVELOPMENT INTELLIGENCE

# 250 Fernside Drive, Bangholme

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**Document Control**

| Date Prepared | Version Number | Author | Reviewer | Distributed |
|---|---|---|---|---|
| **1 May 2024** | 2 | T Emmanouel | K Nash | DTP |

# Executive Summary

KLM Spatial acts on behalf of Dandenong South Land Holdings Pty Ltd in submitting this request to rezone part of the land known as 250 Fernside Drive, Bangholme.

## Subject Site

The subject site is commonly identified as 250 Fernside Drive Bangholme and can be formally described as Lot 2 on Plan of Subdivision PS524872.

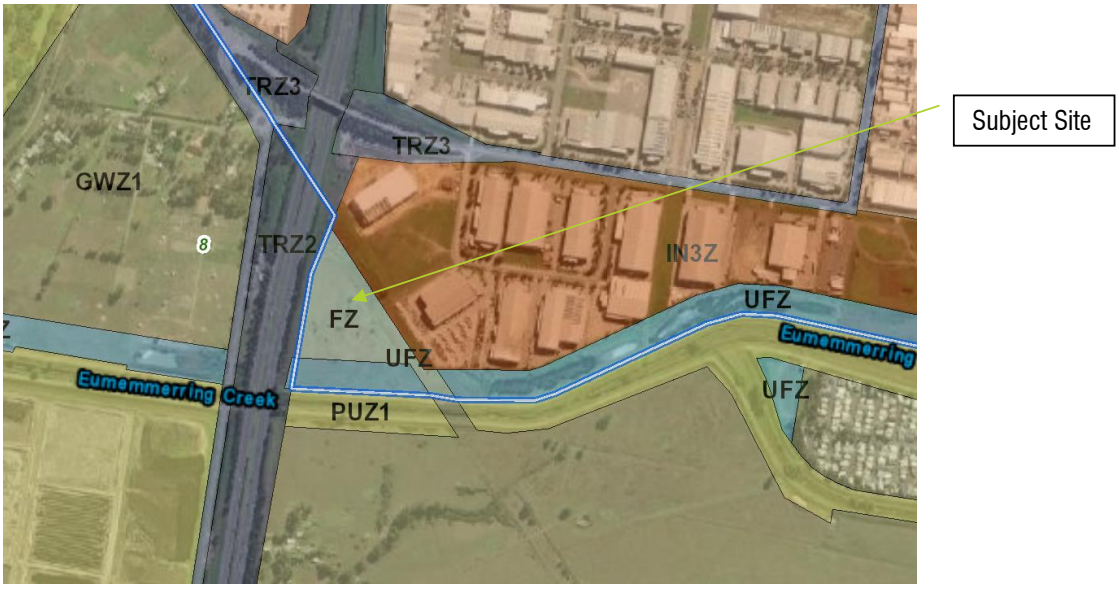
The land is currently being subdivided (the plan of subdivision has been certified and works are currently underway to install services which is required to be able to achieve Statement of Compliance). That part of the land which forms the basis of this current rezoning request is the land to the north of Eumemmering Creek. This land parcel can be formally described on the certified plan of subdivision as Lot F on Plan of Subdivision 836932L (see Attachment A).

## Current Planning Controls

The land is currently;

- Primarily located in the Farming Zone as is land directly to the east, the unmade Perry Road reservation.
- The southern 60-62.5 metres of the land is within the Urban Floodway Zone. No change is proposed to this zoning.
- The land is entirely encumbered by the Land Subject to Inundation Overlay.

*Figure 1: Current zoning map, as sourced from Greater Dandenong Planning Scheme Online, accessed 21 July 2022*



## Proposal

The planning scheme amendment seeks to rezone the land from the Farming Zone to the Industrial 3 Zone.

In addition, it is also proposed to rezone the 'western' half of the unmade Perry Road reservation from the Farming Zone to also the Industrial 3 Zone. This will ensure a consistent zoning outcome is obtained.

## Strategic Policy Justification

The rezoning request is considered to have strong strategic planning merit noting;

- The land is within the Urban Growth Boundary which seeks to identify land which is suitable for 'urban' purposes.
- Rezoning this land for industrial development will provide an efficient use of a currently underutilised land parcel.
- The land would form the logical expansion of the Southern State Significant Industrial Precinct. It is recognised through Council's own review of the availability of industrial land in this precinct as well the Melbourne Industrial and Commercial Land Use Plan (MICLUP) prepared by DELWP this the Southern SSIP is heavily constrained and has a current shortage of land supply.
- The land is readily able to be serviced and accessed through existing connections available from Letcon Drive, directly to the east of the land.
- The Industrial 3 Zone is considered appropriate given that this is the zone which abuts the land to the east and is the primary zoning of land in the industrial precinct south of Bangholme Road.
- Through current discussions with Melbourne Water and from Melbourne Water comments provided for previous planning applications for the land, it is evidenced that the land is readily able to be developed without placing undue pressure on the existing drainage network.

## Cultural Heritage Sensitivity

The land is within an area of cultural heritage sensitivity and any works or land uses associated with 'industry'' constitutes a high impact activity. Accordingly, a Cultural Heritage Management Plan has been prepared. There were no artefacts discovered during the preparation of the Plan and therefore there are no requirements for salvage or constraints to future urbanisation.

# 1.0 Background Information

## 1.1. Previous Planning Decisions

- Planning Scheme Amendment C189 sought the rezoning of that part of the land north of Eumemmering Creek within the Urban Growth Boundary to Industrial 3 Zone, consistent with the zoning of land immediately to the north and east of the site and providing a logical extension of the Dandenong South industrial area.

  The request was supported by Council Officers as well as various authorities however, the request was rejected by Councillors at the Meeting of Council 11th December 2017.

  It is our understanding that this was due to perceived flooding issues with the site. We note however that Melbourne Water provided consent to the amendment, as well as an application for bulk earthworks which would have resulted in the filling of the land to a suitable level.

- Planning Permit PLN15/0038 – Bulk Earthworks in the northern part of the site, was refused by Council 6 February 2017. The Grounds for refusal were;
  - *The earthworks proposed are inconsistent with the purposes of the Farming Zone, which seek to encourage and provide for agricultural land uses, failing to comply with Clause 35.07 of the Greater Dandenong Planning Scheme.*

- Planning Permit PLN20/0038 – Subdivision of the land into two (2) lots was issued 3 April 2020. An extension to the permit was granted May 2022. This permit is currently being enacted. Certification has been achieved, and works are currently occurring to deliver the road and services as per the requirements of authorities. Statement of Compliance is expected late 2024.

- Planning Permit PLN21/0697 – Development of bulk earthworks and vegetation removal, was refused by Council 16 June 2022.

- Planning Permit PLN21/0265 – Use and development of the land for two (2) warehouse, removal of native vegetation and a reduction in carparking, was refused by Council 27 April 2022. This matter was considered through VCAT and a permit subsequently was directed to be issued October 2022 (see section 5.4). Plans and documents are currently being assessed by the Responsible Authority for endorsement under the various permit conditions.

# 2.0 Subject Site and Surrounds

## 2.1. Subject Site

The subject site is commonly identified as 250 Fernside Drive Bangholme and can be formally described as Lot 2 on Plan of Subdivision PS524872. The land comprises three land parcels, the larger portion of which extends south of Eumemmering Creek.

The land is currently being subdivided with a certified plan of subdivision in place. That part of the site which is the subject of this planning scheme amendment, is identified as future Lot F on PS83632L (see Attachment A). The land is more readily identifiable as that land to the north of the Eumemmerring Creek.

The subject land;

- Has an area of approximately 4.453 hectares.
- Is burdened by a 12.49 metre wide easement located along the eastern boundary which is for the purpose of transmitting electricity.
- Is triangular in shape, with an eastern frontage to Perry Road (unmade Government Road) of 381.78 metres, 309.41 metre abuttal to the Eastlink Reserve to the west and the southern abuttal of Eumemmering Creek.
- Vehicular access to the site is from the extension of Letcon Drive (currently not constructed).
- Has a gradual slope of 6 metres from the north to the south eastern corner of the site.
- Is vacant and devoid of any structures or buildings.
- There is some scattered vegetation within the site and some vegetation within the abutting roadsides. This vegetation has been assessed as having low ecological values and is generally of poor to low quality (see attached Environmental Impact Assessment - AttachmentB).

*Figure 2: Aerial image of site and surrounds as at 1 September 2021, as sourced from Nearmap, accessed on 15 November 2021.*



## 2.2. Site Context

Land directly north of Eumemmering Creek is generally industrial land developed for warehouses – this area forms part of the Southern State Significant Industrial Precinct (SSIP).

Land south of the Eumemmering Creek is agricultural land used for grazing purposes. There are some exceptions to this such as X-Press mulch.

The following land uses and development directly abut the subject site:

- **North and east** – Immediately to the north and east of the site the land has been developed for industrial purposes – predominantly warehousing. This land and land to the north-east forms part of the broader Dandenong South industrial area also known as the Southern State Significant Industrial Precinct (SSIP).
- **South** – Directly south of the site is the Eumemmering Creek. Further south the land is used for grazing purposes with an associated dwelling.
- **West** – Directly west is Eastlink and the associated road reserve.

There is a clear difference in development and land use patterns in this area depending on the site and its orientation from existing infrastructure. Specifically;

- West of East Link, north of Eumemmering Creek
    - Green Wedge Zone land which is predominantly used and developed for equine activities and some low intensity agricultural activities.
- West of East Link, south of Eumemmering Creek
    - Melbourne Water waste water treatment plant.
- East of East Link, north of Eumemmering Creek
    - Southern State Significant Industrial Precinct (SSIP) and potentially part of the National Employment and Innovation Cluster (NEIC).
- East of East Link, south of Eumemmering Creek
    - Green Wedge Zone land with large land holdings used for agricultural purposes. The exceptions to this are X-Press Mulch to the south, and an existing caravan park which is south of the Creek and has frontage to Frankston-Dandenong Road.

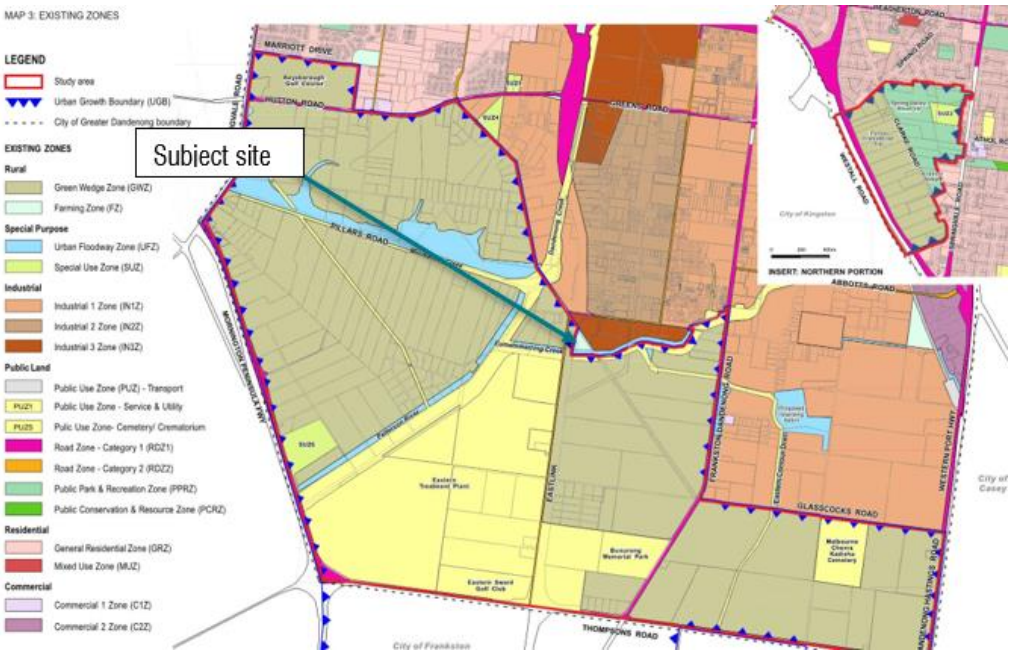
The below aerial image further echoes this point;

*Figure 3: Aerial image of site and surrounds as at 1 September 2021, as sourced from Nearmap, accessed on 15 November 2021.*




The land uses are also reinforced by the zoning map;

*Figure 4: Zoning Map sourced from Greater Dandenong Planning Scheme, accessed on 15 November 2021.*



# 3.0 Planning Assessment

## 3.1. Zoning

The land is primarily in the Farming Zone despite being within the Urban Growth Boundary.

Part of the southern portion of the land is in the Urban Floodway Zone. No change to the extent of this zone is proposed. The Urban Floodway Zone applies to a 60-metre band of land which runs parallel on the northern side of the Eumemmerring Creek.

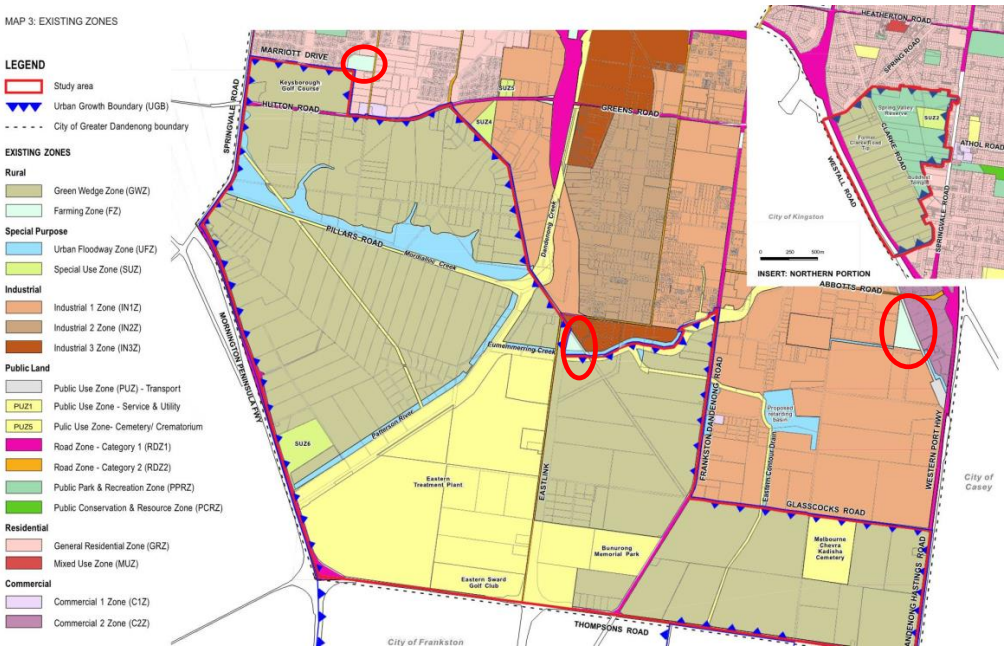
Rezoning part of this land to the Industrial 3 Zone is considered to be the logical zoning of the land noting;

- The land is not used for agricultural purposes and is not considered to be suitable for agricultural purposes recognising;
    - Its small land size – 4.4 hectares.
    - Poor pasture due to nuisance flooding as it is the last land parcel to be developed within the Melbourne Water Drainage Scheme.
    - It is land locked from any other farming land hence its productive agricultural use is limited
    - Lack of agricultural infrastructure including fencing, water and storage.
    - In addition, the land does not satisfy the general term 'high quality productive agricultural land' as provided under Clause 73 of the Planning Scheme as the land has not been identified through a regional, sub-regional or local study as being of particularly good quality and strategic significance for agriculture in the regional or local context.
- EastLink and the Eumemmering Creek form physical constraints/barriers which means the logical urban zone for this land parcel would be the Industrial 3 Zone, consistent with the land to the north and east.
- The Southern SSIP is identified as having tight land supply hence the rezoning of this land parcel will assist in optimising the scale of this Precinct which is of National and State Significance.
- The land is within the buffer zone identified for the Industrial 2 Zone (Clause 21.03-3) hence the Industrial 3 Zone provides a suitable zone in this instance.

Ultimately, the rezoning will make use of an underutilised land parcel.

It is prudent to note that the subject land is one of three land parcels within the municipality which are within the Farming Zone.

*Figure 5: Zoning Map identifying farming zoned land within the municipality*



# 4.0 Strategic Planning Policy Assessment

## 4.1. Planning Policy Framework ("PPF")

The Planning Policy Framework is in place to ensure that the objectives of Section 4 of the Planning and Environment Act 1987 are implemented through appropriate land use and development planning policies. These policies incorporate environmental, social and economic factors that contribute towards the achievement of net community benefit and sustainable development.

The following policies are of relevance to the current proposal:

**Clause 11 – Settlement**

11.01-1R Settlement Metropolitan Melbourne – this policy reinforces the urban growth boundary and the need to protect the values of non-urban land. Further, it stresses the importance of State Significant Industrial Precincts (SSIP) and the National Employment and Innovation Clusters (NEIC) as focal points for investment and growth.

The subject land is within the Urban Growth Boundary despite its Farming Zone. The land also abuts the Southern SSIP and is proximate to the Dandenong NEIC. These policies and context support the current request particularly given the land is not productive agricultural land.

11.02-1S Supply of Urban Land – Provision of serviced land which is well located and a logical extension of an existing urban area.

**Clause 12 Environmental and Landscape Values**

12.01-1S Protection of Biodiversity – The urbanisation of land which is not identified as being of significance from a biodiversity perspective.

**Clause 13 – Environmental and Landscape Values**

13.02-1S Bushire Planning – The land is within a designated bushfire prone area. The urbanisation of this land will remove the bushfire risk noting the land will no longer be classified as a threat due to its unmanaged state.

13.03 Floodplains – The purpose of this Clause is to *ensure that new development does not intensify the impact of flooding.*

The development of the land will not result in any intensification of flooding or reduction in flood storage as this is able to be offset within the designated Urban Floodway Zone. This is consistent with how land further to the east of the site has developed and offset the flood storage requirements. We refer to the Afflux report which provides a more comprehensive model and assessment of flood impacts and how the nominated surface and finished floor levels have been derived.

**Clause 14 – Natural Resource Management**

14.01-1S Protection of Agricultural Land – The strategy of this clause is to protect productive agricultural land. The land does not provide for productive agricultural land and it is physically disconnected from surrounding agricultural land due to the existing Eumemmering Creek.

**Clause 15 – Built Environment and Heritage**

15.03-2S Aboriginal Cultural Heritage – Ensuring development will align with the recommendations of the Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.

**Clause 17 – Economic Development**

17.03-1S – Industrial Land Supply – Directly providing additional industrial land adjacent to an existing SSIP as well as rezoning land which benefits from strong access to the freight network.

17.03-3S – State Significant Industrial Land – Further, the rezoning directly results in the protection of industrial land which is state significant by ensuring the land is not developed for an incompatible land use, as well as ensuring an additional parcel of land is available to support this Precinct.

**Clause 18 – Transport**

18.01-1S – Land Use and Transport Integration – The land benefits from existing access and connections which have capacity to service the subject site.

**Clause 19 – Infrastructure**

19.01-3S Pipeline Infrastructure – It is policy to ensure that gas, oil and other substances are safely delivered to users and to and from port terminals at minimal risk to people, other critical infrastructure and the environment.

The gas and oil pipelines are located within private land (to the east of the Perry Road reserve) which is accessed from Letcon Drive (properties 57-67, 69-87 and 89 Letcon Drive) – see below excerpt from the KLM Spatial Survey.

*Figure 6: Location of the WAG Pipeline and Gas Pipeline, sourced from Survey Plan prepared by KLM Spatial (excerpt)*




It is not considered that the rezoning would have an impact on this infrastructure given;

- The Letcon Drive Road reserve has already been created.
- As part of the works required to achieve Statement of Compliance for the current subdivision permit, services and the road are to be constructed to the satisfaction of both VIVA Energy and ESSO. There are existing wok agreements in place with both authorities to enable these works to occur.

As such, whilst the need to protect this infrastructure is acknowledged, the proposal will not increase risk. Indeed, the warehouses which have just been completed along Letcon Drive are significantly closer than would be development on this land.

19.03-3S Integrated Water Management – The southern part of the land which is within the Urban Floodway Zone provides a consistent zone for the broader connection of retarding basins and treatments which extends parallel with Eumemmering Creek.

## 4.2. Local Planning Policy Framework

The Local Planning Policy Framework is comprised of the Municipal Strategic Statement and Local Planning Policies. The elements of the Local Planning Policy Framework including Municipal Strategic Statement relevant to this proposal include:

**Clause 21 – Municipal Strategic Strategy**

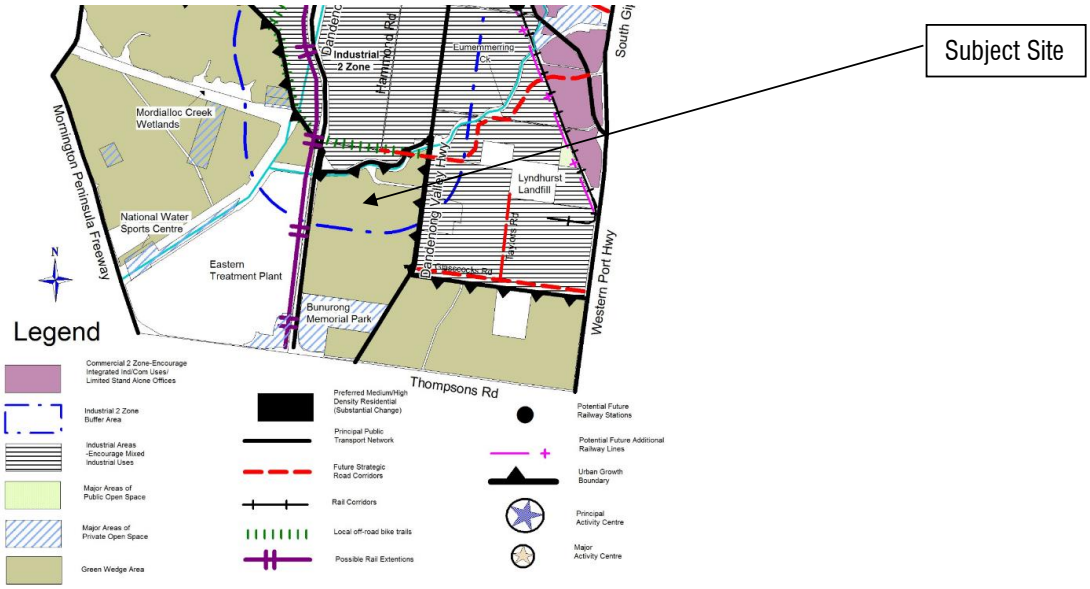
21.03 (A Vision for Greater Dandenong) – reinforces the role of the industrial sector to the municipality and the strategic road corridors which provided this sector with a competitive advantage. Greater Dandenong is to be a *nationally and internationally competitive city; a pre-eminent industrial centre for Melbourne's South-east with a significant high-tech/knowledge industrial component; a centre for government, multi-national investment and employment….*

The Strategic Framework Map for the municipality provided under Clause 21.03-3 (see below excerpt), does not specifically identify a land use outcome for the subject site.

It is however, evident that the subject land;

- Abuts the existing industrial precinct to its north and east.
- Is within the Industrial 2 Zone buffer area.
- Is afforded with strong transport connections and strategic transport projects such as the possible rail extension to its west.

*Figure 7: Excerpt Clause 21.03-3 Strategic Framework Map, as sourced Greater Dandenong Planning Scheme online, accessed 21 July 2022.*




KLM Spatial Reference: 10568 / Version Number: 2 / May 2024

**21.04 (Land Use)** – Clause 21.04 outlines the strategies and objectives of different land uses within the municipality.

As noted within this Clause, the industrial sector in Greater Dandenong is the mainstay of its economy, providing jobs and investment opportunities locally and within the wider south eastern region. The subject site abuts the Southern State Significant Industrial Precinct (SSIP). This SSIP is the most constrained within the state with limited land supply.

The proposal seeks to provide a logical rezoning of land which abuts these existing precincts and is within the Urban Growth Boundary. The future development of this land would provide employment and industrial opportunities that cater for a broad range of industries and therefore achieve a key objective of this local policy.

**Clause 22 – Local Planning Policies**

22.12 (EastLink – Buildings, Works and Signage**)** – This policy applies to all land which adjoins or has exposure to the EastLink motorway. This policy recognises that the outer flanks of the motorway corridor are extensively landscaped. Further, it seeks to ensure that land adjacent or with exposure to EastLink does not conflict with the design aesthetic achieved along the corridor.

Whilst the subject land does abut the EastLink corridor along the western boundary, there is approximately 30 metre setback from the site to the carriageway. It is considered that this policy can be appropriately responded to as part of any future planning application for development.

## 4.3. Other

### Melbourne Industrial and Commercial Land Use Plan:

As per the recently released Melbourne Industrial and Commercial Land Use Plan prepared by DELWP, the Southern SSIP, which consists of the Dandenong Industrial precinct, will run out of land by the mid 2020's. The Southern SSIP is the most constrained SSIP in terms of vacant supply of all the SSIP's.

The Southern SSIP provides significant employment and the economic well-being for the Municipality and its residents. The provision of an additional well-located land parcel for an industrial purpose in Dandenong South is consistent with economic objectives for Dandenong at a local and state level. Moreover, the proposal supports higher order planning policies such as Clause 21.04 of the Greater Dandenong Planning Scheme.

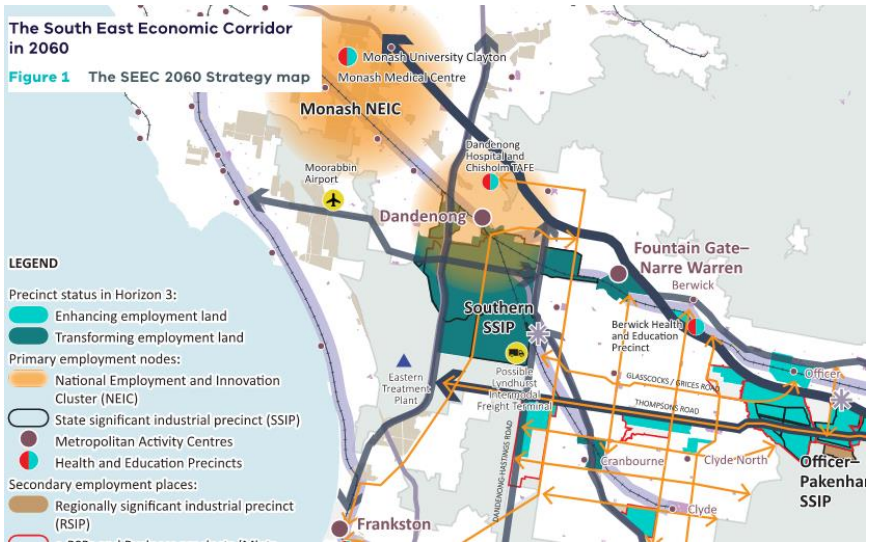
Whilst rezoning the land will not remedy the imminent supply shortage of industrial land within the municipality, it will ensure that land which is within the Urban Growth Boundary is appropriately utilised for urban purposes which is consistent with State Planning Policies.

### South East Economic Corridor Strategic Context Report to 2060

The South East Economic Corridor Strategic Context Report to 2060 (SEEC) is not adopted Government policy. However, it is evidence based and is intended to inform policy development and decisions by Council and Government.

Ultimately, the strategy seeks to drive employment development to key sites and employments nodes. These locations are identified within Plan Melbourne and the Melbourne Industrial and Commercial Land Use Plan.

The subject land is identified as 'transforming employment land' as is land further to the south of the site (see below excerpt – Figure 1). The SEEC is reinforcing the existing Planning Framework in reinforcing the role of the Southern SSIP.


The South East Economic Corridor in 2060
Figure 1 The SEEC 2060 Strategy map
Monash University Clayton
Monash Medical Centre
Monash NEIC
Moorabbin Airport
Dandenong Hospital and Chisholm TAFE
Dandenong
Fountain Gate–Narre Warren
Berwick
Southern SSIP
Berwick Health and Education Precinct
Eastern Treatment Plant
Possible Lyndhurst Intermodal Freight Terminal
GLASSCOCKS / GRICES ROAD
THOMPSONS ROAD
Officer
Cranbourne
Clyde North
Officer–Pakenham SSIP
Clyde
DANDENONG-HASTINGS ROAD
Frankston
LEGEND
Precinct status in Horizon 3:
Enhancing employment land
Transforming employment land
Primary employment nodes:
National Employment and Innovation Cluster (NEIC)
State significant industrial precinct (SSIP)
Metropolitan Activity Centres
Health and Education Precincts
Secondary employment places:
Regionally significant industrial precinct (RSIP)

# 5.0 Matters for Consideration

## 5.1. Flooding Implications

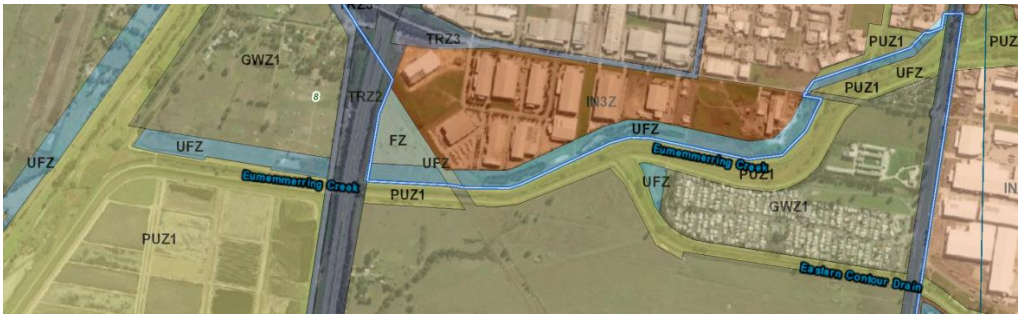
The land is wholly encumbered by the Land Subject to Inundation Overlay (LSIO). The LSIO applies to land which is affected by flooding associated with waterways and open drainage systems. Such areas are commonly known as floodplains.

*Figure 8: Extent of Land Subject to Inundation Overlay, as sourced from Greater Dandenong Planning Scheme online, accessed 21 July 2022*




The southern part of the land is within the Urban Floodway Zone (UFZ). The purpose of the UFZ is similar to the LSIO however it also controls land use.

*Figure 9: Extent of Urban Floodway Zone, as sourced from Greater Dandenong Planning Scheme online, accessed 21 July 2022*




The LSIO and UFZ apply to the subject site and the already developed industrial land parcels to the east of the east.

Referral comments from Melbourne Water as part of a recent planning application for bulk earthworks (see Attachment C), it was confirmed that;

- Any new buildings must be constructed with finished floor levels set above 600 mm above the applicable flood level.
- Fill levels must be set 300 mm above the applicable flood level.

- A minimum 60 metres wide drainage reserve will be required and it should be maintained as existing surface level to allow the passage of flows.

A stormwater management strategy for the land has been prepared to understand whether the land can be developed for urban purposes without placing undue pressure on the existing drainage network. This assessment confirms;

- Development of the land is viable from a floodplain management perspective.
- The recommended levels for any future development (which is consistent with the comments referenced earlier from Melbourne Water) should be;
    - Surface level – 6.30 RL
    - Carpark / access level – 6.50 RL
    - Finished floor level – 6.80 RL
- That part of the land within the Urban Floodway Zone should be kept free from any built form / development. A retarding basin and wetland is required to slow flows prior to discharge as well as perform a treatment measure.
- The role of the land in the UFZ is critical to ensure floodplain storage is not reduced as a result of the urbanisation of the land.

We refer to Attachment D for further detailed analysis and modelling.

Critically, the above levels are consistent with those of the buildings already constructed and/or under construction to the east of the site.

An indicative bulk earthworks plan has been prepared to assist in demonstrating what the above requirements would physically look like and what the levels for the development to the east are, to provide context (see Attachment E).

It is considered that the land is readily able to be developed and flooding is readily able to be addressed. Further, the levels required for the land are consistent with those of the land already developed to the east.

## 5.2. Pipeline Infrastructure

It is acknowledged that the proposed construction of Letcon Drive crosses the Viva Energy and ESSO pipelines.

The planning permit which enabled the subdivision of the land to the east and creation of Letcon Drive, is required to deliver the construction of Letcon Drive, to the satisfaction of the Responsible Authority (planning permit reference PLN14/0687).

Despite the above planning permit requirement, the road has not been constructed.

As part of the works associated with achieving the Statement of Compliance for the subdivision currently being undertaken, executed works Agreements with both Viva Energy and ESSO have been entered into (see Attachment F).

Ultimately, the requirements of these Agreements will ensure the road is constructed in a manner which absorbs any vibration from vehicles so as to not impact these assets.

## 5.3. Proximity to EastLink

It is recognised that the land abuts the EastLink road reservation to its west. It is not considered that the rezoning will adversely impact the functionality of this road.

Ultimately, any future development of the land will need to be appropriately designed and configured to ensure it adequately addresses this interface. This would be undertaken as part of any future planning application.

## 5.4. VCAT Decision – Use & Development of site (2022)

**Tribunal Hearing Findings**

Dandenong South Land Holdings Pty Ltd v Greater Dandenong CC [2022] VCAT 1237

Dandenong South Land Holdings Pty Ltd (applicant) proceeded to tribunal for a review under section 77 of the *Planning and Environment Act 1987* following a refusal by the City of Greater Dandenong (council) for use and development of the land for two warehouses, removal of native vegetation, and a reduction in car parkin at 250 Fernside Drive, Bangholme.

Council refused the application on the premise that the proposal was inconsistent with the policies regarding protection of agricultural land, and the proposal being inconsistent with the purpose of the Framing Zone (FZ). Further, it was submitted that the proposal would not support or enhance agricultural production, provide for the use of the land for agriculture, or encourage the retention of productive agricultural land.

Having considered the submissions and evidence of the parties, the Tribunal found that the proposal would result in an acceptable planning outcome. The Tribunal found the review site to be an anomalous, isolated parcel of FZ land within the Urban Growth Boundary with little prospect for productive agricultural purposes due to its size, access, and physical constraints. Further, the surrounding context of the site shared a strong physical connection with the adjacent industrial precinct and that the proposal would therefore be appropriate within that context.

Following this, the Tribunal directed a planning permit be issued – reference PLN21/0265

Following the granting of the permit, amended plans and documents in accordance with permit conditions have been prepared and their endorsement is imminent with works to start this year.

## 6.0 Conclusion

This Planning Statement has demonstrated the proposal which involves rezoning the subject land to the Industrial 3 Zone has strategic planning merit.

It is therefore considered that based on the above assessment the proposal should be supported by Council for the following reasons:

- The land is within the urban growth boundary and is currently underutilised.
- The land is not high quality agricultural land and has limited agricultural value given it is land locked from any other agricultural land parcels, as well as its small size and lack of infrastructure.
- The land abuts the Southern SSIP hence its rezoning is consistent with the intent of these important State spatial employment policies and is a logical extension of these precincts.
- There is a significant shortage of industrial land within the municipality and it is identified that the Southern SSIP is severely constrained; the current proposal provides a direct opportunity to address this.
- The submitted stormwater management strategy has demonstrated that development of the site is feasible from a flood plain management perspective.
- The land has low biodiversity values and is generally devoid of any significant vegetation.
- VCAT Decision in 2022 which permitted the use and development of the land, described the appropriateness of the site for warehouse purposes, finding that it unlikely that the site in its isolated location from other Farming Zone land could be effectively utilised for productive agriculture. The Tribunal agreed with the expert evidence presented in the Tribunal that described the zone of the site (FZ) as unusual within the Urban Growth Boundary.

Overall, the proposal is considered to present an appropriate planning outcome and is consistent with directions sought under the Planning Policy Framework.

**END OF ASSESSMENT**



*Planning and Environment Act 1987*

# Greater Dandenong Planning Scheme

# Amendment C239gdan

# Instruction sheet

The planning authority for this amendment is the City of Greater Dandenong

The Greater Dandenong Planning Scheme is amended as follows:

## Planning Scheme Maps

The Planning Scheme Maps are amended by a total of one (1) attached map sheet.

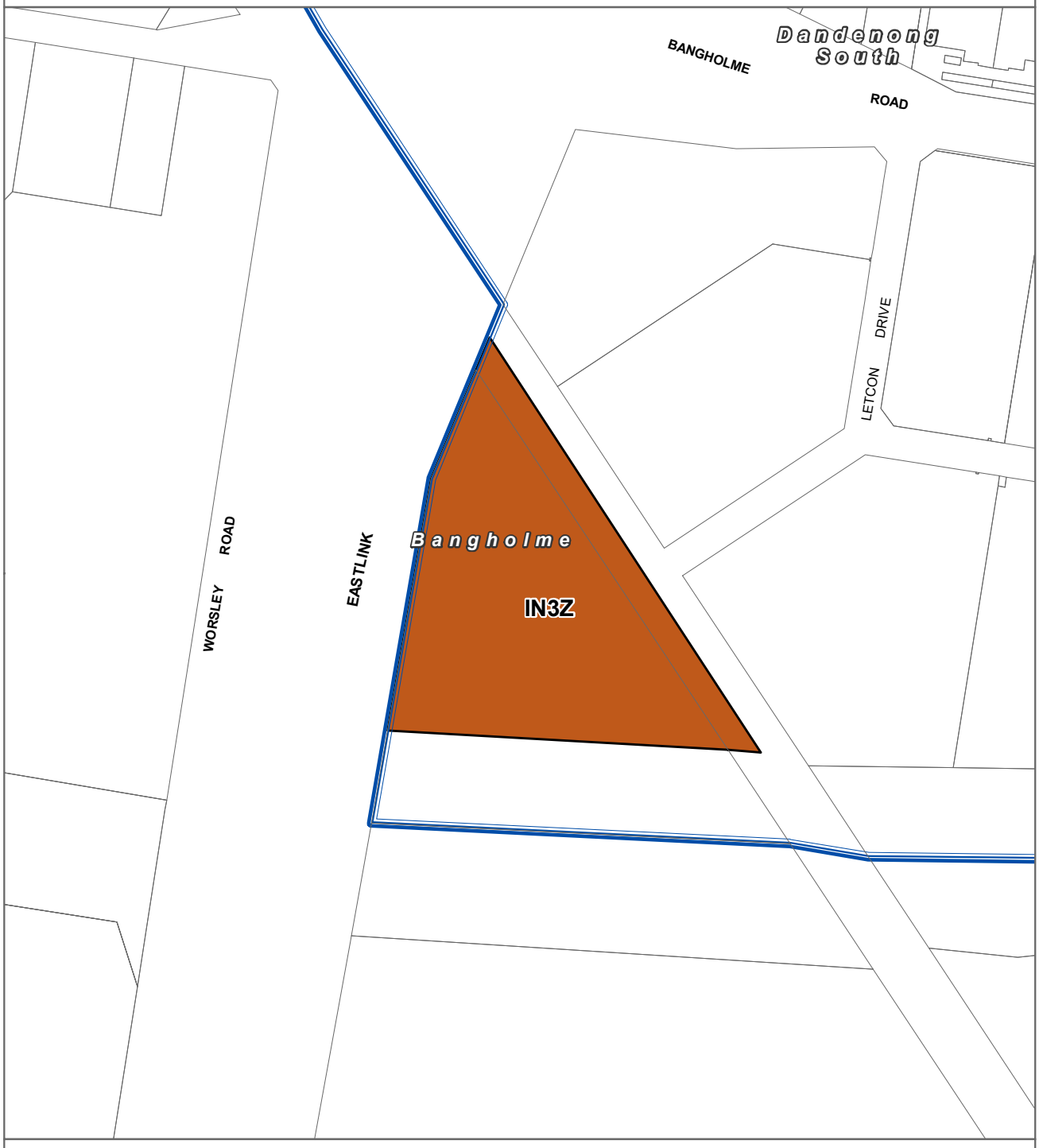
### Zoning Maps

1. Amend Planning Scheme Map No 8ZN in the manner shown on the one (1) attached map marked “Greater Dandenong Planning Scheme, Amendment C239gdan”.

**End of document**

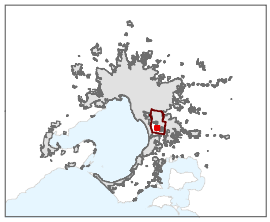
# GREATER DANDENONG PLANNING SCHEME - LOCAL PROVISION

## AMENDMENT C239gdan




**LEGEND**

- IN3Z - Industrial 3 Zone
- Local Government Area
- Urban Growth Boundary



Part of Planning Scheme Map 8

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Planning Group
Print Date: 8/24/2022
Amendment Version: 1

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Environment, Land, Water and Planning

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## 4.1.2 Planning Scheme Amendment C244gdan - Consideration for Adoption

**Responsible Officer:** Executive Director City Futures

**Attachments:**

1. Amendment C 244 gdan - Explanatory Report Adoption [**4.1.2.1** - 7 pages]
2. Amendment C 244 gdan - Ethos Urban Planning Report Adoption [**4.1.2.2** - 33 pages]
3. Amendment C 244 gdan - Instruction Sheet Adoption [**4.1.2.3** - 1 page]
4. Amendment C 244 gdan - Schedule 72.04 Documents Incorporated into this Planning Scheme Adoption [**4.1.2.4** - 2 pages]
5. Post-exhibition changes - C244gdan - Harvey Norman Ikea Bulky Goods Development Incorporated Document Adoption [**4.1.2.5** - 2 pages]

### Executive Summary

1. Planning Scheme Amendment C244gdan proposes to amend the incorporated document for the Springvale Homemaker Centre at 917 Princes Highway, Springvale to modify the types of 'Shops' permitted by the 'Harvey Norman/IKEA Development' (August 2009) Incorporated Document.
2. This report notes that no submissions were received to the statutory exhibition of Amendment C244gdan.
3. This report recommends that Council note no submissions were received during the statutory exhibition of Amendment C244gdan and resolve to continue the statutory process of the amendment by supporting and adopting Amendment C244gdan with changes and seeking approval from the Minister for Planning.

## Background

4. Planning Scheme Amendment C244gdan applies to the land known as 917 Princes Highway, Springvale, also known as the Springvale Homemaker Centre (SHC).
5. The subject site is located in an area of the Monash National Employment and Innovation Cluster (NEIC) and is identified as a supporting employment area. This area is dedicated for land uses which can facilitate employment opportunities.
6. The site is also located within the Southern State Significant Industrial precinct and is zoned Industrial 1 Zone. However, the site has not been used for industrial purposes since it was developed as the Springvale Homemaker Centre in 2011.
7. The Springvale Homemaker Centre is governed by the *Harvey Norman/IKEA Development (August 2009)* Incorporated Document. The Incorporated Document was prepared in 2009.
8. Incorporated documents inform the planning scheme and guide decision making in relation to a particular site or issue. Incorporated documents are listed at Clause 72.04 of the Greater Dandenong Planning Scheme.
9. The *Harvey Norman/IKEA Development (August 2009)* Incorporated Document allows the land to be used and developed for restricted retail premises, ancillary food and drink premises and shops to facilitate a range of complementary retail activities in accordance with the control in the Incorporated Document.
10. The Incorporated Document includes a set of conditions under which these uses can operate on the site. The conditions relevant to this amendment (Clauses 4, 5, 6, 7 and 8) currently states:

- *Condition 4 - The use and development for a restricted retail premises must comply with permit PLN07/0259 issued on 24 July 2008, as amended from time to time (the permit).*
- *Condition 5 - The leasable floor area occupied by a restricted retail premises or a shop must be a tenancy shown on the plans endorsed under condition 1 of the permit and be at least 300sqm.*
- *Condition 6 - The total leasable floor area occupied by:*

    a. *A restricted retail premises with a leasable floor area of less than 1,000sqm; and*

    b. *A shop,*

    *must not exceed 7,000sqm.*

- *Condition 7 - A shop must be used for the sale or hire of:*

    a. *Bicycles, outdoor furniture and equipment, sporting equipment, fitness equipment or recreation equipment, or a combination of two or more of them,*

    b. *Kitchen or bathroom items,*

    c. *Pet supplies, or*

    d. *Baby furniture and equipment.*

- *Condition 8 - Any provision of the scheme that is not in conflict with the control continues to apply to the land.*

11. In summary, the current conditions of the Incorporated Document require the uses within the SHC to be for the purposes of restricted retail, or certain types of shops that have a floor area of at least 300sqm. It does not allow general retail options such as clothing shops, supermarkets etc.
12. The applicant has requested this amendment to broaden the types of shops permitted to occupy space within the SHC and support the existing flagship tenants, Harvey Norman and IKEA.
13. On 16 June 2023 Council submitted the proposed Planning Scheme Amendment C244gdan to the Minister for Planning, requesting the Minister's authorisation to prepare and publicly exhibit the amendment.
14. On 31 October 2023 the Minister for Planning gave authorisation to prepare and exhibit Amendment C244gdan.
15. Exhibition occurred from 22 January to 5 March 2024, and no submissions were received.

## Key Points / Issues / Discussion

16. Amendment C244gdan (as exhibited) proposes to amend the *Greater Dandenong Planning Scheme* as detailed in the Explanatory Report (Attachment 1) by:
    a. Amending Clause 72.04 by inserting a new schedule to reflect the change proposed to the incorporated document for the site.
17. The exhibited amendment proposed to make the following changes to the *Harvey Norman/IKEA Development, 917 Princes Highway, Springvale (August 2009)* incorporated document (changes shown in red):

- Amend Condition 6 to:
    - *The total leasable floor area occupied by:*
        a. *A restricted retail premises with a leasable floor area of less than 1,000sqm;*
        b. *A shop, must not exceed 7,000sqm; and*
        c. *a shop must not include a Supermarket that exceeds 500sqm in floor area.*
- Delete Condition 7 as follows:
    - ~~*A shop must be used for the sale or hire of:*~~
        ~~*a. bicycles, outdoor furniture and equipment, sporting equipment, fitness equipment or recreation equipment, or a combination of two of more of them,*~~
        ~~*b. kitchen or bathroom items,*~~
        ~~*c. pet supplies, or*~~
        ~~*d. baby furniture and equipment.*~~

18. No changes are proposed to Conditions 4, 5 and 8 of the Incorporated Document.

19. The changes proposed to the Incorporated Document intend to modify the restrictions of the types of 'Shops' permitted by no longer restricting the types of Shops to those set out in Condition 7 above. Rather, all types of Shops are proposed to be permitted, provided they comply with the floor area requirements set out in Conditions 5 and 6.

Post-exhibition changes

20. Following exhibition, it was noted the proposed wording of Condition 6 (see paragraph 17 of this report) did not adequately align with the intent of the amendment and would likely lead to incorrect application of the condition.

21. The existing Incorporated Document limits the restricted retail (under 1,000sqm) and shop floorspace of the SHC to a total of 7,000sqm, however the proposed wording of Condition 6 suggests a permit could be granted for a single shop of less than 7,000sqm.

22. This is incorrect and does not align with the intent of the exhibited amendment as described in the exhibited Explanatory Report. No change is proposed to the total allowable retail floorspace as part of this amendment.

23. As such, a post-exhibition change is proposed to ensure the conditions clearly match the intent of the amendment and deliver the outcome that is sought after.

24. The proposed post-exhibition changes are as follows (changes shown in red):

- Retain Condition 6 as per its original wording:
    - *The total leasable floor area occupied by:*
        a. *A restricted retail premises with a leasable floor area of less than 1,000sqm; and*
        b. *A shop,*

        *must not exceed 7,000sqm.*
- Delete Condition 7 as follows:
    - ~~*A shop must be used for the sale or hire of:*~~
        ~~*a. bicycles, outdoor furniture and equipment, sporting equipment, fitness equipment or recreation equipment, or a combination of two of more of them,*~~
        ~~*b. kitchen or bathroom items,*~~
        ~~*c. pet supplies, or*~~
        ~~*d. baby furniture and equipment.*~~
- Insert a new Condition 7 as follows:
    - *A Shop must not include a Supermarket that exceeds 500sqm in floor area.*

25. The proposed change to the amendment only results in the existing Condition 7 wording being deleted and replaced by the new wording, as set out in paragraph 24. The amendment does not propose to make any further changes to the *Greater Dandenong Planning Scheme.*

26. Officers recommend that the planning scheme amendment be supported with changes (as set out above) as it aligns with the objectives of Planning in Victoria by ensuring the SHC can respond to changes in market demand, ensuring the protection of industrial land, and offers a wider suite of shop uses, which will ensure greater investment certainty and support further employment growth.
27. The amendment will allow a wider range of shop uses without increasing the total floorspace offering in the SHC. Given the total floorspace for restricted retail (under 1,000sqm) and shops will not be increased, it is not considered that this amendment will have an adverse impact on surrounding retail areas. In addition, the minimum floorspace of 300sqm for shops (Condition 5 of the incorporated document) will further limit any potential adverse impact on surrounding retail areas.
28. The amendment will not lead to any change in the existing zone (Industrial 1 Zone), as such there is no potential for sensitive land uses to occupy the site in future. This provides protection to the existing zone and the wider State Significant Industrial Precinct (Monash National Employment and Innovation Cluster).

Planning Scheme Amendment Process

29. Section 23 of the *Planning and Environment Act, 1987* governs the process for a planning authority to progress a planning scheme amendment.
30. If submissions are received during exhibition that Council is unable to resolve, Council can consider or refer any unresolved submissions to an independent Planning Panel. In this instance, no submissions were received. As such, there are no unresolved submissions for Council or a Planning Panel to consider.
31. Subsequently, the planning authority (Council) has the option to:
    a. Adopt the amendment with changes; or
    b. Abandon the amendment or part of the amendment.
32. A change is required to ensure the proposed amendments to the existing Incorporated Document align with the intent of Amendment C244gdan.
33. It is therefore considered appropriate for Council to adopt the amendment with changes and to directly seek approval from the Minister for Planning.

Effect of Statutory Planning Applications

34. Planning permit applications will be assessed against the proposed and existing provisions of the *Greater Dandenong Planning Scheme.*
35. The amendment is unlikely to increase the number of planning permit applications.

## Financial Implications

36. There are no financial implications associated with this report.

## Community and Stakeholder Consultation

37. In accordance with the requirements of the *Planning and Environment Act 1987,* Amendment C244gdan was placed on public exhibition for a period of 6 weeks from 22 January 2024 to 5 March 2024.

38. Notice of the amendment was given by way of:
    a. Formal notice in the local newspaper (Dandenong Journal) and Government Gazette;
    b. Letters to Prescribed Ministers;
    c. Letters to relevant Authorities;
    d. Letters to surrounding landowners;
    e. Notice and explanatory material on Council's website; and
    f. Explanatory folders at the Dandenong Customer Service Centre.
39. It is noted that no submissions were received in response to the statutory exhibition of the Amendment and no objections were received from the relevant authorities.

## Links to the Community Vision and Council Plan

40. This report is consistent with the following principles in the Community Vision 2040:
    - Education, training, entrepreneurship and employment opportunities.
41. This report is consistent with the following strategic objectives from the Council Plan 2021-25:
    - A city that supports entrepreneurship, quality education and employment outcomes.

## Legislative and Policy Obligations

42. This report has considered Council's legislative and policy obligations (where applicable) as outlined in the Report Considerations section detailed in the front of this Agenda. The applicable obligations considered and applied are:
    a. The Overarching Governance Principles of the *Local Government Act* 2020: Amendment C244gdan is governed by Section 32 of the *Planning and Environment Act 1987,* which administers the process for a planning authority (Council) to progress a planning scheme amendment. All relevant Sections of the *Planning and Environment Act 1987* have been adhered to in preparation of Amendment C244gdan and this report, including through the statutory exhibition of the Amendment to the community.
    b. The *Gender Equality Act* 2020: Council's Diversity, Access and Equity Policy and the *Gender Equality Act 2020* have been considered in the preparation of this report but are not relevant to its content. The content of this report is administrative in its nature and does not have the potential to influence broader social norms and gender roles.
    c. *Victorian Charter of Human Rights and Responsibilities* 2006: All matters relevant to the Victorian Human Rights Charter have been considered in the preparation of this report and are consistent with the standards set by the Charter, particularly in relations to privacy and the ability to take part in public life.

d. Climate Change and Sustainability. One of the overarching governance principles of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including planning for climate change risks, is to be promoted. Council's Declaration on a Climate and Ecological Emergency, Council's *Climate Change Emergency Strategy 2020-30* and the requirements of the Act have been considered in the preparation of this report. The amendment facilitates development in accordance with the objectives set out in Section 4 of the *Planning and Environment Act 1987.* The amendment will bring significant social and economic benefits by creating additional jobs in the immediate area and ensuring the long-term future of the SHC, a key contributor to the local economy. The amendment does not propose any changes to the zone or to allow land uses with adverse amenity impacts, as such it is not expected the amendment will result in any adverse environmental impacts.

## Conclusion

43. Greater Dandenong Planning Scheme Amendment C244gdan will ensure that the SHC can respond to changes in market demand, ensure protection of industrial land, and offer a wider suite of Shop uses.

44. Council exhibited the Amendment in accordance with the statutory process of the *Planning and Environment Act 1987.* No submissions were received.

45. Two changes are proposed to the amendment following exhibition. This is to ensure the proposed changes to the existing Incorporated Document align with the intent of the amendment.

46. It is considered appropriate for Council to adopt Planning Scheme Amendment C244gdan with changes and to request the Minister for Planning approve the amendment.

## Officer Recommendation

**That Council:**

1. **NOTES that no submissions were received in response to the statutory exhibition of Planning Scheme Amendment C244gdan (917 Princes Highway, Springvale Homemaker Centre, Springvale) to the Greater Dandenong Planning Scheme;**

2. **SUPPORTS and ADOPTS Planning Scheme Amendment C244gdan to the Greater Dandenong Planning Scheme, with changes, in accordance with Section 29(1) of the Planning and Environment Act 1987; and**

3. **FORWARDS the documentation for Planning Scheme Amendment C244gdan to the Minister for Planning for approval in accordance with Section 31(1) of the Planning and Environment Act 1987.**

*Planning and Environment Act 1987*

# GREATER DANDENONG PLANNING SCHEME

# AMENDMENT C244GDAN

## EXPLANATORY REPORT

## Overview

The amendment proposes to amend the incorporated document for the Springvale Homemaker Centre at 917 Princes Highway, Springvale to modify the restrictions of the types of 'Shops' permitted by the *Harvey Norman/Ikea Bulky Goods Development (August 2009)* incorporated document.

**Where you may inspect this amendment**

The amendment can be inspected free of charge at the City of Greater Dandenong website at greaterdandenong.vic.gov.au/planning/greater-dandenong-planning-scheme-amendments

And

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

- Dandenong Civic Centre, 225 Lonsdale Street, Dandenong, Victoria, 3175

The amendment can also be inspected free of charge at the Department of Transport and Planning website at http://www.planning.vic.gov.au/public-inspection or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

**Panel hearing dates**

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

- directions hearing: week beginning 27 May 2024
- panel hearing: week beginning 24 June 2024

## Details of the amendment

### Who is the planning authority?

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

The amendment has been made at the request of Calardu Springvale Pty Ltd.

### Land affected by the amendment

The amendment applies to the land known as 917 Princes Highway, Springvale formally referred to as Lot 1 on PS625000 and Lot 2 on PS625000. The site is known as the Springvale Homemaker Centre (SHC).

A mapping reference table is attached at Attachment 1 to this Explanatory Report.




### What the amendment does

The Amendment proposes the following changes to the incorporated document in the *Greater Dandenong Planning Scheme:*

- Amend Clause 72.04 by inserting a new schedule to reflect the change proposed to the incorporated document for the site.

The amendment will make the following changes to the '*Harvey Norman/Ikea Development', 917 Princes Highway, Springvale, August 2009'* incorporated document:

- Amend Clause 6 to include:

  (c) a shop must not include a Supermarket that exceeds 500 sq m in floor area.

- Delete Clause 7.

The changes proposed to the incorporated document will modify the restrictions of the types of 'Shops' permitted by the Incorporated Document: *Harvey Norman/Ikea Bulky Goods Development (August 2009)*.

The proposed amendment seeks to only amend the type of uses permitted within the SHC. The amendment does not propose to make any further changes to the *Greater Dandenong Planning Scheme*.

**Strategic assessment of the amendment**

**Why is the amendment required?**

The SHC property is located within the Monash National Employment and Innovation Cluster (NEIC). The land is located in the southern State Industrial Precinct.

An amendment is required to ensure that the SHC can respond to changes in market demand, ensure the protection of industrial land, and offer a wider suite of retail uses. The change will allow ancillary retail uses to occupy space within the Centre and support the existing flagship tenants, Harvey Norman and IKEA. The amendment will ensure the long-term future of the SHC and ensure it can continue to ensure high levels of occupancy.

A Planning Scheme Amendment is required to enable a change to the Incorporated Document which applies to the site. The Incorporated Document dictates the uses that can occur on the site.

The amendment will:

- Ensure greater investment certainty and support further employment growth.
- Ensure the land remains zoned for Industrial purposes and that incompatible land uses cannot occupy the site in the event SHC seizes operations.
- Not seek to amend existing zoning controls in the precinct.
- Have no adverse impact on the existing local and regional retail hierarchy.
- Not seek to make any alterations or additions to the existing total floorspace within the SHC.
- Assist in improving the SHC, in turn creating employment and adding economic value to the local area.
- Ensure that the retail floorspace cannot be occupied by a Supermarket over 500sqm, preventing the potential 'draw' factor, and ensuring that any Supermarket type use is ancillary and akin to a convenience store operation.
- Not introduce sensitive land uses or impact on surrounding land uses.

**How does the amendment implement the objectives of planning in Victoria?**

The amendment aligns with the objectives of Planning in Victoria by addressing the following objectives set out in Section 4 of the *Planning and Environment Act 1987*.

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

   The amendment will ensure that the SHC can respond to changes in market demand, ensure the protection of industrial land, and offer a wider suite of retail uses, which will ensure greater investment certainty and support further employment growth.

b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;

   The site is not known to have a history of land contamination and is not located in proximity to any environmental designations that would suggest that there are such risks present.

c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

   The amendment will provide a wider range of retail uses. This will increase employment opportunities and provides consumers with a greater variety of uses, which enhances the

experience when visiting the precinct.

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;

The amendment does not propose any changes to the built development and has no impact in surrounding buildings.

e) To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;

The amendment has no impact on public utilities.

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

Refer to the above responses in paragraphs (a), (b), (c), (d) and (e).

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

The amendment will bring significant social and economic benefits, creating additional jobs in the immediate area and ensuring the long-term future of the SHC, a key contributor to the local economy.

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

The amendment facilitates development in accordance with the objectives set out in Section 4 of the *Planning and Environment Act 1987*. The amendment will ensure that the SHC can respond to changes in market demand, ensure protection of industrial land, and offer a wider suite of retail uses.

The amendment will bring significant social and economic benefits by creating additional jobs in the immediate area and ensuring the long-term future of the SHC, a key contributor to the local economy.

The amendment does not propose any changes to the zone or to allow land uses with adverse amenity impacts, as such it is not expected the amendment will result in any adverse environmental impacts.

**Does the amendment address relevant bushfire risk?**

The subject site is not within a designated Bushfire Prone Area or a Bushfire Management Overlay. It is not considered that the amendment will increase any risk of bushfire.

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

The proposal complies with all of the relevant Minister's Directions.

***Response to Ministerial Direction No. 1***

The site is not known to have a history of land contamination and is not located in proximity to any environmental designations that would suggest that there are such risks present.

***Response to Ministerial Direction No. 9***

Ministerial Direction no. 9 recognises the need to have due regard to the Metropolitan Planning Strategy, which is *Plan Melbourne*. The plan sets out a hierarchy of Principles, Outcomes, Directions and Policies to ensure Melbourne grows more sustainable, productive, and liveable as its population approaches 8 million.

What aspects, if any, of the Metropolitan Planning Strategy are relevant?

Direction 1.1 of Plan Melbourne sets out the ambition of creating a structure that further strengthens Melbourne's competitiveness for jobs and investment, to ensure it remains attractive to investment.

Policy 1.1.3 seeks to facilitate development within the National Employment and Innovation Clusters (NEIC). The subject site is located within Monash NEIC, which the policy notes is an established NEIC

with significant potential to keep growing and diversifying. It also recognises that Monash has a unique profile, which is the potential to attract a broader range of businesses, including office, retail services and entertainment, as well as residential development.

Policy 1.1.6 encourages the retention and use of industrial land in the 'right locations' to support employment and investment opportunities. The policy recognises the need to ensure that state-significant industrial precincts are retained in such uses to further encourage investment, to support further employment growth. The policy recognises that State-significant industrial precincts will be protected from incompatible land uses to allow for their future growth. The site is located within a State Significant Precinct. The amendment does not propose to rezone the land and will ensure the protection of industrial land in the future, ensuring greater investment certainty and supporting further employment growth. The amendment will also ensure that land uses that are incompatible with the State-significant industrial precinct cannot occupy the site, and so aligns with the policy requirements.

How does the Metropolitan Planning Strategy affect the amendment?

The Subject site is in an area of the Monash NEIC identified as a supporting employment area, which is dedicated for a diversity of land uses that can facilitate employment opportunities for the cluster. This includes commercial and retail development which can increase the mix of businesses located in the Monash NEIC.

Is the amendment consistent with the directions and policies in the Metropolitan Planning Strategy?

The amendment is consistent with the directions and policy aspirations of Plan Melbourne. It seeks to facilitate development within the Monash National Employment and Innovation Cluster while ensuring, the retention of industrial land supply within a State-significant Industrial precinct is not lost.

Does the amendment support, give effect to or assist the implementation of the Metropolitan Planning Strategy or can it be reasonably modified to do so? Why does it assist the implementation of Plan Melbourne?

The proposal ensures that the site, which is identified to be located within a SSIP cannot be used for a more sensitive land use. This ensures that the suite of land uses in and around the SSIP supports the predominantly industrial uses within the site, while also providing enough flexibility to deliver land uses ancillary to the industrial land.

The increase of retail uses that can be supported will widen the commercial uses within the SHC, which in turn provides greater investment certainty for the SHC and encourages further employment opportunities. The amendment will widen the potential retail uses that can occupy the site and will not increase the sensitivity of land uses.

As such, the amendment aligns with the aspirations of Policy 1.1.3 and 1.1.6 of *Plan Melbourne*.

Will the amendment compromise the implementation of the Metropolitan Planning Strategy?

The proposal aligns with and supports the aspirations of Plan Melbourne, and so will not compromise its implementation.

***Response to Ministerial Direction No. 11***

The Amendment meets the requirements of Ministerial Direction No 11 Strategic Assessment of Amendments. A response to each of the Strategic Assessment Guidelines is provided in this report's 'Strategic assessment of the amendment' section.

***Response to Ministerial Direction No. 19***

The proposed amendment will not give rise to any impacts relating to human health or pollution. The amendment proposes only to amend the suite of retail uses permitted within the existing building.

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

The amendment to the Incorporated Document seeks to allow some additional retail uses within the SHC and does not seek to make any changes to the existing Municipal Strategic Statement (MSS) or Planning Policy Framework (PPF) and is consistent with the objectives of the PPF.

The amendment to the Incorporated Document is consistent with Principle 1 of the Melbourne Industrial and Commercial Land Use Plan and the direction provided by Clause 17.03 – 3S (State significant

industrial land) of the PPF, as it will ensure that the site remains within an industrial land use zone. This reduces the risk of the site being used for a sensitive land use (e.g., residential) in the future.

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

The proposed amendment does not seek to re-zone the site or make any changes to the controls that relate to the site and is consistent with the current PPF and MSS. The proposed amendment supports Clause 17 (Economic Development) in particular. Clause 17.01-1S (Diversified Economy) and Clause 17.02-1S (Business) recognise that planning should provide and contribute to the economic well-being of communities and the State by supporting economic growth, facilitating decisions and resolving land use conflicts. The amendment seeks to expand the retail land use ability of the existing SHC to ensure ongoing economic viability without compromising the future integrity of the industrial land precinct within which it is located.

**Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victorian Planning Provisions to facilitate the proposed outcome. The Schedule to Clause 72.04 outlines the documents incorporated into the *Greater Dandenong Planning Scheme* entitled, '*Harvey Norman/Ikea Bulky Goods Development, August 2009*'.

The use of this provision will allow the outcome to be delivered in a coordinated, consistent, and timely manner under a single planning control by amending the existing incorporated document.

**How does the amendment address the views of any relevant agency?**

The views of Greater Dandenong City Council were considered in the preparation of this amendment following consultation under Section 20 (5) of the Act.

**Does the amendment address relevant requirements of the *Transport Integration Act 2010*?**

This Amendment does not have any significant impacts on the objectives and decision-making principles set out in the *Transport Integration Act 2010*.

**Resource and administrative costs**

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

The Amendment will not have a significant impact on the resource and administrative costs of the responsible authority. The proponent will be liable for any costs with the planning scheme amendment process.

ATTACHMENT 1 - Mapping reference table

| Location | Land /Area Affected | Address | Proposed changes |
|---|---|---|---|
| Greater Dandenong | Springvale Homemaker Centre | 917 Princes Highway, Springvale | Amend the Incorporated Document the applies to the site. |

# Planning Scheme Amendment Request

917 Princes Highway, Springvale

Calardu Springvale Pty Ltd

Ethos Urban

Prepared by Ethos Urban
Submitted for Calardu Springvale Pty Ltd

**25 May 2023 | 318033**



Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We acknowledge the Wurundjeri Woi Wurrung people, of the Kulin Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.

We pay our respects to their Elders past, present and emerging.

| | | | |
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# Executive Summary

## Background

Ethos Urban have been engaged by Calardu Springvale Pty Ltd to prepare a Planning Scheme Amendment (PSA) request for the subject site at 917 Princes Highway, Springvale. The proposed PSA will enable the existing Incorporated Document to be amended to amend the restriction on the types of retail floorspace that is permitted within the existing floorspace cap of 7,000m$^2$.

The site is located within the Industrial 1 Zone (IN1Z) however the site has not been used for industrial purposes since it was developed as the Springvale Homemaker Centre (SHC) in 2011. An Incorporated Document has applied to the subject site since the SHC was originally approved in August 2009.

The subject site is in an area of the Monash NEIC identified as a *supporting employment area*, which is dedicated for a diversity of land uses which can facilitate employment opportunities for the cluster. The site is also located within the Southern State-Significant industrial precinct (Southern SSIP).

Greater Dandenong previously supported the re-zoning of the site from Industrial Zone 1 to Commercial Zone 2, however DELWP refused the authorisation of the Planning Scheme Amendment (C210). The reasons for DELWP's refusal to authorise were as follows:

- The proposed rezoning is not underpinned by strategic work that has been adopted by Greater Dandenong City Council.
- The subject land is within the Monash National Employment and Innovation Cluster (NEIC) area. Planning for this area of state significance is ongoing and the proposed rezoning may not align with the preferred outcomes of this work.
- The proposed amendment may undermine the ongoing operation of the existing industrial area by allowing limited sensitive land uses.
- The proposed amendment does not sufficiently address the competing policy objectives to clearly demonstrate the net community benefit that would result from a change of zone.

Further engagement with DELWP was undertaken, in which they suggested that an Amendment to the existing, Incorporated Document would be their preferred route, rather than a rezoning. This route would ensure that the relevant zoning remains the same and would ensure that strategic, industrial land is not lost to other land uses. It also provides greater certainty that future land uses will align with the strategic aspiration, should SHC seize operations.

## The Planning Scheme Amendment (PSA)

The PSA does not seek to make any change to the existing zone or overlay controls that apply to the site. The PSA only seeks to amend the restrictions of the types of Shops permitted by the Incorporated Document.

The Incorporated Document will be amended to read as follows (new text in red, deleted text ~~crossed out~~):

5. *The leasable floor area occupied by a restricted retail premises or a shop must be a tenancy shown on the plans endorsed under condition 1 of the permit and be at least 300 sq m.*

6. *The total leasable floor area occupied by:*
   *(a) a restricted retail premises with a leasable floor area of less than 1,000 sq m,*
   *(b) a shop, must not exceed 7,000 sq m, and;*
   *(c) A shop must not include a Supermarket that exceeds 500 sq m in floor area.*

7. ~~*A shop must be used for the sale or hire of:*~~
   - ~~*a. bicycles, outdoor furniture and equipment, sporting equipment, fitness equipment or recreation equipment, or a combination of two of more of them,*~~
   - ~~*b. kitchen or bathroom items,*~~
   - ~~*c. pet supplies, or*~~
   - ~~*d. baby furniture and equipment.*~~

### Amendment C210GDAN

The City of Greater Dandenong sought to progress a proponent led planning scheme amendment to rezone the site in 2019. Following a Council request for authorisation to prepare the amendment, DTP, then DELWP, did not grant authorisation to prepare and progress the amendment. DTP highlighted four matters that it considered in refusing the authorisation.

The matters highlighted by DTP have shaped the development of this planning scheme amendment. A discussion of the response to each of the matters is provided below:

### Rezoning alignment with adopted policy

This PSA report provides the requisite, strategic assessment that is needed to understand any potential implications of the amendment to the Incorporated Document.

This PSA does not seek to rezone the site. It simply seeks to make an amendment to the Incorporated Document which relates to the site., to allow additional retail uses to occupy the existing retail floorspace. There is no potential for conflict with the strategic aims of the Council. An assessment of the proposal against the relevant strategic policy is included in Section 6.0. The amendment aligns with the aspirations of MICLUP and the Council's PPF.

### Alignment with NEIC objectives

The amendment to the Incorporated Document was suggested as an appropriate pathway by DTP. It would ensure that the changes sought would not conflict with the existing, strategic context that is relevant to the site.

As the amendment is simply seeking to amend conditions within the Incorporated Document, it will not lead to any change in the existing zoning that applies to the site. The land will still be within the Industrial 1 Zone (IN1Z). As such, there is no potential for alternative land uses to use/occupy the site in the future, so the proposal ensures that it continues to align with the preferred outcomes within the Monash NEIC.

DTP highlighted its concerns through the original re-zoning in relation to the site being occupied by Supermarket use in the future. To ensure that a Supermarket cannot operate from the site, the condition within the Incorporated Document has been amended to explicitly prevent any supermarket larger than 500m$^2$.

### Sensitive land uses

The amendment does not allow for any additional land uses outside of those already permitted at the site by the Incorporated Document. It will not allow any other sensitive land uses to be introduced to the site. There is no increase in potential for the approved retail uses at the site to result in reverse amenity impacts on surrounding industrial sites if the type of goods being sold are changed. The widened definition of retail uses ensures the Restricted retail use remains the primary use of the site.

The amendment to the Incorporated Document carefully controls the nature of retail uses permitted and prevent any uses from operating that could conflict with the adjacent existing industrial uses or the wider retail hierarchy.

### Net community benefit

The proposed development would bring significant community benefits. This PSA will enable the SHC to accommodate a greater diversity of tenants and ensure that the SHC can continue to achieve high levels of occupancy, which in turn generate employment, and other localised economic benefits.

The SHC is the largest homemaker centre in Melbourne and plays a key role in facilitating access to higher-order homemaker retail for residents in Melbourne's south-eastern areas. These amendments will allow it to continue to fulfill this function.

This amendment avoids the conflicts that may have flowed from the 2019 C210DAN as it does not include the rezoning of the land. It is limited to amending the Incorporated Document which is linked directly to this development. The Incorporated Document would cease to have any affect if the current use and development was ceased. If the use ceased the site would return to control by the applied IN1Z.

## Why should the amendment be supported?

The proposed PSA to facilitate retail uses within the SHC should be supported as it will not change the following, existing conditions:

- State and Local Planning policy
- Applied zoning and overlays
- Built form of the existing Springvale Homemaker Centre
- Carparking provision on site
- Pedestrian access to and around the site
- Vehicle access to and around the site
- Landscaping within the site
- Total GFA permitted as Shop
- Proximity of sensitive uses to industrial uses
- Exposure of sensitive uses to industrial uses
- No opportunity for increased reverse amenity impact

The only change sought via this PSA is to widen the type of retail uses that can operate from the site. The amendment should be supported as it:

- Is consistent with the state, regional and local level planning policy set out by the Dandenong Planning Scheme.
- Addresses the requirements of all relevant Ministerial Directions including Ministerial Directions 1, 9, 11, 12 and 19.
- Seeks to widen the range of retail uses appropriate within the existing retail floorspace cap already provided, providing greater investment certainty, and supporting further employment growth.
- Restricted changes to amendments to the Incorporated Document rather than any-zone or overlay controls.
- It ensures the land remains zoned for Industrial purposes. This ensures that incompatible land uses cannot occupy the site should SHC cease operations.
- Has no adverse impact on the existing local and regional retail hierarchy.
- Does not seek to make any alterations or additions to the existing total floorspace within the SHC.
- Will assist in improving the SHC, in turn creating employment and adding economic value to the local area.
- Ensures that the retail floorspace cannot be occupied by a Supermarket over 500sqm, preventing the potential 'draw' factor, and ensuring that any Supermarket type use is ancillary and akin to a convenience store operation.

# 1.0 Introduction

## 1.1 Purpose of this Report

Ethos Urban have been engaged by Calardu Springvale Pty Ltd to prepare a Planning Scheme Amendment (PSA) request for the subject site at 917 Princes Highway, Springvale. The proposed PSA will amend the existing Incorporated Document to alter the restriction on the types of retail floorspace that is permitted within the existing floorspace cap of 7,000m$^2$.

The subject site is occupied by the Springvale Homemaker Centre (SHC) which contains a total of 71,578m$^2$ restricted retail floorspace, accommodating tenants such as Harvey Norman, IKEA, Nick Scali and Beacon Lighting.

The SHC is the largest homemaker centre in Melbourne and plays a key role in facilitating access to higher-order homemaker retail for residents in Melbourne's south-eastern areas. The site was purchased in 2004 and is owned through a joint venture between Harvey Norman and IKEA. The centre was officially opened in November 2011 and has been successfully operating for the past 12 years.

Despite this, and in response to market trends, there is a need to provide for retail tenants which require smaller floorplates within the SHC. This would enable the SHC to accommodate a greater diversity of tenants and ensure that the SHC can continue to achieve high levels of occupancy, which in turn generate employment, and other localised economic benefits.

The provision of smaller retail uses within existing tenancies of the SHC would enable a more viable homemaker centre and provide greater certainty of its future use. Furthermore, the continued impact of COVID-19 is requiring homemaker centres across Australia to evolve. The shift in the way large format retail operates and patterns of consumer behaviour driven by COVID-19 will require homemaker centres to revaluate their business model, and to improve the diversity of tenants where possible.

As a result, Calardu Springvale Pty Ltd are proposing to amend Condition 6 and delete Condition 7 from the existing Incorporated Document, to allow for a wider range of uses that can operate from the SHC, within the permitted 7,000m2 of shop floor space.

Condition 6 will also be amended to prevent a Supermarket use of over 500sqm in floorspace from operating from the site. The proposed changes would be implemented via an amendment to the Incorporated Document that applies to the SHC.

The proposed PSA to facilitate retail uses within the SHC will not change the following existing conditions:

- State and Local Planning policy
- Applied zoning and overlays
- Built form of the existing Springvale Homemaker Centre
- Carparking provision on site
- Pedestrian access to and around the site
- Vehicle access to and around the site
- Landscaping within the site
- Total GFA permitted as Shop
- Proximity of sensitive uses to industrial uses
- Exposure of sensitive uses to industrial uses
- No opportunity for increased reverse amenity impact

The only changes being sought is to increase the suite of retail uses permitted within the permitted 7,000m2 of shop floorspace, and the restriction on a Supermarket use over 500sqm.

## 1.2 Planning Summary

The following table provides an overview of the relevant information regarding the planning scheme amendment request, including the existing planning scheme policies and controls that apply to the site.

*Table 1 Key planning summary*

| Item | Site |
|---|---|
| **Address** | 917 Princes Highway, Springvale |
| **Title** | Lot 2 PS625000 |
| **Existing use and development** | Restricted retail tenancies within the Springvale Homemaker Centre |
| **Proposed planning scheme amendment** | Amendment to Incorporated Document to allow retail use (excluding Supermarket) up to 7,000m$^2$. Allow Supermarket use up to 500sqm. |
| **Existing Zone** | Industrial 1 Zone (IN1Z) |
| **Overlay** | Nil |
| **Other controls** | Nil |
| **Planning Policy Framework** | Clause 13 – Environmental Risks and Amenity<br>Clause 17 – Economic Development |
| **Local Planning Policy Framework** | Clause 21.04 – Residential Development<br>Clause 21.05 – Economic Development<br>Clause 21.06 – Major Activity and Neighbourhood Centres<br>Clause 21.07 – Business Parks and Industry<br>Clause 21.08 – Transport and Traffic |
| **Restrictive covenants & easements** | Caveat - AH566090F<br>S173 - AE133430A |

## 1.3 Consultation

The issues facing the SHC have been discussed extensibility with Council and DTP in the past.

A previous request for PSA (C210DAN) was supported by Council but ultimately not supported by DTP. DTP (then DELWP) provided a consolidated list of reasons why the previous amendment was not supported in a letter dated 8 August 2019.

The responses to these concerns and the changes to the proposed PSA to avoid impacts on the Monash NEIC and neighbouring industrial uses have been discussed with Council and DTP at numerous meetings throughout 2020, 2021 and 2022.

The final form of the PSA, being an amendment to the Incorporated Document only, has been progressed at the suggestion of DTP provided through the ongoing consultation that has been completed.

# 2.0 Site Location and Context

## 2.1 The Subject Land

The site is located at 917 Princes Highway, Springvale and is at the junction of the Princes Highway and Westall Road. The site consists of approximately 8ha and is rectangular in shape. The site benefits from a frontage to the Princes Highway of approximately 175m and a frontage to Westall Road of approximately 307m.

The site is occupied by the SHC which is in the suburb of Springvale, approximately 20km south-east of Melbourne's CBD. The centre is located within the City of Greater Dandenong municipal boundary and is adjacent to the City of Monash and is within proximity to the City of Kingston. The site falls within the Monash National Employment and Innovation Cluster (NEIC).

The site is located within the Industrial 1 Zone (IN1Z) however the site has not been used for industrial purposes since it was developed as the SHC in 2011.

An Incorporated Document has applied to the subject site since the SHC was originally approved in August 2009.




**Figure 1 Site Aerial**

*Source: Ethos Urban & NearMap*

## 2.2 Surrounding Area

As shown in **Figure 2**, the area surrounding the subject site includes a diversity of land uses varying from the commercial land to the north and the industrial area to the south. The closest residential area to the subject site is located approximately 380m to the east, north of the Princes Highway.

The site is accessible via public transport through the 800 and 631 bus routes via the Garden Road/Princes Highway bus stop located approximately 45m north east of the site. The site is located approximately 1.6km from Westall Train Station.

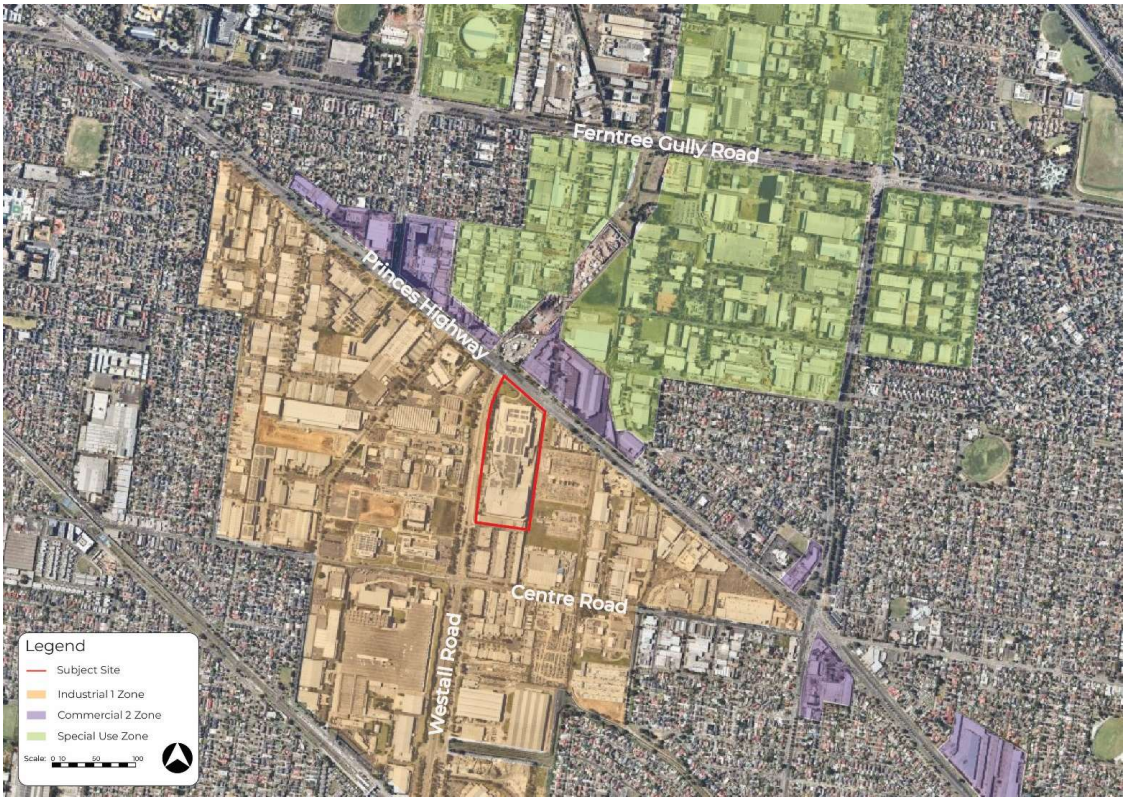



**Figure 2 Locational Context**

*Source: Ethos Urban & NearMap*

Immediately north of the site contains a combination of homemaker retailing and light industrial uses, including the Chapman Retarding Basin. The Springvale electrical sub-station is located immediately east of the site and is surrounded by predominantly industrial uses for approximately 1km further east until Springvale Road. Immediately to the south is the Hallmarc Business Park, and the Clayton Business Park is located approximately 250m further south of the site. Various industrial uses exist to the west of the site, including buildings associated with Bosch and Dulux.

The site is located in the Industrial 1 Zone (IN1Z) whilst the land immediately to the north is in the Commercial 2 Zone (C2Z). The C2Z includes a mixture of homemaker retailing, light industrial uses and two service stations. Approximately 400m to the north-west is the M-CITY mixed-used development including 460 apartments, Woolworths Supermarket, K-mart, 60 speciality stores and Village Cinemas. Additionally, 2.4km south-east is the Ouson Plaza which includes a mixed-use retail centre comprising a diverse range of speciality retail stores, including Ikea, JBHIFI and Anaconda.

The Monash University Clayton Campus is located approximately 1km north east of the site and the Monash Business Park is located a 2.3km north east of the site. The closest railway station is Westall Train Station, which is located 1km south of the subject site.

## 2.3 Strategic Context

### 2.3.1 Plan Melbourne

Plan Melbourne is the metropolitan planning strategy that defines the future shape of Melbourne over the next 35 years. The plan sets out a hierarchy of Principles, Outcomes, Directions and Policies to ensure Melbourne grows more sustainable, productive and liveable as its population approaches 8 million.

Direction 1.1 of Plan Melbourne sets out the ambition of creating a structure which further strengthens Melbourne's competitiveness for jobs and investment, to ensure it remains attractive to investment.

Policy 1.1.3 of the Plan seeks to facilitate development within the National Employment and Innovation Clusters (NEIC) The policy notes that Monash is an established NEIC and had significant potential to keep growing and diversifying. It also recognises that Monash has a unique profile, which is the potential to attract a broader range of businesses, including office, retail services and entertainment, as well as residential development.

Policy 1.1.6 encourages the retention and use for industrial land in the 'right locations' to support employment and investment opportunities. The policy recognises the need to ensure that state-significant industrial precincts are retained in such uses to further encourage investment, to support employment further growth. The policy recognises that State-significant industrial precincts will be protected from incompatible land uses to allow for their future growth.

Policy 1.1.7 seeks to promote the growth of commercial land across Melbourne and recognises the need to continue to offer greater flexibilities in respect of uses and the locations of commercial floorspace. The policy goes on to recognise the challenges in offering greater flexibilities, in that it can often mean a commercial site can be converted to a more predominantly residential use, at which point it is permanently lost that market. There is a clear need to ensure flexibilities, while also protecting land that is considered to have significant value, in particular land locating within State Significant Precincts.

Map 5 of Plan Melbourne sets out the extent of land included within the Monash NEIC, which the site is located within. This is shown in **Figure 3** below.

The subject site is in an area of the Monash NEIC identified as a *supporting employment area*, which is dedicated for a diversity of land uses which can facilitate employment opportunities for the cluster. This includes commercial and retail development which can increase the mix of businesses located in the Monash NEIC.

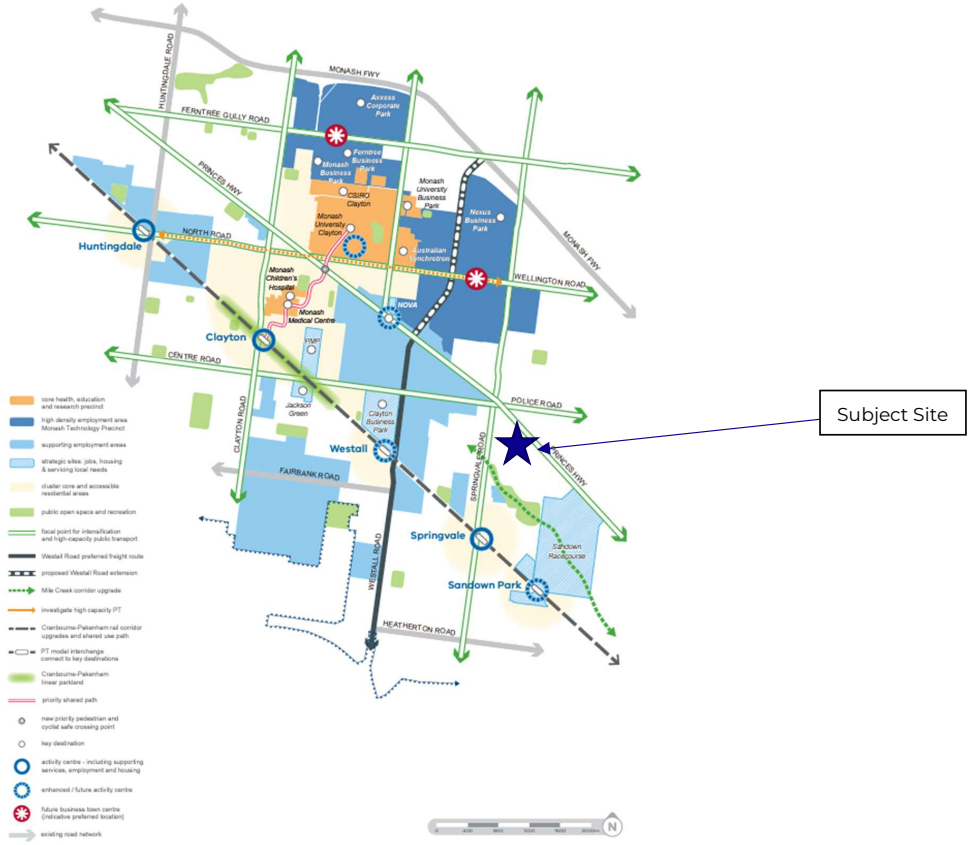



**Figure 3 Monash National Employment and Innovation Cluster**

*Source: Victorian Planning Authority*

The Monash NEIC is Melbourne's largest established national employment and innovation cluster, with a mix of education, research and industry organisations. There are approximately 75,000 jobs located within the NEIC, which is the largest concentration outside of the Central City.

### 2.3.2 Melbourne Industrial and Commercial Land Use Plan Review

Published in August 2020, the Melbourne Industrial and Commercial Land Use Plan (MICLUP) provides a high-level assessment of the supply and viability of industrial and commercially zoned land within metropolitan Melbourne.

The MICLUP outlines four principles to guide future planning for industrial and commercial areas across metropolitan Melbourne:

- **Principle 1:** Adequate long-term commercial and industrial land supply will be identified and set aside to support future industry and business growth.
- **Principle 2:** Industrial and commercial areas that provide an ongoing economic, urban servicing or employment contribution to local communities, regions and the state will be recognised and retained as a critical economic resource.
- **Principle 3:** Planning for industrial and commercial land will provide clarity and certainty about how and where industry and business can grow over time to support and guide long term investment and locational decisions.
- **Principle 4:** Planning will support industry and business to innovate and grow in areas identified for these purposes

The MICLUP establishes a classification system to assist how both commercial and industrial areas within metropolitan Melbourne are planned for.

The subject site is located within the **Southern State-Significant industrial precinct** (Southern SSIP) as shown in figure 4.

It is outlined in the MICLUP that **State-significant industrial precincts** *provide strategically located land for major industrial development linked to the Principal Freight Network and transport gateways.* It is outlined that it is state policy that these areas are to be protected from incompatible land uses to allow continual growth in freight, logistics and manufacturing investment.

In the MICLUP, the Southern Region comprises the municipalities of Cardinia, Casey, Frankston, Greater Dandenong, Kingston and Mornington Peninsula. Correspondingly, the Southern Region features the South-East Growth Corridor and three state significant industrial precincts.

Notably, the MICLUP defines the Southern Region as the third largest state-significant industrial precinct, featuring the largest overall supply of zoned and unzoned industrial land supply across metropolitan Melbourne. The MICLUP outlines that the Southern SSIP is Melbourne's third largest SSIP and comprises around 3,000 hectares of zoned land within the municipalities of Greater Dandenong and Casey.

The MICLUP notes that the industrial areas in Greater Dandenong (in the Southern SSIP) are increasingly offering limited opportunity for further expansion. Through an established set of principles and actions, the MICLUP also seeks to protect state significant industrial land from the encroachment of incompatible uses.

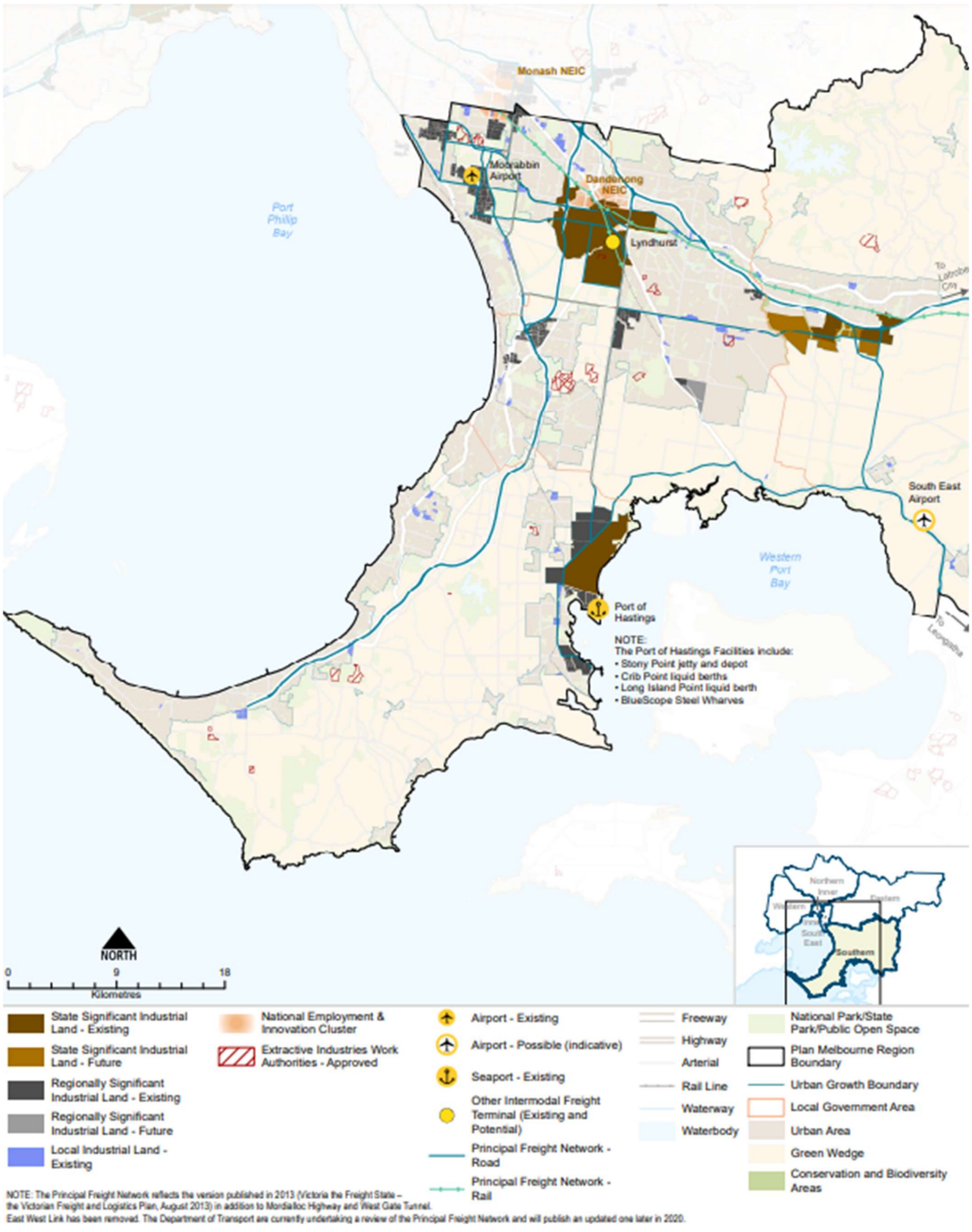



*Figure 4 Southern Region Industrial Land*

# 3.0 Existing Planning Controls

## 3.1 Zones & Overlays

The subject site is located within the Industrial 1 Zone (IN1Z) and is not impacted by any overlay controls.

### Industrial 1 Zone (IN1Z)

The Purpose of the IN1Z is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

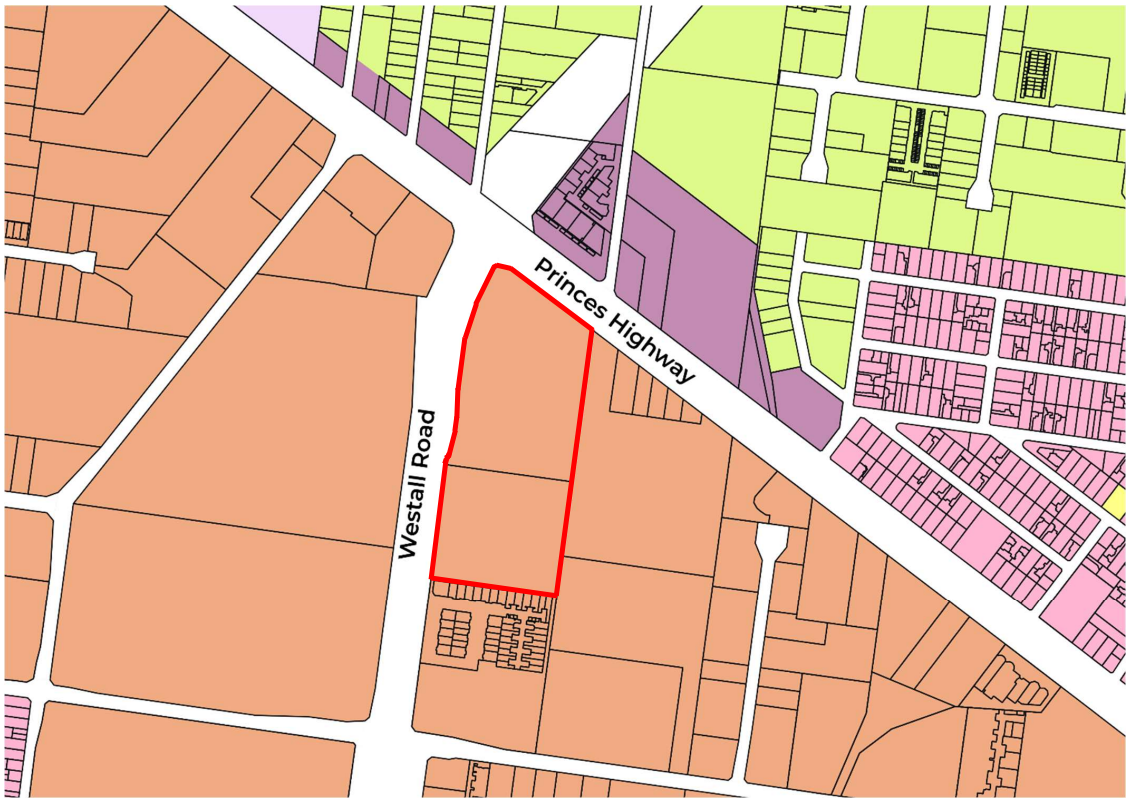



***Figure 5 Zone Map***

*Source: Ethos Urban & VicPlan*

Clause 33.01-1 provides the Table of uses which outlines the following:

| Section 1 uses (Permit not required) | Section 2 uses (Permit required) | Section 3 uses (Prohibited) |
|---|---|---|
| Convenience shop | Adult sex product shop | Accommodation |
| Crop raising | Agriculture | Cinema based entertainment facility |
| Grazing animal production | Caretaker's house | Hospital |

| Section 1 uses (Permit not required) | Section 2 uses (Permit required) | Section 3 uses (Prohibited) |
|---|---|---|
| Industry (other than Materials recycling and Transfer station) | Education centre | Intensive animal production |
| Informal outdoor recreation | Leisure and recreation (other than Informal outdoor recreation) | Pig farm |
| Mail centre | Materials recycling | Poultry |
| Railways | Office | Shop (other than Adult sex product shop, Convenience shop and Restricted retail premises) |
| Service station | Place of assembly | |
| Shipping container storage | Restricted retail premises | |
| Take away food premises | Retail premises (other than shop and take away food premises) | |
| Tramway | Transfer station | |
| Warehouse (other than Mail centre and Shipping container storage) | Utility installation | |

As per Clause 33.01-3, a permit is required to subdivide land.

As per Clause 33.01-4, a permit is required to construct a built or construct or carry out works.

## 3.2 Incorporated Document

The Incorporated Document has applied to the subject site since the SHC was approved in August 2009.

The Incorporated Document allows the limited use of the land in the Industrial Zone for the purpose of a Shop provided the following applies:

5. *The leasable floor area occupied by a restricted retail premises or a shop must be a tenancy shown on the plans endorsed under condition 1 of the permit and be at least 300 sq m.*

6. *The total leasable floor area occupied by:*
   a. *a restricted retail premises with a leasable floor area of less than 1,000 sq m, and*
   b. *a shop,*
   *must not exceed 7,000 sq m.*

7. *A shop must be used for the sale or hire of:*
   a. *Bicycles, outdoor furniture and equipment, sporting equipment, fitness equipment or recreation equipment, or a combination of two of more of them,*
   b. *kitchen or bathroom items,*
   c. *pet supplies, or*
   d. *baby furniture and equipment.*

Pursuant to Clause 73.03 of the Planning Scheme, a Shop is defined as;

- *Land used to sell goods or services, or to hire goods. It includes:*
  - *the selling of bread, pastries, cakes or other products baked on the premises;*
  - *demonstrations of products including music performances in shops selling recorded music.*
- *It does not include:*
  - *food and drink premises;*

- *gambling premises;*
- *landscape gardening supplies;*
- *manufacturing sales;*
- *market;*
- *motor vehicle, boat, or caravan sales;*
- *postal agency;*
- *primary produce sales; or*
- *trade supplies.*

The nested tables within Clause 73.03 sets out that the following are included within the Shop land use term:

- *Adult sex product shop*
- *Beauty salon*
- *Bottle shop*
- *Convenience shop*
- *Dry cleaning agent*
- *Department store*
- *Hairdresser*
- *Laundromat*
- *Restricted retail premises*
- *Supermarket*

# 4.0 The Proposal

## 4.1 Proposed Planning Scheme Amendment

The proposed Planning Scheme amendment seeks the removal of the restriction of the types of Shops permitted in the Incorporated Document.

The Incorporated Document will be amended to read as follows:

5. *The leasable floor area occupied by a restricted retail premises or a shop must be a tenancy shown on the plans endorsed under condition 1 of the permit and be at least 300 sq m.*

6. *The total leasable floor area occupied by:*
   *(a) a restricted retail premises with a leasable floor area of less than 1,000 sq m.*
   *(b) a shop, must not exceed 7,000 sq m, and;*
   *(c) A shop must not include a Supermarket that exceeds 500 sq m in floor area.*

7. ~~*A shop must be used for the sale or hire of:*~~
   ~~*a. bicycles, outdoor furniture and equipment, sporting equipment, fitness equipment or recreation equipment, or a combination of two of more of them,*~~
   ~~*b. kitchen or bathroom items,*~~
   ~~*c. pet supplies, or*~~
   ~~*d. baby furniture and equipment.*~~

The proposed amendment makes no changes to the following:

- State and Local Planning policy
- Applied zoning and overlays
- Built form of the existing Springvale Homemaker Centre
- Carparking provision on site
- Pedestrian access to and around the site
- Vehicle access to and around the site
- Landscaping within the site
- Total GFA permitted as Shop
- Proximity of sensitive uses to industrial uses
- Exposure of sensitive uses to industrial uses

The only changes being sought is to increase the suite of retail uses permitted within the permitted 7,000m2 of shop floorspace, and the restriction on a Supermarket use over 500sqm.

# 5.0 Policy Context

## 5.1 Planning Policy Framework (PPF)

The Planning Policy Framework (PPF) provides the context in guiding decision makers and facilitating appropriate outcomes in relation to matters of planning. It seeks to ensure that the objectives of planning are fostered through appropriate land use and development policies and practices which integrate relevant environmental, social, and economic factors in the interests of net community benefit and sustainable development. Planning Policy Framework.

The following state level clauses are relevant to the subject site and the proposed planning scheme amendment:

- Clause 11 (Settlement)
- Clause 13 (Environmental Risks and Amenity)
- Clause 15 (Built Environment and Heritage)
- Clause 17 (Economic Development)
- Clause 18 (Transport)
- Clause 19 (Infrastructure)

Key objectives and strategies of each Clause are detailed below.

### Clause 11 – Settlement

Clause 11 notes that there is a large range of factors that planning should recognise and contribute towards, from health and safety to economic viability and energy efficiency. The core of Clause 11 is focussed on the structure of urban growth.

**Clause 11.01-1S (Settlement)** seeks:

- *To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

Relevant strategies to achieve this objective include:

- *Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.*
- *Provide for growth in population and development of facilities and services across a regional or sub-regional network.*
- *Deliver networks of high-quality integrated settlements that have a strong identity and sense of place are prosperous and are sustainable by:*

1 *Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.*
2 *Developing settlements that will support resilient communities and their ability to adapt and change.*
3 *Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.*
4 *Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.*
5 *Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.*

- *Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.*
- *Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.*
- *Create and reinforce settlement boundaries.*
- *Provide for growth in population and development of facilities and services across a regional or sub-regional network.*
- *Plan for development and investment opportunities along existing and planned transport infrastructure*

**Clause 11.02-1S (Supply of urban land)** seeks:

- *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

Strategies provided to achieve this include:

- *Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.*
- *Ensure that sufficient land is available to meet forecast demand.*
- *Planning for urban growth should consider:*

1. *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
2. *Neighbourhood character and landscape considerations.*
3. *The limits of land capability and natural hazards and environmental quality.*
4. *Service limitations and the costs of providing infrastructure.*

- *Monitor development trends and land supply and demand for housing and industry.*
- *Maintain access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure, and industry.*
- *Restrict rural residential development that would compromise future development at higher densities.*

### Clause 13 – Environmental Risks and Amenity

Clause 13 recognises the role of planning in strengthening the sustainability and safety of new developments and land uses by adopting a best practice environmental management approach and applying the appropriate planning controls which responds to the surrounding environment.

**Clause 13.01-1S (Natural Hazards and Climate Change)** seeks:

- *To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.*

Strategies provided to achieve this objective include:

- Consider the risks associated with climate change in planning and management decision making processes.
- *Identify at risk areas using the best available data and climate change science.*
- *Integrate strategic land use planning with emergency management decision making.*
- *Direct population growth and development to low-risk locations.*
- *Develop adaptation response strategies for existing settlements in risk areas to accommodate change over time.*
- *Ensure planning controls allow for risk mitigation or risk adaptation strategies to be implemented.*
- *Site and design development to minimise risk to life, property, the natural environment, and community infrastructure from natural hazards.*

**Clause 13.07-1S (Land Use Compatibility)** seeks:

- *To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.*

Strategies provided to achieve this objective include:

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial, and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial, and other uses through land use separation, siting, building design and operational measures.*
- *Protect existing commercial, industrial, and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

### Clause 15 – Built Environment and Heritage

Clause 15 advocates for planning to recognise the role of urban design, building design and heritage, as well as ensuring all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

**Clause 15.01-2S (Building Design)** seeks:

- *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

Strategies provided to achieve this objective include:

- *Ensure development responds and contributes to the strategic and cultural context of its location.*
- *Ensure the form, scale and appearance of development enhances the function and amenity of the public realm.*
- *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment*

### Clause 17 – Economic Development

Clause 17 recognises that planning should provide and contribute to the economic well-being of communities and the State as a whole by supporting economic growth, facilitating decisions and resolving land use conflicts.

**Clause 17.01-1S (Diversified Economy)** seeks:

- *To strengthen and diversify the economy.*

Strategies to achieve this include:

- *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
- *Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.*
- *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
- *Improve access to jobs closer to where people live.*

**Clause 17.02-1S (Business)** seeks:

- *To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.*

Strategies to achieve this include:

- *Plan for an adequate supply of commercial land in appropriate locations.*
- *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
- *Locate commercial facilities in existing or planned activity centres.*
- *Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.*
- *Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.*
- *Provide outlets of trade-related goods or services directly serving or ancillary to industry that have adequate on-site car parking.*
- *Locate cinema based entertainment facilities within or on the periphery of existing or planned activity centres.*
- *Apply a five year time limit for commencement to any planning permit for a shopping centre or shopping centre expansion of more than 1000 square metres leasable floor area.*

**Clause 17.03-1S (Industrial land supply)** seeks:

- *To ensure availability of land for industry.*

Strategies to achieve this include:

- *Provide an adequate supply of industrial land in appropriate locations including sufficient stocks of large sites for strategic investment.*
- *Identify land for industrial development in urban growth areas where:*

1 *Good access for employees, freight and road transport is available.*
2 *Appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.*

- *Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.*
- *Avoid approving non-industrial land uses that will prejudice the availability of land in identified industrial areas for future industrial use.*

**Clause 17.03-2S (Sustainable Industry)** seeks:

*To facilitate the sustainable operation of industry.*

Strategies to achieve this include:

- *Ensure that industrial activities requiring substantial threshold distances are located in the core of industrial areas.*
- *Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area.*
- *Minimise inter-industry conflict and encourage like industries to locate within the same area.*
- *Protect industrial activity in industrial zones from the encroachment of commercial, residential and other sensitive uses that would adversely affect industry viability.*
- *Encourage industrial uses that meet appropriate standards of safety and amenity to locate within activity centres.*
- *Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.*
- *Encourage manufacturing and storage industries that generate significant volumes of freight to locate close to air, rail and road freight terminals.*

**Clause 17.03 – 3S (State significant industrial land)** seeks:

*To protect industrial land of state significance.*

Strategies to achieve this include:

- *Protect state significant industrial precincts from incompatible land uses to allow for future growth. State significant industrial precincts include but are not limited to:*

1 *Southern Industrial Precinct - Dandenong South.*
2 *Northern Industrial Precinct - Campbellfield, Somerton and Thomastown.*
3 *Western Industrial Precinct - Laverton North and Derrimut.*
4 *Officer / Pakenham Industrial Precinct.*
5 *Port of Hastings Industrial Precinct.*

- *Ensure sufficient availability of strategically located land for major industrial development, particularly for industries and storage facilities that require significant threshold distances from sensitive or incompatible uses.*
- *Protect heavy industrial areas from inappropriate development and maintain adequate buffer distances from sensitive or incompatible uses.*

### Clause 18 – Transport

Clause 18 recognises the role of planning in providing an integrated and inclusive transport system which support the sustainable use and growth of the community.

**Clause 18.01-1S (Land use and transport integration)** seeks:

- *To facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport.*

Strategies to achieve this include:

- *Plan and develop a transport system that facilitates:*

1 *Social and economic inclusion for all people and builds community wellbeing.*
2 *The best use of existing social and economic infrastructure.*
3 *A reduction in the distances people have to travel to access jobs and services.*
4 *Better access to, and greater mobility within, local communities.*
5 *Network-wide efficiency and coordinated operation.*

- *Plan land use and development to:*

1 *Protect existing transport infrastructure from encroachment or detriment that would impact on the current or future function of the asset.*
2 *Protect transport infrastructure that is in delivery from encroachment or detriment that would impact on the construction or future function of the asset.*

3 *Protect planned transport infrastructure from encroachment or detriment that would impact deliverability or future operation.*
4 *Protect identified potential transport infrastructure from being precluded by land use and development.*

# 6.0 Planning Assessment

## 6.1 Response to MICLUP

The MICLUP notes that the industrial areas in Greater Dandenong (in the Southern SSIP) are increasingly offering limited opportunity for further expansion. The proposed amendment does not seek to increase the amount of industrial land that is used for retail purposes. The removal of restricted retail uses will not result in an increase in floorspace for the existing uses, nor does it allow for uses that are more sensitive than the existing retail/shop uses currently occupying the site.

Greater Dandenong City Council (GDCC) remain supportive of wider retail uses within the existing centre and amending the Incorporated Document. This method represents the lowest ongoing planning risk as it prevents future owners of the site from developing for non-industrial purposes that could be enabled if an amended zone were applied. DELWP has indicated support for amending the incorporated document in place of the zone.

As the amendment will not result in a change of zone or increase the scale of sensitive land uses permitted at the subject site, the amendment to the incorporated document is consistent with the objectives and strategies of Clause 17.03 and aligns with the preferred strategic outcomes for the Southern State-Significant industrial precinct and the Monash National Employment and Innovation Cluster.

The amendment will enable an increased diversification of uses within the site, without undermining the ongoing operation of the existing industrial area or compromising the availability of land to be used for future industrial use.

Principle 1 of MICLUP seeks to ensure that long-term commercial and industrial land supply is identified and recognises the need to ensure that land is protected to ensure that its long-term strategic use can be accommodated. This PSA will ensure that SHC continues to operate the site with greater certainty around future investment. Applying for a PSA to amend the Incorporated Document, rather than a rezoning also ensures that the site remains zoned for industrial purposes and gives Council comfort that there is no potential for alternative, sensitive land uses. As such, the PSA aligns with the requirements of Principle 1.

In a similar vein, Principle 2 seeks to ensure that existing industrial and commercial areas that provide an on-going contribution to the economy, urban servicing or employment contribution, are retained as a critical economic resource. The SHC is the largest Homemaker Centre in Australia, and this PSA will enable it continues to provide significant benefits to the economy, urban servicing and employment.

Of most relevance to the proposed amendment, Principle 3 encourages that clarity and certainty about how and where industrial and business uses can grow over time, to enable long-term investment and strategic decisions relating to locational choice. This is further emphasised in Principle 4, which acknowledges that planning should support industry and business to innovate and continue to grow in areas that are identified for such purposes.

Supporting this PSA will ensure that the long-term operation of the SHC and will give greater confidence in ensuring that the land and surrounding context will be suitable for the long-term strategic used identified. Likewise, it will enable further investment into a significant contributor to the local economy, while also continuing to support the existing strategic vision for the Monash NEIC.

The MICLUP seeks to protect state-significant industrial land from the encroachment of incompatible uses. In accordance with the above principles, the proposed planning scheme amendment will not reduce the availability or capacity of existing industrial land.

## 6.2 Response to the PPF

The PPF provides a high-level strategic framework for land use and development. The policies outlined above enable planning at a municipal level and guide the formulation of local policies to implement good planning outcomes.

The PSA seeks to make a minor change to the suite of retail uses that can operate from the site and will have no impact on the built form or heritage qualities in/around the site, complying with Clause 15 (Built Environment and Heritage).

The proposal will have no significant impact on the number of vehicular movements to/from the site and will comply with Clause 18 (Transport). The proposal will align with the strategic aims of Clause 17 (Economic Development) by facilitating an increase in jobs, and expenditure in the local economy.

## 6.3 Response to Retail Centre Hierarchy

### 6.3.1 Why were the types of retail occupiers originally limited to large format?

As the site is located within an area wholly zoned for Industrial purposes, the Council sought to control the nature of retail uses, to ensure they were compatible with the industrial context. This also ensures the delivery of industrial development at a later stage is not precluded, while allowing for compatible land uses in the short-term.

Controlling the nature of the retail uses ensured that the SHC would not detract or take customers from other centres, ensuring that the retail hierarchy was unaffected. There was also a need to ensure that uses that are 'sensitive' when compared to the surrounding industrial context were not permitted via the Incorporated Document.

This amendment does not seek to include additional floorspace, nor does it seek to establish uses that are not ancillary to the existing operations of the site.

### 6.3.2 Why is a change sought to the types of retail uses?

Since the Incorporated Document was applied to the site in August 2009, the nature of large format retail has changed, with many retailers now seeking to occupy less overall floorspace, and reducing the amount of warehousing space needed. This shift in floorspace demand for large format retailers has been exacerbated by the big shift towards online retail in recent years, as well as the growth of out-of-centre distribution centres and logistics management services. Increased flexibility for the type of shop uses permitted within the 7,000m2 of floorspace will ensure that the SHC can react to market demands, and provide a greater range of shop uses, which are ancillary to the main flagship tenancies.

### 6.3.3 Will the proposed change in retail uses have any impact on the retail hierarchy?

As earlier explained, the main anchor for the SHC is the operation of Ikea and Harvey Norman. The main driver for visiting the site will still be these anchor tenants, with the alternative uses being secondary/ancillary to them. Other occupiers will not have a 'draw factor' akin to a flagship tenancy and would not lead to a reduction in trade for other retail centres in proximity.

We note that the retail centres in proximity to the site are of regional or sub-regional importance and have several 'anchor' stores including department stores, international brands, and other large format retailers. Figures 6 and 7 shows distances/drivetimes from the site to other Retail Centres. There are no competing Centres in proximity to the site, and the increased flexibilities within the SHC would not compete with such retailers, given that the primary driver for visiting them is their flagship/anchor tenancies.

The proposal would enhance the shopping experience within the SHC, with a proportion of floorspace being occupied by complementary retail uses. The increased scope of retail uses will ensure that the SHC can continue to create employment opportunities and add significant value to the local economy,

### 6.3.4 Why are Supermarkets below 500sqm in floorspace included within the amendment?

Discussions with the Department of Transport and Planning (DTP), formerly known as DELWP, identified a concern in a large Supermarket occupying floorspace in the SHC, as this could have the potential to undermine the retail hierarchy.

As there is no Planning Scheme definition for a Supermarket use in respect of floorspace, we have applied the general assumptions used within Retail studies, which is that Supermarket operators typically require a minimum floorspace of ~1800 sqm to meet their operational requirements.

The Planning Scheme does provide a definition for a Convenience Store, and states that such stores should not exceed 250sqm in floorspace. These already allowed under the Shop Land use term.

To give adequate flexibility to any prospective occupiers, while also ensuring that a control is imposed to prevent a Supermarket use, we have suggested a 500sqm cap. This ensures that a Convenience Store which exceeds 250sqm is not precluded. Given the uncertainties in specific requirements for convenience store operators, the 500sqm cap provides adequate flexibilities for any back of house operations, storage, and other ancillary requirements.

While some Supermarket operators are moving towards more efficient layouts/operations, the 500sqm cap gives certainty that a Supermarket use will not operate from the site, given that it is significantly below the typical 1800sqm threshold applied for Supermarket uses. Even if typical Supermarket uses do become more 'efficient,' we do not foresee them being able to operate from a 500sqm unit.

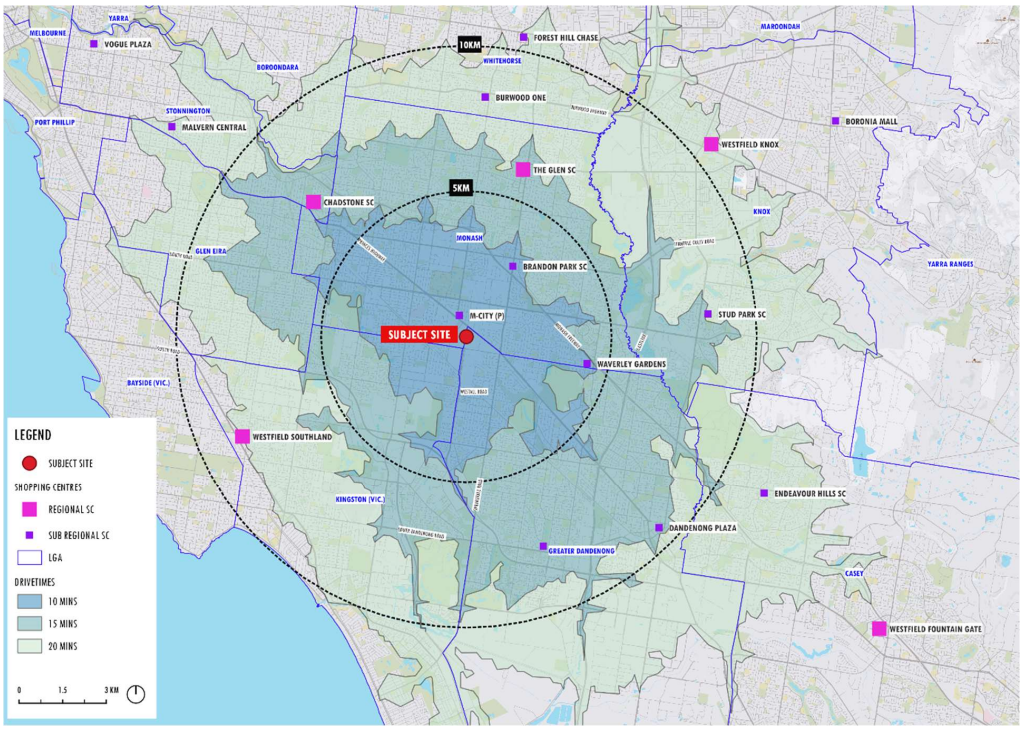



*Figure 6 Retail Centres and the respective drivetimes from Springvale Homemaker Centre*

*Source: Ethos Urban*

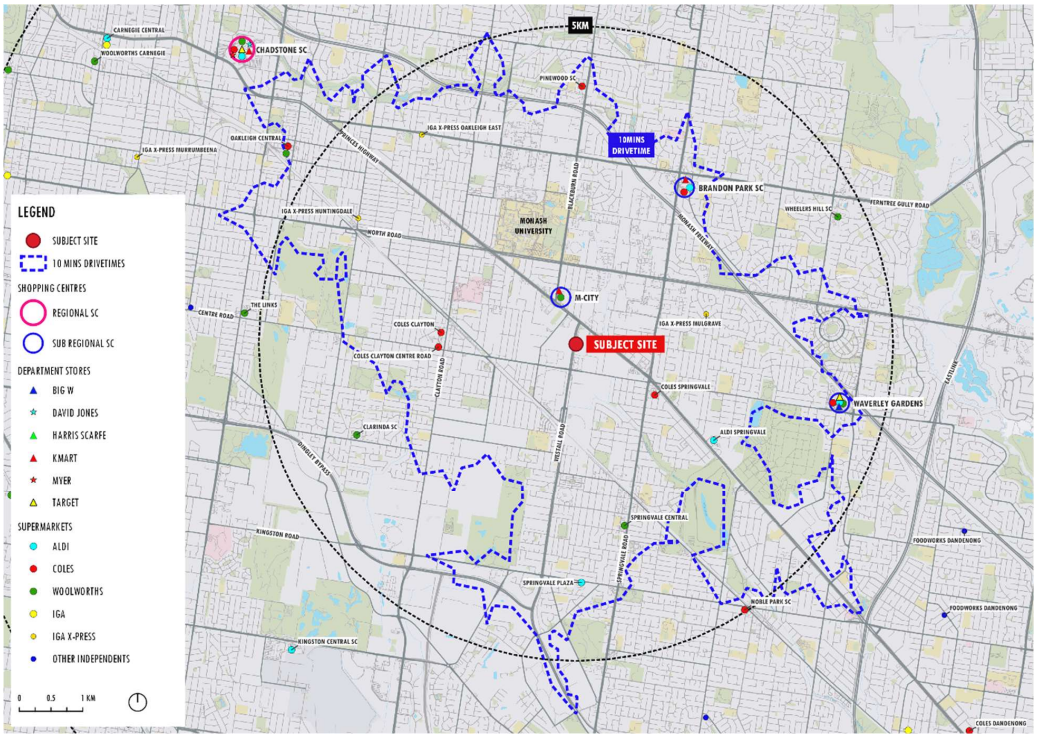



*Figure 7 Major retail stores with a 10-minute drivetime from Springvale Homemaker Centre*

*Source: Ethos Urban*

# 7.0 Strategic Assessment Guidelines

## 7.1 Why is an Amendment Required?

An amendment is required to ensure that the SHC can respond to changes in market demand and offer a wider suite of retail uses. The change will allow ancillary retail uses to occupy space within the Centre, playing a supporting role to the existing, flagship tenants occupying the centre.

The proposed amendment does not seek to make any other changes to the incorporated document, other than the type of uses permitted within the Centre.

## 7.2 Does the Amendment Implement the Objectives of Planning and Address Any Environmental, Social and Economic Effects?

The amendment implements the objectives of Planning in Victoria by addressing the following objectives set out in Section 4 of the Planning and Environment Act 1987.

a) To provide for the fair, orderly, economic and sustainable use, and development of land.
b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
e) To protect public utilities and other assets and enable the orderly provision and co-ordination of 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.

The amendment facilitates development in accordance with the objectives set out in Section 4 of the Act. The amendment will also bring significant social and economic benefits, creating additional jobs in the immediate area and ensuring the long-term future of the SHC, a key contributor to the local economy.

## 7.3 Does the Amendment Address Relevant Bushfire Risk?

The subject site is not within a designated Bushfire Prone Area or a Bushfire Management Overlay. It is not considered that the amendment will increase any risk of bushfire.

## 7.4 Does the Amendment Comply with All Relevant Minister's Directions?

The proposal complies with all of the relevant Minister's Directions, please see Section 8.0.

## 7.5 Support or Implement the Planning Policy Framework?

The amendment to the Incorporated Document seeks to allow some additional retail uses within the SHC and does not make seek to make any changes to the existing MSS or PPF and is consistent with the objectives of the PPF.

The amendment to the Incorporated Document is consistent with the direction provided by the PPF, as it will ensure that the site remains within an industrial land use zone. This reduces the risk of the site being used for a sensitive land use (e.g., residential) in the future.

## 7.6 How Does the Amendment Support or Implement the Planning Policy Framework and Specifically the Municipal Strategic Statement?

The proposed amendment does not seek to re-zone the site, or make any changes to the controls that relate to the site, consistent with the current PPF and MSS. The proposed amendment supports Clause 17 (Economic Development) in particular, Clause 17.01-1S (Diversified Economy) and Clause 17.02-1S (Business) which recognises that planning should provide and contribute to the economic well-being of communities and the State by supporting economic growth, facilitating decisions and resolving land use conflicts.

## 7.7 Does the Amendment Make Proper Use of the Victoria Planning Provisions?

The amendment makes proper use of the Victorian Planning Provisions to facilitate the proposed outcome, specifically Clause 72.04. Clause 72.04 outlines the documents incorporated into the Planning Scheme entitled, 'Harvey Norman/Ikea Bulky Goods Development'.

The use of this provision in this case is particularly relevant as the amendment to the existing incorporated document will allow the outcome to be delivered in a coordinated, consistent, and timely manner under a single planning control.

## 7.8 Does the Amendment address the views of any relevant agency?

The views of Greater Dandenong City Council were considered in the preparation of this amendment following consultation under Section 20 (5) of the Act.

## 7.9 Does the Amendment Address the Requirements of the Transport Integration Act 2010?

This Amendment does not have any significant impacts on the objectives and decision-making principles set out in the Transport Integration Act 2010.

## 7.10 What Impact Will the New Planning Provisions have on the Administrative Costs of the Responsible Authority?

The Amendment will not have a significant impact on the resource and administrative costs of the responsible authority. The proponent will be liable for any costs with the planning scheme amendment (PSA) process.

# 8.0 Ministerial Directions

## 8.1 Ministerial Direction 1

Ministerial Direction no. 1 requires a Planning Authority to:

- *satisfy itself whether or not the land, or parts of the land, are potentially contaminated;*
- *where it has determined that the land is not potentially contaminated, state the determination in the amendment Explanatory Report; and*
- *where it has determined the land, or parts of the land, are potentially contaminated, must state the determination in the amendment Explanatory Report and satisfy itself that the environmental conditions of that land are or will be suitable for that use.*

### 8.1.1 Response to Ministerial Direction 1

The site is not known to have a history of land contamination and is not located in proximity to any environmental designations that would suggest that there are such risks present.

## 8.2 Ministerial Direction 9

Ministerial Direction no. 9 requires the following to be met:

- *Have regard to the Metropolitan Planning Strategy.*
- *Include in the explanatory report discussion of how the amendment addresses the following matters:*
    - *What aspects, if any, of the Metropolitan Planning Strategy are relevant?*
    - *How does the Metropolitan Planning Strategy affect the amendment?*
    - *Is the amendment consistent with the directions and policies in the Metropolitan Planning Strategy?*
    - *Does the amendment support, give effect to or assist the implementation of the Metropolitan Planning Strategy or can it be reasonably modified to do so?*
    - *Will the amendment compromise the implementation of the Metropolitan Planning Strategy?*

### 8.2.1 Response to Ministerial Direction No. 9

Ministerial Direction no. 9 recognises the need to have due regard to the Metropolitan Planning Strategy, which is Plan Melbourne. The plan sets out a hierarchy of Principles, Outcomes, Directions and Policies to ensure Melbourne grows more sustainable, productive, and liveable as its population approaches 8 million.

***What aspects, if any, of the Metropolitan Planning Strategy are relevant?***

Direction 1.1 of Plan Melbourne sets out the ambition of creating a structure which further strengthens Melbourne's competitiveness for jobs and investment, to ensure it remains attractive to investment.

Policy 1.1.3 of the Plan seeks to facilitate development within the National Employment and Innovation Clusters (NEIC) The policy notes that Monash is an established NEIC and had significant potential to keep growing and diversifying. It also recognises that Monash has a unique profile, which is the potential to attract a broader range of businesses, including office, retail services and entertainment, as well as residential development.

Policy 1.1.6 encourages the retention and use for industrial land in the 'right locations' to support employment and investment opportunities. The policy recognises the need to ensure that state-significant industrial precincts are retained in such uses to further encourage investment, to support employment further growth. The policy recognises that State-significant industrial precincts will be protected from incompatible land uses to allow for their future growth.

Policy 1.1.7 seeks to promote the growth of commercial land across Melbourne and recognises the need to continue to offer greater flexibilities in respect of uses and the locations of commercial floorspace. The policy goes on to recognise the challenges in offering greater flexibilities, in that it can often mean a commercial site can be converted to a more predominantly residential use, at which point it is permanently lost that market. There is a clear need to ensure

flexibilities, while also protecting land that is considered to have significant value, in particular land locating within State Significant Precincts.

***How does the Metropolitan Planning Strategy affect the amendment?***

The Subject site is in an area of the Monash NEIC identified as a *supporting employment area*, which is dedicated for a diversity of land uses which can facilitate employment opportunities for the cluster. This includes commercial and retail development which can increase the mix of businesses located in the Monash NEIC.

***Is the amendment consistent with the directions and policies in the Metropolitan Planning Strategy?***

The amendment is consistent with the directions and policy aspirations of Plan Melbourne. It seeks to

***Does the amendment support, give effect to or assist the implementation of the Metropolitan Planning Strategy or can it be reasonably modified to do so? Why does it assist the implementation of Plan Melbourne?***

The proposal ensures that the site, which is identified to be located within a SSIP cannot be used for a more sensitive land use. This ensures that the suite of land uses in and around the SSIP support the predominantly industrial uses within the site, while also providing enough flexibility to deliver land uses ancillary to the industrial land.

The increase of retail uses that can be supported will widen the commercial uses within the SHC, which in turn provides greater investment certainty for the SHC and encourages further employment opportunities. The amendment will widen the potential retail uses that can occupy from the site, and so will not increase the sensitivity of land uses.

As such, the PSA aligns with the aspirations of Policy 1.1.3, 1.1.6 and 1.1.7 of Plan Melbourne.

***Will the amendment compromise the implementation of the Metropolitan Planning Strategy?***

The proposal aligns with and supports the aspirations of Plan Melbourne, and so will not comprise its implementation.

## 8.3 Ministerial Direction No. 11

DELWP outlines a set of Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments, pursuant to Ministerial Direction No. 11. The purpose of the guidelines is to provide a consistent framework for preparing and evaluating proposed planning scheme amendments.

### 8.3.1 Response to Ministerial Direction No. 11

A response to each of the Strategic Assessment Guidelines is provided in **Section 7.0** above.

## 8.4 Ministerial Direction No. 19

Ministerial Direction 19 requires that:

*Planning authorities to seek the views of the Environment Protection Authority (EPA) in the preparation of planning scheme reviews and amendments that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste.*

### 8.4.1 Response to Ministerial Direction No. 19

The proposed amendment will not give rise to any impacts relating to human health or pollution. The amendment will simply change the suite of retail uses permitted within the existing building

# 9.0 Conclusion

This PSA requests an amendment to the existing Incorporated Document relating to 917 Princes Highway, Springvale. The PSA will amend the restriction on the types of retail floorspace that is permitted within the existing floorspace cap of 7,000m².

The PSA will not change the following existing conditions:

- State and Local Planning policy
- Applied zoning and overlays
- Total floor area made available for general retail uses
- The nature of sensitivity of uses undertaken at the site.
- Built form of the existing Springvale Homemaker Centre
- Carparking provision on site
- Pedestrian access to and around the site
- Vehicle access to and around the site
- Landscaping within the site
- Total GFA permitted as Shop
- Proximity of sensitive uses to industrial uses
- Exposure of sensitive uses to industrial uses

The amendment should be supported as it:

- Is consistent with the state, regional and local level planning policy set out by the Dandenong Planning Scheme.
- Addresses the requirements of all relevant Ministerial Directions including Ministerial Directions 1, 9, 11, 12 and 19.
- Seeks to widen the range of retail uses appropriate within the existing retail floorspace cap already provided, providing greater investment certainty, and supporting further employment growth.
- As the proposal is an amendment to an Incorporated Document rather than a re-zoning, it ensures the land remains zoned for Industrial purposes. This ensures that incompatible land uses cannot occupy the site should SHC seize operations.
- Has no adverse impact on the existing local and regional retail hierarchy.
- Does not seek to make any alterations or additions to the existing total floorspace within the SHC.
- Will assist in improving the SHC, in turn creating employment and adding economic value to the local area.
- Ensures that the retail floorspace cannot be occupied by a Supermarket over 500sqm, preventing the potential 'draw' factor, and ensuring that any Supermarket type use is ancillary, and akin to a convenience store operation.
- Does not introduce any uses, road accesses, or built form changes that would have the potential to impact the deliverability of surrounding land uses for industrial purposes.
- Will result in no changes to the existing built-form or design qualities of the SHC.

Accordingly, the PSA is strategically justified, is consistent with State and local planning policy and warrants support.

*Planning and Environment Act 1987*

**GREATER DANDENONG PLANNING SCHEME**

**AMENDMENT C244GDAN**

**INSTRUCTION SHEET**

The planning authority for this amendment is the City of Greater Dandenong.

The Greater Dandenong Planning Scheme is amended as follows:

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

1. In Operational Provisions – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

End of document.

14/03/2019
GC123

# SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

## 1.0 Incorporated documents

~~12/11/2020~~ ~~--/--/----~~
~~C217gdan~~Proposed C244gdan

| Name of document | Introduced by: |
|---|---|
| 27 Wilma Avenue, Dandenong - August 2020 | C226gdan |
| 200 Glasscocks Road, Lyndhurst - Crown Allotment 2030, Parish of Lyndhurst -Melbourne Chevra Kadisha Cemetery, September 2009 | C111 |
| Abbotts Road Level Crossing Removal Project, Incorporated Document, November 2017 (amended December 2017) | GC87 |
| Bunurong Memorial Park Concept Plan (October 1993) | C31(Part 1) |
| Caulfield Dandenong Rail Upgrade Project, Incorporated Document, April 2016 | GC37 |
| Central Dandenong Comprehensive Development Plan, August 2010 | C126 |
| City of Greater Dandenong Gateways Strategy, December 2011 | C124 |
| Cranbourne Line Upgrade Incorporated Document, February 2020 | GC143 |
| Dandenong Cemetery incorporated plan (17 February 2004) | C31(Part 1) |
| Dandenong Primary School (1403) incorporated plan (24 March 2005) | C31(Part 3) |
| Dandenong Railway Precinct Comprehensive Development Plan, Tract Consultants, August 2012 | C171 |
| Dandenong South Industrial Area Extension Development Contributions Plan, Version 4.3, January 2015 | C177 |
| Dandenong South Industrial Area Extension Structure Plan, January 2009 | C87 |
| Dandenong South Native Vegetation Precinct Plan, January 2009 | C87 |
| Dandenong West Primary School incorporated plan (3 December 2002) | C31(Part 1) |
| Declared Project Area - Central Dandenong, August 2010 | C121 |
| Estate 1 – Office Development, 103 Princes Highway, Dandenong South, June 2011 | C145 |
| Estate 1 – Project Oxygen, 101 Princes Highway, Dandenong South, June 2011 | C145 |
| General Motors Holden Factory incorporated plan (December 2003) | C31(Part 2) |
| Gillette Factory incorporated plan (June 2005) | C31(Part 3) |
| 'Harvey Norman/Ikea Development', 917 Princes Highway, Springvale, August 2009 (Amended June 2023) | ~~C120~~C244gdan |
| Heinz Factory incorporated plan (February 2008) | C75 |
| International Harvester Factory incorporated plan (24 September 2003) | C31(Part 1) |
| Incorporated Document EGO Pharmaceuticals, Logis Eco-Industrial Park North, June 2014 | C184 |
| Kaufland Supermarket and complementary uses, 1-3 Gladstone Road, Dandenong, Incorporated Document, March 2019 | GC123 |
| Keysborough South Stages Development Contributions Plan, July 2008 | C36 |
| Melbourne Metro Rail Project: Upgrades to the Rail Network Incorporated Document, May 2018 | GC96 |
| Monash Freeway Upgrade Project Incorporated Document, March 2016 | GC47 |

**GREATER DANDENONG PLANNING SCHEME**

| Name of document | Introduced by: |
|---|---|
| Monash Freeway Upgrade Project (Stage 2) Incorporated Document, August 2018 | GC103 |
| Mordialloc Bypass (Freeway) Incorporated Document, July 2019 | GC107 |
| Mordialloc Creek Environmental Strategy and Opportunities Report, 1992 | C5 |
| Neutral Fuels, No. 76 Licola Crescent, Dandenong South, March 2012 | C165 |
| Pound Road West (Abbotts Road to South Gippsland Highway) Upgrade Project, Incorporated Document, February 2019 | C214gdan |
| Sandown Racecourse incorporated plan (3 December 2002) | C31(Part 1) |
| Signage: Dandenong Basketball and Volleyball Stadium, 28 July 2008 | C97 |
| Sky Sign, National Water Sports Centre, 15 June 1999 | C3 |
| South Gippsland Highway, Dandenong South Level Crossing Removal Project Incorporated Document, September 2019 | GC136 |
| Swire Cold Storage Pty Ltd, Lyndhurst CDC - Stage 2, November 2004 | C58 |
| The Necropolis incorporated plan (3 December 2002) | C31(Part 2) |

GREATER DANDENONG PLANNING SCHEME

# GREATER DANDENONG PLANNING SCHEME

INCORPORATED DOCUMENT

## 'HARVEY NORMAN/IKEA DEVELOPMENT', 917 PRINCES HIGHWAY, SPRINGVALE

AUGUST 2009

AMENDED JUNE 2023

This document is an incorporated document in the Greater Dandenong Planning Scheme pursuant to Section 6(2)(j) of the Planning and Environment Act 1987.

**The Land**

1. The control in this incorporated document applies to 917 Princes Highway, Springvale (Lot 1 PS327446) (the **land**). The land is located on the south-east corner of Princes Highway and Westall Road, Springvale.

**Purpose**

2. The purpose of this incorporated document is to allow the land to be used and developed for restricted retail premises, ancillary food and drink premises and shops to facilitate a range of complementary retail activities in accordance with the control in the incorporated document.

**Control**

3. Despite any provision to the contrary in the *Greater Dandenong Planning Scheme* (the **scheme**), the land may be used and developed for a restricted retail premises (including a restricted retail premises of less than 1,000 sq m leasable area), an ancillary food and drink premises and a shop subject to the conditions in clauses 4 to 8 (inclusive).

**Conditions**

4. The use and development for a restricted retail premises must comply with permit PLN07/0259 issued on 24 July 2008, as amended from time to time (the **permit**).

5. The leasable floor area occupied by a restricted retail premises or a shop must be a tenancy shown on the plans endorsed under condition 1 of the permit and be at least 300 sq m.

6. The total leasable floor area occupied by:
   (a) a restricted retail premises with a leasable floor area of less than 1,000 sq m, and
   (b) a shop,
   must not exceed 7,000 sq m~~.~~
   ~~A shop must not include a Supermarket that exceeds 500 sq m in floor area.~~

7. A Shop must not include a Supermarket that exceeds 500sq m in floor area.

~~7. A shop must be used for the sale or hire of:~~
~~(a) bicycles, outdoor furniture and equipment, sporting equipment, fitness equipment or recreation equipment, or a combination of two of more of them,~~
~~(b) kitchen or bathroom items,~~
~~(c) pet supplies, or~~
~~(d) baby furniture and equipment.~~

8. Any provision of the scheme that is not in conflict with the control continues to apply to the land.

**Expiry of Control**

9. The control in this incorporated document will expire if the use is not started within 6 years of the approval

10. The control in this incorporated document will expire if the development is not completed within 6 years of the approval date, unless otherwise approved in writing by the Responsible Authority. date, unless otherwise approved in writing by the Responsible Authority.

## 4.1.3 Fixed Asset Policy Revised for Adoption

**Responsible Officer:** Executive Director Corporate Development

**Attachments:**
1. Fixed Assets Policy 2024-25 (clean) [**4.1.3.1** - 23 pages]
2. Fixed Assets Policy 2024-25 (marked up) [**4.1.3.2** - 23 pages]

### Executive Summary

1. To obtain Council approval of the revised Fixed Asset Policy (including Disposal or Sale of Council Assets). This policy prescribes the principles for the recognition, recording and accounting for Council's fixed asset and capital expenditure transactions to ensure Council meets legislative requirements under the Local Government Act and Australian Accounting Standards.

## Background

2. Council policies are in place to ensure compliance with relevant legislation, regulations and best practices. They provide a consistent approach to Council's operational requirements and promote accountability and transparency of Council decisions and actions.
3. The City of Greater Dandenong Council has a significant investment of public funds in the assets utilised and maintained by Council. As at 30 June 2023 the total value of Council's fixed assets is $2.5 billion.
4. Due to the high value of Council's fixed assets, there is a significant risk of material financial misstatement at the end of financial year if Council does not have an up-to-date fixed asset accounting policy which complies with legislation and Australian Accounting Standards.
5. The Fixed Asset Policy (including Disposal or Sale of Council Assets) 2024-25 is designed to provide guidance regarding expenditure that is to be capitalised, the requirements regarding sale/disposal of land and assets with a carrying amount >$50,000 and the associated accounting treatment for non-current assets in Council's Fixed Asset Register.
6. The policy is reviewed annually and is required to comply with the Local Government Act 2020, Local Government (Planning and Reporting) Regulations 2020 and Australian Accounting Standards.
7. The revised Fixed Asset Policy (including Disposal or Sale of Council assets) will become effective immediately upon adoption of this report. The changes are indicated in red font in the Attachment titled "Fixed Assets Policy 2024-25 (marked up)". This policy update will apply to the 2024-25 financial year.

## Key Points / Issues / Discussion

8. The changes in the 2024-25 update of the policy are outlined below.
    a. Change in valuation methodology from cost to fair value for Land Under Roads, Parks Open Space and Streetscapes and Recreational Leisure and Community Facilities. This change is in response to an audit recommendation raised in the later stage of the 2022-23 audit. These asset classes will undergo their first revaluation in 2023-24.
    b. Revised position titles and directorates associated with the new organisational structure.
    c. Other minor wording changes.

## Financial Implications

9. The changes to the Fixed Asset Policy (including Disposal or Sale of Council Assets) relate mainly to change in the valuation methodology to fair value for Land Under Roads, Parks Open Space and Streetscapes and Recreational Leisure and Community Facility asset classes at fair value.
10. Land Under Roads – the 2023-24 revaluation using rates provided by the contract valuer, Patel Dore Valuers, is estimated at $44.2 million or a 48% increase in the asset value.
11. The revaluation methodology for Parks, Open Space and Streetscapes and Recreational, Leisure and Community Facilities is currently being determined in consultation with the external auditors, RSD Audit. The financial impact is not yet known, however, is expected to be significant given it is the first time these asset classes have been revalued. The financial impact will impact non-current assets and the asset revaluation reserve.
12. The final revaluation amounts will be reported in Council's annual financial statements for the financial year ended 30 June 2024. The above revaluation methodologies have been updated in this policy revision.

13. The net value of Council's fixed assets at 30 June 2023 is $2.5 billion. The policy will apply to fixed asset transactions for 2024-25 and beyond.

## Community and Stakeholder Consultation

14. In this annual update, consultation has occurred with Council's Executive Team, Council's Asset Management Team and the external auditors (RSD Audit).
15. As part of the review process, the draft Fixed Asset Policy (including Disposal or Sale of Council Assets) was tabled to the 6 June 2024 Audit and Risk Committee. The Committee has recommended to Council the adoption of the revised policy.

## Links to the Community Vision and Council Plan

16. This report is administrative only and doesn't relate to a specific principle in the Community Vision 2040.
17. This report is consistent with the following strategic objectives from the Council Plan 2021-25:
    - A Council that demonstrates leadership and a commitment to investing in the community.

## Legislative and Policy Obligations

18. This report has considered Council's legislative and policy obligations (where applicable) as outlined in the Report Considerations section detailed in the front of this Agenda. The applicable obligations considered and applied are:
    - The Overarching Governance Principles of the Local Government Act 2020.
    - The Gender Equality Act 2020.
    - Victorian Charter of Human Rights and Responsibilities 2006.
    - Climate Change and Sustainability.
    - Related Council Policies, Strategies or Frameworks (Fixed Asset Guidelines).

## Conclusion

19. The changes to the Fixed Asset Policy (including Disposal or Sale of Council Assets) 2024-25 relate mainly to change in the valuation methodology to fair value for Land Under Roads, Parks Open Space and Streetscapes and Recreational Leisure and Community Facility asset classes at fair value.

## Officer Recommendation

**That Council APPROVES the updated Fixed Asset Policy (including Disposal or Sale of Council Assets) as set out in the 'marked up' version and the 'clean' version attached to this report (refer Attachment 1 and Attachment 2).**

# Fixed Asset Policy (including Disposal or Sale of Council Assets)

| | | | |
|---|---|---|---|
| Policy Endorsement: | Endorsement required by Council | | |
| Policy Superseded by this Policy: | Not applicable | | |
| Directorate: | Corporate Development | | |
| Responsible Officer: | Chief Financial Officer | | |
| Policy Type: | Discretionary | | |
| File Number: | A4266134 | Version No: | 010 |
| 1st Adopted by Council | Minute No. 225<br>24 June 2013 | Last Adopted by Council: | Minute No. TBA |
| Review Period: | Annually | Next Review: | June 2025 |

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## 1. POLICY OBJECTIVES (OR PURPOSE)

This policy is designed to provide guidance regarding expenditure that is to be capitalised and the associated accounting treatment of non-current assets in Council's fixed asset register.

The policy also details the process of disposing/selling Council owned assets >$50,000 carrying amount and land assets that are no longer required by Council for strategic or operational purposes as well as the acceptable use of asset sale proceeds, including legislative requirements.

This policy endorses the approach that the proceeds from any sale of Council assets should be directly used in the acquisition of new assets or the enhancement of existing assets, and that asset sale proceeds may not be utilised for recurrent/operational purposes.

This revision of the Fixed Asset Policy is effective from 1 July 2024.

## 2. BACKGROUND

Accounting standards, including AASB 116 Property, Plant and Equipment, require a distinction to be made between expenditure that is consumed immediately in operations (or within one financial year) and expenditure on fixed assets that will provide service over more than one financial year.

**Accounting and Guideline issues**

*Local Government (Planning and Reporting) Regulations 2020*

The *Local Government (Planning and Reporting) Regulations 2020* require the financial statements of Council to be prepared in accordance with the Local Government Model Financial Report (LGMFR). The LGMFR specifies certain fixed asset categories and classes in the Statement of Capital Works and fixed asset disclosure notes. Refer to **Appendix A** for a list of the asset categories and classes and the measurement basis of each asset class.

Land Under Roads (LUR)

Council's accounting policy regarding the treatment of LUR is to recognise all land under roads post 1 July 2008 using the fair value method of valuation.

## 3. SCOPE

This policy includes the accounting treatment of all Council's non-current assets.

The disposal section of this policy applies only to fixed assets >$50,000 carrying amount or property no longer required by Council for strategic or operational purposes and which have been identified for potential sale, transfer, exchange or disposal. Specific disposal processes relating to land and buildings, public open space, discontinued roads and plant and equipment and other assets with a carrying value >$50,000 are included in this policy (Section 5.7). The Fixed Asset Guidelines contain disposal processes for assets with a carrying amount <$50,000.

## 4. DEFINITIONS

Unless otherwise specified within this policy, the following words and phrases are defined to mean the following in terms of this policy.

| | |
|---|---|
| *Assets* | Resources controlled by Council as a result of past events and from which future economic benefits or service potential are expected to flow to Council beyond one year. |
| *Capitalisation threshold* | The new, upgrade or renewal value of an asset, below which the project cost is normally expensed and above which it is normally capitalised. |
| *Capital expenditure* | Expenditure on a non-current asset which meets the adopted recognition criteria for the Asset Class or Asset Component. |
| *Useful life* | The time period over which an asset is expected to be available for use by Council. |

# 5. POLICY

## 5.1 CAPITALISATION

Capitalisation of fixed assets is determined by a materiality threshold at which items of expenditure will be recognised as assets in Council's Balance Sheet.

The useful life of each asset class forms the basis of the calculation of annual depreciation charges and assessment of an assets written down replacement value (refer Appendix A).

Appendix A details the asset categories and classes required in the Local Government Model Financial Report (LGMFR).

Expenditure is to be capitalised when:

- It is probable that the future economic benefits embodied in an asset will eventuate.
- The item of expenditure is in excess of the asset capitalisation threshold (refer Appendix A).
- In limited circumstances, a bulk purchase will be recognised where it exceeds the capitalisation threshold (refer to section 7.2.5 of the Fixed Asset Guidelines).
- Acquisition costs of assets with less than these capitalisation threshold values will be treated as operating expenses.
- All capitalised expenditure is to be recorded in Council's fixed asset register. For each asset, a determination shall be made of its total life, remaining useful life, cost for accounting purposes and method of depreciation.

Note - certain costs are not capitalised when incurred and are charged as an expense in the period in which they are incurred (for example, Christmas decorations, IT software upgrades and building audits).

## 5.2 ACQUISITION OF ASSETS

Assets acquired by Council are to be recorded based on acquisition or construction cost (fair value) plus costs incidental to acquisition including architect's fees, engineering fees and all other costs incurred in preparing the asset ready for use.

## 5.3 GIFTED ASSETS (ACQUIRED FOR NIL CONSIDERATION)

Assets which are gifted or contributed to Council by developers or other bodies (i.e. - acquired for nil consideration) are to be recorded at fair value at the date of acquisition, based on currently assessed replacement rates or developer costs (whichever is the best information source at the time).

## 5.4 Revaluation of Non-Current Assets

All infrastructure assets (except recreational, leisure and community facilities and parks, open space and streetscapes) and property assets (land and buildings excluding land under roads and leasehold improvements) shall be revalued on a regular basis such that the carrying values are not materially different from fair value where fair value is determined to be the current replacement cost of the asset less accumulated depreciation. Appendix A identifies the basis for measurement for each asset class.

## 5.5 Internally Constructed Assets

The cost of assets constructed by Council shall include the cost of all materials used in construction, direct labour employed and an appropriate proportion of variable and fixed overheads.

## 5.6 Fixed Assets Register

The fixed assets register is to record individual assets that the Council owns and/or manages, and/or maintains in sufficient detail to permit their identification and control. The fixed assets register is to be updated at least annually. The fixed assets register is to be used for revaluing, depreciating, and keeping asset maintenance records.

## 5.7 Disposal or Sale of Council Assets and Land

Council will over time, carry out a strategic review of its asset and property holdings and may make a determination that some assets are surplus to Council's needs.

In identifying any potential surplus Council owned assets (land or assets >$50,000), a report shall be presented to Council providing all relevant information regarding the asset identified for potential sale including environmental and planning issues and shall include a proposed process for undertaking both consultative and/or statutory processes under the *Local Government Act 1989 or 2020* (whichever is applicable), including provisions for Council to hear submissions from the community related to the proposed sale.

Table 5.7.1: Disposal Policy Definitions

| | |
|---|---|
| *Carrying value* | The asset carrying value (also known as written down value) is the asset value (cost or fair value) less any accumulated depreciation and accumulated impairment loss. |
| *Council-owned land* | Includes vacant land, including discontinued roads, and any building and development thereon. |
| *Open space planning, development and improvements reserve* | Is a reserve set aside for any funds received from the sale of public open space which includes any land set aside in a plan or land in a plan zoned or reserved under a planning scheme for public recreation or public resort; or as parklands; or for similar purposes as defined in the *Subdivision Act 1988*. |
| *Right of way (ROW)* | Means a road as defined in section 3 of the *Local Government Act 1989*. |
| *Road* | Means a road as defined in section 3 of the *Local Government Act 1989*. The term 'road' includes, but is not limited to a ROW, a street, a laneway or a footpath. |

**Sale of Council Owned Land**

All sales, exchanges and transfers of land are required to comply with the provisions of the *Local Government Act 2020 (LGA 2020) or Local Government Act 1989 (LGA 1989)*, whichever is applicable. Sales are to be conducted through a public process (i.e. public auction, public tender or by registration of expressions of interest) unless circumstances exist that justify an alternative method of sale (for example the sale or exchange of land by private treaty).

Section 116 of the LGA 2020 states that Council can transfer, exchange or lease any land with or without consideration to the Crown, a Minister, any public body, trustees appointed under any Act to be held on trust for public or municipal purposes or a public hospital within the meaning of the *Health Services Act 1988* or other not-for-profit hospital.

Where section 116 is not applicable, section 114 of the LGA 2020 requires Council to:

- At least 4 weeks prior to selling or exchanging the land, publish notice of intention to do so on Council's internet site and in any other manner prescribed by the regulations;
- Undertake a community engagement process in accordance with its community engagement policy; and
- Obtain a valuation of the land which is not more than 6 months prior to the sale or exchange, by an appropriately qualified person as per section 13DA(2) of the Valuation of Land Act 1960.

The intent of the legislative requirements is to ensure that Council:

- consults with the community on any proposal to sell or exchange land; and
- provides the community with the opportunity to have their views heard; and
- obtains a current valuation for the land that is proposed for sale or exchange.

Ideally all sales and exchanges of land should occur at not less than the market value assessed by Council's contract valuer.

Land will not be sold for less than the market value, unless there are some alternate community benefits derived by the sale of the land. Any proposal to sell the land at a reduced sale price must be reported to Council for consideration, providing commentary of the alternate benefits derived by a sale at a reduced sale price. Such benefits may include the achievement of planning and development goals, educational or medical benefits to the community, or some other strategic goal of Council.

The purchase price may be set at a lower amount, if it is considered that the benefits accruing to the community would not be reasonably obtained unless a lower price is charged. In this instance a resolution of Council to sell, transfer or exchange land at less than its market value is required.

*Open Space Land*

In addition to the requirements under the LGA 2020, Council is required to comply with section 20 of the *Subdivision Act 1988* when selling public open space. Refer to Table 5.7.3 'Application of Sale Proceeds' for further details.

*Discontinued Roads*

The sale of land that forms part of a road that has been discontinued is subject to the provisions of the LGA 1989. The public consultation process for road discontinuance is provided for under clause 3, Schedule 10 by way of a notice published in the Government Gazette.

Prior to considering the discontinuance and sale or transfer of roads or right-of-ways (ROWs) or the removal of reserve status and the subsequent sale, transfer or exchange of land, officers will consider if land is required for any of the following purposes:

- there is an ongoing need for the land to provide either vehicular or pedestrian access.
- the land has strategic value to Council or the community.
- the land provides recreational linkages or linked paths.
- the land increases public open space.
- the land is required for public works or flood mitigation.
- the land is generally required for a municipal purpose.

The benefits in discontinuing and selling or transferring a road or ROW or removing the status of a reserve and selling, transferring or exchanging land that is no longer required are:

- it provides an additional source of income.
- there will be a reduction in Council's financial liability in terms of the ongoing maintenance costs of unused and surplus land.
- there is the potential for increased rate revenue.
- there is improved security for unused portions of land.
- Council can formalise any illegal occupation of public land.

The general principles that Council will apply in considering selling or transferring a road or ROW are:

- Council discourages the unauthorised occupation of roads, ROWs and reserves and will take steps to remove such illegal occupation.
- Council will encourage the sale or transfer of such land that is not being used for pedestrian or vehicular access or is no longer required for a strategic or public use.
- Council will only sell or transfer such land holdings to abutting property owners, unless the land is able to be sold or transferred to a third party for the community's benefit.
- All abutting owners will be given an equal opportunity to purchase any land that abuts their property. Accordingly, officers will attempt to divide land equally. However, Council will acknowledge and give preferential allocation rights to abutting property owners who can demonstrate continuous exclusive occupation of the land for more than 15 years (i.e. occupation that would otherwise give rise to an adverse possession claim).
- Council will recover all costs incurred in the application of this policy.
- Council reserves the right to retain any portion of land if Council has title to such land if it is considered to be appropriate. This land may be retained to:
  - meet a strategic need or
  - protect Council's rights of ownership or
  - sell in the future in accordance with this policy.
- Council has the right to place an easement, covenant, or create an easement on, or over, the land parcel in order to protect existing rights or future requirements. If there is a requirement by service authorities to relocate any assets located within the land (e.g. drains, power lines, etc), then all costs will be borne by the purchaser.

In relation to the sale of roads, ROWs or minor reserves, if a property owner can demonstrate continuous exclusive occupation of the land for 15 years or longer and they have a right to claim the land by adverse possession, consideration may be given to discounting the purchase price by up to 25% of the current market value.

Costs Associated with the Sale

The costs associated with the discontinuance and sale, transfer or exchange of roads, ROW's or minor reserves are to be borne by the purchaser or shared by the purchasers (see table 5.7.2). Council officers will endeavour to keep all costs borne by the purchaser(s) to a minimum and will seek to reduce costs if the portion of land is to be sold or transferred to a number of purchasers.

Table 5.7.2

Direct Costs

- Surveyor's fees
- Legal fees (Council officers will use Council appointed legal contractors for any legal advice sought)
- Land registry fee – Transfer of Land
- Stamp duty
- Advertising
- Consolidation
- Planning permit application fees

Relocation Costs

- Relocation of fences
- Service authority assets such as those belonging to water, gas or telecommunications organisations
- Re-useable materials as determined by Council which may remain the property of Council
- Replacement drainage or new storm water drainage

GST

In accordance with the provisions of the *Goods and Services Tax Act 1999*, the sale, transfer or exchange of Council property, including the sale, transfer or exchange of discontinued ROWs, roads, minor or major Reserves or other land parcels will attract GST. Council will ensure that GST is added to the sale price or that the sale price is inclusive of GST.

Terms of Payment

The full purchase price will be paid to Council at the time of settlement, except at the discretion of the responsible officer. If purchasers of roads, ROWs and minor reserves meet the requirements of Council's Rates and Charges Hardship Policy, terms may be extended to allow equal payments over a three year period. In relation to term payments, an additional service charge will be applied to cover any administration costs. The transfer of land will not be passed onto the purchaser until the purchase price plus any costs or additional amounts are paid in full.

Terms of payments associated with the sale of major reserves or other significant land parcels will be considered on a case-by-case basis and any deferment of payment will be considered in light of the market valuation.

**Sale of Assets (>$50,000 carrying value)**

The sale or disposal of major plant and equipment and assets (other than land with a carrying value >$50,000) is subject to the following guidelines:

- trading the equipment to suppliers; or
- obtaining expressions of interest from interested buyers; or
- selective tender from an identified group of buyers; or
- public tender – openly seeking buyers using the tender process; or
- public auction - advertisement for auction through the local paper and, where appropriate, a paper circulating in the State, or procuring the services of an auctioneer.

The selection process is to give consideration to:

- the method likely to return the higher value net of disposal costs; and
- the current written down value (book value) of the asset; and
- compliance with relevant statutory obligations.

The sale of each item of Plant and Equipment is to be subject to a minimum reserve price to be approved by the Manager Infrastructure Services.

**Application of Sale Proceeds**

Table 5.7.3

| Asset Type | Application of Sale Proceeds |
|---|---|
| Plant and Equipment and Assets other than Land >$50,000 | To the purchase of new plant and equipment, or the establishment of a new asset or refurbishment of an existing asset. |
| Council-owned Land | To be transferred to the Major Projects Reserve for Council consideration for allocation to future new asset creation / or major asset refurbishment. The proceeds allocated will be net of all expenditure including advertising, agent's fees, legal costs and other sale costs.<br>All reports on the sale of Council owned land must include a section on whether Council wishes to allocate a maximum of 10% of the sale proceeds into an Affordable Housing Fund dedicated to the development of future affordable housing projects. The Council resolution to sell land must include a resolution on the amount (if any) to be allocated to this fund. |
| Public Open Space Council-owned Land | Where the land is Public Open Space, the proceeds are required to be used in accordance with the Subdivision and Planning Environment Acts and must be allocated to Council's Open Space Planning and Development Reserve.<br>Section 20 of the Subdivision Act 1988 requires that the proceeds from the sale of public open space land be used to:<br>• buy land for use for public recreation or public resort, as parklands or for similar purposes; or<br>• improve land already set aside, zoned or reserved (by the council, the Crown, a planning scheme or otherwise) for use for public recreation or public resort, as parklands or for similar purposes; or<br>• with the approval of the Minister administering the LG Act, improve land (whether set aside on a plan or not) used for public recreation or public resort, as parklands or for similar purposes. |

Allocation of asset sale proceeds to an appropriate capital project can only occur via either an Annual Budget process or Mid-Year Budget process where the highest and best use of funds can be determined in reference to all potential capital projects.

Proceeds from the sale of assets must be received by Council prior to the expenditure allocation being determined.

## 5.8 Impairment of Assets

Fixed assets will be reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount (which is the higher of the present value of future cash outflows or value in use).

For assets whose economic benefits are not dependent on the ability to generate cash flows, and where the future economic benefits would be replaced if Council were deprived thereof, the value in use (infrastructure assets) is the depreciated replacement cost.

## 5.9 Investment Property

Investment property, comprising retail complexes, are held to generate long-term rental yields. Investment property is measured initially at cost, including transaction costs. Cost incurred subsequent to initial acquisition are capitalised when it is probable that future economic benefit in excess of the originally assessed performance of the asset will flow to the Council. Subsequent to initial recognition at cost, investment property is carried at fair value, determined annually by independent valuers. Changes to fair value are recorded in the Comprehensive Income Statement in the period that they arise. Investment property are not subject to depreciation. Rental income from the leasing of investment properties is recognised in the Comprehensive Income Statement on a straight line basis over the lease term.

## 5.10 Leased/Right-of-use (ROU) Assets

Leased assets relate mainly to information technology (IT) and office related equipment, as well as a number of property leases. As a lessee, Council recognises a ROU asset and a lease liability at the lease commencement date (unless the lease term is less than 12 months or the ROU asset is low-value (under $10,000)). The ROU asset is initially measured at cost and is subsequently depreciated using the straight-line method from the commencement date to the earlier of the end of the useful life of the ROU asset or the end of the lease term.

## 6. RESPONSE TO THE OVERARCHING GOVERNANCE PRINCIPLES OF THE LOCAL GOVERNMENT ACT 2020

This policy considers the overarching governance principles outlined in section 9 of the *Local Government Act 2020* and has taken the financial management principles in section 101 into account. This policy is predominantly administrative in nature and outlines the accounting treatment and assumptions regarding asset transactions. It does not impact on existing and future budgets. The policy is required to comply with the *Local Government Act 2020*, *Local Government (Planning and Reporting) Regulations 2020* and relevant Australian Accounting Standards. The annual review and approval of this policy ensures the transparency of Council decisions, actions and information in relation to fixed asset accounting transactions.

Of particular relevance to this policy, Council is required to:

Prepare financial statements pursuant to:

- Section 98 of the *Local Government Act 2020*
- Section 14 of the *Local Government (Planning and Reporting) Regulations 2020*

Sell or dispose of land in accordance with:

- Clause 3 of schedule 10 of the *Local Government Act 1989*.
- Division 4 of the *Local Government Act 2020*.

## 7. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 – COMPATIBILITY STATEMENT

The *Charter of Human Rights and Responsibilities Act 2006* has been considered in the preparation of this policy but is not relevant to its contents.

The policy is purely administrative in its nature and does not have the potential to influence human rights and responsibilities.

## 8. RESPONSE TO THE GENDER EQUALITY ACT 2020

The *Gender Equality Act 2020* has been considered in the preparation of this policy but is not relevant to its contents.

The policy is purely administrative in its nature and does not have the potential to influence broader social norms and gender roles.

## 9. CONSIDERATION OF CLIMATE CHANGE AND SUSTAINABILITY

Acknowledge that this policy has no impact on Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 or the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability and why it does not have any impact.

The policy is purely administrative in its nature and does not have the potential to influence future asset planning or sustainability, climate or energy.

## 10. RESPONSIBILITIES

Council is responsible for ensuring this policy remains consistent with the Greater Dandenong Council Plan and Asset Plan.

The Chief Executive Officer is responsible for ensuring overall compliance with relative legislation.

The Asset Management team in the CEO Services directorate (with the assistance of the Financial Services department in Corporate Development) are responsible for maintaining, capturing and recording fixed assets in the asset register in Council's asset management system. The Financial Services department are responsible for recording asset transactions in Council's general ledger and reconciling the general ledger to the asset register.

The minimum reserve prices from the disposal or sale of assets (other than land) >$50,000 is required to be approved by the Manager Infrastructure Services.

All Council staff are responsible for compliance with this policy and the requirements within it.

This policy will be reviewed and updated annually by the Financial Services department.

Consultation on proposed changes to the policy each year will occur with:

- Asset Management team in CEO Services directorate.
- Manager Infrastructure Servicesin City Futures directorate.
- External auditors.

## 11. REPORTING, MONITORING AND REVIEW

The current policy complies with Local Government legislation and Australian Accounting Standards and has been subject to internal and external audits.

Each year the policy will be reviewed and updated to ensure compliance with Local Government legislation and Australian Accounting Standards is maintained and that policy directions remain relevant.

The success of the policy will be measured by its compliance with the relevant legislation and Accounting Standards and a clear external audit opinion.

## 12. REFERENCES AND RELATED DOCUMENTS

### Legislation

- Australian Accounting Standards
- *Local Government Act 1989*
  ~ Under clause 3 of schedule 10 of the *Local Government Act 1989*, Council has the authority to discontinue a road or ROW, or part thereof, and sell it to a third party or retain it for municipal purposes.
- *Local Government Act 2020*
  ~ Under Division 4 of the *Local Government Act 2020*, Council has the authority to sell land to a third party. This may include discontinued roads and/or reserves and other Council properties.
- *Local Government (Planning and Reporting) Regulations 2020*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Gender Equality Act 2021*
- *Planning and Environment Act 1987*
- *Subdivision Act 1988*
  ~ Under section 24A of the *Subdivision Act 1988*, Council has the authority to initiate procedures to remove and vest in itself all, or part, of a drainage reserve or sell it to a third party.
  ~ Under section 20 of the *Subdivision Act 1988*, Council may sell land set aside as public open space but must abide by the legislation in relation to the use of funds derived from the sale.

### Related Council and Other Policies, Procedures, Strategies, Protocols, Guidelines

- Greater Dandenong City Council Fixed Asset Guidelines
- City of Greater Dandenong Council Plan
- City of Greater Dandenong Asset Plan
- City of Greater Dandenong Asset Management Policy

### Other Guidance

- *Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land 2009 – Department of Planning and Community Development.*

## 13. APPENDIX A – BASIS OF MEASUREMENT, CAPITALISATION THRESHOLDS AND USEFUL LIVES

| Asset class | Description | Measurement Basis | CAP THRESHOLD | | USEFUL LIFE | |
|---|---|---|---|---|---|---|
| | | | 2023-24 | 2024-25 | 2023-24 | 2024-25 |
| | | | $ | $ | Years | Years |
| **PROPERTY** | | | | | | |
| **Land** | Land owned or controlled by Council. Land either has a fair value classification of level 3 - 'specialised land' or level 2 - 'non-specialised land'. | Fair value (indep val'n) | 0 | 0 | N/A | N/A |
| | Land under roads (LUR) (excluding lanes, private roads and Council roads in parks and reserves) acquired after 1 July 2008. All LUR have a fair value level 3 classification - 'specialised land'. | Fair value (indep val'n) | 0 | 0 | N/A | N/A |
| **Land improvements** | Not applicable - allocated to other asset classes such as 'Recreational, leisure and community facilities' and 'Parks, open space and streetscapes'. | N/A | N/A | N/A | N/A | N/A |
| **Buildings** | Buildings include Class 1 to Class 9 buildings as defined in the Building Code of Australia including all corporate, community and commercial buildings managed / controlled / owned by Council and multi-story car park buildings. This includes both habitable and non-habitable buildings. Non-habitable buildings as defined in class 10A of the Building Code of Australia. Examples include workshops, kiosks, stand-alone administration buildings/offices, public conveniences, stores, under croft car parking, sporting pavilions and sporting clubrooms. Building assets and improvements will be separated into the following three components with different useful lives: | | | | | |
| | **Superstructure**<br>Includes the foundations, external walls (including paint) and roof of buildings (including attached stormwater drainage and guttering). | Fair value (indep val'n) | 10,000 | 10,000 | 100 | 100 |
| | **Ancillary Services**<br>- Security (e.g., card reader, electronic security system, surveillance system, CCTV, access control system)<br>- Electrical and gas (e.g., electrical distribution board, antenna fitting, cabling/internal wiring, meter boxes, exit signs, lighting, solar panels)<br>- Hydraulics (e.g., plumbing systems, rainwater collection system, heat pump, boiler, water pump, water supply and sewerage, indoor swimming pools)<br>- Mechanical (e.g., cool room, rangehood, lift, escalators, HVAC system, cranes, hoists, sanitary plumbing, specialist kitchen services (ovens, dishwashers, etc) and building management system)<br>- Fire services (e.g., fire alarm system, heat detectors, fire extinguishers, fire hose reels, smoke detectors, valves (fire system)<br>- Other structures that link or are attached to the building (e.g., fences, paths, access ramps or steps, verandas, coaches boxes, pergolas, garages, carports, toilets and shade shelters). Only totally freestanding structures will be considered separate assets and recorded in the relevant asset class. | Fair value (indep val'n) | 5,000 | 5,000 | 20 | 20 |
| | **Fitout and Fittings**<br>Includes floor coverings, cabinetry and cupboards, sinks and toilets, sporting equipment fixed to the building. Hardwired or fixed items in buildings should be considered part of the building's Fitout and Fittings. Moveable Furniture and equipment between sites are recorded under Plant & Equipment asset categories. | Fair value (indep val'n) | 5,000 | 5,000 | 20 | 20 |

| Asset class | Description | Measurement Basis | CAP THRESHOLD | | USEFUL LIFE | |
|---|---|---|---|---|---|---|
| | | | 2023-24 | 2024-25 | 2023-24 | 2024-25 |
| | | | *$* | *$* | *Years* | *Years* |
| **PROPERTY** | | | | | | |
| **Building improvements** | Not applicable - included in buildings above. | N/A | N/A | N/A | N/A | N/A |
| **Leasehold improvements** | Land improvements, buildings and other improvements to property assets leased by Council or on land leased by Council. Leasehold improvements to buildings include fit-outs, security enhancements and/or renovations of leased office accommodation or leased property. Examples are recarpeting, immoveable fixtures such as the installation of air-conditioning or CCTV, and structural improvements to a leased property upon commencement of a lease (initial office/residential fit-out), and any subsequent refurbishment of office/residential leased accommodation. | Cost | 5,000 | 5,000 | Lease term | Lease term |
| **Heritage buildings** | Not applicable - defined as heritage buildings as listed on the Victorian Heritage Register. | Fair value (indep val'n) | N/A | N/A | N/A | N/A |

| Asset class | Description | Measurement Basis | CAP THRESHOLD | | USEFUL LIFE | |
|---|---|---|---|---|---|---|
| | | | 2023-24 | 2024-25 | 2023-24 | 2024-25 |
| **PLANT AND EQUIPMENT** | | | | | | |
| **Heritage plant and equipment** | Not applicable. | N/A | N/A | N/A | N/A | N/A |
| **Plant, machinery and equipment** | Heavy plant and equipment (such as graders, trucks, tractors, tippers, scissor lifts and loaders). | Cost | 3,000 | 3,000 | 7 | 7 |
| | Buses, quads and trailers. | Cost | 3,000 | 3,000 | 10 | 10 |
| | Light plant and equipment (such as rollers, mowers, tools and blowers), passenger vehicles, light commercial vehicles (</= 3 tonne). Also includes lifters, generators, powersaws, floor polishers, steam cleaners, sweepers, winches, compressors, surveying equipment, people counting systems, rotators, outdoor cleaning equipment and submersible pumps. | Cost | 3,000 | 3,000 | 5 | 5 |
| **Fixtures, fittings and furniture** | Office furniture and equipment (workstations, mobile shelving, chairs, office bins, lockers, tables, desks, filing cabinets), kitchen appliances and equipment (fridges), hand dryers, display units/stands, dividers/privacy screens, safes, podiums, trolleys and other miscellaneous fixtures, fittings (eg - window furnishings) and furniture. Excludes Christmas decorations (not capital). | Cost | 3,000 | 3,000 | 6 | 6 |
| | Musical instruments. | Cost | 3,000 | 3,000 | 20 | 20 |
| | Art works (paintings, pictures, murals, heritage). | Cost | 3,000 | 3,000 | N/A | N/A |
| **Computers and telecomm's** | Hardware, servers, hubs, cabling, faxes, printers, telephones, mobile phones/devices, photocopiers, computers, laptops, microwave links, wireless links, firewall, scanners, GPS, Book-a-Court system and audio visual equipment (such as stereos, speakers, amplifiers, antenna, cameras, video recorders, microphones, televisions, DVD players, electronic whiteboards, two way radios, hearing loop, projectors, etc). | Cost | 3,000 | 3,000 | 5 | 5 |
| **Library resources** | Includes library books, CDs, DVDs and tapes, hard copy e-books and e-audio books (excludes downloaded/subscription based digital content such as e-books and e-audio books, annual online licences or subscriptions, annual platform access to e-formats, periodicals and newspapers - these items are expensed as they generally have a life of one year or less). | Cost | 0 | 0 | 5 | 5 |

| Asset class | Description | Measurement Basis | CAP THRESHOLD | | USEFUL LIFE | |
|---|---|---|---|---|---|---|
| | | | 2023-24 | 2024-25 | 2023-24 | 2024-25 |
| **INFRASTRUCTURE** | | | | | | |
| **Roads** | Road seal (surface) comprises the wearing surface of a road pavement or laneway. Reconstruction, resurfacing (asphalt overlays and spray seals), wearing course and rehabilitation of road seal are capital. Surface patching treatments (major or minor) such as pothole repairs, crack sealing or repairs, slurry seals are considered maintenance treatments aimed at ensuring the road seal asset reaches its intended useful life (expensed). Linemarking, tactiles and omnicrete are capital for new assets, but expensed when subsequently replaced. Sub-categories include: | | | | | |
| | Seal/surface (spray seal). | Fair value | 20,000 | 20,000 | 12 | 12 |
| | Seal/surface (asphalt, concrete, brick, granite setts and gravel). | Fair value | 20,000 | 20,000 | 20 | 20 |
| | Road substructure (pavement). Road substructure is the constructed material layer(s) beneath the wearing surface of a road pavement or laneway. Usually unaffected by periodic replacements of the wearing surface and would normally only be created where a new pavement was built or an existing pavement was totally reconstructed/rehabilitated. | Fair value | 20,000 | 20,000 | 100 | 100 |
| | Kerb and channel. Includes concrete, bluestone and asphalt kerb and channel on local roads. Also includes kerb laybacks (which are part of crossings), usually provided for vehicle, bicycle or pedestrian access across the kerb and channel. | Fair value | 5,000 | 5,000 | 80 | 80 |
| | On street car parks (seal) - asphalt, brick paves, concrete and gravel). On-street car parks include car parks located within the road reserve (ie – indented parking bays, parallel parking bays, etc). | Fair value | 5,000 | 5,000 | 20-25 | 20-25 |
| | On street car parks (substructure). | Fair value | 5,000 | 5,000 | 100 | 100 |
| | Local Area Traffic Management (LATM) - splitter islands, roundabouts, speed humps. | Fair value | 2,000 | 2,000 | 20 | 20 |
| | LATM - slow points. | Fair value | 2,000 | 2,000 | 5 | 5 |
| | LATM - traffic signal controller. | Fair value | 2,000 | 2,000 | 15 | 15 |
| | LATM - traffic signal hardware. | Fair value | 2,000 | 2,000 | 30 | 30 |

| Asset class | Description | Measurement Basis | CAP THRESHOLD | | USEFUL LIFE | |
|---|---|---|---|---|---|---|
| | | | 2023-24 | 2024-25 | 2023-24 | 2024-25 |
| | | | *$* | *$* | *Years* | *Years* |
| **Bridges** | Includes major culverts, deck and substructure. Bridges include all structures which convey a road, footpath or cycleway across another physical feature (including waterways and other roads) and includes major culverts. Bridge components include the foundation, column, girder, decking, wearing course, railing, paths and guardrails. Items such as lighting, signage and paths are not included. Boardwalks are also included in this asset class (constructed pathways above ground either in steel/concrete or timber). | Fair value | 5,000 | 5,000 | 20 - 100 | 20 - 100 |
| **Footpaths and cycleways** | Footpaths (concrete, brick/pavers and granite). Footpaths and cycleways includes footpaths leading to bridges, and pedestrian access features, ramps, pram crossings, path widenings and linemarking on new footpath assets. Paths in playgrounds that provide a direct access between playground items are not considered part of the path asset class (included in playgrounds). | Fair value | 5,000 | 5,000 | 50 | 50 |
| | Footpaths (asphalt). | Fair value | 5,000 | 5,000 | 25 | 25 |
| | Footpaths (gravel, granitic). | Fair value | 5,000 | 5,000 | 10 | 10 |
| **Drainage** | Underground drainage/stormwater pipes. | Fair value | 5,000 | 5,000 | 100 | 100 |
| | Drainage pits | Fair value | 2,000 | 2,000 | 100 | 100 |
| | Gross pollutant traps (GPTs). | Fair value | 5,000 | 5,000 | 50 | 50 |

| Asset class | Description | Measurement Basis | CAP THRESHOLD | | USEFUL LIFE | |
|---|---|---|---|---|---|---|
| | | | 2023-24 | 2024-25 | 2023-24 | 2024-25 |
| | | | *$* | *$* | *Years* | *Years* |
| **Recreational, leisure & community facilities** | Recreational equipment and facilities. Recreation equipment includes sports and leisure equipment at recreation centres such as bench seats, TV cardio and aerobic stereos, pool cover rollers, gym equipment, pool vacuums, dividing curtains, internal scoreboards, cleaning equipment, aquatic equipment, various items of smaller transportable pool equipment, thermal blankets and gym mats. | Fair value | 3,000 | 3,000 | 10 - 20 | 10 - 20 |
| | Major outdoor LED screens (ie - 'the big screen'). | Fair value | 3,000 | 3,000 | 5 | 5 |
| | Minor outdoor electronic screens and scoreboards, electronic variable message signs/sensors. | Fair value | 3,000 | 3,000 | 10 - 20 | 10 - 20 |
| | Sportsgrounds, sports fields, sporting grass (turf), courts (eg - netball, basketball, tennis), athletic tracks, wickets, hardstand, general sporting surfaces. Note - Turf installed on a sportsground is capital, turf in general areas is not considered capital (expensed). | Fair value | 3,000 | 3,000 | 10 - 20 | 10 - 20 |
| | Sporting structures and equipment (such as goal posts, cricket nets, outdoor exercise equipment, skate ramps/park, basketball towers/backboards, rebound walls), structures without walls (such as bike sheds and racks, display and information shelters, gazebos, picnic shelters, rotundas and stages without a roof), or structures that are stand alone and not attached to a buildings such as sheds, coaches boxes, garages and canopies/shade structures). | Fair value | 3,000 | 3,000 | 10 - 20 | 10 - 20 |
| | Playgrounds (outdoor and indoor). Playgrounds such as swing sets or climbing apparatus. Also includes interconnecting paths between equipment and path edging. Fixed play items associated with a playing surface (such as goal posts) are considered part of the playing surface they relate to and are not recorded as a playground item. Other assets in or near playgrounds (whether enclosed by a fence or not) such as drink fountains, bins, signs, picnic tables, seats or shade structures are considered part of their respective asset class and not a playground item asset unless their primary function is as a piece of play equipment. Mulch and softfall are capitalised when part of a new playground. Ongoing mulch/softfall works - rubber softfall (capitalised), bark or plastic mulch (expensed). | Fair value | 3,000 | 3,000 | 15 | 15 |
| | Irrigation, sports field drainage, controllers, sensors, water tanks/pumps and water systems. | Fair value | 3,000 | 3,000 | 10 -20 | 10 -20 |
| | Outdoor pools | Fair value | 3,000 | 3,000 | 50 | 50 |
| **Waste management** | Not applicable. | N/A | N/A | N/A | N/A | N/A |

| Asset class | Description | Measurement Basis | CAP THRESHOLD | | USEFUL LIFE | |
|---|---|---|---|---|---|---|
| | | | 2023-24 | 2024-25 | 2023-24 | 2024-25 |
| | | | *$* | *$* | *Years* | *Years* |
| **Parks, open space and streetscapes** | Open space furniture (street furniture such as bicycle racks, tree guards, planter boxes, seats and park furniture such as seats, drinking fountains, tables, root barriers/guards and BBQ's). | Fair value | 3,000 | 3,000 | 10 | 10 |
| | Open space furniture (bus shelters). | Fair value | 3,000 | 3,000 | 20 | 20 |
| | Open space furniture (litter bins). | Fair value | 3,000 | 3,000 | 12 | 12 |
| | Open space furniture (tree pits). | Fair value | N/A | 3,000 | N/A | 100 |
| | Signs (unless attached to another asset such as a building or playground, includes heritage markers). | Fair value | 3,000 | 3,000 | 20 | 20 |
| | Landscaping, passive grass/surface and gardens. | Fair value | 3,000 | 3,000 | 10 - 20 | 10 - 20 |
| | Water quality devices - wetlands, rain gardens and biodetention swales. | Fair value | 3,000 | 3,000 | 10 | 10 |
| | Surface drainage - formed open drains (generally made of concrete, eg - spoon drains, open invert). | Fair value | 3,000 | 3,000 | 50 | 50 |
| | Surface drainage - unformed open drains and agriculture (agi) pipes. | Fair value | 3,000 | 3,000 | 10 | 10 |
| | Flood prevention - retarding/detention basins. | Fair value | 3,000 | 3,000 | 20 | 20 |
| | Lighting (public, flood lights, solar, car parks, sportsground, security and street) including light poles and any attached CCTV. | Fair value | 3,000 | 3,000 | 10 - 20 | 10 - 20 |
| | Fencing, bollards, gates, retaining walls and poles. | Fair value | 3,000 | 3,000 | 10 - 50 | 10 - 50 |
| | Parking meters, ticket machines and equipment. | Fair value | 3,000 | 3,000 | 10 | 10 |
| | Public art (memorials, monuments, murals, plaques, sculptures and statues). | Fair value | 3,000 | 3,000 | 50 | 50 |
| | Guard rails. | Fair value | 3,000 | 3,000 | 20 | 20 |
| **Aerodromes** | Not applicable. | N/A | N/A | N/A | N/A | N/A |
| **Off street car parks** | Off street car park and access road (asphalt, brick paved, concrete, gravel). | Fair value | 5,000 | 5,000 | 20 - 25 | 20 - 25 |
| | Off street car park and access road (substructure/pavement). | Fair value | 5,000 | 5,000 | 100 | 100 |
| | Off street car park and access road (kerb and channel). | Fair value | 5,000 | 5,000 | 80 | 80 |
| **Other infrastructure** | Not applicable. Marine assets - piers, jetties, groins, sea walls, caravan parks, markets and saleyards. | N/A | N/A | N/A | N/A | N/A |

| Asset class | Description | Measurement Basis | CAP THRESHOLD | | USEFUL LIFE | |
|---|---|---|---|---|---|---|
| | | | 2023-24 | 2024-25 | 2023-24 | 2024-25 |
| **WORK IN PROGRESS** | | | | | | |
| **Work in progress** | Capital expenditure on projects not yet completed. | Cost | N/A | N/A | N/A | N/A |
| **INVESTMENT PROPERTY** | | | | | | |
| **Investment property** | Land and buildings | Fair value | 5,000 | 5,000 | N/A | N/A |
| **INTANGIBLES** | | | | | | |
| **Computer software** | Software (implementation only not subsequent upgrades). Items that can be capitalised as computer software include software licenses, interworking, configuration support, implementation planning, database planning, quality planning and acceptance testing. Software items to be expensed include software maintenance, data conversion/migration, training, helpdesk support and website costs. Note - implementation or upgrade costs relating to cloud computing arrangements (Software as a Service - SaaS) where Council does not control the software is not capital in nature and will be expensed. | Cost | 3,000 | 3,000 | 3 | 3 |
| **LEASED ASSETS** | | | | | | |
| **Right-of-use (ROU) assets** | Includes information technology (IT) equipment such as monitors, desktop computers and laptops, office related equipment and property leases. | Cost | 10,000 | 10,000 | Earlier of end of useful life of ROU assets or lease term | Earlier of end of useful life of ROU assets or lease term |

# Fixed Asset Policy (including Disposal or Sale of Council Assets)

| | | | |
|---|---|---|---|
| Policy Endorsement: | Endorsement required by Council | | |
| Policy Superseded by this Policy: | Not applicable | | |
| Directorate: | Corporate ~~Services~~Development | | |
| Responsible Officer: | ~~Manager Financial Services~~Chief Financial Officer | | |
| Policy Type: | Discretionary | | |
| File Number: | A4266134 | Version No: | ~~009~~ 010 |
| 1st Adopted by Council | Minute No. 225<br>24 June 2013 | Last Adopted by Council: | Minute No. TBA<br>~~10 July 2023~~ |
| Review Period: | Annually | Next Review: | June ~~2024~~2025 |

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## 1. POLICY OBJECTIVES (OR PURPOSE)

This policy is designed to provide guidance regarding expenditure that is to be capitalised and the associated accounting treatment of non-current assets in Council's fixed asset register.

The policy also details the process of disposing/selling Council owned assets >$50,000 carrying amount and land assets that are no longer required by Council for strategic or operational purposes as well as the acceptable use of asset sale proceeds, including legislative requirements.

This policy endorses the approach that the proceeds from any sale of Council assets should be directly used in the acquisition of new assets or the enhancement of existing assets, and that asset sale proceeds may not be utilised for recurrent/operational purposes.

This revision of the Fixed Asset Policy is effective from 1 July 2024~~3~~.

## 2. BACKGROUND

Accounting standards, including AASB 116 Property, Plant and Equipment, require a distinction to be made between expenditure that is consumed immediately in operations (or within one financial year) and expenditure on fixed assets that will provide service over more than one financial year.

**Accounting and Guideline issues**

*Local Government (Planning and Reporting) Regulations 2020*

The *Local Government (Planning and Reporting) Regulations 2020* require the financial statements of Council to be prepared in accordance with the Local Government Model Financial Report (LGMFR). The LGMFR specifies certain fixed asset categories and classes in the Statement of Capital Works and fixed asset disclosure notes. Refer to **Appendix A** for a list of the asset categories and classes and the measurement basis of each asset class.

Land Under Roads (LUR)

Council's accounting policy regarding the treatment of LUR is to recognise all land under roads post 1 July 2008 using the ~~cost~~ fair value method of valuation.

## 3. SCOPE

This policy includes the accounting treatment of all Council's non-current assets.

The disposal section of this policy applies only to fixed assets >$50,000 carrying amount or property no longer required by Council for strategic or operational purposes and which have been identified for potential sale, transfer, exchange or disposal. Specific disposal processes relating to land and buildings, public open space, discontinued roads and plant and equipment and other assets with a carrying value >$50,000 are included in this policy (Section 5.7). The Fixed Asset Guidelines contain disposal processes for assets with a carrying amount <$50,000.

## 4. DEFINITIONS

Unless otherwise specified within this policy, the following words and phrases are defined to mean the following in terms of this policy.

| | |
|---|---|
| *Assets* | Resources controlled by Council as a result of past events and from which future economic benefits or service potential are expected to flow to Council beyond one year. |
| *Capitalisation threshold* | The new, upgrade or renewal value of an asset, below which the project cost is normally expensed and above which it is normally capitalised. |
| *Capital expenditure* | Expenditure on a non-current asset which meets the adopted recognition criteria for the Asset Class or Asset Component. |
| *Useful life* | The time period over which an asset is expected to be available for use by Council. |

# 5. POLICY

## 5.1 CAPITALISATION

Capitalisation of fixed assets is determined by a materiality threshold at which items of expenditure will be recognised as assets in Council's Balance Sheet.

The useful life of each asset class forms the basis of the calculation of annual depreciation charges and assessment of an assets written down replacement value (refer Appendix A).

Appendix A details the asset categories and classes required in the Local Government Model Financial Report (LGMFR).

Expenditure is to be capitalised when:

- It is probable that the future economic benefits embodied in an asset will eventuate.
- The item of expenditure is in excess of the asset capitalisation threshold (refer Appendix A).
- In limited circumstances, ~~where the value of individual assets falls below the asset threshold for capitalisation, but the assets form part of a bulk purchase (such as office furniture), the aggregate value of the~~ a bulk purchase will be recognised where it exceeds the capitalisation threshold (refer to section 7.2.5 of the Fixed Asset Guidelines).
- Acquisition costs of assets with less than these capitalisation threshold values will be treated as operating expenses.
- All capitalised expenditure is to be recorded in Council's fixed asset register. For each asset, a determination shall be made of its total life, remaining useful life, cost for accounting purposes and method of depreciation.

Note - certain costs are not capitalised when incurred and are charged as an expense in the period in which they are incurred (for example, Christmas decorations, IT software upgrades and building audits).

## 5.2 ACQUISITION OF ASSETS

Assets acquired by Council are to be recorded based on acquisition or construction cost (fair value) plus costs incidental to acquisition including architect's fees, engineering fees and all other costs incurred in preparing the asset ready for use.

## 5.3 GIFTED ASSETS (ACQUIRED FOR NIL CONSIDERATION)

Assets which are gifted or contributed to Council by developers or other bodies (i.e. - acquired for nil consideration) are to be recorded at fair value at the date of acquisition, based on currently assessed replacement rates or developer costs (whichever is the best information source at the time).

## 5.4 Revaluation of Non-Current Assets

All infrastructure assets (except recreational, leisure and community facilities and parks, open space and streetscapes) and property assets (land and buildings excluding land under roads and leasehold improvements) shall be revalued on a regular basis such that the carrying values are not materially different from fair value where fair value is determined to be the current replacement cost of the asset less accumulated depreciation. Appendix A identifies the basis for measurement for each asset class.

## 5.5 Internally Constructed Assets

The cost of assets constructed by Council shall include the cost of all materials used in construction, direct labour employed and an appropriate proportion of variable and fixed overheads.

## 5.6 Fixed Assets Register

The fixed assets register is to record individual assets that the Council owns and/or manages, and/or maintains in sufficient detail ~~as~~ to permit their identification and control. The fixed assets register is to be updated at least annually. The fixed assets register is to be used for ~~the purpose of~~ revaluing ~~and~~ ,depreciating, and keeping asset~~s~~ maintenance records.

## 5.7 Disposal or Sale of Council Assets and Land

Council will over time, carry out a strategic review of its asset and property holdings and may make a determination that some assets are surplus to Council's needs.

In identifying any potential surplus Council owned assets (land or assets >$50,000), a report shall be presented to Council providing all relevant information regarding the asset identified for potential sale including environmental and planning issues and shall include a proposed process for undertaking both consultative and/or statutory processes under the *Local Government Act 1989 or 2020* (whichever is applicable), including provisions for Council to hear submissions from the community related to the proposed sale.

Table 5.7.1: Disposal Policy Definitions

| | |
|---|---|
| *Carrying value* | The asset carrying value (also known as written down value) is the asset value (cost or fair value) less any accumulated depreciation and accumulated impairment loss. |
| *Council-owned land* | Includes vacant land, including discontinued roads, and any building and development thereon. |
| *Open space planning, development and improvements reserve* | Is a reserve set aside for any funds received from the sale of public open space which includes any land set aside in a plan or land in a plan zoned or reserved under a planning scheme for public recreation or public resort; or as parklands; or for similar purposes as defined in the *Subdivision Act 1988*. |
| *Right of way (ROW)* | Means a road as defined in section 3 of the *Local Government Act 1989*. |
| *Road* | Means a road as defined in section 3 of the *Local Government Act 1989*. The term 'road' includes, but is not limited to a ROW, a street, a laneway or a footpath. |

**Sale of Council Owned Land**

All sales, exchanges and transfers of land are required to comply with the provisions of the *Local Government Act 2020 (LGA 2020) or Local Government Act 1989 (LGA 1989)*, whichever is applicable. Sales are to be conducted through a public process (i.e. public auction, public tender or by registration of expressions of interest) unless circumstances exist that justify an alternative method of sale (for example the sale or exchange of land by private treaty).

Section 116 of the LGA 2020 states that Council can transfer, exchange or lease any land with or without consideration to the Crown, a Minister, any public body, trustees appointed under any Act to be held on trust for public or municipal purposes or a public hospital within the meaning of the *Health Services Act 1988* or other not-for-profit hospital.

Where section 116 is not applicable, section 114 of the LGA 2020 requires Council to:

- At least 4 weeks prior to selling or exchanging the land, publish notice of intention to do so on Council's internet site and in any other manner prescribed by the regulations;
- Undertake a community engagement process in accordance with its community engagement policy; and
- Obtain a valuation of the land which is not more than 6 months prior to the sale or exchange, by an appropriately qualified person as per section 13DA(2) of the Valuation of Land Act 1960.

The intent of the legislative requirements is to ensure that Council:

- consults with the community on any proposal to sell or exchange land; and
- provides the community with the opportunity to have their views heard; and
- obtains a current valuation for the land that is proposed for sale or exchange.

Ideally all sales and exchanges of land should occur at not less than the market value assessed by Council's contract valuer.

Land will not be sold for less than the market value, unless there are some alternate community benefits derived by the sale of the land. Any proposal to sell the land at a reduced sale price must be reported to Council for consideration, providing commentary of the alternate benefits derived by a sale at a reduced sale price. Such benefits may include the achievement of planning and development goals, educational or medical benefits to the community, or some other strategic goal of Council.

The purchase price may be set at a lower amount, if it is considered that the benefits accruing to the community would not be reasonably obtained unless a lower price is charged. In this instance a resolution of Council to sell, transfer or exchange land at less than its market value is required.

*Open Space Land*

In addition to the requirements under the LGA 2020, Council is required to comply with section 20 of the *Subdivision Act 1988* when selling public open space. Refer to Table 5.7.3 'Application of Sale Proceeds' for further details.

*Discontinued Roads*

The sale of land that forms part of a road that has been discontinued is subject to the provisions of the LGA 1989. The public consultation process for road discontinuance is provided for under clause 3, Schedule 10 by way of a notice published in the Government Gazette.

Prior to considering the discontinuance and sale or transfer of roads or right-of-ways (ROWs) or the removal of reserve status and the subsequent sale, transfer or exchange of land, officers will consider if land is required for any of the following purposes:

- there is an ongoing need for the land to provide either vehicular or pedestrian access.
- the land has strategic value to Council or the community.
- the land provides recreational linkages or linked paths.
- the land increases public open space.
- the land is required for public works or flood mitigation.
- the land is generally required for a municipal purpose.

The benefits in discontinuing and selling or transferring a road or ROW or removing the status of a reserve and selling, transferring or exchanging land that is no longer required are:

- it provides an additional source of income.
- there will be a reduction in Council's financial liability in terms of the ongoing maintenance costs of unused and surplus land.
- there is the potential for increased rate revenue.
- there is improved security for unused portions of land.
- Council can formalise any illegal occupation of public land.

The general principles that Council will apply in considering selling or transferring a road or ROW are:

- Council discourages the unauthorised occupation of roads, ROWs and reserves and will take steps to remove such illegal occupation.
- Council will encourage the sale or transfer of such land that is not being used for pedestrian or vehicular access or is no longer required for a strategic or public use.
- Council will only sell or transfer such land holdings to abutting property owners, unless the land is able to be sold or transferred to a third party for the community's benefit.
- All abutting owners will be given an equal opportunity to purchase any land that abuts their property. Accordingly, officers will attempt to divide land equally. However, Council will acknowledge and give preferential allocation rights to abutting property owners who can demonstrate continuous exclusive occupation of the land for more than 15 years (i.e. occupation that would otherwise give rise to an adverse possession claim).
- Council will recover all costs incurred in the application of this policy.
- Council reserves the right to retain any portion of land if Council has title to such land if it is considered to be appropriate. This land may be retained to:
  - meet a strategic need or
  - protect Council's rights of ownership or
  - sell in the future in accordance with this policy.
- Council has the right to place an easement, covenant, or create an easement on, or over, the land parcel in order to protect existing rights or future requirements. If there is a requirement by service authorities to relocate any assets located within the land (e.g. drains, power lines, etc), then all costs will be borne by the purchaser.

In relation to the sale of roads, ROWs or minor reserves, if a property owner can demonstrate continuous exclusive occupation of the land for 15 years or longer and they have a right to claim the land by adverse possession, consideration may be given to discounting the purchase price by up to 25% of the current market value.

Costs Associated with the Sale

The costs associated with the discontinuance and sale, transfer or exchange of roads, ROW's or minor reserves are to be borne by the purchaser or shared by the purchasers (see table 5.7.2). Council officers will endeavour to keep all costs borne by the purchaser(s) to a minimum and will seek to reduce costs if the portion of land is to be sold or transferred to a number of purchasers.

Table 5.7.2

| Direct Costs | Relocation Costs |
|---|---|
| • Surveyor's fees<br>• Legal fees (Council officers will use Council appointed legal contractors for any legal advice sought)<br>• Land registry fee – Transfer of Land<br>• Stamp duty<br>• Advertising<br>• Consolidation<br>• Planning permit application fees | • Relocation of fences<br>• Service authority assets such as those belonging to water, gas or telecommunications organisations<br>• Re-useable materials as determined by Council which may remain the property of Council<br>• Replacement drainage or new storm water drainage |

GST

In accordance with the provisions of the *Goods and Services Tax Act 1999*, the sale, transfer or exchange of Council property, including the sale, transfer or exchange of discontinued ROWs, roads, minor or major Reserves or other land parcels will attract GST. Council will ensure that GST is added to the sale price or that the sale price is inclusive of GST.

Terms of Payment

The full purchase price will be paid to Council at the time of settlement, except at the discretion of the responsible officer. If purchasers of roads, ROWs and minor reserves meet the requirements of Council's Rates and Charges Hardship Policy, terms may be extended to allow equal payments over a three year period. In relation to term payments, an additional service charge will be applied to cover any administration costs. The transfer of land will not be passed onto the purchaser until the purchase price plus any costs or additional amounts are paid in full.

Terms of payments associated with the sale of major reserves or other significant land parcels will be considered on a case-by-case basis and any deferment of payment will be considered in light of the market valuation.

**Sale of Assets (>$50,000 carrying value)**

The sale or disposal of major plant and equipment and assets (other than land with a carrying value >$50,000) is subject to the following guidelines:

- trading the equipment to suppliers; or
- obtaining expressions of interest from interested buyers; or
- selective tender from an identified group of buyers; or
- public tender – openly seeking buyers using the tender process; or
- public auction - advertisement for auction through the local paper and, where appropriate, a paper circulating in the State, or procuring the services of an auctioneer.

The selection process is to give consideration to:

- the method likely to return the higher value net of disposal costs; and
- the current written down value (book value) of the asset; and
- compliance with relevant statutory obligations.

The sale of each item of Plant and Equipment is to be subject to a minimum reserve price to be approved by the ~~Manager Infrastructure Services and Planning~~Manager Infrastructure Services.

**Application of Sale Proceeds**

Table 5.7.3

| Asset Type | Application of Sale Proceeds |
|---|---|
| Plant and Equipment and Assets other than Land >$50,000 | To the purchase of new plant and equipment, or the establishment of a new asset or refurbishment of an existing asset. |
| Council-owned Land | To be transferred to the Major Projects Reserve for Council consideration for allocation to future new asset creation / or major asset refurbishment. The proceeds allocated will be net of all expenditure including advertising, agent's fees, legal costs and other sale costs.<br>All reports on the sale of Council owned land must include a section on whether Council wishes to allocate a maximum of 10% of the sale proceeds into an Affordable Housing Fund dedicated to the development of future affordable housing projects. The Council resolution to sell land must include a resolution on the amount (if any) to be allocated to this fund. |
| Public Open Space Council-owned Land | Where the land is Public Open Space, the proceeds are required to be used in accordance with the Subdivision and Planning Environment Acts and must be allocated to Council's Open Space Planning and Development Reserve.<br>Section 20 of the Subdivision Act 1988 requires that the proceeds from the sale of public open space land be used to:<br>• buy land for use for public recreation or public resort, as parklands or for similar purposes; or<br>• improve land already set aside, zoned or reserved (by the council, the Crown, a planning scheme or otherwise) for use for public recreation or public resort, as parklands or for similar purposes; or<br>• with the approval of the Minister administering the LG Act, improve land (whether set aside on a plan or not) used for public recreation or public resort, as parklands or for similar purposes. |

Allocation of asset sale proceeds to an appropriate capital project can only occur via either an Annual Budget process or Mid-Year Budget process where the highest and best use of funds can be determined in reference to all potential capital projects.

Proceeds from the sale of assets must be received by Council prior to the expenditure allocation being determined.

## 5.8 Impairment of Assets

Fixed assets will be reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount (which is the higher of the present value of future cash outflows or value in use).

For assets whose economic benefits are not dependent on the ability to generate cash flows, and where the future economic benefits would be replaced if Council were deprived thereof, the value in use (infrastructure assets) is the depreciated replacement cost.

## 5.9 Investment Property

Investment property, comprising retail complexes, are held to generate long-term rental yields. Investment property is measured initially at cost, including transaction costs. Cost incurred subsequent to initial acquisition are capitalised when it is probable that future economic benefit in excess of the originally assessed performance of the asset will flow to the Council. Subsequent to initial recognition at cost, investment property is carried at fair value, determined annually by independent valuers. Changes to fair value are recorded in the Comprehensive Income Statement in the period that they arise. Investment property are not subject to depreciation. Rental income from the leasing of investment properties is recognised in the Comprehensive Income Statement on a straight line basis over the lease term.

## 5.10 Leased/Right-of-use (ROU) Assets

Leased assets relate mainly to information technology (IT) and office related equipment, as well as a number of property leases. As a lessee, Council recognises a ROU asset and a lease liability at the lease commencement date (unless the lease term is less than 12 months or the ROU asset is low-value (under $10,000)). The ROU asset is initially measured at cost and is subsequently depreciated using the straight-line method from the commencement date to the earlier of the end of the useful life of the ROU asset or the end of the lease term.

## 6. RESPONSE TO THE OVERARCHING GOVERNANCE PRINCIPLES OF THE LOCAL GOVERNMENT ACT 2020

This policy considers the overarching governance principles outlined in section 9 of the *Local Government Act 2020* and has taken the financial management principles in section 101 into account. This policy is predominantly administrative in nature and outlines the accounting treatment and assumptions regarding asset transactions. It does not impact on existing and future budgets. The policy is required to comply with the *Local Government Act 2020*, *Local Government (Planning and Reporting) Regulations 2020* and relevant Australian Accounting Standards. The annual review and approval of this policy ensures the transparency of Council decisions, actions and information in relation to fixed asset accounting transactions.

Of particular relevance to this policy, Council is required to:

Prepare financial statements pursuant to:

- Section 98 of the *Local Government Act 2020*
- Section 14 of the *Local Government (Planning and Reporting) Regulations 2020*

Sell or dispose of land in accordance with:

- Clause 3 of schedule 10 of the *Local Government Act 1989*.
- Division 4 of the *Local Government Act 2020*.

## 7. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 – COMPATIBILITY STATEMENT

The *Charter of Human Rights and Responsibilities Act 2006* has been considered in the preparation of this policy but is not relevant to its contents.

The policy is purely administrative in its nature and does not have the potential to influence human rights and responsibilities.

## 8. RESPONSE TO THE GENDER EQUALITY ACT 2020

The *Gender Equality Act 2020* has been considered in the preparation of this policy but is not relevant to its contents.

The policy is purely administrative in its nature and does not have the potential to influence broader social norms and gender roles.

## 9. CONSIDERATION OF CLIMATE CHANGE AND SUSTAINABILITY

Acknowledge that this policy has no impact on Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 or the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability and why it does not have any impact.

The policy is purely administrative in its nature and does not have the potential to influence future asset planning or sustainability, climate or energy.

## 10. RESPONSIBILITIES

Council is responsible for ensuring this policy remains consistent with the Greater Dandenong Council Plan and ~~Strategic Resource~~Asset Plan.

The Chief Executive Officer is responsible for ensuring overall compliance with relative legislation.

The Asset Management team in ~~Engineering Services~~the CEO Services directorate (with the assistance of the Financial Services department in Corporate ~~Services~~Development) are responsible for maintaining, capturing and recording fixed assets in the asset register in Council's asset management system. The Financial Services department are responsible for recording asset transactions in Council's general ledger and reconciling the general ledger to the asset register.

The minimum reserve prices from the disposal or sale of assets (other than land) >$50,000 is required to be approved by the ~~Manager Infrastructure Services and Planning~~Manager Infrastructure Services.

All Council staff are responsible for compliance with this policy and the requirements within it.

This policy will be reviewed and updated annually by the Financial Services department.

Consultation on proposed changes to the policy each year will occur with:

- Asset Management team in CEO Services directorate.
- ~~and Manager Infrastructure Services and Planning~~Manager Infrastructure Services ~~in Engineering Services~~City Futures directorate.
- External auditors.

## 11. REPORTING, MONITORING AND REVIEW

The current policy complies with Local Government legislation and Australian Accounting Standards and has been subject to internal and external audits.

Each year the policy will be reviewed and updated to ensure compliance with Local Government legislation and Australian Accounting Standards is maintained and that policy directions remain relevant.

The success of the policy will be measured by its compliance with the relevant legislation and Accounting Standards and a clear external audit opinion.

## 12. REFERENCES AND RELATED DOCUMENTS

### Legislation

- Australian Accounting Standards
- *Local Government Act 1989*
  ~ Under clause 3 of schedule 10 of the *Local Government Act 1989*, Council has the authority to discontinue a road or ROW, or part thereof, and sell it to a third party or retain it for municipal purposes.
- *Local Government Act 2020*
  ~ Under Division 4 of the *Local Government Act 2020*, Council has the authority to sell land to a third party. This may include discontinued roads and/or reserves and other Council properties.
- *Local Government (Planning and Reporting) Regulations 2020*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Gender Equality Act 2021*
- *Planning and Environment Act 1987*
- *Subdivision Act 1988*
  ~ Under section 24A of the *Subdivision Act 1988*, Council has the authority to initiate procedures to remove and vest in itself all, or part, of a drainage reserve or sell it to a third party.
  ~ Under section 20 of the *Subdivision Act 1988*, Council may sell land set aside as public open space but must abide by the legislation in relation to the use of funds derived from the sale.

### Related Council and Other Policies, Procedures, Strategies, Protocols, Guidelines

- Greater Dandenong City Council Fixed Asset Guidelines
- City of Greater Dandenong Council Plan
- City of Greater Dandenong Asset Plan
- City of Greater Dandenong Asset Management Policy

### Other Guidance

- *Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land 2009 – Department of Planning and Community Development.*

## 13. APPENDIX A – BASIS OF MEASUREMENT, CAPITALISATION THRESHOLDS AND USEFUL LIVES

| Asset class | Description | Measurement Basis | CAP THRESHOLD | | USEFUL LIFE | |
|---|---|---|---|---|---|---|
| | | | 2023-24 | 2024-25 | 2023-24 | 2024-25 |
| | | | *$* | *$* | *Years* | *Years* |
| **PROPERTY** | | | | | | |
| **Land** | Land owned or controlled by Council. Land either has a fair value classification of level 3 - 'specialised land' or level 2 - 'non-specialised land'. | Fair value (indep val'n) | 0 | 0 | N/A | N/A |
| | Land under roads (LUR) (excluding lanes, private roads and Council roads in parks and reserves) acquired after 1 July 2008. All LUR have a fair value level 3 classification - 'specialised land'. | Fair value (indep val'n) | 0 | 0 | N/A | N/A |
| **Land improvements** | Not applicable - allocated to other asset classes such as 'Recreational, leisure and community facilities' and 'Parks, open space and streetscapes'. | N/A | N/A | N/A | N/A | N/A |
| **Buildings** | Buildings include Class 1 to Class 9 buildings as defined in the Building Code of Australia including all corporate, community and commercial buildings managed / controlled / owned by Council and multi-story car park buildings. This includes both habitable and non-habitable buildings. Non-habitable buildings as defined in class 10A of the Building Code of Australia. Examples include workshops, kiosks, stand-alone administration buildings/offices, public conveniences, stores, under croft car parking, sporting pavilions and sporting clubrooms. Building assets and improvements will be separated into the following three components with different useful | | | | | |
| | **Superstructure**<br>Includes the foundations, external walls (including paint) and roof of buildings (including attached stormwater drainage and guttering). | Fair value (indep val'n) | 10,000 | 10,000 | 100 | 100 |
| | **Ancillary Services**<br>- Security (e.g., card reader, electronic security system, surveillance system, CCTV, access control system)<br>- Electrical and gas (e.g., electrical distribution board, antenna fitting, cabling/internal wiring, meter boxes, exit signs, lighting, solar panels)<br>- Hydraulics (e.g., plumbing systems, rainwater collection system, heat pump, boiler, water pump, water supply and sewerage, indoor swimming pools)<br>- Mechanical (e.g., cool room, rangehood, lift, escalators, HVAC system, cranes, hoists, sanitary plumbing, specialist kitchen services (ovens, dishwashers, etc) and building management system)<br>- Fire services (e.g., fire alarm system, heat detectors, fire extinguishers, fire hose reels, smoke detectors, valves (fire system)<br>- Other structures that link or are attached to the building (e.g., fences, paths, access ramps or steps, verandas, coaches boxes, pergolas, garages, carports, toilets and shade shelters). Only totally freestanding structures will be considered separate assets and recorded in the relevant asset class. | Fair value (indep val'n) | 5,000 | 5,000 | 20 | 20 |
| | **Fitout and Fittings**<br>Includes floor coverings, cabinetry and cupboards, sinks and toilets, sporting equipment fixed to the building. Hardwired or fixed items in buildings should be considered part of the building's Fitout and Fittings. Moveable Furniture and equipment between sites are recorded under Plant & Equipment asset categories. | Fair value (indep val'n) | 5,000 | 5,000 | 20 | 20 |

| Asset class | Description | Measurement Basis | CAP THRESHOLD | | USEFUL LIFE | |
|---|---|---|---|---|---|---|
| | | | 2023-24 | 2024-25 | 2023-24 | 2024-25 |
| | | | *$* | *$* | *Years* | *Years* |
| **PROPERTY** | | | | | | |
| **Building improvements** | Not applicable - included in buildings above. | N/A | N/A | N/A | N/A | N/A |
| **Leasehold improvements** | Land improvements, buildings and other improvements to property assets leased by Council or on land leased by Council. Leasehold improvements to buildings include fit-outs, security enhancements and/or renovations of leased office accommodation or leased property. Examples are recarpeting, immoveable fixtures such as the installation of air-conditioning or CCTV, and structural improvements to a leased property upon commencement of a lease (initial office/residential fit-out), and any subsequent refurbishment of office/residential leased accommodation. | Cost | 5,000 | 5,000 | Lease term | Lease term |
| **Heritage buildings** | Not applicable - defined as heritage buildings as listed on the Victorian Heritage Register. | Fair value (indep val'n) | N/A | N/A | N/A | N/A |

| Asset class | Description | Measurement Basis | CAP THRESHOLD | | USEFUL LIFE | |
|---|---|---|---|---|---|---|
| | | | 2023-24 | 2024-25 | 2023-24 | 2024-25 |
| **PLANT AND EQUIPMENT** | | | | | | |
| **Heritage plant and equipment** | Not applicable. | N/A | N/A | N/A | N/A | N/A |
| **Plant, machinery and equipment** | Heavy plant and equipment (such as graders, trucks, tractors, tippers, scissor lifts and loaders). | Cost | 3,000 | 3,000 | 7 | 7 |
| | Buses, quads and trailers. | Cost | 3,000 | 3,000 | 10 | 10 |
| | Light plant and equipment (such as rollers, mowers, tools and blowers), passenger vehicles, light commercial vehicles (</= 3 tonne). Also includes lifters, generators, powersaws, floor polishers, steam cleaners, sweepers, winches, compressors, surveying equipment, people counting systems, rotators, outdoor cleaning equipment and submersible pumps. | Cost | 3,000 | 3,000 | 5 | 5 |
| **Fixtures, fittings and furniture** | Office furniture and equipment (workstations, mobile shelving, chairs, office bins, lockers, tables, desks, filing cabinets), kitchen appliances and equipment (fridges), hand dryers, display units/stands, dividers/privacy screens, safes, podiums, trolleys and other miscellaneous fixtures, fittings (eg - window furnishings) and furniture. Excludes Christmas decorations (not capital). | Cost | 3,000 | 3,000 | 6 | 6 |
| | Musical instruments. | Cost | 3,000 | 3,000 | 20 | 20 |
| | Art works (paintings, pictures, murals, heritage). | Cost | 3,000 | 3,000 | N/A | N/A |
| **Computers and telecomm's** | Hardware, servers, hubs, cabling, faxes, printers, telephones, mobile phones/devices, photocopiers, computers, laptops, microwave links, wireless links, firewall, scanners, GPS, Book-a-Court system and audio visual equipment (such as stereos, speakers, amplifiers, antenna, cameras, video recorders, microphones, televisions, DVD players, electronic whiteboards, two way radios, hearing loop, projectors, etc). | Cost | 3,000 | 3,000 | 5 | 5 |
| **Library resources** | Includes library books, CDs, DVDs and tapes, hard copy e-books and e-audio books (excludes downloaded/subscription based digital content such as e-books and e-audio books, annual online licences or subscriptions, annual platform access to e-formats, periodicals and newspapers - these items are expensed as they generally have a life of one year or less). | Cost | 0 | 0 | 5 | 5 |

| Asset class | Description | Measurement Basis | CAP THRESHOLD | | USEFUL LIFE | |
|---|---|---|---|---|---|---|
| | | | 2023-24 | 2024-25 | 2023-24 | 2024-25 |
| **INFRASTRUCTURE** | | | | | | |
| **Roads** | Road seal (surface) comprises the wearing surface of a road pavement or laneway. Reconstruction, resurfacing (asphalt overlays and spray seals), wearing course and rehabilitation of road seal are capital. Surface patching treatments (major or minor) such as pothole repairs, crack sealing or repairs, slurry seals are considered maintenance treatments aimed at ensuring the road seal asset reaches its intended useful life (expensed). Linemarking, tactiles and omnicrete are capital for new assets, but expensed when subsequently replaced. Sub-categories include: | | | | | |
| | Seal/surface (spray seal). | Fair value | 20,000 | 20,000 | 12 | 12 |
| | Seal/surface (asphalt, concrete, brick, granite setts and gravel). | Fair value | 20,000 | 20,000 | 20 | 20 |
| | Road substructure (pavement). Road substructure is the constructed material layer(s) beneath the wearing surface of a road pavement or laneway. Usually unaffected by periodic replacements of the wearing surface and would normally only be created where a new pavement was built or an existing pavement was totally reconstructed/rehabilitated. | Fair value | 20,000 | 20,000 | 100 | 100 |
| | Kerb and channel. Includes concrete, bluestone and asphalt kerb and channel on local roads. Also includes kerb laybacks (which are part of crossings), usually provided for vehicle, bicycle or pedestrian access across the kerb and channel. | Fair value | 5,000 | 5,000 | 80 | 80 |
| | On street car parks (seal) - asphalt, brick paves, concrete and gravel). On-street car parks include car parks located within the road reserve (ie – indented parking bays, parallel parking bays, etc). | Fair value | 5,000 | 5,000 | 20-25 | 20-25 |
| | On street car parks (substructure). | Fair value | 5,000 | 5,000 | 100 | 100 |
| | Local Area Traffic Management (LATM) - splitter islands, roundabouts, speed humps. | Fair value | 2,000 | 2,000 | 20 | 20 |
| | LATM - slow points. | Fair value | 2,000 | 2,000 | 5 | 5 |
| | LATM - traffic signal controller. | Fair value | 2,000 | 2,000 | 15 | 15 |
| | LATM - traffic signal hardware. | Fair value | 2,000 | 2,000 | 30 | 30 |

| Asset class | Description | Measurement Basis | CAP THRESHOLD | | USEFUL LIFE | |
|---|---|---|---|---|---|---|
| | | | 2023-24 | 2024-25 | 2023-24 | 2024-25 |
| | | | *$* | *$* | *Years* | *Years* |
| **Bridges** | Includes major culverts, deck and substructure. Bridges include all structures which convey a road, footpath or cycleway across another physical feature (including waterways and other roads) and includes major culverts. Bridge components include the foundation, column, girder, decking, wearing course, railing, paths and guardrails. Items such as lighting, signage and paths are not included. Boardwalks are also included in this asset class (constructed pathways above ground either in steel/concrete or timber). | Fair value | 5,000 | 5,000 | 20 - 100 | 20 - 100 |
| **Footpaths and cycleways** | Footpaths (concrete, brick/pavers and granite). Footpaths and cycleways includes footpaths leading to bridges, and pedestrian access features, ramps, pram crossings, path widenings and linemarking on new footpath assets. Paths in playgrounds that provide a direct access between playground items are not considered part of the path asset class (included in playgrounds). | Fair value | 5,000 | 5,000 | 50 | 50 |
| | Footpaths (asphalt). | Fair value | 5,000 | 5,000 | 25 | 25 |
| | Footpaths (gravel, granitic). | Fair value | 5,000 | 5,000 | 10 | 10 |
| **Drainage** | Underground drainage/stormwater pipes. | Fair value | 5,000 | 5,000 | 100 | 100 |
| | Drainage pits | Fair value | 2,000 | 2,000 | 100 | 100 |
| | Gross pollutant traps (GPTs). | Fair value | 5,000 | 5,000 | 50 | 50 |

| Asset class | Description | Measurement Basis | CAP THRESHOLD | | USEFUL LIFE | |
|---|---|---|---|---|---|---|
| | | | 2023-24 | 2024-25 | 2023-24 | 2024-25 |
| | | | *$* | *$* | *Years* | *Years* |
| **Recreational, leisure & community facilities** | Recreational equipment and facilities. Recreation equipment includes sports and leisure equipment at recreation centres such as bench seats, TV cardio and aerobic stereos, pool cover rollers, gym equipment, pool vacuums, dividing curtains, internal scoreboards, cleaning equipment, aquatic equipment, various items of smaller transportable pool equipment, thermal blankets and gym mats. | Fair value | 3,000 | 3,000 | 10 - 20 | 10 - 20 |
| | Major outdoor LED screens (ie - 'the big screen'). | Fair value | 3,000 | 3,000 | 5 | 5 |
| | Minor outdoor electronic screens and scoreboards, electronic variable message signs/sensors. | Fair value | 3,000 | 3,000 | 10 - 20 | 10 - 20 |
| | Sportsgrounds, sports fields, sporting grass (turf), courts (eg - netball, basketball, tennis), athletic tracks, wickets, hardstand, general sporting surfaces. Note - Turf installed on a sportsground is capital, turf in general areas is not considered capital (expensed). | Fair value | 3,000 | 3,000 | 10 - 20 | 10 - 20 |
| | Sporting structures and equipment (such as goal posts, cricket nets, outdoor exercise equipment, skate ramps/park, basketball towers/backboards, rebound walls), structures without walls (such as bike sheds and racks, display and information shelters, gazebos, picnic shelters, rotundas and stages without a roof), or structures that are stand alone and not attached to a buildings such as sheds, coaches boxes, garages and canopies/shade structures). | Fair value | 3,000 | 3,000 | 10 - 20 | 10 - 20 |
| | Playgrounds (outdoor and indoor). Playgrounds such as swing sets or climbing apparatus. Also includes interconnecting paths between equipment and path edging. Fixed play items associated with a playing surface (such as goal posts) are considered part of the playing surface they relate to and are not recorded as a playground item. Other assets in or near playgrounds (whether enclosed by a fence or not) such as drink fountains, bins, signs, picnic tables, seats or shade structures are considered part of their respective asset class and not a playground item asset unless their primary function is as a piece of play equipment. Mulch and softfall are capitalised when part of a new playground. Ongoing mulch/softfall works - rubber softfall (capitalised), bark or plastic mulch (expensed). | Fair value | 3,000 | 3,000 | 15 | 15 |
| | Irrigation, sports field drainage, controllers, sensors, water tanks/pumps and water systems. | Fair value | 3,000 | 3,000 | 10 -20 | 10 -20 |
| | Outdoor pools | Fair value | 3,000 | 3,000 | 50 | 50 |
| **Waste management** | Not applicable. | N/A | N/A | N/A | N/A | N/A |

| Asset class | Description | Measurement Basis | CAP THRESHOLD | | USEFUL LIFE | |
|---|---|---|---|---|---|---|
| | | | 2023-24 | 2024-25 | 2023-24 | 2024-25 |
| | | | *$* | *$* | *Years* | *Years* |
| **Parks, open space and streetscapes** | Open space furniture (street furniture such as bicycle racks, tree guards, planter boxes, seats and park furniture such as seats, drinking fountains, tables, root barriers/guards and BBQ's). | Fair value | 3,000 | 3,000 | 10 | 10 |
| | Open space furniture (bus shelters). | Fair value | 3,000 | 3,000 | 20 | 20 |
| | Open space furniture (litter bins). | Fair value | 3,000 | 3,000 | 12 | 12 |
| | Open space furniture (tree pits). | Fair value | N/A | 3,000 | N/A | 100 |
| | Signs (unless attached to another asset such as a building or playground, includes heritage markers). | Fair value | 3,000 | 3,000 | 20 | 20 |
| | Landscaping, passive grass/surface and gardens. | Fair value | 3,000 | 3,000 | 10 - 20 | 10 - 20 |
| | Water quality devices - wetlands, rain gardens and biodetention swales. | Fair value | 3,000 | 3,000 | 10 | 10 |
| | Surface drainage - formed open drains (generally made of concrete, eg - spoon drains, open invert). | Fair value | 3,000 | 3,000 | 50 | 50 |
| | Surface drainage - unformed open drains and agriculture (agi) pipes. | Fair value | 3,000 | 3,000 | 10 | 10 |
| | Flood prevention - retarding/detention basins. | Fair value | 3,000 | 3,000 | 20 | 20 |
| | Lighting (public, flood lights, solar, car parks, sportsground, security and street) including light poles and any attached CCTV. | Fair value | 3,000 | 3,000 | 10 - 20 | 10 - 20 |
| | Fencing, bollards, gates, retaining walls and poles. | Fair value | 3,000 | 3,000 | 10 - 50 | 10 - 50 |
| | Parking meters, ticket machines and equipment. | Fair value | 3,000 | 3,000 | 10 | 10 |
| | Public art (memorials, monuments, murals, plaques, sculptures and statues). | Fair value | 3,000 | 3,000 | 50 | 50 |
| | Guard rails. | Fair value | 3,000 | 3,000 | 20 | 20 |
| **Aerodromes** | Not applicable. | N/A | N/A | N/A | N/A | N/A |
| **Off street car parks** | Off street car park and access road (asphalt, brick paved, concrete, gravel). | Fair value | 5,000 | 5,000 | 20 - 25 | 20 - 25 |
| | Off street car park and access road (substructure/pavement). | Fair value | 5,000 | 5,000 | 100 | 100 |
| | Off street car park and access road (kerb and channel). | Fair value | 5,000 | 5,000 | 80 | 80 |
| **Other infrastructure** | Not applicable. Marine assets - piers, jetties, groins, sea walls, caravan parks, markets and saleyards. | N/A | N/A | N/A | N/A | N/A |

| Asset class | Description | Measurement Basis | CAP THRESHOLD | | USEFUL LIFE | |
|---|---|---|---|---|---|---|
| | | | 2023-24 | 2024-25 | 2023-24 | 2024-25 |
| **WORK IN PROGRESS** | | | | | | |
| **Work in progress** | Capital expenditure on projects not yet completed. | Cost | N/A | N/A | N/A | N/A |
| **INVESTMENT PROPERTY** | | | | | | |
| **Investment property** | Land and buildings | Fair value | 5,000 | 5,000 | N/A | N/A |
| **INTANGIBLES** | | | | | | |
| **Computer software** | Software (implementation only not subsequent upgrades). Items that can be capitalised as computer software include software licenses, interworking, configuration support, implementation planning, database planning, quality planning and acceptance testing. Software items to be expensed include software maintenance, data conversion/migration, training, helpdesk support and website costs. Note - implementation or upgrade costs relating to cloud computing arrangements (Software as a Service - SaaS) where Council does not control the software is not capital in nature and will be expensed. | Cost | 3,000 | 3,000 | 3 | 3 |
| **LEASED ASSETS** | | | | | | |
| **Right-of-use (ROU) assets** | Includes information technology (IT) equipment such as monitors, desktop computers and laptops, office related equipment and property leases. | Cost | 10,000 | 10,000 | Earlier of end of useful life of ROU assets or lease term | Earlier of end of useful life of ROU assets or lease term |

## 4.1.4 Review of Election Period Policy and Endorsement for Public Consultation

**Responsible Officer:** Chief Executive Officer
Executive Director Corporate Development
Manager Governance, Legal & Risk

**Attachments:**
1. Election Period Policy - Revised FINAL DRAFT - July 2024 [**4.1.4.1** - 16 pages]
2. Governance Rules under the Local Government Act 2020 ( A 7192893) [**4.1.4.2** - 44 pages]
3. Supporting Background Information - July 2024 ( A 11109962) [**4.1.4.3** - 3 pages]

### Executive Summary

1. The *Local Government Act 2020* (the Act) requires Council to maintain an Election Period Policy and that the Policy be included in the Council's Governance Rules (attachment 2).
2. Council's Election Period Policy requires a review prior to the Election Period for the 2024 Local Government General Elections to ensure the policy meets best governance practices.
3. There is a requirement to take the Election Period Policy to the community for consultation pursuant to section 60(4) of the Act as the policy forms part of the Governance Rules.
4. This report recommends that Council endorse the Election Period Policy (attachment 1) for the purpose of community consultation.

## Background

5. Section 60 of the *Local Government Act 2020* (the Act) states that Council must adopt and keep in force Governance Rules.
6. Section 60(1)(e) of the Act requires Council to include an Election Period Policy in its Governance Rules in accordance with section 69.
7. Section 69(2) of the Act provides for what must be included in the Election Period Policy that prohibits Council decision making during the Election Period.
8. The Election Period Policy (the Policy) sets out the statutory limits placed on Council decisions during the election period as required under the Act and provides detailed guidance at an operational level to ensure compliance with the imposed statutory requirements.
9. The policy also builds on Council's Governance Rules by enhancing the transparency and accountability of the Council, Councillors and staff, as well as ensuring all candidates receive the same level of information and assistance during the election period.
10. As the Policy forms part of the Governance Rules, there is a requirement to take the amended policy to the community for consultation.
11. Council's Community Engagement Policy stipulates that community consultation must allow for a 28-day consultation period.

## Key Points / Issues / Discussion

12. Section 60(3) of the Act permits Council to amend its Governance Rules at any time.
13. The Policy has been reviewed to ensure compliance with the Act and the Local Government (Elections) Regulations.
14. The Policy provides a framework for decisions prohibited by Council during the election period in accordance with the Act and the procedures to be applied by Council during the Election period.
15. The Election Period is from 12noon on Tuesday 17 September 2024 until 6pm on Saturday 26 October 2024.
16. Section 60(4) of the Act states a Council must ensure that a process of community engagement is followed in developing or amending its Governance Rules.
17. A Community Consultation Period is planned for 9 July 2024 until 5 August 2024.
18. Written submissions received by members of the public will be presented to Council on 12 August 2024 for Council's consideration prior to making a determination on the adoption of the Election Period Policy.
19. Supporting Background Information (attachment 3) provides additional information for consideration.

## Financial Implications

20. There are no financial implications associated with this report.

## Community and Stakeholder Consultation

21. In revising the Election Period Policy, Council must adhere to the community engagement principles as defined in the Act as well as Council's Community Engagement Policy.
22. The proposed timeline for Community Consultation is from 9 July 2024 until 12noon on Monday 5 August 2024 being a 28-day period as required under Council's Community Engagement Policy.
23. Advertisements calling for community feedback on the revised Governance Rules (Election Period Policy) will be placed on Council's Website.

## Links to the Community Vision and Council Plan

24. This report is consistent with the following principles in the Community Vision 2040:

    - Not Applicable.

25. This report is consistent with the following strategic objectives from the Council Plan 2021-25:

    - Not Applicable.

## Legislative and Policy Obligations

26. This report has considered Council's legislative and policy obligations (where applicable) as outlined in the Report Considerations section detailed in the front of this Agenda. The applicable obligations considered and applied are:

    - Not Applicable

## Conclusion

27. Council is required to review its Election Period Policy prior to the election period for the 2024 Local Government General Elections.

28. The Policy has been reviewed and updated and is required to go through the process of community consultation before it can be considered for adoption by Council.

## Officer Recommendation

**That Council:**

1. **ENDORSES the Election Period Policy in Attachment 1 for the purpose of community consultation for the period 9 July to 12 noon on 5 August 2024 prior to being considered for adoption by Council at the Council Meeting scheduled for 12 August 2024; and**
2. **CONSIDERS any written submissions at the Council Meeting on 12 August 2024 and make a determination.**

# Chapter 6 – Election Period (Caretaker) Policy

Section 60(e) of the Act states that a Council must develop, adopt and keep in force Governance Rules with respect to an Election Period Policy in accordance with section 69. Section 69(1) of the Act states that a Council must include an Election Period Policy in its Governance Rules.

The Chief Executive Officer will ensure that all employees are informed of the requirements of this Election Period Policy at least 30 days prior to the commencement of it.

## 6.1 Purpose

The Election Period Policy (Policy) has been developed in accordance with the Local Government Act 2020 (Act), in order to ensure the Greater Dandenong general elections and by-elections are conducted in a manner that is ethical, fair and equitable and are publicly perceived as such.

During an election period, local government goes into 'caretaker' mode, avoiding actions and decisions which could be seen to be influencing voters or which will have a significant impact on the incoming Council.

The Act requires councils to have a Policy to explain to their communities how they will conduct their business immediately prior to an election. This is to ensure council elections are not compromised by inappropriate electioneering by existing councillors and to safeguard the authority of the new council.

The policy also provides guidance at an operational level to ensure compliance with legislative requirements, demonstrates the Council's commitment to probity in its elections and ensures transparency and accountability of the Council, Councillors and staff during the election period.

## 6.2 What is this policy designed to achieve?

This Policy applies during an 'election period' (refer below for definition) to cover:

a) decisions that are made by Council, a delegated committee or a person acting under delegation by Council
b) any material that is published by the Council or on Council's behalf
c) protocols for Council and Committee meetings
d) limits on public consultation and scheduling of Council events
attendance and participation in functions and events
e) the use of Council resources
f) access to Council information
g) media and media services.

## 6.3 Operation of policy (Election Period)

This Policy applies during the election period, which:

(a) commences at the time that nominations close on Nomination Day for that election; and
(b) concludes at 6pm on Election Day.

## 6.4 Scope

This policy applies to all Councillors and Council staff and includes contractors and volunteers carrying out work for or on behalf of the Greater Dandenong City Council.

External candidates for election are expected to comply with the obligations of this policy where applicable.

## 6.5 Accountability

### 6.5.1 Role of Councillors

During the Election Period, Councillors:

(a) will continue to fulfil their Councillor Duties (unless they are granted leave of absence);
(b) will continue to engage, and communicate with, the community in their Councillor role;
(c) must comply with the Act and the Councillor Code of Conduct and this Policy; and
(d) must not use their position to influence Council officers, or access Council resources or
(e) information, in support of any election campaign or candidacy.

### 6.5.2 Role of the Chief Executive Officer

During the election period, the Chief Executive Officer (or their delegate) will:

(a) inform all Councillors and Council employees of this Policy at least 30 days prior to the commencement of the Election Period;
(b) support all Councillors and Council employees in the application of this Policy during the Election Period; and
(c) reschedule matters of Council business requiring decisions prohibited during the Election Period by this Policy or the Act to Council meetings before or after the Election Period, as appropriate.

### 6.5.3 Role of staff

An important part of the Greater Dandenong City Council integrity is that all staff need to remain impartial at all times.

During the lead up to (not just the election period) staff need to maintain impartiality by avoiding making any comment or expressing an opinion, in any context which is public or may become public, in relation to candidates, potential candidates or policy debates in the lead up to an election.

This is particularly the case where employees are identified as a Greater Dandenong City Council staff or representing Greater Dandenong City Council in the public arena. Social media use of this kind also requires extreme caution and judgement, and employees are discouraged from engaging with candidate hosted online media platforms.

Staff also need to avoid working on any task that could be seen to relate to the candidates for the election or to any role that current Councillors may play in the election, particularly when representing the City of Greater Dandenong.

## 6.6 Decisions during the election period

Council, a delegated committee of Council or a person acting under delegation given by the Council must not make prohibited decisions during the election period for a general election.

### 6.6.1 Prohibited decisions

Provisions under section 69 of the Act prohibit Council from making certain decisions during the election period for a general election. A prohibited decision is one that:

(a) Relates to the appointment or remuneration of a CEO but not to the appointment or remuneration of an Acting CEO; or
(b) Commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
(c) The Council considers could be reasonably deferred until the next Council is in place; or
(d) The Council considers should not be made during an election period; or
(e) Would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election (this also applies to by-elections).

**Any Council decision made in contravention of 6.6.1(a) and (b) above, is invalid.**

Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of section 69(4) of the Act, is entitled to compensation from the Council for that loss or damage.

### 6.6.2 Other types of decisions that will be avoided (inappropriate decisions)

Inappropriate decisions are defined as meaning decisions that would affect voting in an election or decisions that may unreasonably bind an incoming Council and could reasonably be made after the election.

The following inappropriate decisions, whether made by Council, a Delegated Committee or an Officer acting under delegated authority, will be avoided during the election period:

(a) Acquisition of land;
(b) Adoption or amendment of the Greater Dandenong Planning Scheme;
(c) Adoption or amendment of policies, protocols, strategies, master plans or frameworks;
(d) Adoption or amendment of the Council Plan;
(e) Adoption of a revised budget;
(f) Adoption or amendment of a Local Law;
(g) Allocation of grants or awards to individuals or organisations;
(h) Appointing representatives to Council committees;
(i) Disposal of land or assets;
(j) Endorsing submissions to government or public bodies;
(k) Employment matters pertaining to the CEO;
(l) Entering into a contract or entrepreneurial agreement exceeding the prescribed amount;
(m) Entering into agreements (excluding an Enterprise Agreement), deeds or leases;
(n) Naming or re-naming of roads, reserves or features;
(o) Reviewing of programs or service provision; and
(p) Any other decision that the CEO considers should be made outside of the election period.

### 6.6.3 Considerations for officers with delegated authority

Council decisions are not just made at Council meetings, significant decision-making power is formally delegated to staff and the decision of a delegate is 'deemed' to be a decision by Council.

Because a delegate's decision is the same as a Council decision, the same constraints that apply to decisions made in Council and Delegated Committee meetings apply when delegates make decisions. Delegates should therefore give careful consideration to the exercise of their powers during the election period.

Should a delegate be required to make a decision(s) under delegation in the ordinary course of Council business during the election period, the delegate must satisfy themselves beforehand that the decision is not a prohibited decision and should consider the following:

- whether the decision is prohibited, or falls withing the 'other types of decisions to be avoided' category
- the urgency of the issue (that is, can it wait until after the election?)
- the possibility of financial repercussions if it is deferred
- whether the decision is likely to be controversial or influence voters
- within the best interests of Council.

Officers requiring assistance in determining whether a decision is likely to be inappropriate should seek advice from the Manager Governance, Legal and Risk in the first instance.

## 6.7 Meetings

### 6.7.1 Council and Delegated Committee meetings

Council and Delegated Committee meetings will continue to take place during the election period, however the following modifications to standard protocols will be made:

#### 6.7.1.1 Audio and video recordings of Council and Committee meetings

While notice of meetings, Council and Committee agenda papers, minutes and livestreaming (attendance by electronic means) are considered to be part of normal Council business, audio and visual recordings of these meetings are not. As such, audio and visual recordings of meetings which take place during the election period will not be made available on Council's website until after the election period has concluded.

#### 6.7.1.2 Election period statement in reports

All reports to Council and Delegated Committees will be assessed by the Chief Executive Officer, in accordance with the Act and this policy, and if approved, will include an election period policy statement in the form as follows:

'The recommended decision is not a prohibited decision as defined in section 69 of the Local Government Act 2020 or an inappropriate decision within the meaning of the Election Period Policy.'

#### 6.7.1.3 Notices of motion by Councillors

All Notices of Motion by Councillors will be suspended during the election period.

**6.7.1.4 Public question time**

Public Question time will be suspended at all Council and Delegated Committee meetings during the election period.

**6.7.1.5 Reports by Councillor Delegates**

Reports by Councillor Delegates will be suspended during the election period.

**6.7.1.6 Correspondence**

Tabling of correspondence will be suspended during the election period.

**6.7.1.7 Tabling petitions and joint letters**

Tabling of petitions or joint letters will be suspended during the election period.

### 6.7.2 Council Advisory, Reference Committees and Working Groups

Apart from the Audit and Risk Committee, the operation of Council Advisory and Reference Committees and Working Groups shall be suspended upon the commencement of the Election Period ahead of a general election.

Such Council Committees and Working Groups shall resume meeting (subject to review), following the election and the appointment by the incoming Council of Councillors to each committee.

### 6.7.3 Councillor representation on external committees

Where a Councillor has been appointed to an external committee or board it is expected that they will attend meetings of the committee or board during the election period.

A Councillor must not attend an external committee or board meeting, where they are a Councillor representative, in their capacity as a candidate.

A Councillor must be mindful of their obligations under this Policy, and not conduct any electoral campaigning activities at the meeting.

### 6.7.4 Councillor Briefing Sessions

Councillor Briefing sessions will not be held during the election period.

### 6.7.5 Pre-Council Meetings

Pre-Council Meetings will continue during the election period.

## 6. 8. Council publications during the election period

During the election period (and where appropriate or necessary immediately preceding it) the Chief Executive Officer (or their delegate) will cause all Council communications, including social media, all Council managed websites and printed and/or published material, to be subject to review to ensure consistency and compliance with this Policy and the Act.

### 6. 8.1 Prohibition on publishing materials during the election period

Council must not publish material containing electoral matter that may influence, or be seen to influence, people's voting decisions.

Electoral matter is defined in the Act as›matter.which.is.intended.or.likely.to.affect.voting.in.an.election.but.does.not.include.any.electoral.material.produced.by.or.on.behalf.of.the.election.manager.for.the.purpose.of.conducting.an.election¡

Council will not:

- print, publish or distribute, or
- cause, permit or authorise others to print, publish or distribute on behalf of the Council, any advertisement, handbill, pamphlet or notice that contains 'electoral matter' during the election period.

Publication should be read broadly to include electronic information and web-based productions. A publication is taken to contain electoral matter if it contains an express or implicit reference to, or comment on:

• the election; or

• a candidate in the election; or

• an issue submitted to, or otherwise before, the voters in connection with the election.

Some examples include publishing material which:

• sets out the strengths or weaknesses of a candidate

• advocates the policies of the Council or a candidate

• responds to claims made by a candidate

• sets out the achievements of the elected Council or Councillor.

The controls do not cover electoral material produced by, or on behalf of, the Election Manager for the purposes of conducting an election or advertisements/posts which simply announce the holding of a meeting or the election process itself.

### 6. 8.2 Process for review and approval of Council publications

Relevant Council publications will be approved by the Chief Executive Officer (or their delegate), before they may be printed, published or distributed during the election period, whether by Council or anyone acting for Council.

The approval process is to apply to any documents produced for the purpose of communicating with people in the community. This may mean some material requires approval before the commencement of the election period in order for it to be issued/disseminated during the election period.

All material will be submitted to the Governance, Legal and Risk department (within a time frame to be determined) for vetting. Staff will be notified by return email once approval has been provided (all effort will be made to ensure approval is provided in line with specified deadlines).

All documentation in relation to the approval process will be retained on Council records. Material that may be affected includes, but is not limited to:

- new material on Council websites
- social media posts
- Council newsletters, brochures, flyers and magazines
- material available in libraries and Council offices
- media releases
- public speeches
- brochures on service/facilities
- advertisements (including job advertisements)
- Council newspapers
- mail outs to multiple addresses
- material publicising a function or event.

### 6. 8.3 Information about the election

Council may provide information, education and publicity designed only to promote public participation in the electoral process.

### 6. 8.4 Publication of Council and Committee agenda papers and minutes

Council is required by the Governance Rules to:

- Give public notice of Council meetings and Delegated Committee meetings; and
- Produce and make available agendas and minutes of Council meetings and Delegated

Committee meetings.

To enable Council compliance with our statutory obligations and the Governance Rules, both of the above categories of documents will continue to be published during the election period and will be reviewed in accordance with section 6.8.2.

### 6. 8.5 Council Annual Report

Due to the publication date of the Annual Report generally occurring during the election period, it is affected by the legislative restrictions on publications and therefore information about Councillors will be restricted to what is required by the Local Government (Planning and Reporting) Regulations 2020, a photograph of the Councillor, and membership of special committees and other bodies to which they have been appointed by the Council. The Annual Report will not contain a Foreword from the Mayor.

### 6. 8.6 Council websites

During the election period Council's websites will not contain material which contravenes this policy. Any references to the election will only relate to the election process.

Councillor profiles will be restricted to:

• names

• photographs

• contact details

• titles.

### 6. 8.7 General Council publications

Information about Councillors will be restricted in Council publications, consistent with section 6.8.6 above.

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### 6. 8.8 Social Media

Social media includes, but is not limited to:

• Facebook

• X (formerly Twitter)

• YouTube

• LinkedIn

• Pinterest.

In accordance with section 6.8.2, any publications on social media sites under the auspices of Council during the election period require approval, prior to publication. This may mean messages and/or responses to questions may not be posted as quickly as normal.

Council's Communications and Customer Experience Department will monitor the mainstream platforms, any staff member who manages a social media or online channel as part of their role must also adhere to the restrictions outlined in this policy.

## 6. 9. Public consultation and engagement

Consultation and engagement is an integral part of Council's policy development process and

operations. For the purposes of this section, public consultation and/or engagement means a process which involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

Surveys, blogs, invitations to put forward submissions, and other community engagement activities should be avoided during the election period.

### 9.1 Postponing consultation and engagement

In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the election period, Council reserves the right where possible and practicable, to

postpone public consultation and engagement and any associated decisions where the matter is considered likely to affect voting in the election.

Council will not continue or commence public consultation on prohibited decisions, contentious or politically sensitive matters after the commencement of the election period. However, some public consultation activities may be necessary during the election period to facilitate the day-to-day business of Council and shall only proceed if prior approval is given by the Chief Executive Officer.

Where public consultation/engagement is approved to occur prior to or during the election period the results of that consultation will not be reported to Council until after the election period, except where approved by the Chief Executive Officer.

Any public consultation that does proceed during the election period will be vetted for electoral matter and express or implicit links to the election.

The requirements of this section do not apply to public consultation required under the Planning and Environment Act 1987 or matters subject to section 223 of the Local Government Act 1989.

## 6.10. Media and media services

Council's media services are intended to promote Council activity or initiatives and must not be used in any way that might favour a candidate/s.

### 6.10.1 Media advice

Any requests for media advice or assistance from Councillors during the election period will be channelled through the CEO. No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves specific Councillors.

### 6.10.2 Media releases/spokespersons

Media releases will not refer to specific Councillors. Where it is necessary to identify a spokesperson in relation to an issue, the CEO will determine the appropriate person.

### 6.10.3 Publicity campaigns

During the election period, publicity campaigns, other than for the purpose of conducting the election will be avoided wherever possible.

Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the CEO.

Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and will not involve specific Councillors.

### 6.10.4 Councillors

Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign.

### 6.10.5 Council employees

During the election period no Council employee may make any public statement that relates to an election issue unless statements have been approved by the CEO.

## 6.11. Attendance at functions & events during the election period

In this part, reference to events and functions means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners and receptions of any kind.

### 6.11.1 Public events staged by external bodies

Councillors may continue to attend events and functions during the election period.

Councillors are not permitted to use events they are attending in an official Councillor capacity, for electioneering purposes.

### 6.11.2 Council events and functions

Council organised events and functions held during the election period will be reduced to only those essential to the operation of the Council.

Any civic or ceremonial Council event held during the election period should meet one or more of the following criteria:

- It is a planned event endorsed by the current Council Plan;
- It is routinely held at the same time of year;
- It is a commemorative or anniversary event held on or near the anniversary date;
- It demonstrates a clear community benefit, or serves an educational or welfare purpose; or
- It contributes to cultural development, social awareness or sense of community identity.

### 6.11.3 Speeches and keynote addresses

Councillors who are candidates in the election must not give speeches or keynote addresses at Council organised or sponsored events and functions during the election period.

Councillors may make short welcome speeches at Council organised or sponsored events and functions during the election period, subject to prior approval from the Chief Executive Officer.

### 6.11.4 Publication of promotional material

In preparing any material concerning a Council organised or sponsored function or event which will be published or distributed during the election period, such preparation must be consistent with the controls under section 8 of this Policy.

## 6.12. Council resources

The Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard. Council staff must avoid assisting Councillors in ways that could create a perception that they are being used for electoral purposes.

In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice will be sought from the CEO.

### 6.12.1 Councillor Requests

Councillors may only make operational requests to the Chief Executive Officer, Directors or the Manager Governance, Legal and Risk during the Election Period.

### 6.12.2 Councillor Correspondence

General correspondence (including email) addressed to Councillors will be answered as usual.

However, Councillors will only respond to the necessary minimum correspondence during the election period and correspondence in respect to significant, sensitive or controversial matters should be responded to by the CEO, or their delegate.

### 6.12.3 Title of Councillor

Councillors may continue to use the title 'Councillor' in their election material, as they hold that position during the election period. However, Councillors should ensure that any election material using the title clearly indicates that it is their own material and does not represent Council.

### 6.12.4 Use of Council facilities

Council facilities that are normally available for public hire will be able to be hired by candidates (including councillor candidates) at the normal hire rate, terms and conditions of hire set for the facility.

No promotional material related to an election event, apart from simple directional signage, is to be displayed in the common public areas of a Council facility being hired.

### 6.12.5 Cessation of Ward Meetings

Any ward meetings and ward-specific publications will not be conducted/distributed during the Election Period.

### 6.12.6 Use of Council equipment and services by Councillors

Councillors may continue to use any Council equipment and services provided to them to facilitate their.performance.of.normal.Council.duties.in.line.with.the.Councillor.Expense?.Support.and.Accountability.Policy¡

Council-issued resources, including offices, vehicles, hospitality services, mobile phones and numbers, laptops and council email addresses, computers or printers, are not to be used in connection with any election campaign.

Councillors should also be mindful to manage any perceived conflicts even where a direct expense isn't incurred, this may include for example:

• Where campaign-related emails are received in a Council email account, send any responses from a private email and encourage the correspondent to use that account in future.

• Where campaign-related calls are received on a Council device, provide and encourage the caller to use a non-council number for future calls.

#### 6.12.7 Reimbursement of expenses incurred by Councillors

Reimbursement of expenses and costs incurred by Councillors during the election period must only relate to the conduct of normal Council duties and not electoral purposes.

#### 6.12.8 Council branding and stationery

No Council logos, letterheads, or other Greater Dandenong City Council branding will be used for, or linked in anyway, to a candidate's election campaign.

#### 6.12.9 Support to the Mayor, Deputy Mayor and Councillors

No staff, including support staff for the Mayor, Deputy Mayor and Councillors must be asked to undertake any tasks connected directly or indirectly with an election campaign.

#### 6.12.10 Councillor photographs

Councillors are not permitted to use photos or images taken by, or provided by Council, for the purposes of their election campaign (including photographs appearing on Council websites).

#### 6.12.11 Council data

Databases and mailing lists held by the organisation remain the property of the Council and are subject to the requirements of the Privacy and Data Protection Act 2014 and are not available to members of the public, candidates or to Councillors.

## 6.13. Electoral signage on council-controlled land and property

Candidates and their supporters are not permitted to affix, attach or place advertising signs/electoral material on Council-controlled land, assets or a Council Road, in the lead up to, or during the election period.

## 6.14. Equity in assistance to candidates

The Council affirms that all candidates for the Council election will be treated equally and recognises candidates have certain rights to information relevant to their election campaigns from the Council administration subject to legislative constraints such as:

- Sections 123 of the Act which prohibit Councillor-candidates from misusing or inappropriately making use of their position; and
- the Privacy and Data Protection Act 2014.

Councillors will continue to be provided with information to enable them to perform their current role and function as a Councillor. Beyond that, only information that is readily available to any member of the community will be provided to any candidate.

### 6.14.1 Information Request Register

An Information Request Register will be maintained by the Governance, Legal and Risk department during the Election Period.

This Register will be a public document that records all requests relating to electoral matters and non-routine requests for information by Councillors and candidates, and the response given those requests.

### 6.14.2 Information for candidates

Council will make the following information available on its website for prospective candidates:

- Information about this Policy.
- Information about nominating as a candidate (with links to relevant sites).
- Key dates and activities, including dates of induction activity and briefing meetings postelection.
- Information about election campaign donation returns
- Any other relevant information.

### 6.14.3 Staff as candidates

A staff member is not prevented from nominating as a candidate at an election. Upon becoming a candidate in a Greater Dandenong City Council election, the staff member must:

- Inform the Chief Executive Officer;
- Take leave from their duties at least for the duration of the election period in accordance with sections 34 and 256 the Act;
- Return any Council equipment (including, but not limited to, motor vehicles, telephones and computers), documents or information that is not available to the public at least for the duration of the election period.
- If elected, immediately resign from their employed position at Council prior to taking the oath or affirmation of office, in accordance with sections 34 and 256 of the Act.

### 6.14.4 Member of Council Delegated or Advisory Committees

Upon becoming a candidate, any person who is a member of one of Council's Delegated Committees or Advisory committees is expected to:

- Comply with this Policy;

- Inform the Chief Executive Officer;
- Take leave from the Delegated Committee or Advisory Committee;
- Return any Council equipment, documents or information which is not available to the public for
- the duration of their candidacy and/or the election period; and
- If elected, immediately resign from the Delegated Committee or Advisory committee.

#### 6.14.5 Election process enquiries

All election process related enquiries from candidates, whether sitting Councillors or not, will be directed to the Election Manager or, where the matter is outside the responsibilities of the election manager, to the Manager Governance, Legal and Risk.

## 6.15. Suspension of matters during election period

In accordance with the Act, any applications made, or proceedings before a Councillor Conduct Panel or the Victorian Civil and Administrative Tribunal regarding the serious or gross misconduct of a person who is a Councillor, must be suspended during the election period.

## 6.16. Breaches

#### 6.16.1 Misuse of position

Section 123 of the Act prohibits current or former Councillors or members of delegated committees from using their position to gain access to information or resources that would otherwise not be available.

The Act specifies the following circumstances as a misuse of position:

- making improper use of information acquired as a result of the position he or she held or holds;
- disclosing information that is confidential information within the meaning of section 3(1) of the Act;
- directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff;
- exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform;
- using public funds or resources in a manner that is improper or unauthorised; or
- participating in a decision on a matter in which the person has a conflict of interest.

A breach of section 123 of the Act attracts serious penalties, including possible imprisonment.

Allegations of breaches of the Act are independently received and investigated by the Local Government Inspectorate.

#### 6.16.2 Prohibition on Councillor or member of Council staff

Section 304 of the Act prohibits Councillors or a member of Council staff from using resources in a way that is intended to or likely to affect the result of an election under the Act.

In addition, section 304 of the Act also prohibits Councillors or a member of Council staff from using Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

#### 6.16.3 Breach of this Policy

Any breach of this Policy relating to staff conduct is to be referred to the CEO.

Allegations of breaches of this Policy by Councillors will be dealt with under the Dispute Resolution Procedures of the Councillor Code of Conduct. The Chief Executive Officer will take the place of the Mayor in managing complaints received under the Election Period Policy.

Complaints must be directed to the Chief Executive Officer in writing, providing details of the alleged contravention, when it occurred and who it involved. The Chief Executive Officer will assess the information and follow the provisions of the Dispute Resolution Procedures of the Councillor Code of Conduct.

Alleged breaches relating to all other matters are to be referred to the Local Government Investigations and Compliance Inspectorate at email address inspectorate@lgi.vic.gov.au or phone 1800 469 359.

## 6.17. By-elections

This policy shall be observed during any by-election, except sections 6.6.1(a) to (d).

Other provisions of relevance to the municipality as a whole shall be limited in application to the ward in which the by-election applies to.

## 6.18. Administrative updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document.

Where an update does not materially alter this, such a change may be made administratively.

Examples include a change to the name of a department within the organisational structure or, position or title change of a staff member, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact.

Any change or update which materially alters this document must be made with the approval of Executive Team or where required, resolution of Council.

## 6.19. Monitoring, Evaluation and Review

This Policy will be reviewed not later than 12 months before the commencement of each subsequent general election.

## 6.20. Related legislation and documentation

*Local Government Act 2020*
*Local Government Act 1989*
*Local Government (Electoral) Regulations 2020*
*Local Government (Governance and Integrity) Regulations 2020*
*Privacy and Data Protection Act 2014*
*Victorian Electoral Act 2002*
Greater Dandenong City Council – Code of Conduct for Councillors
Greater Dandenong City Council – Code of Conduct for Staff
Greater Dandenong City Council - Community Engagement Policy
Greater Dandenong City Council – Council Expenses, Support & Accountability Policy
Greater Dandenong City Council – Media Policy
Greater Dandenong City Council – Diversity Access & Equity Policy

## 6.21. Definitions

Key terms and definitions used in this Policy include:

| | |
|---|---|
| **Act** | *Local Government Act 2020* |
| **Candidate** | A person who has nominated as a candidate for an election under section 256 of the *Local Government Act 2020* |
| **Chief Executive Officer** | The person appointed by a Council under section 44 to be its Chief Executive Officer or any person acting in that position. |
| **Council** | Means Greater Dandenong City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020* (also referred to as the City of Greater Dandenong). |
| **Delegated Committee** | (a) a delegated committee established by a Council under section 63; or<br>(b) a joint delegated committee established by 2 or more Councils under section 64; or<br>(c) a committee, other than a Community Asset Committee, exercising any power of a Council under this Act or any other Act delegated to the committee under this Act or any other Act. |
| **Election Manager** | (a) the VEC; or<br>(b) a person appointed in writing by the VEC. |
| **Staff, Council staff or staff member** | Means any employee of Council whether permanent or temporary or casual, and includes contractors, and volunteers carrying out work for or on behalf of the Greater Dandenong City Council. |

# Governance Rules

**Version 002, 22 August 2022**

GREATER DANDENONG
City of Opportunity

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# CHAPTER 1 – INTRODUCTION

## 1.1 GOVERNANCE RULES AND THE LOCAL GOVERNMENT ACT 2020

Under the Local Government Act 2020;

(1) A Council must develop, adopt and keep in force Governance Rules for or with respect to the following-

(a) the conduct of Council meetings;
(b) the conduct of meetings of delegated committees;
(c) the form and availability of meeting records;
(d) the election of the Mayor and the Deputy Mayor;
(da) the appointment of an Acting Mayor;
(e) an election period policy in accordance with section 69;
(f) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under section 130;
(g) the procedure for the disclosure of a conflict of interest by a Councillor under section 131;
(h) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1);
(i) any other matters prescribed by the regulations.

(2) The Governance Rules must provide for a Council to:

(a) consider and make decisions on any matter being considered by the Council fairly and on the merits; and
(b) institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.

(3) A Council may amend its Governance Rules.

(4) Subject to subsection (5), a Council must ensure that a process of community engagement is followed in developing or amending its Governance Rules.

(5) Subsection (4) does not apply if the Council is developing and adopting or amending a Governance Rule that only adopts a good practice guideline issued by the Minister under section 87.

(6) A Council must comply with its Governance Rules.

(7) A Council must adopt the first Governance Rules under this section on or before 1 September 2020.

(8) Until a Council adopts Governance Rules under this section, the Local Law Meeting Procedures made by the Council under the *Local Government Act 1989* apply as if the Local Law Meeting Procedures had been adopted as Governance Rules under this section.

# CHAPTER 2 – DEFINITIONS

Unless otherwise specified within these Governance, the following words and phrases are defined to mean the following in terms of these Rules.

| | |
|---|---|
| Act (or "the Act") | The *Local Government Act 2020* unless otherwise specified. |
| Advisory Committee | A committee established by Council that is not a Delegated Committee, which provides advice to Council or to a member of Council staff who has been delegated a power, duty or function of Council. |
| Agenda | A document containing the date, time and place of a Meeting along with details of the business to be transacted at the Meeting. |
| Authorised Officer | An officer appointed for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of Council. |
| Chair | The Chairperson of a Meeting and includes an acting, temporary or substitute Chairperson. |
| Chamber | Any room where a Council Meeting is held. |
| Chief Executive Officer (CEO) | The person occupying the office of Chief Executive Officer of Council and includes a person acting as Chief Executive Officer. |
| Councillor Code of Conduct | A document required under the Act outlining the standards of conduct expected from Councillors in the performance of their duties and functions as Councillors. |
| Council | The Greater Dandenong City Council. |
| Councillor | An elected representative (Councillor) of Council. |
| Council Meeting | A meeting of Council convened in accordance with these Governance Rules. In these Rules, Council Meetings include Delegated Committee Meetings unless otherwise specified. A Council Meeting includes a scheduled or unscheduled meeting that may be held as a face-to-face (in person) meeting at a set location or via electronic means (virtual or remote) or in a hybrid format that mixes in person and virtual (remote) attendance. |
| Delegated Committee | A delegated committee, other than a Community Asset Committee, established by Council under section 63 of the *Local Government Act 2020* or by two or more Councils under section 64 of the Act. |
| Delegated Committee Meeting | A meeting of a Delegated Committee convened in accordance with these Governance Rules. A Delegated Committee Meeting includes a scheduled or unscheduled meeting that may be held as a face-to-face (in person) meeting at a set location or via electronic means (virtual or remote) or in a hybrid format that mixes in person and virtual (remote) attendance. |
| Deputy Mayor | The Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor. |
| Determination by Lot | The casting or drawing of objects from a receptacle to decide something (e.g. to choose a person by lot ). A procedure used when a deadlock is to be resolved by the drawing of lots. |
| Disorder | Any conduct of a Councillor, Delegated Committee Member, Council staff member or member of the public that includes making comments that are disrespectful, inflammatory, defamatory, malicious, abusive or offensive, interjecting in breach of these Rules, refusing to leave the Chamber when directed to do so or engaging in any other conduct which prevents the orderly conduct of the business of a Council Meeting. |

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|---|---|
| Division | A formal count and recording of those voting for and those voting against a motion. This is a formal method of voting in which the vote of each member is specifically declared and recorded in the Minutes. |
| Election Period | Also known as Caretaker Period. In relation to Council Elections, means the period that:<br>a) starts on the last day on which nominations for that election can be received; and<br>b) ends at 6.00pm on Election Day. |
| Electoral Advertisement | Each article or paragraph in the proprietor's newspaper containing electoral matter, the insertion:<br>a) of which is, or is to be, paid for; or<br>b) for which any reward or compensation or promise of reward or compensation is, or is to be, made. |
| Electoral Material | An advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting. |
| Gallery | The area within a Chamber in which member of the public are seated. |
| Majority | Represents half the number of Councillors present at a meeting plus one. |
| Mayor | The Mayor of Council and any person appointed by Council to be acting as Mayor. |
| Meeting | A Council Meeting or a Delegated Committee Meeting. |
| Member | A member of any committee to which these Governance Rules apply. |
| Minister | The Minister for Local Government. |
| Minutes | The formal record of proceedings and decisions of a meeting. |
| Motion | A proposal from a Councillor framed in a way that will result in the opinion and desire of Council being expressed and a Council decision being made once it has been adopted (passed or carried) at a Council Meeting. |
| Municipal District ((Municipality) | The area comprising the municipal district of Greater Dandenong. |
| Municipal Offices | The Civic Offices of the Greater Dandenong City Council. |
| Notice of Motion | A notice setting out the precise words of a motion which a Councillor proposes to move at Council meeting. |
| Penalty Unit | has the meaning set out in section 110 of the *Sentencing Act 1991*. |
| Point of Order | A procedural point made to the Chair about how the Meeting is being conducted or alleging some irregularity in proceedings. |
| Procedural Motion | means a motion which relates to a procedural matter only. It is not designed to produce any substantive decision but used as a formal procedural measure to assist the business of the meeting. |
| Public Consultation | A process that involves inviting individuals, groups or organisations or the community in general to comment on an issue or proposed action or proposed policy, and which includes discussion of that matter with the public. |

| | |
|---|---|
| Publish | To publish or present by any means, including in a public forum, verbally or by publication on the internet or social media. |
| Quorum | The minimum number of Councillors or Delegated Members required at a Meeting in order for it to commence and continue. A quorum is defined within the Act as an absolute majority. |
| Recommendation | A proposal from a Council officer framed in a way that will result in the opinion and desire of Council being expressed and a Council decision being made once it has been adopted (passed or carried) at a Council Meeting. |
| Resolution | A decision made at any Council Meeting or Delegated Committee. |
| Ratepayer | A person who pays Council rates for a property within the municipal district of Greater Dandenong and who may or may not reside within the municipal district. |
| Resident | A person who lives within the municipal district of Greater Dandenong. |
| Senior Officer | An officer of Council as defined by section 3 of the *Local Government Act 1989*. |
| Significant Decision | An irrevocable decision that commits an incoming Council to substantial financial expenditure, major operational actions or limits the freedom of an incoming Council to make a decision, or a decision that will significantly impact upon the municipality. |
| Substantive Motion | A motion being considered at a Council Meeting or Delegated Committee dealing with the opinion and desire of Council being expressed, a Council decision being made once adopted and resulting in operational and/or strategic actions of Council or Council officers (as distinct from a procedural motion). |
| Suspension of Standing Order | means the suspension of the provisions of a Council Meeting Agenda or these Governance Rules to facilitate full discussion on an issue without formal constraints. |
| Urgent Business | Matters that have arisen since the distribution of a Council Meeting Agenda which require a decision from Council or a Delegated Committee and cannot safely or conveniently be deferred until the next meeting. |
| Webcast | The live or archived broadcast of a Council Meeting on Council's internet website. |
| Written | Describes correspondence or notices that may be printed, hand-written, emailed, duplicated, photocopied, photographed or typed. |

# CHAPTER 3 – CONFLICTS OF INTEREST

## 3.1 *LOCAL GOVERNMENT ACT 1989*

The following is valid under the *Local Government Act 1989* until the 24 October 2020.

Section 77A of the *Local Government Act 1989* defines when a Councillor will have a direct or indirect conflict of interest. The onus is on the Councillor to identify any conflicts of interest in matters before Council. Councillors must comply with the requirements of Section 79 of the *Local Government Act 1989* until provision of the *Local Government Act 2020* in relation to material or general conflicts of interest come into force on 24 October 2020.

A Councillor who has a conflict of interest in a matter before Council:

a) must complete a 'Disclosure of Conflict of Interest Form' and lodge it with the Chief Executive Officer prior to the commencement of a Council Meeting;
b) must disclose any conflict of interest which they have in an item of business at the time specified on the Agenda;
c) must disclose the nature of the conflict of interest immediately before the consideration of the relevant matter;
d) must notify the Chair that they are leaving the Chamber and then leave the Chamber; and
e) must remain outside the Chamber or any other area in view or hearing of the Chamber until the vote has been taken.

In the event that the Chair has disclosed a conflict of interest they must vacate the Chair and the Deputy Mayor must take the Chair, or in their absence a temporary Chair must be nominated and elected.

Where a Councillor has vacated the room after disclosing a conflict of interest, the Councillor must be called back into the room before the Meeting can advance to the next item of business.

A member of Council staff must also comply with section 80B and 80C of the *Local Government Act 1989*.

Under the *Local Government Act 1989*, a Councillor must comply with direct and indirect conflict of interest provisions and if they fail to do so may be found guilty of an offence which is punishable under the Act.

## 3.2 *LOCAL GOVERNMENT ACT 2020*

The following is valid under the *Local Government Act 2020* after the 24 October 2020.

Section 130 of the *Local Government Act 2020* defines when a Councillor of Member of a Delegated Committee will have a material or general conflict of interest. The onus is on the Councillor or Delegated Committee Member to identify any conflicts of interest in matters before Council or a Delegated Committee. Councillors or Delegated Committee Members must comply with the requirements of Section 130 of the *Local Government Act 2020*.

A Councillor or Delegated Committee Member who has a conflict of interest in a matter before Council or a Delegated Committee:

a) must complete a 'Disclosure of Conflict of Interest Form' and lodge it with the Chief Executive Officer or Chair prior to the commencement of a Council Meeting;
b) must disclose any conflict of interest which they have in an item of business at the time specified on the Agenda;
c) must disclose the nature of the conflict of interest immediately before the consideration of the relevant matter;
d) must notify the Chair that they are leaving the Chamber and then leave the Chamber; and
e) must remain outside the Chamber or any other area in view or hearing of the Chamber until the vote has been taken.

In the event that the Chair has disclosed a conflict of interest at a Council Meeting they must vacate the Chair and the Deputy Mayor must take the Chair, or in their absence a temporary Chair must be nominated and elected. In the event that the Chair has disclosed a conflict of interest at a Delegated Committee Meeting they must vacate the Chair and a temporary Chair must be nominated and elected.

Where a Councillor or Delegated Committee Member has vacated the room after disclosing a conflict of interest, the Councillor or Delegated Committee Member must be called back into the room before the Meeting can advance to the next item of business.

Under the *Local Government Act 2020* , section 130 mentioned above applies to all relevant persons, which includes Councillors, Delegated Committee Members and members of Council Staff. Under the *Local Government Act 2020*, a relevant person must comply with material and conflict of interest provisions and if they fail to do so may be found guilty of an offence which is punishable under the Act.

# CHAPTER 4 – COUNCIL MEETINGS AND MEETING PROCEDURES

## 4.1 INTRODUCTION

These Meeting Procedures ensure that transparent, efficient and effective processes are in place to conduct the business of Council through scheduled meetings which are open to the public in accordance with the *Local Government Act 2020* (the Act). Meetings will only be closed to the public if there are clear reasons for matters to remain confidential under the Act, the meeting is required to be closed for security reasons or if it is necessary to enable the meeting to proceed in an ordinary manner. The Procedures regulate proceedings and provide for orderly and fair conduct at all Council meetings, Delegated Committee meetings, Joint Delegated Committee meetings, Audit and Risk Committee meetings and any other meetings conducted by or on behalf of Council under the Act.

## 4.2 NOTIFICATION OF MEETINGS AND AGENDAS

### 4.2.1 Date, Time and Place of Meetings

Council will fix the dates, times and place of all Council meetings for a twelve-month period at the Annual Meeting of Council which is to be held no earlier than the first Saturday in November and no later than the last Saturday in November. The date, time and place of all Council meetings must be made available to the public.

Reasonable notice of Council Meetings is given by advertising in local newspapers, on Council's website and in Council's publications (including social media). This is done either annually, or at various times throughout the year, or just prior to each meeting.

Council may, by resolution, at a Council Meeting, alter the day, time and place at which any Council Meeting will be held, and must provide reasonable notice of the change to the public. Reasonable notice of Council Meetings is considered to be at least three (3) business days before a scheduled meeting.

### 4.2.2 Notice of Meetings

**The Public**
An Agenda, which includes the date, time, place, mode of attendance and business of a scheduled meeting, will be made available to the public via Council's website three (3) business days before that meeting.

**Councillors and Delegated Members**
An Agenda which includes the date, time, place, mode of attendance and business of a scheduled meeting must be delivered by courier, post, electronic medium or otherwise to each Councillor's or Delegated Committee Member's place of residence or usual place of business (if applicable) or as otherwise specified by the Councillor. An Agenda for any scheduled meeting will be served on every Councillor and Delegated Member no less than three (3) business days before that meeting.

It will not be necessary for a notice of a meeting or Agenda to be served on any Councillor who has been granted leave of absence, unless the Councillor has requested in writing to the Chief Executive Officer to continue to give notice of any meeting to be held during the period of his or her absence.

## 4.3 MEETINGS OPEN TO THE PUBLIC

In accordance with section 66(1) and (2) of the *Local Government Act 2020* all meetings of Council or Delegated Committees must be open to the public unless the Council or Delegated Committee considers it necessary to close the meeting to the public because it:

- is to consider confidential information as prescribed under section 66(5) of the Act; or
- is to be closed for security reasons; or
- is necessary to close the meeting to enable it to proceed in an orderly manner.

In the event that a Council Meeting is held virtually (and is not held in person) as prescribed under section 4.20 of these Rules, members of the public can watch the live webcast of the Council Meeting at www.greaterdandenong.vic.gov.au

## 4.4 QUORUM

The quorum for any Council meeting must be half plus one, which is the majority of the number of Councillors. A quorum is required for the entire meeting and if at any point during a meeting a quorum is not maintained, the meeting shall be adjourned until such point as a quorum can be achieved.

The quorum for any Delegated Committee Meeting must be half plus one, which is the majority of the number of Committee Members with voting rights.

If a quorum is not present within thirty (30) minutes of the time appointed for the commencement of any Meeting, those Councillors or Members present, or if there are no Councillors or Members present, the Chief Executive Officer, or in their absence, a Senior Officer, must adjourn the Meeting for a period not exceeding seven (7) days from the date of the adjournment. (*See section 4.14 in these Rules.*

### 4.4.1 Inability to Maintain a Quorum

If during any Meeting a quorum cannot be achieved and maintained, those Councillors or Delegated Committee Members present or, if there are no Councillors or Members present, the Chief Executive Officer, or in their absence, a Senior Officer, must adjourn the Meeting for a period not exceeding seven (7) days from the date of the adjournment.

Section 67 of the *Local Government Act 2020* provides for the event of Council not being able to maintain a quorum because the number of Councillors who have disclosed a conflict of interest in an item prevents a quorum from being maintained. If during any Meeting it becomes apparent to the Chair that it will not be possible to maintain a quorum due to the number of Councillors who cannot vote on the item because of a disclosed conflict of interest, Council may:

a) determine the matter be considered in separate parts if a quorum can be maintained for each separate part of the item; or
b) delegate the decision to be made by the Chief Executive Officer or by a Delegated Committee established for the purpose of determining the matter and comprised of those Councillors who have not disclosed a conflict of interest and any other person(s) that Council considers suitable; or
c) determine that the item of business will lie on the table and be considered at the next available Meeting when a quorum can be reached.

Any decision made under delegation by the Chief Executive Officer or a Delegated Committee in this instance will be reported to the next Council Meeting.

## 4.5 BUSINESS AT MEETINGS

This section can be generally applied to all meetings of Council conferred under the *Local Government Act 2020*. This includes Delegated Committee Meetings and joint meetings of councils. Where a difference is warranted, then that is expressly stated within the text.

### 4.5.1 Meeting Agendas – Order of Business

The general order of business to be transacted at a Council Meeting is contained in the Agenda provided to Councillors and Delegated Committee Members available to the public on Council's website. The Chief Executive Officer oversees preparation of an Agenda and determines the content and order of business to facilitate open, efficient and effective processes of government in consultation with the Mayor.

The Chief Executive Officer may include any matter on an Agenda that they believe should be considered by Council.

Unless otherwise resolved by Council, the general order of business at a Council Meeting will be listed as follows:

a) Meeting opening/Acknowledgement of traditional owners of the land/Attendance/Apologies (including Leaves of Absence);
b) Offering of Prayer;
c) Mayoral Presentation (Optional – *see section 4.6.3 of these Rules*);
d) Confirmation of Minutes of previous Meetings (*see section 4.18 of these Rules*);
e) Deputations (*see section 4.6.5 of these Rules*);
f) Disclosure of Conflicts of Interest (*see Chapter 3 of these Rules*);
g) Officer's Reports - Routine and Town Planning Reports (*see section 4.6.7 of these Rules*). Routine reports include:

    i) Documents for Sealing;
    ii) Documents for Tabling; and
    iii) Petitions/Joint Letters (*see section 4.6.9 of these Rules*);

h) Public Question Time (*see section 4.6.8 of these Rules*;
i) Officer's Reports – Other (*see section 4.6.9 of these Rules*);
j) Notices of Motions (*see section 4.6.11 of these Rules*);
k) Councillor Reports and Councillor Questions (*see sections 4.6.12 and 4.6.13 of these Rules*); and
l) Urgent Business (see section 4.6.14 of these Rules).

### 4.5.2 Attendances and Apologies (including Leave of Absence)

A Councillor or Delegated Committee Member is required to submit and apology if they will knowingly be absent from a Council Meeting. Written apologies should be submitted to the Chief Executive Officer at the earliest possible time before non-attendance at any Council Meeting with a copy provided to the Mayor, the Executive Assistant to the Mayor and the Governance Unit. The apology will be noted in the Minutes of that Meeting.

Any Councillor may request a leave of absence in writing submitted to the Chief Executive Officer or Mayor and state the dates of each meeting for which leave is sought and reason for the leave. In accordance with the section 35((4) of the *Local Government Act 2020*, Council must grant any reasonable request for leave. Requests for a leave of absence must be received by 12 noon, at least ten (10) business days prior to the Council Meeting at which leave is sought to ensure it is listed as a general report item within the Agenda.

Section 35(1)(e) of the *Local Government Act 2020* states that a Councillor will cease to hold office if they are absent from Council Meetings for a period of four consecutive months without leave obtained from the Council.

### 4.5.3 Mayoral Presentation

From time to time, the Mayor may give a short presentation or make a statement relating to issues of interest or importance to the municipality or the region.

### 4.5.4 Changes to the Order of Business

Once an Agenda has been prepared and sent to Councillors, the order of the business for that Meeting may only be altered by resolution of Council. This includes the request for an item to be brought forward (see section 4.13 of these Rules).

### 4.5.5 Deputations

A deputation wishing to be heard at a meeting of Council must make a written request to the Chief Executive Officer who will refer the request to Council for consideration. In order for requests to be considered, they must be submitted at least ten (10) working days prior to a Council Meeting.

If Council agrees to hear a deputation, it will not hear more than two speakers on behalf of any deputation and time limits will be set as to the length of the address prior to the meeting. Councillors may question the deputation on matters raised before Council for the purpose of clarification, but no discussion will be entered into.

The Chief Executive Officer must, in writing, advise the signatory of the written request (or, if more than one, the first signatory), of the date, time, venue and time limits applying for Council to hear the deputation.

### 4.5.6 Inwards Correspondence

Unless otherwise directed by Council, the Chief Executive Officer determines what inwards correspondence should be placed before Council for its decision or information. Correspondence addressed to any Councillor personally which requires a decision of, or a direction from, Council must be referred by that Councillor to the Chief Executive Officer.

A regular report listing correspondence received by the Mayor and Councillors will be included in Council Meeting Agendas in Officer's Reports - Other. No correspondence can be read in full at any Council Meeting unless the Chair allows that an item or items of correspondence be so read.

### 4.5.7 Officer's Reports – Routine and Statutory Planning Reports

Statutory Planning and routine reports will not be read in full at any Council Meeting unless Council resolves to the contrary. Routine reports include Documents for Sealing, Documents for Tabling and Petitions or Joint Letters received.

### 4.5.8 Public Question Time

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

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

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

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

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

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

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

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

f) The Chair shall call on members of the gallery who have submitted an accepted question to ask their question verbally if they wish.

g) The Chair, Chief Executive Officer or delegate may then direct that question to be answered by a nominated Councillor or member of Council staff.

h) No debate on, or discussion of, a question or an answer will be permitted other than for the purposes of clarification.

i) A Councillor, Delegated Committee Member or member of Council staff nominated to answer a question may:

   i) seek clarification of the question from the person who submitted it;
   ii) seek the assistance of another person in answering the question; and
   iii) defer answering the question, so that the answer may be researched and a written response be provided within ten (10) working days following the Meeting (the question thereby being taken on notice).

j) Question time for verbal presentations is limited in duration to not more than twenty (20) minutes. If it appears likely that this time is to be exceeded then a resolution from Council will be required to extend that time if it is deemed appropriate to complete this item.

k) The text of each question asked and the response will be recorded in the minutes of the Meeting.

l) In the event that a Council Meeting is held virtually (and not in person) under section 4.20 of these Rules, questions submitted by members of the public prior to the Council Meeting (in accordance with these Rules above) will be read out on behalf of the submitter.

### 4.5.9 Officer's Reports – Other

Other reports will not be read in full at any Council Meeting unless Council resolves to the contrary. Other reports include those in relation to contracts, finance, budget, policy, strategy and any other matters requiring the consideration and a decision of Council.

### 4.5.10 Petitions and Joint Letters

Petitions and Joint Letters are regularly received and tabled at Council Meetings for noting. Lodgement and other requirements are as follows:

a) Petitions and joint letters received by Councillors and/or council officers must be lodged with the Chief Executive Officer for inclusion in an Agenda no later than 12 noon at least three (3) business days before a Council Meeting; and
b) Petitions or joint letters received after the above deadline will be held over for inclusion in the Agenda of the next Council Meeting.
c) A petition or joint letter:

   i) may be submitted either in hard copy or in an on-line format provided that it is legible;
   ii) cannot be defamatory, indecent, abusive or objectionable in language or content;
   iii) cannot relate to matters beyond the powers of Council;
   iv) must bear the whole of the petition or request upon each page of the petition; and
   v) if in hard copy, must consist of single pages of paper and must not be pasted, stapled, pinned or otherwise affixed to any other piece of paper.

d) Any petitions or joint letters that do not comply with sub-clause (c) or of these Rules will not be tabled at a Council Meeting.

e) A petition or joint letter may nominate a person to whom a reply must be sent, but if no person is nominated Council may reply to the first signatory which appears on the petition (head petitioner).

The status and progress of petitions and joint letters received will be regularly reported against in the Council Meeting Agenda and Minutes until they have been fully addressed by Council officers. The difference between on-line and hard copy petitions will be indicated in the Council Meeting Agenda and Minutes.

### 4.5.11 Notices of Motion

a) A Notice of Motion must be in writing, dated and signed by the intending mover and lodged with the Chief Executive Officer no later than 12 noon at least three (3) business days before the meeting.
b) A Notice of Motion cannot be accepted by the Chair unless the full text of motion has been listed on the Agenda for the Council meeting at which it is proposed to be moved.

c) Where a Notice of Motion seeks to substantially affect the level of Council services, commit Council to expenditure in excess of $5,000 that has not been included in the adopted Budget, commit Council to any contractual arrangement, or is likely to require more than five (5) days' work by a member of Council staff, then a formal report must be prepared and presented to Council in response to the Notice of Motion. Where practicable the report should be presented to next Council Meeting.

d) The Chief Executive Officer must cause all Notices of Motion to be numbered sequentially, dated and entered in the Notice of Motion register in the order in which they were received.

e) Except by leave of Council, Notices of Motion before any Council meeting must be considered in the order in which they were entered in the Notice of Motion register.

f) If a Councillor who has given a Notice of Motion:

i) is absent from the Meeting; or
ii) fails to move the motion when called upon by the Chairperson.

any other Councillor may himself/herself move the motion. If the Notice of Motion is not moved (and seconded) it lapses.

g) If a Councillor proposing a Notice of Motion wishes to amend the Notice of Motion, they may do so by seeking leave of Council to amend the Notice of Motion prior to it being seconded.

h) Another Councillor can put forward an amendment for consideration, which must be dealt with in accordance with clauses 57 - 63 of this Local Law, except for confirmation of a previous resolution.

i) If a Notice of Motion, whether amended or not, is lost, a similar motion cannot again be put before Council for a period of three (3) calendar months from the date it was lost.

j) A Notice of Motion cannot be submitted in relation to a matter that was the subject of a rescission motion within three (3) calendar months of the rescission motion having been dealt with.

k) A preamble to a Notice of Motion is an explanatory statement that explains the purpose of the Notice of Motion. A Councillor lodging a Notice of Motion must ensure that the content of any preamble provided remains factual. Reports from Councillors/Delegates & Councillor Questions

### 4.5.12 Councillor Reports

At each Ordinary meeting, Councillors will have the opportunity to speak on any meetings, conferences or events which they have recently attended. The duration of any report from a Councillor will be limited to four (4) minutes.

If a Councillor chooses to speak, the name of the conference/event will be recorded in the minutes for that Meeting. If a Councillor requires any additional information to be listed in the minutes the Councillor must table the additional information at this point in the Meeting. Councillors may use this opportunity to table a list of conferences/events that they have attended since the last Council Meeting for inclusion in the Meeting Minutes without speaking on the item. Councillors may also table their views on matters discussed under Officer Reports and other Agenda items for inclusion in the Minutes. This tabled item must be electronically received by Governance no later than 12 noon the day following the Council meeting. Any item tabled under this clause will be included in the Minutes precisely as it is provided and no amendments will be made. A tabled report cannot be defamatory, indecent, abusive or objectionable in language or substance, or be used to specifically embarrass another Councillor or Council officer.

### 4.5.13 Councillor Questions

There must be a question time at every Council Meeting to enable Councillors to address questions to members of Council staff. The duration of question time for each Councillor will be limited to fifteen (15) minutes. The Chair has the discretion to increase this time by a maximum of three (3) minutes in order to provide any questions asked with the opportunity of a response. Councillors may further table any additional questions which have not been asked. Responses to any tabled questions will be included in the Minutes of the Meeting. Questions may be asked with or without notice but must not:

a) relate to a matter of the type described in section 3(1) of the *Local Government Act 2020* (confidential information);
b) relate to a matter in respect of which Council has no power to act;

c) be defamatory, indecent, abusive or objectionable in language or substance, or be asked to specifically embarrass another Councillor, Delegated Member, Council officer or member of the public;
d) be repetitive of a question already asked or answered (whether at the same or an earlier Meeting); or
e) raise an issue which might more appropriately be dealt with by way of Notice of Motion.

An answer will only be given if the Chair has determined that the relevant question does not breach any of points a) to e) above.

A Councillor may contribute to an answer to a question made by a member of Council staff.

A member of Council staff is not obliged to answer a question without notice. A member of Council staff who elects to take a question on notice by indicating that they require further time to research their answer must ensure that a response is provided to Councillors within ten (10) working days following the meeting.

Council may:

a) of its own volition; or
b) upon the advice of a member of a Council staff;

resolve to close the Meeting to members of the public under section 66(5) of the *Local Government Act 2020* in order that an answer to a question asked by a Councillor may be given if the information is deemed to be confidential information under the Act.

Debate or discussion of questions or answers is not permitted and all questions and answers must be as brief as possible.

### 4.5.14 Urgent Business

a) Business which has not been listed on a Council Meeting Agenda may only be raised as urgent by resolution of Council.

b) Notwithstanding anything to the contrary in these Rules, a Councillor (with the agreement of the meeting) may at a Council meeting submit or propose an item of Urgent Business if the matter relates to business which does not:

   i) substantially affect the levels of Council service or;
   ii) commit Council to expenditure exceeding $5,000 and not included in the adopted Budget; or
   iii) establish or amend Council policy; or
   iv) commit Council to any contractual arrangement; or
   v) require, pursuant to other policy determined by Council from time to time, the giving of prior notice.

c) Business must not be admitted as urgent business unless it:

   i) is deemed to be urgent business by Council; and
   ii) cannot safely or conveniently be deferred until the next Council Meeting.

### 4.5.15 Time Limit for Meetings

A Council Meeting or Delegated Committee Meeting must not continue longer than four (4) hours from its commencement unless a majority of Councillors present vote in favour of its continuance. If a continuance is agreed to extend the meeting after four hours then it will be limited to not more than one 30-minute extension.

In the absence of any continuance, the Meeting must stand adjourned to a time, date and place to be then and there announced by the Chair. (*See section 4.14 in these Rules.*)

## 4.6 RESPONSIBILITIES AT MEETING

### 4.6.1 Chairing the Meeting

In accordance with sections 61 and 63 of the *Local Government Act 2020*, the Mayor must take the Chair at all Council Meetings at which they are present unless precluded from doing so because of a conflict of interest. If the Mayor is absent the Deputy Mayor must take the Chair and if both are absent, Council must elect one of the Councillors as Meeting Chair.

The Act provides for the Mayor or the Delegated Committee to appoint a Councillor as the Chair of a Delegated Committee and any such appointment prevails over any appointment made by Council. If the Mayor exercises that power, while there are no limitations on this, they must always act in a way that is consistent with the adopted Code of Conduct – Councillors and the transparency commitments of Council.

The Chair plays a significant role in good governance and facilitates orderly, respectful, transparent and constructive Meetings by ensuring all Councillors and Delegated Committee Members have the opportunity to be heard, that matters are adequately discussed, meeting procedures are followed and statutory requirements are complied with.

The Chair is an independent leader of Meetings and generally does not participate in debate or move and second motions except where provisions are made to do so within these Rules. Other specific duties and discretions of the Chair are outlined throughout these Rules.

### 4.6.2 Addressing the Meeting

Each Councillor and Member at a Council Meeting has an obligation to contribute to good decision-making. This can be facilitated by reading the Council Meeting Agenda prior to the Meeting, seeking views of community members and demonstrating due respect and consideration to those views and the professional advice provided by Council officers in the Agenda, attending Meetings and participating in debate and discussion, demonstrating respect for the role of Chair and the rights of other Councillors and Members to participate and contribute to the decision-making process and conducting themselves in a professional and orderly manner.

Any Councillor, Member or person who addresses the Council Meeting must stand to speak and direct all remarks through the Chair, unless they are attending the meeting virtually. The Chair, however, has the discretion to permit any Councillor or person to remain seated while addressing the meeting.

The Chair may address a Meeting, however if the Chair wishes to debate a particular motion or move any motion or amendment on any matter under discussion, they must advise Council of that intention and vacate the Chair on such occasions for the duration of the item under discussion.

If the Chair vacates the Chair, a temporary Chair must be appointed and take the Chair until the item has been voted on. In most cases this will be the Deputy Mayor unless the Deputy Mayor is absent from the Meeting.

Any person addressing the Chair may refer to the Chair as:

- Mayor or Deputy Mayor (as the case may be); or
- Chair; or
- Chairperson

When speaking, Councillors and members of Council staff must address each other by their titles of Councillor or Officer as the case may be.

### 4.6.3 Chief Executive Officer

The Chief Executive Officer, or delegate, may participate in the meeting to provide support to the Chair. The Chief Executive Officer should:

a) immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
b) advise if there are operational, financial or risk implications arising from a proposed resolution;
c) help clarify the intent of any unclear resolution to facilitate implementation;
d) Facilitate disclosures of interest, public question time and other administrative items outlined in these Rules; and
e) on request, assist with procedural issues that may arise;

### 4.6.4 Community

Council meetings are decision making forums and they are open to the community to attend and/or view proceedings. Community members may only participate in Council Meetings in accordance with these Rules and may not address the Meeting outside of Public Question Time. Community members may seek to inform individual Councillors of their views by contacting them directly in advance of Meetings.

Member of the public in the Gallery are to remain seated with mobile phones switched to mute. Members of the public in the Gallery may display placards or posters within the Gallery but any posters or placards must not:

a) display any offensive, indecent, insulting or objectionable item or words; or
b) obstruct the entrance to the Council Chamber or a building where a Meeting is being, or is about to be, held; or
c) obstruct the view or physically impede any person.

The Chair may order and cause the removal of any placard or poster that is deemed by the Chair to be objectionable, disrespectful or otherwise inappropriate. Members of the public must not interject or offensively act or gesticulate during the Meeting. The Chair may direct any member of the public to stop interjecting or acting offensively or disrespectfully. If that member of the public continues to interject or act offensively or disrespectfully the Chair may ask the Chief Executive Officer, an Authorised Officer or a member of the Victoria Police to remove the person from the Meeting.

Members of the public in the Gallery must not operate any recording or other equipment to reproduce sound or images at any Council Meeting without first obtaining consent from the Chief Executive Officer. This consent must be applied for at least three (3) business days prior to the Council Meeting by contacting Council's Governance Unit on telephone 8571 5100. This consent must not be unreasonably withheld but may be revoked at any time during the course of the relevant Meeting if it in any way impedes the business of the Council Meeting.

## 4.7 VOTING

### 4.7.1 Voting – How Determined

To determine an item before a Council Meeting, the Chair will call for any opposition from voting. If there is no opposition then the motion will be deemed as carried. If there is opposition, then debate will ensue (*see section 4.9.5 of these Rules*).

A Councillor has the right to abstain from voting. A Councillor who abstains from voting and remains in the Chamber will be deemed to have voted against the motion. Abstaining from voting does not constitute cause for debate. Any abstention from voting will be recorded in the Meeting Minutes.

Before any matter is put to the vote, a Councillor may require that the question, motion or amendment be read again.
The Chair, without being so requested, may direct the Chief Executive Officer (or other person authorised by the Chief Executive Officer) to read the question, motion or amendment to the Meeting before the vote is taken.

Unless Council resolves otherwise, voting on any matter will be by a clear show of hands so that the Chair can easily record the count. The Chair must declare the result of the vote or division as soon as it is taken.

Councillors must remain seated in silence while a vote is being taken. The Chair may direct that the vote be recounted as often as may be necessary to be satisfied of the result.

### 4.7.2 Opposed Motions

The division of the vote for any motion that is debated or opposed, will automatically be recorded in the Meeting Minutes. (There is no need for any Councillor to call for a division.)

After each debated item the Chair will;

a) first ask each Councillor wishing to vote for the item to raise a hand and, upon such request being made, each Councillor wishing to vote for the item must raise one of their hands. The Chair must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer) must record in the Minutes, the names of those Councillors for the item (in the affirmative); and

b) then ask each Councillor wishing to vote against the item to raise a hand and, upon such request being made, each Councillor wishing to vote against the item must raise one of their hands. The Chair must then state, and the Chief Executive Officer (or any person authorised by the Chief Executive Officer) must record in the Minutes, the names of those Councillors against the item (in the negative).

If there is no debate, any Councillor may ask that his/her opposition to a motion adopted by the Meeting be recorded. It must then be recorded in the minutes of the Meeting.

### 4.7.3 Casting Vote

In the event of an equality of votes, the Chair has a casting vote, except in cases where the Act provides that a matter or amendment is to be determined by lot (*see section 4.7.10 in these Rules*).

## 4.8 Motions and Amendments

### 4.8.1 Form of Motion

A motion or an amendment must:

a) relate to the powers or functions of Council;
b) be in writing, if requested by the Chair; and
c) except in the case of urgent business, be relevant to an item of business on the Agenda.

A motion or amendment must not be defamatory or objectionable in language or nature. The Chair may refuse to accept any motion or amendment which contravenes this clause.

If a Councillor wishes to move an alternate motion to an officer's recommendation as placed in the Council Meeting Agenda, and where the motion is lengthy, complicated or the exact intention of the motion is unclear, the Chair may request the Councillor to submit their motion in writing. The Chair may suspend the Meeting while the motion is being written or request Council to defer the matter until the motion has been written, allowing the Meeting to proceed uninterrupted.

### 4.8.2 Moving a Motion

The procedure for any motion or amendment is:

a) the mover must state the substance of the motion or amendment, and then move it without speaking to it;
b) the Chair must call for a seconder unless the motion is a call to enforce a point of order; and
c) if the motion is not seconded, the motion will lapse for want of a seconder.

### 4.8.3 Withdrawing a Motion

Before any motion is put to the vote, it may be withdrawn by the leave of Council or by resolution of Council.

### 4.8.4 Unopposed Motion or Amendment

If a motion or an amendment is seconded the Chair must first ask if there are any questions and then if there is any opposition (*see section 4.8 in these Rules*).

If no Councillor indicates opposition, it must be declared to be carried. The mover of any motion once confirmed may, by leave of the Chair, talk to that motion for two (2) minutes. The Chair may permit other Councillors to speak on a matter after the mover for a maximum of two minutes each.

### 4.8.5 Debating a Motion

Debate must always be relevant to the question before the Chair, and if not, the Chair must request the speaker to confine debate to the subject matter. If after being told to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chair may disallow the speaker any further opportunity to debate or comment in respect to the matter before the Chair. Adequate debate is required where a matter is contentious in nature. In such cases, every Councillor must be given the opportunity to debate (*see section 4.11.1 in these Rules*).

### 4.8.6 Debate from the Chair

The Chair of the meeting should seek to refrain from debate on motions. The Chair may however choose to exercise a right to speak in favour or against a motion and where this is the case, the Chair will stand to speak to distinguish between this role and that of the Chair. Where the Chair wishes to move or second a motion, they must temporarily vacate the Chair before the motion is considered by Council.

### 4.8.7 Adjourned Debate

A motion to adjourn debate is a procedural (formal) motion as follows:

"That the debate be adjourned"

The motion may state a date and time for resumption of the debate. Debate can be adjourned indefinitely.

The effect of the motion is that the particular matter being debated is adjourned, but that the Meeting still continues to deal with all other business. If debate is adjourned indefinitely, some indication must be given to the Chief Executive Officer as to when the matter should be re-listed, otherwise it will be decided at the discretion of the Chief Executive Officer, or upon the subsequent resolution of Council, whichever occurs first (*see section 4.10 in these Rules*).

### 4.8.8 Resumption of Adjourned Debate

The business to which the debate relates must be placed on the Council Meeting Agenda to which it is adjourned. Adjourned business should have priority over any other business except formal business. If a debate is adjourned by motion, the Councillor moving the adjournment has the right to be the first speaker upon the resumption of debate unless they have already spoken to the motion or amendment.

### 4.8.9 Course of Debate of Opposed Motion

If any Councillor indicates opposition to a motion which has been seconded:

a) the Chair must call upon the mover to address the Meeting;
b) after the mover has spoken, the Chair must call upon the seconder to address the Meeting;
c) after the seconder has addressed the meeting (or after the mover if the seconder does not wish to speak) the Chair must call upon the first opposition to address the Meeting;
d) after the mover, seconder and first opposition have had the opportunity to address the Meeting, the Chair will call for speakers for and against the motion in alternate sequence until the sequence of speakers is exhausted;
e) a Councillor may speak once on the motion except for the mover of the motion who has a right of reply after which the motion must be put to the vote (s*ee section 4.9.1 in these Rules*);
f) motions must be clear and unambiguous and not be defamatory or objectionable in language or nature.

A Councillor calling the attention of the Chair to a point of order is not regarded as speaking to the motion. Except that the mover of an unamended motion has the right of reply and that any Councillor may take a point of order or offer a personal explanation, a Councillor must not speak more than once to the same motion or amendment (*see section 4.12 in these Rules*).

### 4.8.10 Right of Reply

The mover of an original motion which has not been amended may, once debate has been exhausted, exercise a right of reply to matters raised during the debate. After right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate. A Councillor must not digress from the subject matter of the motion or business under discussion. No new debate or subject matter is to be introduced with a right of reply.

### 4.8.11 Agreed Alterations of Motion

With the leave of the Chair, both the mover and seconder of a motion may agree to an alteration to the original motion proposed by any other Councillor. This would not then necessitate the recording of an amendment into the Meeting Minutes as the alteration would then form part of the substantive motion. (i.e., no notice need be given of any amendment in this instance.)

### 4.8.12 Proposing Amendment(s) to a Motion

An original motion, having been moved and seconded, may be amended by any Councillor other than the mover and seconder of the original motion by leaving out, inserting or adding words which must be relevant to the original motion and framed so as to complement it as an intelligible and consistent whole. (An amendment to an original motion should be designed to improve the original motion without contradicting it.) Any Councillor moving an amendment to a motion will be allocated thirty (30) seconds to explain the reasons for the amendment. This explanation will not entertain the benefits or detriments of the amendment or the original motion.

Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time.

A second or subsequent amendment cannot be moved until the immediately preceding amendment is disposed of. If any Councillor intends to move a second or subsequent amendment, he or she must give notice of that intention prior to the right of reply of the original motion being exercised. A Councillor cannot move more than two (2) amendments in succession.

### 4.8.13 Debating an Amendment to a Motion

Any Councillor may address the meeting once on any amendment, whether or not they have spoken to, moved or seconded the original motion, but debate must be confined only to the amendment. (If the mover or seconder of the original motion wishes to speak to the amendment, they should indicate that they intend to speak only to the amendment and this does not bar them from the right of reply or debate on the original motion once the amendment is resolved.)

### 4.8.14 Right of Reply to an Amendment to a Motion

No right of reply is available to the mover (only) of an amendment when an amendment is before Council.

### 4.8.15 An Amendment to a Motion Once Carried

If an amendment is adopted it becomes part of the amended and substantive motion which must still be put to the vote by the Chair but only after Councillors who did not speak to the original (or substantive) motion have exercised their right to do so. (In this instance the mover of the original motion must be offered the right of reply to the original or substantive motion. This is affording the original mover of the substantive motion natural justice.)

### 4.8.16 Foreshadowing a Motion

At any time during debate, a Councillor may foreshadow a motion to inform the Council of their intention to move a motion at a later stage in the Meeting, but this does not extend any special rights to the foreshadowed motion. A foreshadowed motion may be prefaced with a statement that in the event a particular motion before the Chair is resolved in a certain way a Councillor intends to move an alternative or additional motion. A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the Meeting. The Chief Executive Officer or other person authorised by the Chief Executive Officer would not be expected to record a foreshadowed motion in the minutes until the foreshadowed motion is formally moved but may do so if thought appropriate.

### 4.8.17 Separation of a Motion

Where a motion contains more than one part, a Councillor may request the Chair to put the motion to the vote in separate (several) parts. Where a motion contains several parts/segments or is complicated, it may be separated to avoid difficulties, particularly if different Councillors have differing views about various parts of the motion or conflicts of interests arising among Councillors lead to an inability to maintain a quorum.

### 4.8.18 Deferral of a Motion

Council may defer an item until later in the Meeting or until another Meeting as appropriate if further consideration or clarification is required prior to a decision being made. The decision to defer a motion is a substantive motion and may be debated.

### 4.8.19 Call for Supporting Documentation

A Councillor may request at a Council Meeting to immediately make available any documents kept in the municipal offices and relevant to the business being considered. Upon any request being made, the Chief Executive Officer must use their best endeavours to make the documents available.

### 4.8.20 Rescission Motion Notification

A Rescission Motion is a motion to reverse a previous decision of Council. Where a Rescission Motion is put, the Councillor should also include an Alternate Motion that Council will then consider as a second part to the Motion should the primary part (rescission) be passed by Council. Any Councillor may propose a Notice of Rescission Motion at the next subsequent meeting provided:

a) the resolution proposed has not been acted on (s*ee clause 74)*. For this reason, Councillors must foreshadow to the CEO their INTENTION to move a Rescission Motion before 12.00 noon on the day after the original pertaining motion was moved.
b) the Notice of Rescission Motion is received by the Chief Executive Officer in writing no later than 12 noon the Wednesday prior to the next subsequent meeting.
c) all Councillors have had 3 business days prior notice of the notice of rescission.

A Rescission Motion listed on the agenda may be moved by any Councillor present but may not be amended. A motion to rescind or alter a previous resolution must be passed by a majority of elected members. A second or subsequent notice to rescind or alter an earlier resolution must not be accepted by the Chief Executive Officer until a period of three (3) months (ninety (90) days) has elapsed since the date of the Meeting at which the original motion of rescission or alteration was dealt with, unless Council resolves that the matter be dealt with at a future meeting.

### 4.8.21 When a Resolution is Acted On

A resolution, or part thereof, will be considered as having been acted on:

a) once its details have been formally communicated in writing to either internal or external parties affected by or reliant on the resolution; or
b) where a statutory procedure has been carried out, so as to vest enforceable rights in, or obligations on, Council or any other person.

While the Chief Executive Officer or other relevant member of Council staff may initiate action or cause action to be initiated on any Council resolution, or part thereof, at any time after the close of the Meeting at which it was carried, generally no action will be taken until 12.00 noon following the day of the Council Meeting at which the motion was moved.

However, if an ***intention to rescind a motion*** is formally foreshadowed to the Chief Executive Officer or other member of Council staff no later than noon on the day following the resolution, then the Chief Executive Officer or relevant member of Council staff will ensure that no action in relation to that resolution, in full or in part, is taken unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

Where a resolution can be broken down into parts and some parts of the resolution have not been acted upon, then any proposed change to those remaining parts is to be treated as an amendment of the resolution unless the substance of the change is to reverse the resolution when considered as a whole.

## 4.9 PROCEDURAL (FORMAL) MOTIONS

A procedural motion is one dealing with the conduct of the Meeting itself and takes precedence of a substantive motion.

### 4.9.1 Moving a Procedural Motion

Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chair. A procedural motion does not require the Chair's call.

The mover/seconder of a procedural motion must not have moved, seconded or spoken to the current matter being debated or any amendment of it before the Chair. A procedural motion cannot be moved by the Chair.

### 4.9.2 Debate and Amendments to Procedural Motions

Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.
Note: Deferral of a motion is not a procedural (formal) motion and maybe debated. Unless otherwise provided a procedural motion cannot be amended.

### 4.9.3 Closure of a Motion (The Motion be Put)

A motion *"That the motion now be put"*:

a) is a procedural motion which, if carried, requires that the original motion must be put to the vote immediately without any further debate, discussion or amendment;
b) if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and if lost allows debate on the original motion to continue; and
c) if lost, allows debate to continue unaffected.

The Chair has the discretion to reject such a motion for closure if the motion proposed has not been sufficiently debated. A closure motion may not be put until the mover, seconder and first opposition have spoken on a matter. If the Chair rejects that a motion be put, then debate on the motion must continue as it was left (unaffected).

### 4.9.4 The Previous Question

A motion "*That the motion now not be put":*

a) is a procedural motion which, if carried, automatically disposes of a matter without a vote being taken (until it is placed on the Agenda for a later meeting) and the Meeting may then proceed to the next business without any further discussion or amendment;
b) is prohibited when an amendment is before Council; and
c) if lost, allows debate to continue unaffected.

### 4.9.5 Proceed to Next Question

A motion "*That the Meeting proceeds to the next business"*

a) is a procedural motion which, if carried in respect of an original motion, requires that the Meeting move immediately to the next business without any further debate, discussion, amendment or vote being taken on it;
b) if carried in respect to an amendment, Council considers the motion without reference to the amendment; and
c) if lost, allows debate to continue unaffected.

### 4.9.6 Adjournment of Debate

A motion "*That the motion and/or amendments now before the meeting be adjourned until a later hour or date":*

a) is a procedural motion which, if carried in respect of an original motion or amendment, requires that the Meeting disposes of the matter before the Chair so that debate can resume at a later hour and/or date and the Meeting moves on to the next item of business on the Agenda; and
b) if lost, allows debate to continue unaffected.

### 4.9.7 Adjournment of Meeting

A motion "*That the meeting be adjourned until a later hour or date":*

a) is a procedural motion which if carried in respect of an original motion or amendment, requires that the Meeting be adjourned to a later hour and/or date; and
b) if lost, allows debate to continue unaffected.

### 4.9.8 That the Question Lay on the Table

A motion "*That the question lay on the table*":

a) is a procedural motion which, if carried in respect of an original motion or amendment, ceases any further discussion or voting on the matter until Council either:

   i) resolves to take the question from the table at the same Meeting: or
   ii) places the matter on an Agenda and Council resolves to take the question from the table; and

b) if lost, allows debate to continue unaffected.

## 4.10 Speaking to the Meeting

### 4.10.1 Speaking Times

A Councillor must not speak longer than the time set out below with only the stipulated extensions being granted by Council.

a) a mover of a motion – five (5) minutes with only a single two (2) minute extension permitted;
b) the seconder of a motion – four (4) minutes with only a single two (2) minute extension permitted;
c) any other Councillor – four (4) minutes with only a single two (2) minute extension permitted; and
d) the mover of a motion when exercising their right of reply – four (4) minutes (no extensions permitted).

Following a Council resolution on an unopposed motion, a Councillor may speak for the duration of time set out below:
a) the mover – two (2) minutes; and
b) any other Councillor once confirmed – two (2) minutes.

Extensions of speaking time are set out above however a further extension of speaking time may be granted by the Chair. Only one (1) extension is permitted for each speaker on any motion. The Chair has the discretion to alter an extension to speaking times if they deem it to be necessary to the subject matter.

### 4.10.2 Councillor Must Stand When Speaking

Except in the case of sickness, infirmity or virtual attendance, a Councillor must stand when speaking at a Council Meeting. The Chair may remain seated when speaking at a Council Meeting. It is not necessary to stand when speaking at a meeting that is not a Council Meeting under the terms of these Rules.

### 4.10.3 Interruptions, Interjections and Relevance

A Councillor must not be interrupted except by the Chair or upon a point of order or personal explanation. If a Councillor is interrupted by the Chair or upon a point of order then they must take their seat and remain silent until the Councillor raising the point of order has been heard and the question disposed of (*see sections 4.9.5 and 4.12 in these Rules*).

In the case of competition for the right to speak, the Chair must decide the order in which the Councillors concerned will be heard.

## 4.11 Points of Order

A point of order is taken when a person formally draws the attention of the Chair of a Meeting to an alleged irregularity in the proceedings such as a speaker's remarks being irrelevant to the subject matter or to an act of disorder or a Councillor allegedly being out of order.

### 4.11.1 Procedure for a Point of Order

A Councillor who is addressing the Meeting must not be interrupted unless called to order.

A point of order is taken by standing and stating, "*Point of Order*" and then providing a brief explanation as to why the point of order has been called. The point of order must be taken immediately after it has been bought to the attention of the Chair. A point of order takes precedence over all other business, including procedural motions.

When called to order, a Councillor must sit down and remain silent until the point of order is decided unless they are requested by the Chair to provide an explanation. The Chair may adjourn the Meeting to consider a point of order but must otherwise rule upon it as soon as it is taken. All matters before Council are suspended until the point of order is decided. The decision of the Chair in respect to a point of order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present at the Meeting support a motion of dissent.

A valid point of order may be raised in relation to:

a) a motion which has not be accepted by the Chair;
b) a question of procedure;
c) a Councillor who is not conducting themselves in accordance with the Code of Conduct - Councillors;
d) debate that is irrelevant to the matter under consideration;
e) a matter that is outside the powers of Council; or
f) any act of disorder.

Rising to express a mere difference of opinion or to contradict a speaker is not a point of order.

### 4.11.2 Motion of Dissent

When a motion of dissent is moved and seconded, the Chair must leave the Chair and a temporary Chair must take their place.

The temporary Chair must invite the mover to state the reasons for their dissent and the Chair may then reply. The temporary Chair then puts the motion in the following form:

*"That the Chair's ruling be upheld".*

a) if the vote is carried (in the affirmative), the Chair resumes the Chair and the Meeting proceeds;
b) if the vote is not carried (in the negative), the Chair resumes the Chair, reverses his or her previous ruling and then proceeds.

The defeat of the Chair's ruling is in no way a motion of censure or non-confidence and should not be so regarded by the Meeting (*see section 4.7.1 in these Rules*).

## 4.12 Suspension of Standing Order

The provisions of these Rules may be suspended for a particular purpose by resolution of Council.

### 4.12.1 Changing the Order of Business

The suspension of the standing order (of the Agenda) should be used to change the order of business and bring items listed in the Agenda forward or backward if required and when it is in the best interest of the flow of business for that Meeting.

An appropriate motion would be:

*"That the standing order be suspended to bring item___ forward".*

Once the item has been disposed of and before the next item can be heard the resumption of the standing order will be necessary. An appropriate motion would be:

*"That the standing order be resumed".*

### 4.12.2 Suspension of the Standing Order for the Purpose of Discussion

The suspension of the standing order should be used to enable full discussion of any issue without the constraints of formal meeting procedure.

An appropriate motion would be:

*"That the standing order be suspended to enable discussion on_____".*

Once the discussion has taken place and before any motion can be put the resumption of the standing order will be necessary.

An appropriate motion would be:

*"That the standing order be resumed".*

No motion may be accepted by the Chair or be lawfully dealt with during any suspension of the standing order unless resolved by Council to do so.

## 4.13 ADJOURNMENTS

### 4.13.1 Adjourning a Meeting

Once a Meeting is declared open, Council may, from time to time, resolve to adjourn the Meeting if:

a) a quorum is not present within half an hour after the time appointed for the Meeting;
b) at any time throughout a meeting a quorum is lost;
c) the Meeting becomes excessively disorderly and order cannot be restored or retained;
d) there is a need to allow for additional information to be presented to a Meeting; or
e) any other situation arises where an adjournment could aid the progress of the Meeting.

A Meeting cannot be adjourned for a period exceeding seven days from the date of the adjournment. An appropriate motion would be:

*"That the Meeting be adjourned until a ____" time and date specified".* (which does not exceed seven (7) days)

No discussion is allowed on any motion for adjournment of the Meeting, but if on being put the motion is lost, the subject then under consideration for the next item on the Agenda or any other matter that may be allowed precedence must be resolved before any subsequent motion for adjournment is made.

### 4.13.2 Notice for an Adjourned Meeting

If a Meeting is adjourned, the Chief Executive Officer must ensure that the Agenda for such a Meeting is identical to the Agenda for the Meeting which was resolved to be adjourned. Except where a Meeting is adjourned until later on the same day, the Chief Executive Officer must give all Councillors written notice of a new date for the continuation of the adjourned Meeting and every reasonable attempt must be made to advise the public of the new Meeting date. Where it is not practical to provide written notice to Councillors because time does not permit that to occur then a reasonable attempt must be made to contact each Councillor.

### 4.13.3 Lapsed Meeting

A Meeting is deemed to have lapsed if a meeting does not commence and therefore no resolution can be carried to adjourn the Meeting. If a Council Meeting lapses, the undisposed-of business must be included in the Agenda for the next Council Meeting. The business of the lapsed Meeting must be dealt with prior to any other business, and in the same order as the original Meeting papers.

## 4.14 CONDUCT DURING A COUNCIL MEETING

The provisions of these Rules are applicable to all Council Meetings and Delegated Committee Meetings and any other public meetings conferred under the Act which are called by the Mayor or Council, with appropriate modifications. Section 2.14 does not prevent any person from addressing a meeting if permitted to do so by the Chair.

Also, section 19(1)(b) of the Local Government Act 2020, provides the power to the Mayor to direct a Councillor, subject to the any procedures or limitations specified in these Rules, to leave a Council Meeting if the behaviour of the Councillor is preventing the Council from conducting its business.

### 4.14.1 Councillor Conduct

Councillors must conduct themselves in a courteous, orderly and respectful manner and must respect the authority of the Chair at all times. Councillors must adhere to the Code of Conduct - Councillors at all times.

Where a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the conduct of Council business:

a) Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chair has warned the Councillor to cease that behaviour; or
b) the Chair (if the Mayor), under section 19 of the Act, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the meeting for a period of time or for the balance of the Meeting.

Where Council suspends a Councillor for a portion of a Meeting or the Chair (if the Mayor) directs a Councillor to leave for the remainder of the Meeting as above, the Councillor will take no active part in the portion of the Meeting from which they have been suspended. If a Councillor has been suspended from a meeting or directed to leave by the Chair (if the Mayor), the Chair may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the Councillor.

### 4.14.2 Ordering Withdrawal of Remark

Whenever any Councillor makes use of any expression or remark that is disorderly or capable of being applied offensively to any other Councillor or member of Council staff, the offending Councillor must be required by the Chair to withdraw the expression or remark and to make a satisfactory apology to the Meeting. The Chair may require a Councillor to withdraw any remark which is defamatory, indecent, abusive or offensive in language or substance.

A Councillor required to withdraw a remark must do so immediately without qualification or explanation. Any Councillor using defamatory, indecent, abusive or offensive language, and having been twice called to order or to apologise for such conduct and refusing to do so, is guilty of an offence.

### 4.14.3 Personal Explanation

A Councillor may, at a time convenient to Council, make a brief personal explanation in respect of any statement (whether made at a Council meeting or not) affecting him or her as a Councillor.
A personal explanation arising out of a statement at a Council Meeting must be made as soon as possible after that statement was made. A personal explanation must not be debated except upon a motion to censure the Councillor who has made it.

### 4.14.4 Public Conduct

Members of the public must not interject or take part in the debate and silence must be maintained in the Gallery at all times.

### 4.14.5 Call to Order/Removal from Council Chamber

The Chair may call to order any person present in the Council Chamber whose actions are disruptive to the business of Council and are impeding its orderly conduct. If thereafter a person continues to impede the conduct of business, the Chair may order them to leave the Council Chamber for a period of time or for the remainder of the Meeting. The Chair may ask any Authorised Officer or member of Victoria Police to remove any person from the Council Chamber who acts in breach of these Rules or whom the Chair has ordered to be removed from the Chamber.

### 4.14.6 Chairperson May Adjourn Disorderly Meeting

If the Chair is of the opinion that disorder among the Councillors or in the Gallery makes it desirable to adjourn the Meeting, they may adjourn the Meeting to a later time on the same day, or to some later day and time prior to the next Council Meeting. *See section 4.14 in these Rules.*

### 4.14.7 Breach of Conduct Provisions at Council Meetings

Any person who refuses to leave the Council Chamber after being ordered to do so by the Chair is guilty of an offence under the Governance Local Law No. 1 of 2020.

## 4.15 Provision to Record Council Meetings

The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may conduct a live webcast and recording of the proceedings of a Council Meeting. Recordings will be retained as a public record of the meeting and are available to the public for viewing on www@greaterdandenong.com.

Members of the public are advised (via appropriate signage) that the Meeting is being filmed and is streamed live and as an archive on Council's website www.greaterdandenong.com.au. Members of the public are advised by venue signage that while filming, although all care is taken to maintain a person's privacy, as an attendee in the Gallery, they may be recorded on the webcast.

Members of the public should note that webcasts supplied by Greater Dandenong City Council or made available on www.greaterdandenong.com are the only official audio-visual recording of the Greater Dandenong City Council Meeting process.

### 4.15.1 Consent Required to Film or Photograph Council Meetings

Media representatives, with the consent of the Chief Executive Officer, or person authorised by the Chief Executive Officer, may be permitted to record any part of a Council Meeting. This consent must be applied for at least three (3) business days prior to the Council Meeting by contacting Council's Governance Unit on telephone 8571 5100. This consent must not be unreasonably withheld but may be revoked at any time during the course of the relevant Meeting if it in any way impedes the business of the Council Meeting.

## 4.16 Election of the Mayor

### 4.16.1 When Required

Under the *Local Government Act 2020*, a Mayor is to be elected at a Council Meeting no later than one month after the date of a general election. Before the election, a Council must determine by resolution whether the Mayor is to be elected for a one (1) year or two (2) year term. If the Mayor is elected for a one (1) year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the one (1) year term as reasonably practicable. If the Mayor is elected for a two (2) year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the two (2) year term as reasonably practicable.

The Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.

### 4.16.2 Outgoing Mayor

The outgoing Mayor will give an outgoing speech at the last Council Meeting of their mayoral term. There will be no time provided at the Council Meeting held for the election of the Mayor for a speech for the outgoing Mayor. The Council Meeting held for the election of the Mayor will be focused on the new Mayor and the term ahead.

### 4.16.3 Eligibility

Any Councillor is eligible for election or re-election to the office of Mayor.

### 4.16.4 Agenda Content

The Agenda for the Council Meeting for the election of the Mayor must include:

a) the appointment of the second temporary Chair;
b) the election of the Mayor;

c) the election of the Deputy Mayor;
d) appointments of Council representatives to Committees, Peak Industry Bodies, regional and community-based organisations; and
e) the fixing of the dates, times and place of all Council meetings for a twelve-month period.

### 4.16.5 First Temporary Chair (Returning Officer)

The Chief Executive Officer will be the first temporary Chair of the Council Meeting at which the election of the Mayor is to be conducted but will have no voting rights. In other words, the Chief Executive Officer will be the Returning Officer for the election of the Mayor.

### 4.16.6 Second Temporary Chair

The Chief Executive Officer must invite nominations for a second temporary Chair. If there is only one nomination, the candidate nominated is deemed to have been elected. If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates by a show of hands (or by such other method as Council determines), and the candidate receiving a majority of the votes must be declared to have been duly elected.

### 4.16.7 Nominations for Office of Mayor

The second temporary Chair must invite nominations for the office of Mayor. If there is only one nomination (which must be seconded), the candidate nominated is deemed to be elected Mayor until the next Council Meeting to elect the Mayor.

### 4.16.8 Method of Voting

The election of the Mayor will be carried out by a show of hands unless determined by lot.

### 4.16.9 Determining the Election of Mayor

If there is more than one nomination (each of which must be seconded), the Councillors present at the Meeting must vote for one of the candidates by a show of hands. In the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected.

In the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the Meeting must then vote for one of the remaining candidates by a show of hands.

If one (1) of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates by a show of hands must be repeated until one (1) of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected.

In the event of two (2) or more candidates having an equality of votes and one (1) of them having to be declared:

a) a defeated candidate; or
b) duly elected;

the temporary Chair shall have no second or casting vote, and the result will be determined by lot. *See clause 134 – Determining by Lot.*

*Note: Any Councillor nominated may refuse nomination.*

### 4.16.10 Determining By Lot

If a lot is required, the Chief Executive Officer will conduct the lot and the following provisions will apply:

a) each candidate shall draw one (1) lot;

b) the order of drawing lots shall be determined by the alphabetical order of the surname of the Councillors who received an equal number of votes, except that if two (2) or more such Councillors' surnames are identical, the order shall be determined by the alphabetical order of the Councillors' first name;
c) as many identical pieces of paper as there are Councillors who received an equal number of votes shall be placed in a receptacle provided by the Chief Executive Officer;
d) If the lot is being conducted to determine which candidate is to be duly elected, the word 'Elected' shall be written on one (1) of the pieces of paper and the Councillor who draws the paper with the word 'Elected' written on it shall be declared to have been duly elected.

### 4.16.11 Mayor to Take Chair

After the election of the Mayor is determined, the Mayor must take the Chair. The Mayor must take the Chair at all meetings of Council at which he or she is present unless precluded from doing so because of a conflict of interest.

### 4.16.12 Election of Deputy Mayor

Under section 27 of the *Local Government Act 2020*, Council must elect a Deputy Mayor. Clauses 2.17.1 - 2.17.10 above apply to the election of a Deputy Mayor as if any reference in those sections to the Mayor was a reference to the Deputy Mayor.

## 4.17 MINUTES

### 4.17.1 Keeping of Minutes

The Chief Executive Officer is responsible for arranging the keeping of the Minutes on behalf of Council. Each item in the Minutes must be clearly headed with a subject title and allocated a minute number. Minutes must be consecutive, commencing at one (1) at the beginning of each four (4) year term of Council. The Minutes must be signed by the Chair of the Meeting at which they have been confirmed.

### 4.17.2 Content of Minutes

The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the Meeting and to take the minutes of such meeting) must keep minutes of each Council meeting and those minutes must record:

a) the date and time the Meeting was commenced, adjourned, resumed and concluded;
b) the names of Councillors and whether they are PRESENT, an APOLOGY, or have obtained a LEAVE OF ABSENCE or other details as provided;
c) the names and organisation titles of members of Council staff in attendance;
d) arrival and departure times (including temporary departures) of Councillors during the course of the Meeting;
e) each motion and amendment moved, including the mover and seconder of the motion or amendment;
f) the outcome of every motion and amendment, whether it was put to the vote and the result (namely, CARRIED, LOST, WITHDRAWN, LAPSED FOR THE WANT OF A SECONDER, or AMENDED);
g) where there is debate of an item, a table of the names of every Councillor and the way their vote was cast (either FOR or AGAINST a motion);
h) details of a failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
i) a summary of all deputations made to Council;
j) a summary of reports from Councillors/Delegates and any responses provided at the Meeting;
k) the time and reason for any adjournment of the Meeting or suspension of Standing Orders;
l) closure of the Meeting to members of the public and the reason for such closure as required under the provisions of the *Local Government Act 2020;*
m) disclosure of any conflicts of interest made by a Councillor or member of staff; and
n) any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the Meeting or the reading of the minutes.

*Note: Debate on items is not recorded within the Minutes but is available via webcast on www.greaterdandenong.com.*

During preparation of the Minutes, Council officers may, from time to time, correct minor typographical errors, without changing the intent of those minutes. A Council resolution is not required to correct minor typographical errors.

### 4.17.3 Confirmation of Minutes

Confirmation of the Minutes of a Council Meeting is a formal declaration that the Minutes are an accurate record of that meeting. Advice that the Minutes are available must be provided to all Councillors no later than 72 hours before the next scheduled Meeting. At every Council Meeting the Minutes of the preceding meeting(s) must be listed on the Agenda for confirmation. Minutes must be confirmed by resolution of Council. The motion confirming the Minutes can be moved and seconded by any Councillor who was present at the Meeting and believes the minutes to be an accurate record of that meeting. Following confirmation of the Minutes, with or without amendment, they must be signed by the Chair of the Meeting at which they were confirmed.

### 4.17.4 Objection to Confirmation of Minutes

If a Councillor is dissatisfied with the accuracy of the Minutes, they must:

a) state the item or items with which they are dissatisfied;
b) propose a motion clearly outlining the alternative wording to amend the Minutes; and
c) state the item(s) objected to separately in the order in which it (or they) appear in the Minutes.

No discussion or debate on the confirmation of the Minutes will be permitted, except where their accuracy as a record of the proceedings of the Meeting to which they relate, is questioned.

### 4.17.5 Deferral of Confirmation of Minutes

Council may defer the confirmation of the Minutes until later in the Meeting or until the next meeting as appropriate.

## 4.18 Procedure Not Provided For

In all cases not specifically provided for within these Rules, reference must be sought from the rules, forms and usages of the Legislative Council of the Victorian Parliament so far as the same are capable of being applied to Council Meeting proceedings.

## 4.19 Suspension of Meeting Procedure

The operation of any clause of Chapter 2 of these Rules may be suspended temporarily at a Council Meeting by a majority of Councillors present resolving to so suspend it, unless such suspension of operation would be inconsistent with the *Local Government Act 2020*. A reason for the proposed suspension of the operation of any clause in Chapter 2 of these Rules must be given in the motion to suspend the operation of the clause.

## 4.20 Provisions Made for Remote (Virtual) Council Meetings

In the event that Council needs to conduct a Council Meeting remotely, such as during a pandemic or emergency situation (as experienced throughout the COVID-19 pandemic), the *Regulatory Legislation Amendment (Reform) Act 2022,* which received Royal Assent on 29 March 2022, provides reforms relating to virtual Council Meetings. These reforms will be incorporated into Part 3, Division 2 of the *Local Government Act 2020* from 2 September 2022 and relate to procedures for decision making and the holding of virtual meetings (either Council Meetings, Joint Meetings of Councils, Delegated Committee Meetings and Joint Delegated Committee Meetings).

Notwithstanding any protocols or guidelines developed and provided to all participants of a Council Meeting (and which do not form part of these Rules), the following outlines how any Meeting is to be conducted and what procedures participants must follow under the *Local Government Act 2020* to ensure a consistent and transparent approach is maintained throughout any virtual Meeting. All reasonable technological support and advice will be provided to participants attending a Council Meeting virtually. This section of these Governance Rules applies to all Council Meetings, Joint Meetings of Councils, Delegated Committee Meetings and Joint Delegated Committee Meetings.

Note that protocols or guidelines may change from time to time as information technology improvements are made.

### 4.20.1 Mode of Attendance

Each Notice of Meeting (Agenda) must indicate whether the relevant Council Meeting is to be conducted:

a) wholly in person;
b) wholly by electronic means; or
c) partially in person and partially by electronic means.

The indication in the Notice of Meeting (Agenda) must be consistent with any Resolution of Council that has expressed a preference for, or otherwise specified, when those Council Meetings are to be conducted:

a) wholly in person;
b) wholly by electronic means; or
c) partially in person and partially by electronic means.

### 4.20.2 Request to Attend Meeting Virtually

If a Council Meeting is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means. Any request made under this clause must:

a) be in writing;
b) be given to the Chief Executive Officer or Chair no later than 24 hours prior to the commencement of the relevant Council Meeting; and
c) specify the reasons why the Councillor is unable or does not wish to attend the Council Meeting in person.

The Chief Executive Officer or Meeting Chair must ensure that any request received in accordance with the above and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant Council Meeting.

Council may approve and must not unreasonably refuse any request.

### 4.20.3 Responsibilities of Attending Meeting Virtually

A Councillor who is attending a Council Meeting by electronic means is responsible for ensuring that they are able to access such equipment and are present in such an environment that facilitates participation in the Council Meeting.

Without detracting from anything said in the above clause, a Councillor who is attending a meeting by electronic means must be able to:

a) hear the proceedings;
b) see all Councillors and members of Council staff who are also attending the Council Meeting, at least while a Councillor or member of Council staff is speaking;
c) be seen by all Councillors, members of Council staff and members of the public who are physically present at the Council Meeting; and
d) be heard when they speak.

If these conditions cannot be met by one or more Councillors attending a Council Meeting, whether because of technical difficulties or otherwise:

a) the Council Meeting will nonetheless proceed as long as a quorum is present; and
b) the relevant Councillor (or Councillors) will be treated as being absent from the Council Meeting or that part of the Council Meeting.

unless the Meeting has been adjourned in accordance with these Rules.

Nothing in this section prevents a Councillor from joining (or re-joining) a Council Meeting at the time that they achieve compliance with the above even if the Council Meeting has already commenced or has continued in their absence.

### 4.20.4 Meetings Conducted Remotely

If a Council Meeting is conducted wholly or partially by electronic means, the Chair may, with the consent of the Meeting, modify the application of any of these Rules to facilitate the more efficient and effective transaction of the business of the Meeting.

# CHAPTER 5 – OTHER MEETINGS OF COUNCIL

## 5.1 JOINT MEETINGS OF COUNCILS

Section 62 of the *Local Government Act 2020* provides for Joint Meetings of Councils. Section 62 of the Act states that:

(1) Two or more Councils may determine to hold a Joint Meeting.
(2) A Joint Meeting is a Council Meeting of each Council for the purposes of this Act and the provisions of this Act, except section 61(3), (4) and (5)(d), apply accordingly.
(3) A Joint Meeting is to be constituted by the Councillors of the Councils holding the Joint Meeting consisting of:

    (a) the total number of Councillors determined by the Councils holding the Joint Meeting; and
    (b) at least 3 Councillors from each of the Councils holding the Joint Meeting.

(4) A quorum at a Joint Meeting is constituted by the number of Councillors that is equal to at least a majority of the Councillors from each of the Councils holding the Joint Meeting.
(5) Subject to subsections (2) and (6), the procedures for conducting a Joint Meeting are to be determined by the Councils holding the Joint Meeting.
(6) A Joint Meeting must comply with any requirements prescribed by the regulations.

Unless otherwise stated within these Rules, the Chapters 1, 2, 3, 5 and 6 and of these Rules apply to all Joint Meetings of Councils. Chapter 4 of these Rules may apply to a Joint Meeting of Councils if Members of that Joint Meeting resolve to adopt Chapter 4 of these Rules for the purposes of that Meeting.

## 5.2 DELEGATED COMMITTEES

Section 63 of the *Local Government Act 2020* provides for Delegated Committees. Section 63 of the Act states that:

(1) A Delegated Committee established by a Council:

    (a) must include at least 2 Councillors; and
    (b) may include any other persons appointed to the Delegated Committee by the Council who are entitled to vote.

(2) A Meeting of a Delegated Committee established by a Council must be chaired by:

    (a) a Councillor appointed by the Council or the Mayor to chair meetings of the Delegated Committee; or
    (b) if the Councillor appointed by the Council or the Mayor to chair meetings of the Delegated Committee is not present at the meeting, a Councillor who is present at the Meeting and is appointed by the Members of the Delegated Committee who are present at the meeting.

(3) Section 61 applies to a Meeting of a Delegated Committee as if the Members were Councillors.

Unless otherwise stated within these Rules, Chapters 1-6 of these Rules apply to Delegated Committee Meetings of Council.

## 5.3 JOINT DELEGATED COMMITTEES

Section 64 of the *Local Government Act 2020* provides for Joint Delegated Committees. Section 64 of the Act states that:

(1) Two or more Councils may resolve to establish a Joint delegated committee.
(2) A Joint Delegated Committee is a delegated committee of each Council that has resolved to establish the joint delegated committee for the purposes of this Act and the provisions of this Act, except section 61(3), (4) and (5)(d), apply accordingly.
(3) A Joint Delegated Committee must include at least one Councillor from each of the Councils that has resolved to establish the Joint Delegated Committee.

(4) A meeting of a Joint Delegated Committee must be chaired by a Councillor from one of the Councils that has resolved to establish the Joint Delegated Committee who is present at the meeting and is appointed by the members of the Joint Delegated Committee who are present at the meeting.
(5) A quorum at a meeting of a Joint Delegated Committee is constituted by the number of members that is equal to at least a majority of the members constituting the Joint Delegated Committee.
(6) Subject to subsection (2) and (7), the procedures for conducting a meeting of a Joint Delegated Committee are to be determined by the Councils that have resolved to establish the Joint Delegated Committee.
(7) A Joint Delegated Committee must comply with any requirements prescribed by the regulations.

Unless otherwise stated within these Rules, Chapters 1, 2, 3, 5 and 6 of these Rules apply to all Joint Delegated Committees. Chapter 4 of these Rules may apply to a Joint Delegated Committee Meeting if Members of that Meeting resolve to adopt Chapter 4 of these Rules for the purposes of that Meeting.

## 5.4 Audit and Risk Committee

Section 53 of the *Local Government Act 2020* states that Council must establish an Audit and Risk Committee. An Audit and Risk Committee is not a Delegated Committee.

The Audit and Risk Committee will operate under its own Charter in accordance with the *Local Government Act 2020*, however, unless otherwise stated within these Rules, Chapters 3 and 6 of these Rules apply to the Audit and Risk Committee.

## 5.5 Community Asset Committee

Section 65 of the *Local Government Act 2020* states that Council may establish a Community Asset Committee and appoint as many members to that Committee as the Council considers necessary to enable the Community Asset to achieve the purpose of managing the assets in the municipality.

Unless otherwise stated within these Rules, Chapter 3 and 6 of these Rules apply to any Community Asset Committee. When establishing a Community Asset Committee, Council may then resolve which other Chapters of these Rules may also apply to the Committee.

# CHAPTER 6 – ELECTION PERIOD (CARETAKER) POLICY

Section 60(e) of the *Local Government Act 2020* states that a Council must develop, adopt and keep in force Governance Rules with respect to an Election Period Policy in accordance with section 69 of the Act. Section 69(1) of the Act states that a Council must include an Election Period Policy in its Governance Rules.

Greater Dandenong City Council adopted its current Election Period (Caretaker) Policy under the Local Government Act 1989 on 28 January 2020 prior to the *Local Government Act 2020* coming into effect.

The policy contained within Chapter 6 of these Rules is the same as the Election Period (Caretaker) Policy adopted by Council on 28 January 2020 but it includes amendments required under the new *Local Government Act 2020*.

## 6.1 ELECTION (CARETAKER) PERIOD

The Election Period for Victorian Local Government General Elections commences on the last day on which nominations for that election can be received and ceases at 6.00pm on Election Day. During the Election Period, Council will be deemed to be in election or caretaker mode.

The areas of Council's operations that will be impacted during the Election Period by the caretaker provisions are:

a) decision making (including major contract and policy decisions or decisions relating to the employment of the Chief Executive Officer);
b) use of council resources;
c) events;
d) media;
e) publications;
f) public consultation;
g) requests for information;
h) Councillor expenditure;
i) grants funding; and
j) contact with staff.

The Chief Executive Officer will ensure that all employees are informed of the requirements of the Election Period at least 30 days prior to the commencement of it.

### 6.1.1 Misuse of Position

Councillors and candidates must be given equal access to support and information in the lead up to an election. Under section 123 of the *Local Government Act 2020*, Councillors and Delegated Committee Members cannot intentionally misuse their position to gain or attempt to gain, either directly or indirectly, an advantage for themselves or any other person.

Councillors must not use their position as an elected representative or their access to Council resources to gain media attention specifically in support of an election campaign.

No member of staff, when working as an employee of Greater Dandenong City Council and during work time, including the Mayor and Councillors Executive Assistant, can undertake any tasks connected directly or indirectly with a Councillor's election campaign. What a staff member can do in their own personal time (as a private citizen) has been clarified in Appendix 1 – Guide for Staff Participating in Election Activities Outside Their Role Within Council

Under the Act, the penalty for misuse of position is 600 penalty units or imprisonment for five (5) years.

### 6.1.2 Contact with Staff

The Chief Executive Officer or any staff member, when working as an employee of Greater Dandenong City Council and during work time, cannot be asked to undertake any tasks connected directly or indirectly with electioneering. Similarly, all candidates must respect the privacy and wishes of staff when they are not at work (i.e., not all staff wish to be approached in any way outside of business hours.)

All queries and requests for access to information during the Election Period are to be directed through the Executive Management Team or the Manager Governance.

Council staff must act with integrity at all times. Any staff member who considers that they have been asked to undertake any task connected directly or indirectly with electioneering must advise their Manager, the Manager Governance and their Director immediately.

### 6.1.3 Expenditure

During the Election Period, claims for reimbursement of expenses must be used exclusively within the requirements set out in the Expenses, Support, and Reimbursement Policy and under no circumstance used in relation to any election campaigning or activities.

Councillors and Delegated Committee Members shall not participate in any interstate or overseas travel or undertake training or professional development activities in their capacity as a Councillor or Delegated Committee Member during the Election Period.

### 6.1.4 Council Resources

Public resources must not be used in a manner that may influence voting in an election or provide an undue advantage or disadvantage to a candidate.

During the Election Period, Council resources including offices, vehicles, staff, hospitality, services, property, equipment, stationery, Council logos, photos or images must be used exclusively for the purposes of the day-to-day operations of Council and under no circumstances used in relation to any election campaigning or activities.

In the event that Council resources may be perceived as being related to election campaigning, advice should be sought from the Chief Executive Officer.

### 6.1.5 Community Grants Program Funding

Assessment of all Community Grants applications will be suspended during the Election Period. Council will still accept applications during this time, but they will not be considered until after Election Day (*see Community Grants policies*).

### 6.1.6 Decision Making

Council will continue to hold Council Meetings during the Election Period to ensure Council continues to meet the needs of the community.

The following designated decisions are prohibited pursuant to section 69 of the *Local Government Act 2020.*

a) decisions relating to the appointment or remuneration of the Chief Executive Officer but not to the appointment or recruitment of an Acting Chief Executive Officer; or
b) decisions that commit the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
c) decisions the Council considers could be reasonably deferred until the next Council is in place; or
d) decisions the Council considers should not be made during an election period.

During the Election Period, Council will also not make any major policy decisions or any significant decisions that may be perceived to inappropriately bind the incoming Council or any decisions that could reasonably be made after the Council Elections.

### 6.1.7 Caretaker Statement

During the Election Period the Chief Executive Officer will ensure that a Caretaker Statement is included in every report submitted to a Council Meeting for decision. The Caretaker Statement will be as follows:

a) the recommended decision is not a decision as defined in Section 69 of the *Local Government Act 2020*, or a significant decision within the meaning of Council's Election Period (Caretaker) Policy.

### 6.1.8 Community Engagement

Any community engagement or public consultations should be avoided during the Election Period with the exception of public consultation required under the *Planning and Environment Act 1987* or matters subject to section 223 of the *Local Government Act 1989*.

If it is imperative to the day-to-day operations of Council that if community engagement needs to be conducted during the Election Period, it must be authorised in writing by the Chief Executive Officer.

Should Council be required to conduct community engagement during the Election Period, that engagement must not express any links to the election. In the likelihood that the engagement process is to become contentious or politically sensitive it should not proceed.

### 6.1.9 Council Communications and Publications

Council communications and publications in all formats (with the exception of Council's newsletter "*the Council News*") will remain distributed and accessible during the Election Period, however they will be limited to promoting normal Council services and activities.

Under no circumstances are Council communications and/or publications that might influence voting or provide an undue advantage for a candidate to be distributed during the Election Period. This limitation does not apply to information that is only about the process of the election.

A Councillor or member of Council staff must not intentionally or recklessly print, publish or distribute, or cause, permit or authorise to be printed, published or distributed any electoral matter in the name of Council or using Council resources during the Election Period. Council must not print, publish or distribute a publication during the Caretaker Period unless it has been approved by the Manager Governance acting on behalf of the Chief Executive Officer.

Under these provisions and during the Election Period, Council will not publish its October edition of *the Council News*, Greater Dandenong's monthly magazine.

**A Council employee must not make any public statement that could be construed as influencing the election.** Statements of clarification may be required from time to time and these must be approved by the Chief Executive Officer.

In the event that a Council spokesperson is required for a statement, the Chief Executive Officer will fulfil that role.

During the Election Period, Councillor profiles on Council's Website will be limited to a name and contact details only, for the purpose of their day-to-day role as an existing Councillor.

### 6.1.10 Social Media

Council cannot publish any notices on social media without approval from the Manager Governance acting on behalf of the Chief Executive Officer.

Social Media includes, but is not limited to Facebook, Twitter; YouTube, and blogs.

Any subject matter that is posted on council-controlled social media sites during the Election Period (including any posts by members of the public) that could be viewed as electoral or campaigning material will be removed, such as photos of Councillors at publicity events as well as Councillor profiles from Council's website (excluding Councillor contact details).

The site will be monitored regularly during business hours and any material deemed to be election campaign material by the CEO or his delegate will be removed as soon as practicable. Postings over the weekend will be monitored, however, removal may be delayed until the following business day.

While Councillors still undertake duties of their office during the Election Period, they must not use Council-related material, opinion or commentary within their own personal social media sites during that period.

No media advice or assistance will be provided to Councillors in relation to election campaign matters.

### 6.1.11 Functions and Events

Normal Council events are not prohibited during the Election Period, however it is position under these Rules that Council keeps them to a minimum.

Any event or function held during the Election Period shall relate only to the normal annual business of Council and shall not be used in connection with any election activity. All publicity, invitations and speeches prepared for use as part of a Council event or function held during the Caretaker Period must be approved by the Manager Governance on behalf of the Chief Executive Officer.

Where possible, the Chief Executive Officer, or delegate, will preside over any Council event or function held during the Election Period. Councillors should avoid making speeches at any Council event or function during the Election Period. Where circumstances require a Councillor to speak, the speech must not contain any political references, nor shall it provide, or be perceived to provide, an undue advantage to the Councillor in relation to the upcoming elections.

The following events will have variations:

a) Mayors Annual Event – which may be scheduled earlier in the year, so it is not held during the Election Period; and
b) Citizenship Ceremonies – will not be conducted during the Election Period.

Councillors must be reminded that if representing Council at a function or event during the Election Period that they are representing the Council and must not use the opportunity for electioneering.

Functions and events for the purpose of electioneering must not, and will not be, resourced or publicised by Council.

### 6.1.12 Access to Information

During the Election Period, Councillors and candidates shall not request or receive information or advice from Council staff to support election campaigns, nor shall staff provide such information.

While it remains important that sitting Councillors continue to have access to information or advice that is necessary to fulfil their existing roles, the provision of this information must be exercised with caution and limited to current matters that relate to the day-to-day operations of Council as required by the Councillor in the performance of their duties as a Councillor.

Council will ensure transparency in the provision of all information and advice during the Election Period. Information and briefing material prepared by staff for Councillors during the Election Period will relate only to factual matters or to existing services to assist Councillors in maintaining the day-to-day operations and activities of Council.

All enquiries from candidates (including sitting Councillors) in relation to the conduct of the election will be directed to the Election Manager (previously called the Returning Officer).

Section 123 of the *Local Government Act 2020* prescribes serious penalties for any Councillor of Delegated Committee Member who intentionally misuses their position to advantage or disadvantage any person.

Any Freedom of Information applications required to be processed during the Election Period on matters, costs or expenses relating to sitting Councillors will be dealt with in accordance with the *Freedom of Information Act* 1982 but, where possible, outside of the Election Period.

### 6.1.13 Candidate Information

In conjunction with the Victorian Electoral Commission and Local Government sector industry bodies, Council will provide candidates with a Councillor Candidate Information Kit and opportunities to attend a Candidate Information Session to assist them in running and nominating for Council.

The Information Kits and Candidate Information Session will outline the obligations and requirements of nominating at the 2020 Local Government Elections.

### 6.1.14 Information Request Register

Council recognises that all election candidates have equal rights to public information from Council Administration subject to the *Privacy and Data Protection Act 2014* which may prevent disclosure of certain information.

To ensure Council maintains complete transparency in the provision of all information and advice during the Election Period, the Governance Unit will maintain an Elections Information Request Register during the Election Period. The Elections Information Request Register will be a public document that records all requests relating to electoral matters and non-routine requests for information by Councillors and candidates and the response given to those requests.

Responses to requests for information by candidates should only be responded to by a Manager, Director or Chief Executive Officer and should be in writing.

All requests relating directly to electoral process or campaigning matters will be referred to the Election Manager.

### 6.1.15 Role of Election Manager

All election related enquires from candidates, whether sitting Councillors or not, will be directed to the Election Manager. Where the matter is outside the responsibilities of the Election Manager, candidates will be referred to the Greater Dandenong City Council's Chief Executive Officer or his delegate.

### 6.1.16 Grievances

Council confirms that all candidates for the 2020 General Elections will be treated equally. Any complaints or grievances in relation to these Rules should be referred to the Manager Governance. Any complaints or grievances in relation to the conduct of the elections should be referred to the Election Manager appointed by the Victorian Electoral Commission.

### 6.1.17 Disclaimer

These Rules should be used as a guide only and are not a substitute for legal advice. If necessary, legal advice should be sought independently to clarify the relevant aspect of *the Local Government Act 2020* and/or any other relevant regulations relating to the 2020 Council Elections Election Period.

## 6.2 Guide for Staff Participating in Election Activities Outside Their Role within Council

It is understood that members of staff may live within the municipality and participate in Greater Dandenong City Council elections as part of their normal community affairs as a private citizen. Some members of staff may choose to electioneer for candidates in Greater Dandenong City Council elections.

If a member of staff has a significant role in an election candidate's campaign, there is potential for a conflict of interest between taking a position on issues and impartially performing their official Council duties. In such circumstances, the employee should discuss such potential conflicts of interest with the Manager People and Procurement or Manager Governance.

Members of staff should also be aware that there are obligations in relation to conflicts of interest under the *Local Government Act 2020* and the Greater Dandenong City Council Code of Conduct – Staff.

If a member of staff is involved in electioneering activities, they should make it clear that they are not undertaking these activities in their capacity as an employee of Council. This includes not using Council's email address, email footer or letterhead, and not wearing any council uniform or logo while undertaking those electioneering activities. In addition:

a) Staff must not use any Council resources in undertaking electioneering activities.
b) Staff must not undertake electioneering activities during work time.
c) Staff must ensure that their electioneering activities do not influence or interfere with their performance at work.

Staff must also ensure that, if undertaking electioneering activities and making comment on Council activities that they are involved in, they make it clear that they are expressing their own views as a private citizen and not making an official comment on behalf of Council as an employee.

## 6.3 Approval Process for Council Publications

a) Please understand and read through Chapter 6 of these Rules.
b) If you are intending to print, publish or distribute any advertisement, handbill, pamphlet or notice during the election period then read through the document you have produced carefully and check that it does not contain any electoral or electoral related matter.
c) The document must be approved by the Manager Governance on behalf of the Chief Executive Officer.
d) Please email the objective reference of any publication intended to be distributed during the Election Period to zzCaretaker@cgd.vic.gov.au so that the document can be approved. This DOES NOT include operational letters to residents from Council officers that respond to queries, registrations, requests for permits, payments, immunisations, etc. Normal operations of Council continue during an Election Period. However, if you are uncertain, send your publication to the email address above. The Manager Governance will read the proposed publication and check that no election material is present.
e) The Manager Governance will advise you whether the document is approved for general circulation during the Election Period and what is to be included or changed in the document (if changes are required).
f) Governance will arrange for a copy (alias) of the document to be saved in a specific election period folder within Objective.

Please do not send documents directly to the CEO. Turnaround time (maximum) for having responses back is two working days. Governance will always ensure that urgent material is prioritised.

**Your request to Governance**

This could read something like:

*This material has been checked and does not contain any electoral or electoral related matter to the best of my knowledge. Could you please arrange to have the material approved and advise me accordingly?*

# Supporting Background Information

# Election Period Policy – Section 6 of Council's Governance Rules.

**Proposed changes/Inclusions**

## Policy Alignment

The Election Period Policy is a statutory requirement under the *Local Government Act 2020*.

The Policy assists Councillors, candidates, and Council staff to understand the importance of having open and ethical processes which adhere to the law and stand up to scrutiny.

## Review

A review of the Election Period Policy has been undertaken prior to the upcoming 2024 Greater Dandenong City Council General Election.

The Policy has been rewritten in its entirety to provide greater transparency and accountability by Council, Councillors and staff.

## Proposed Changes

The proposed changes include the modification (suspension) of certain procedures at Council meetings during the election period, to mitigate the risk of:

(a) Council publishing electoral matte; and
(b) intended or unintended electioneering by Councillors, candidates or others.

The procedures recommended for suspension include Notices of Motion, Public Question Time, Delegate/Councillor Reports, Correspondence, Petitions/Joint Letter and Councillor Question Time.

## Rationale

The Election (Caretaker) Period commences on Tuesday 17 September 2024 and concludes at 6pm on Saturday 26 October 2024.

The last Council meeting prior to the commencement of the Election Period is scheduled to be held on 9 September 2024. The Election period Policy will be applied to the meetings scheduled for the 23 September and 14 October.

While it is proposed to suspend the submission of Notices of Motion during the Election Period, Councillors will still be able to propose motions as an item of Urgent Business, subject to the motion meeting the criteria of Urgent Business on the majority vote of the Council.

Petitions and Joint Letters (by their very nature) and correspondence are more than likely to be, or become, an election issue. It is therefore recommended that presentation and receipt of also be suspended during the election period (noting they can be submitted to the administration).

Questions by Councillors should be directed to the administration during the Election Period, as opposed to being asked at the Council meeting, thus removing any risk of electioneering or electoral matters being raised during Council meetings held during the Election Period.

While questions/statements from the public are reviewed prior to the meeting, by suspending public question time this also removes any risk of electioneering or electoral matters being raised during Council meetings held during the Election Period.

### Key Inclusions

a) Other decisions that will be avoided during the Election Period (in addition to those prohibited under the Act).
b) Considerations for officers making delegated decisions.
c) Suspension of the following protocols at Council meetings during the Election Period:
    - Audio and livestream recordings on Council's website *(no statutory requirement to make available and will be uploaded at the conclusion of the Election Period)*. Note: meetings will continue to be livestreamed in 'real-time'.
    - Notices of Motion by Councillors. Note: Motions can still be submitted under Urgent Business provided that the adhere to Council's Governance Rules.
    - Public Question Time
    - Questions by Councillors
    - Correspondence
    - Reports by Councillor Delegates
    - Tabling of Petitions and Joint Letters
d) Addition of protocols for Council Advisory, Reference Committees and Working Groups, Councillor representation on external committees and Councillor Briefing sessions.
e) Process for review and approval of Council publications included.
f) Clarity around the information that will be provided on Council's website.
g) Reference to Protocols having been developed for managing Council's corporate social media and online channels included.
h) Additional information around public events staged by external bodies, speeches and keynote addresses and publication of promotional material.
i) More detail provided around use of Council resources.
j) Information included about election process related enquiries.
k) More detail added regarding misuse of position and breaches.
l) Addition of provision allowing administrative updates without the need for Council resolution.
m) Addition of related legislation and documentation.

### *Local Government Amendment (Governance and Integrity) Bill 2024*

On Tuesday 30 April 2024, the *Local Government Amendment (Governance and Integrity) Bill 2024* was introduced to Parliament. It includes reforms to strengthen council leadership, capability and councillor conduct, improve early intervention and effective dispute resolution and strengthen oversight mechanisms.

The only impact the proposed changes will have on the Draft Policy relate to section 15, 'Suspension of matters during the election period'. The Act currently states that any applications made, or proceedings before a Councillor Conduct Panel or the VCAT regarding *serious* or *gross misconduct* of a person who is a Councillor, must be suspended during the election period. The Bill proposes this be extended to include

applications made for and internal arbitration processes regarding *misconduct*.

The Bill also changes the close of the roll for the upcoming October 2024 Local Government Elections to 7 August 2024 (from 30 August). By moving this date forward other key dates such as the opening and closing of nominations and the date for ballot pack mail-outs can also be brought forward through the *Local Government (Electoral) Regulations 2020*.

# 4.2 OTHER

## 4.2.1 Large Grants Program 2024

**Responsible Officer:** Peta Gillies, Executive Director Community Strengthening

**Attachments:**

1. Policy Community Grants Program 2027 12 A10479822 [**4.2.1.1** - 15 pages]
2. Festivals and Events Sponsorship Grants 2024 [**4.2.1.2** - 1 page]
3. Strategic Project Grants 2024 [**4.2.1.3** - 2 pages]

### Executive Summary

1. Councils Large Grants Program offers eligible non-profit organisations opportunity to apply for funding to support capacity-building of important local services, the delivery of projects that contribute to achievement of Councils Plans and Strategies, and initiatives that provide social and economic benefit to the City of Greater Dandenong.
2. This report outlines the assessment of applications submitted in the following categories:
   - Festivals and Events Sponsorship Grants.
   - Strategic Project Grants.
3. All applications have been checked for eligibility by Council officers and assessed by an independent Community Grants Assessment Panel. The Panel recommendations are presented in this report.
4. This report recommends that Council endorses the recommendations for Large Grants Program 2024 as outlined in the attachments to this report.

## Background

5. On 11 December 2023 Council endorsed a new consolidated Community Grants Policy to provide funding to community groups, and individuals that deliver services and activities consistent with Council's strategic objectives as outlined in the Council Plan. The new policy was informed by significant community consultation and incorporates strategic, governance, and operational improvements and responds to emerging community needs (refer **Attachment 1**)
6. The 2024 Large Grants Program opened for applications from 1 March to 2 April 2024. The round was widely promoted via electronic and printed material, through Council networks and social media.
7. Grant information and writing workshops were offered in person and via online platforms. Applicants also had opportunity to access face-to-face and remote support from Council officers to assist them develop grant applications. Past applicants were provided feedback on their previous applications to assist improved future applications. Applicants were also connected with relevant Council technical officers for specific advice on their proposals.

**2024 Large Grants Program**

8. The newly endorsed Large Grants Program has three (3) grant categories:

    - Festivals and Events Sponsorship Grants – ***one-off grants up to $40,000/year for up to two years*** of funding to support activities or projects that create social and/or environmental benefit, healthy partnerships and raise the profile of, and/or deliver clear economic benefit for the City of Greater Dandenong.
    - Strategic Project Grants – ***one-off grants up to $80,000/year for up to two years*** of funding to support self-identified projects, initiatives and activities that directly contribute outcomes towards the delivery of Councils strategic objectives and health and wellbeing priorities as outlined in the Council Plan.
    - Partnership Grants - ***one-off grants of up to $50,000/year for up to two years of funding*** to contribute to the operations of not-for-profit that provide continuous and significant service to the community and where their programs align with Council strategic objectives and builds community capacity, social inclusion, and healthy partnerships.

## Key Points / Issues / Discussion

**Eligibility Check**

9. Applications made to the Large Grants Program undergo an eligibility check by Council officers to ensure that applicants:

    - Are incorporated non-profit organisations.
    - Meet key compliance requirements of Consumer Affairs Victoria.
    - Have met past grants acquittal reporting requirements of Council.

10. Applications deemed *eligible* are progressed for assessment. *Ineligible* applications do not progress, and officers will contact unsuccessful and ineligible applicants upon final allocation of funding to provide detailed feedback and to support applicants to submit improved future applications.

**Community Grants Assessment Panels**

11. Community Grants Assessment Panels include community representatives, and council officers with broad experience and diverse knowledge.
12. Panels members are governed by a Terms of Reference and a signed code of conduct. Each member has completed a grants induction process, with officers available to support throughout the process.
13. For each grant category five (5) individual panel members were tasked to complete an initial online assessment. Assessment scores were consolidated and presented to a scheduled panel meeting for qualitative discussion and final recommendations.

**Festivals and Events Sponsorship Grants Applications and Assessment** *(one-off grants up to $40,000/year for up to two years)*

14. **Table 1 - Festivals and Events Sponsorship – summarising funding requests, received, available funding and panel recommended funding allocations.**

| | | 2024-25 | | 2025-26 |
|---|---|---|---|---|
| Total Funding requests recevied (15) applications | $ | 388,000 | $ | 329,498 |
| | | | | |
| Available funding | $ | 224,674 | $ | 231,414 |
| Panel recommended for funding | $ | 200,000 | $ | 225,000 |
| **Underspend (or unallocated)** | **$** | **24,674** | **$** | **6,414** |

15. A total of fifteen (15) applications were submitted with funding requests of $388,000 in 2024-25 and $329,497.50 in 2025-26. Three (3) applications were ruled ineligible.
16. The Community Grants Assessment Panel members individually assessed applications online from 24 April to 8 May. The Panel convened on 14 May 2024 to discuss the consolidated applications and make final recommendations.
17. The panel has recommended funding:

- Nine (9) applications for total of **$200,000** in 2024-25
- Ten (10) applications for total of **$225,000** for 2025-26.

18. This leaves an underspend (or unallocated) amount of **$24,674** in the 2024-25 Budget and **$6,414** in the 2025-26 Forecast Budget.
19. **Strategic Project and Partnership Grants** (one-off grants up to $80,000/year for up to two years of funding)
20. **Table 2 - Strategic Project and Partnership Grants projected budgets for 2024-25 and 2025-26 by category allocations:**

| | | 2024-25 | | 2025-26 |
|---|---|---|---|---|
| **Available funding by category** | | | | |
| a. Strategic Project grant category allocation | $ | 911,150 | $ | 970,135 |
| b. Neighbourhood Houses through a multi-year service agreement | $ | 350,000 | $ | 350,000 |
| c. North Dandenong Neighbourhood House rental offset cost | $ | 40,000 | $ | 40,000 |
| d. Partnership Grant category allocation | $ | 150,000 | $ | 150,000 |
| Council in 2022 | $ | 15,000 | $ | - |
| **Grand total available funding** | **$** | **1,466,150** | **$** | **1,510,135** |

**Partnership Grants** (*one-off grants of up to $50,000/year for up to two years of funding)*

21. Partnership Grants were put on hold due to the budget implications pending the Review of the Neighbourhood Houses and Community Centres. On 13 May 2024 Council approved funding of **$350,0000 pa** to seven (7) Neighbourhood Houses through a multi-year service agreement from the existing grants funding pool.
22. $**150,000 pa** is allocated to the Partnership Grants from the Budget 2024-25 and Forecast Budget 2025-26.
23. Partnership Grants are now open for applications and the funding recommendations will be presented to Council for endorsement in September 2024.

**Strategic Project Grants Applications and Assessment**

24. **Table 3 – Strategic Project Grants – summary of applications and assessment.**

| | 2024-25 | 2025-26 |
|---|---|---|
| Total (40) applications submitted through program | $ 2,477,972 | $2,390,938 |
| | | |
| Available funding | $ 911,150 | $ 970,135 |
| Panel recommended for funding (19 applications) | $ 908,132 | $ 961,712 |
| **Underspend (or unallocated)** | **$ 3,018** | **$ 8,423** |

25. The projected 2024-25 Strategic Project Grants budget is **$911,150**, with a projected budget of **$970,135** in 2025-26.
26. A total of forty (40) applications were submitted to the program requesting $2,477,972.15 in 2024-25 and $2,390,938.15 in 2025-26. One (1) application was ruled ineligible.
27. The Community Grants Assessment Panel members individually assessed applications online from 24 April to 8 May. The Panel convened on 15 and 21 May to discuss the consolidated applications and make final recommendations.
28. The panel has recommended funding:
    - Nineteen (19) applications for total funding **$908,132** in 2024-25.
    - Nineteen (19) for total funding of **$961,712** for 2025-26.
29. This leaves an underspend (or unallocated) amount from the Strategic Project Grants of **$3,018** in the 2024-25 budget, and **$8,423** in the 2025-26 budget.

**Grants Orientation Workshop**

30. Successful grant recipients under the Large Grants Program 2024 will be required to attend a Grant Orientation workshop.
31. The workshop will include information on reporting requirements, promotion of success stories, advise of process to invite councillors to appropriate activities, and an opportunity to collectively network.

## Financial Implications

32. The funding recommendations made in this report can be achieved within the projected Festivals and Events Sponsorship, Strategic Project, and Partnership Grants budgets for 2024-25 and the Forecast Budget 2025-26. Any unallocated funds (potential underspend) will be held for future allocation in each respective year.

33. **Table 4 - Festival and Events Sponsorship - this table outlines the available funding, recommended allocation, and underspend for Festivals and Events Sponsorship for the years 2024-25 and 2025-26.**

| | 2024-25 | 2025-26 |
|---|---|---|
| Available funding | $ 224,674 | $ 231,414 |
| Recommended for allocation | $ 200,000 | $ 225,000 |
| **Underspend (or unallocated)** | **$ 24,674** | **$ 6,414** |

- A total of **$200,000** is recommended to be allocated for nine (9) grant applications, leaving a potential underspend of **$24,674** in 2024-25**.**
- A total of **$225,000** is recommended to be allocated for ten (10) grant applications, leaving a potential underspend of **$6,414** in the forecast budget 2025-26.

34. **Table 5 - Strategic Project and Partnership Grants - this table outlines the available funding, recommended allocation, and underspend/unallocated for Strategic Project and Partnership Grants for the years 2024-25 and 2025-26.**

| | 2024-25 | 2025-26 |
|---|---|---|
| **Available funding** | **$ 1,466,150** | **$ 1,510,135** |
| *Recommended for allocation* | | |
| a. Strategic Project grant applications (19 in total) | $ 908,132 | $ 961,712 |
| b. Neighbourhood Houses through a multi-year service agreement | $ 350,000 | $ 350,000 |
| c. North Dandenong Neighbourhood House rental offset cost | $ 40,000 | $ 40,000 |
| d. Partnership Grant allocations | $ 150,000 | $ 150,000 |
| e. Year three funding to (1) Building-Capacity Grant allocated by C | $ 15,000 | $ - |
| **Sub total recommended allocation** | **$ 1,463,132** | **$ 1,501,712** |
| **Underspend (or unallocated)** | **$ 3,018** | **$ 8,423** |

## Community and Stakeholder Consultation

35. During the assessment process Council Officers consulted with staff from across the organisations to seek information and advice regarding the merits of all funding applications.

36. The Community Funding Program and Policy Review, conducted from April to December 2023, included comprehensive community consultation to gather feedback from various stakeholders, such as grant applicants and recipients, potential applicants, Neighbourhood Houses and Community Centres, community grants panel members, council officers, and external stakeholders. This process involved online surveys, focus group discussions, and interviews aimed at improving the efficiency, effectiveness, transparency, and compliance of the Community Grants Program.

37. The feedback collected focused on participants' experiences, application barriers, and suggestions for enhancing program administration and alignment with key policy principles. The review led to the creation of a new consolidated Community Grants Program Policy and an updated program that incorporates strategic, governance, and operational improvements, addressing emerging community needs. The grants program is informed by the above consultation.

## Links to the Community Vision and Council Plan

38. This report is consistent with the following principles in the Community Vision 2040:

- Safe and peaceful community.
- Education, training, entrepreneurship and employment opportunities.
- Embrace diversity and multiculturalism.
- Sustainable environment.
- Mind, body and spirit.
- Art and culture.

39. This report is consistent with the following strategic objectives from the Council Plan 2021-25:

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

## Legislative and Policy Obligations

40. This report has considered Council's legislative and policy obligations (where applicable) as outlined in the Report Considerations section detailed in the front of this Agenda. The applicable obligations considered and applied are:

- The Overarching Governance Principles of the *Local Government Act* 2020.
- Related Council Policies, Strategies or Frameworks.

## Conclusion

41. This report recommends funding of the Large Program Grant 2024 in the following categories:

- Festivals and Events Sponsorship Grants.
- Strategic Project Grants.

42. This report notes that the Large Grants Program 2024 Partnership Grants is now open for applications and the funding recommendations will be presented to Council for endorsement at a future date.

## Officer Recommendation

**That Council:**

1. **APPROVES the awarding of the multi-year, 2024 Large Grants Program: Festivals and Events Sponsorship Grants as outlined in Attachment 2 of this report; and**
2. **APPROVES the awarding of the multi-year, 2024 Large Grants Program: Strategic Project Grants as outlined in Attachment 3 of this report.**

# Community Grants Program Policy

| | | | |
|---|---|---|---|
| Policy Endorsement: | Endorsement Required by Council | | |
| Policy Superseded by this Policy: | Community Partnership Funding Policy, Community Support Grants Policy, Community Response Grants Policy | | |
| Directorate: | Community Strengthening | | |
| Responsible Officer: | Manager Community Development, Sport and Recreation | | |
| Policy Type: | Discretionary | | |
| File Number: | A10479822 | Version No: | 001 |
| 1st Adopted by Council | Minute No. | Last Adopted by Council: | 11/12/2023 Minute No.955 |
| Review Period: | Four (4) years | Next Review: | December 2027 |

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## 1. POLICY PURPOSE

The purpose of this Policy is to guide the delivery of the Greater Dandenong City Council Community Grants Program.

## 2. BACKGROUND

Council recognises the important role of the Community Grants Program in providing funding to support the community to deliver projects and provide programs, activities and services that respond to emerging community priorities and assist Council to realise the community vision and achieve their strategic objectives as outlined in the Council Plan.

## 3. SCOPE

The Policy applies to grants provided to the community by Council for specific agreed purposes. It applies to all Council staff, Councillors, grant recipients and other parties that may become involved in the grants process where Council is providing a funding contribution directly to an organisation, auspice organisation or individual with an expectation that the money will be used for an agreed and specified purpose.

The grants included within the scope of this policy include:

| Category | Grant Streams |
|---|---|
| **Small** | • Individual Achievement Grants.<br>• Community Group Activities Grants.<br>• Entry Level Grants.<br>• Responsive Projects Grants. |
| **Medium** | • Community Development Projects.<br>• Arts, Festivals and Events.<br>• Individual Artists.<br>• Climate Change Action Grants. |
| **Large** | • Partnership Grants.<br>• Strategic Project Grants.<br>• Festivals and Events Sponsorship Grants. |

The grants excluded from the scope of this policy include:

- Business and Grants and Assistance.
- External sponsorship sought by Council.

## 4. DEFINITIONS

Unless otherwise specified within this policy, the following key terms are defined to mean the following in terms of this policy.

| Key Terms | Definition |
|---|---|
| Grant | A sum of money given to organisations or individuals with an expectation that the money will be used for an agreed and specified purpose. |
| Auspice organisation | An organisation that agrees to distribute and manage a grant on behalf of another organisation. The auspice is mainly responsible for financial and acquittal requirements. |
| Acquittal | Information provided by a grant recipient that ensure the funds have been administered responsibility and in line with the conditions of the grant program. |
| Community Groups | Not-for-profit or voluntary groups that receive minimal or no funding to run group activities or programs that provide benefit to members and/or the wider community. Includes groups deemed to be providing services and activities that involve and benefit residents of the City of Greater Dandenong, such as sporting and hobby clubs, seniors' groups, youth groups, children's and family's groups, cultural groups, service clubs, environmental groups, emergency service volunteer groups and social support groups (e.g. disability support groups). |
| Community Service Organisation | Not-for-profit service organisations, charities or voluntary service groups that provide services to support the community. |
| Council | Greater Dandenong City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020.* |
| Councillors | The individuals holding the office of a member of Greater Dandenong City Council. |
| Council Officers | The Chief Executive Officer and staff of Council appointed by the Chief Executive Officer. |
| Council Plan | The Council Plan, incorporating the Municipal Public Health and Wellbeing Plan, outlines the key priorities for Council over a four-year period including how Council will protect, improve, and promote public health and wellbeing within the municipality. These priorities are influenced by the community vision, municipal health status and determinants, and the legislative requirements of local government. |

| Key Terms | Definition |
|---|---|
| | Progress against this plan and the health and wellbeing priorities is reported quarterly to the community and key stakeholders. |
| Incorporated | Incorporated under the Associations of Incorporations Act 1981 or other Relevant Legislation. |
| Individuals | Residents of the City of Greater Dandenong (excluding Council staff). |
| Individual Artist | An individual artist is defined as a practicing artist who is recognised by their peers, is committed to devoting significant time to artistic activity and/or has a history of public presentation. |
| Legal Entity | An incorporated association, a co-operative, company limited by guarantee or trust. |
| Not-for-profit | An organisation that does not operate for the profit, personal gain, or other benefit of particular people (for example, its members, the people who run it or their friends or relatives). |
| Operating costs | The costs associated with the maintenance and administration of an organisation on a day-to-day basis. Operating costs may include rent, payroll, other overhead costs, and maintenance expenses. |
| Project | The program, activities, event, or service being funded through the grant. |
| Schools | Primary and secondary schools in the City of Greater Dandenong only in relation to grant applications for activities that are not part of the core school curriculum and include the broader community. |
| School Based Community Hubs | Community Hubs based in schools in the City of Greater Dandenong only in relation to grant applications for activities that are not part of core school curriculum and student welfare based. |

## 5. POLICY

Council is committed to delivering the Greater Dandenong Community Grants Program to provide funding to community organisations, groups, and individuals that deliver services and activities consistent with Council's strategic objectives as outlined in the Council Plan. In delivering the program, Council will ensure that decision-making is transparent, accountable, and equitable and that organisations are actively supported to develop their applications and deliver their projects.

## 5.1 OBJECTIVES

The objectives of the Greater Dandenong City Council Community Grants Program are to:

- Strengthen the Greater Dandenong community through supporting a diverse range of activities, services, and programs that are responsive to community needs.
- Promote the active participation of the local community in events, activities, services, and programs.
- Support the development of projects which are consistent with Councils community vision and strategic objectives as outlined in the Council Plan.
- Support the community to work in partnership with Council to reduce factors that lead to social disadvantage and inequality.
- Build the capacity of local organisations and strengthen partnerships within Greater Dandenong to support collaboration and sustainability in responding to local needs.
- Increase intercultural connections, promotes understanding and celebrate diversity.
- Promote access, inclusion of individuals or groups that may experience exclusion.

## 5.2 GRANT PRINCIPLES

In line with good governance and best practice Council is committed to delivering grant programs that reflect the following seven grant principles:

| Principle | Intent |
|---|---|
| 1. **Partnerships between Council and the recipient** | Grants are a partnership with Council and the recipient. |
| 2. **Build organisational capacity** | Grants support organisational capacity building and sustainability. |
| 3. **Open, accessible, and accountable** | The grants program is open and accessible for all eligible organisations. Grant processes are robust and stand up to scrutiny, governance is clear and strong. |
| 4. **Transparent** | Grants, funding decisions and outcomes are transparent and the achievements (reporting) of funded outcomes are publicised. |
| 5. **Efficient and customer focused** | Grants information is accessible and processes for applicants are well organised, streamlined, and enables timely decisions. |
| 6. **Strategic and needs based** | Grants respond to emerging community priorities and assist Council realise the community vision and to the achieve the strategic objectives as outlined in the Council Plan. |

| Principle | Intent |
|---|---|
| **7. Measurable Outcomes** | Granted projects and funding deliver clear outcomes for the community. |

## 5.3 COMMUNIUTY DEVELOPMENT PRINCIPLES

The Community Grants Program is developed and administered in the context of Councils Community Development Framework with the following principles to be reflected in grant practices:

| Principle | Practice |
|---|---|
| **Inclusion and Equity** | • Providing genuine and meaningful opportunities for residents to participate in processes whose outcomes affect their advancement and wellbeing.<br>• Valuing all people equally, extending consideration to marginalised or vulnerable individuals, who often face difficulties in affirming their rights and participating in engagement.<br>• Considering the diversity of needs and interests of all people and organisations throughout the process.<br>• Enabling members of the community to have a say in their own future, make their own decisions, contribute to solutions to issues that are important to their lives, and foster connections with others. |
| **Collaboration** | • Linking communities, individuals, groups, agencies, and Council.<br>• Establishing partnerships to achieve favourable outcomes for residents by encouraging different communities to work together and build lasting, constructive relationships.<br>• Fostering and maintaining trust among participants. |
| **Empowerment** | • Working and learning together to help increase. understanding, awareness, and empathy for each other. |
| **Place based** | • Focusing on neighbourhoods and places where people meet, to identify opportunities for improvement.<br>• Defining and working within specific precincts, locations, and suburbs to co-ordinate planning and activities within those localities. |

| Principle | Practice |
|---|---|
| **Strength based** | • Identifying strengths which exist among the community, encouraging individuals, local organisations, and institutions to unite to apply and build upon those attributes. Strengths may include physical spaces, skills, local knowledge, associations, and networks, as well as financial resources.<br>• Such strengths may be viewed and defined differently by different individuals and influenced by their experience. |
| **Collective Action** | • Gathering people and organisations together to enable them to speak with a united, strong, and confident voice.<br>• A vision for change is developed, including a community understanding of the issue and an approach to tackling it. |
| **Building Capacity** | • Individuals, families, and communities are encouraged to identify strengths needs and supported to develop solutions at a local level. |
| **Responsiveness** | • Reacting promptly to societal changes and local issues as the emerge.<br>• Operating in an honest and forthright way that encourages openness amongst others.<br>• Welcoming and responding to feedback from the community<br>• Setting process in place to monitor progress and outcomes. |

## 5.4 ADMINISTRATION OF THE GRANTS PROGRAM

### 5.4.1 GRANT CATEGORIES

The grant categories will be reviewed every four years in line with the development of the community vision and the Council Plan.

### 5.4.2 COMMUNITY GRANTS PROGRAM BUDGET

The budget for the Community Grants Program budget will be determined by Council through the annual budget process. Budgets for each category will be determined at an operational level and promoted as part of the Grants Program Guidelines.

### 5.4.3 APPLICATION PROCESS

Grants program guidelines will be developed every four years in line with the development of the Council Plan. The guidelines will be made publicly available and offered to each grant applicant. The guidelines will provide detailed information about:

- The grant categories and supporting rationale.

- The application process.
- Support available for applicants.
- Eligibility and assessment criteria.
- The assessment process.
- Timelines.
- Feedback on application process and outcome.
- Funding conditions.

The amount of detail required from the applicant will be proportional to the grant amount.

Council will use an online grants administration system to ensure a consistent, efficient, and user-friendly customer experience. Customer support on the use of this system will be provided at Grant Information sessions or upon request.

Personal information about individuals collected during the grant process will be treated in accordance with Council's Privacy Policy.

### 5.4.4 ASSESSMENT AND DECISION MAKING

Council Officers will conduct an eligibility check on all applications received.

For medium and large-scale grants Community Grants Assessment Panels will assess applications against assessment criteria and make recommendations for funding. Where possible, community members will be involved as members of the Community Grants Assessment Panels. All members of the Community Grants Assessment Panels members will adhere to Council's Code of Conduct, Conflict of Interest Policy, and the Terms of Reference for the Community Grants Assessment Panel.

To ensure an accountable and transparent assessment process anyone with a conflict of interest will follow Councils Conflict-of-Interest procedure and will not participate in any discussions or decision relating to the specific application.

The status of applications will be communicated to applicants through all stages of the assessment process.

Funding recommendations and summary rationale for large scale grants will be presented to Council for final decision and endorsement.

Funded projects will be reported to the public after each round on Council's grant website and in the Annual Report.

Feedback will be provided to unsuccessful applicants to support learning and provide suggestions for improvement for subsequent applications.

### 5.4.5 STANDARD CONDITIONS

The following conditions apply to the Community Grants Program:

- Council's contribution is limited to the amount granted with all other costs associated with the project being borne by the grant recipient.

- Grants are subject to conditions which will be outlined in the grant agreement. Changes can only be made if requested in writing and approved by Council beforehand.
- When an organisation or individual accepts a grant and/or signs an agreement it means that they accept the conditions within this policy and the guidelines relevant to the specific grant category.

- For medium and large-scale grants, where organisations are unable to demonstrate good governance or risks are identified, Council officers will offer support to identify. opportunities and training to improve governance processes before a grant is approved.
- Community Grants Assessment Panels may recommend additional conditions for funding
- Grant recipients will be required to complete period reports and acquit grants, including reporting on expenditure of funds and project outcomes.
- Council reserves the right to withdraw funding and/or cease partnership with a grant recipient if Council deems that the project is not progressing satisfactorily, the organisation ceases to be eligible, the organisation breaches funding conditions, or the project risks the positive reputation of Greater Dandenong Council. If this occurs, the grant recipient will be fully liable for costs involved and grant funds must be returned to Council.

### 5.4.6 EQUITY

Support will be provided to applicants to minimise barriers arising from language, culture, and mobility or where access to and usage of technology creates difficulty.

The availability of the community grants, including the funding available through each of the categories, will be widely promoted across the municipality using a variety of promotional avenues to ensure those who are eligible to apply for a grant are given an opportunity to do so.

Information will be provided in languages other than English where possible and appropriate.

Applications must demonstrate that proposed projects are available in the community without discrimination based on access, equity, community participation and human rights and responsibilities.

## 6. RESPONSE TO THE OVERARCHING GOVERNANCE PRINCIPLES OF THE LOCAL GOVERNMENT ACT 2020

Section nine (9) of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This policy is consistent with the principles set out in *the Act*.

By utilising a community development approach to achieve the objectives of the Community Grants program, and through the underpinning grants principles that reflect good governance and best practice in grants administration, this policy reflects the intent of each of the overarching governance principles outlined in Sections 9 of *the Act*.

The Community Grants Policy will be considered by Council in an open public meeting with minutes of the meeting and the decision published. This process reflects transparency in the way the policy shall

be considered, as the Act requires. Recommendations for medium and large-scale grants will be considered in a similar manner, with decisions publicised accordingly.

The policy incorporates provisions to monitor activities to inform resident and staff about the policy and its implications for their work, and to adjust such promotional efforts, support, grant guidelines and the application process where required.

## 7. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006

The Victorian Charter of Human Rights and Responsibilities Act 2006 has been considered in relation to whether any human rights under the Charter are restricted or contravened by the enactment of any part of this policy.

It is considered that the policy is consistent with the rights outlined in the Charter and that it advances the following rights, through its emphasis upon building the strength of community through supporting a diverse range of activities, services, and programs that are responsive to community needs; promoting the active participation of the local community in events, initiatives, and programs; and addressing social disadvantage and inequality:

- Freedom of thought, conscience, religion, and belief (S. 14).
- Freedom of expression (S. 15).
- Peaceful assembly and freedom of association (S. 16).
- Taking part in public life (S. 18).
- Cultural rights (S. 19).

## 8. RESPONSE TO THE GENDER EQUALITY ACT 2020

The Gender Equality Act 2020 came into operation on 31 March 2021. It requires that councils take positive action towards achieving workplace gender equality and promote gender equality in their policies, programs, and services.

As the primary focus of the Community Grants Policy is the public then it is determined that the policy and program will have a direct impact. Therefore, a Gender Impact Assessment was undertaken to examine major gender-related issues connected with the administration of the Community Grants Program, and their implications for this policy.

The gender impact assessment revealed that:

- Women are represented as one of the top ten grants beneficiaries for the Community Grants Program comprising just over eight percent (8%) of successful applicants.
- Several activities dedicated to women were funded including senior women's programs and Women's Empowerment programs.
- A comprehensive community engagement process was undertaken to refine and further develop the best practice grants principles as reflected in the Community Grants Program Policy, with translated information available in community languages.
- A greater number of women (56%) than men (35%) participated in the consultation process for the review of the Community Grants Program and Policy.

- Emerging community needs were identified through the review process. Those specifically relating to women included:
  - Family Violence and Gender Equality.
  - Women's/ Girls sport.
  - Social support and connection for Newly arrived Afghan women.
  - Promoting health and wellbeing of CALD women.

These findings are addressed in this policy and the guidelines for the Community Grants Program.

## 9. DIVERSITY, ACCESS, AND EQUITY POLICY

This policy is consistent with Council's Diversity and Access Policy in its objective of Strengthening the Greater Dandenong community through funding a diverse range of activities, services, and programs that are responsive to community needs; promoting the active participation of the local community in events, initiatives, and program; and supporting the community to work in partnership with Council to reduce factors that lead to social disadvantage and inequality. Overall, the aim of the policy is to ensure granted projects, services and activities meet the diverse needs of residents and address circumstances that limit access, opportunity, and inclusion for residents.

## 10. CONSIDERATION OF CLIMATE CHANGE AND SUSTAINABILITY

The overarching governance principles of the *Local Government Act 2020*, that the economic, social, and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, and Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 is actively promoted through this Policy through the inclusion of a grant category dedicated to taking climate change action.

## 11. RESPONSIBILITIES

Responsibility will rest with the Community Partnerships and Volunteers Team for informing Council staff and residents about the content and meaning of this policy. This may entail promotions through the Council website, emails, presentations, print and social media and other means.

The Community Partnerships and Volunteers Team will also monitor levels of knowledge and understanding of the policy among staff and residents if such steps are warranted.

## 12. REPORTING, MONITORING AND REVIEW

The Community Partnerships and Volunteers Team will report on the details and outcomes of its efforts to inform residents about the policy, and inform staff of its application and relevance to their work, with measures which may include, but are not limited to:

- the nature of efforts to inform residents and staff about the policy and its importance.
- levels of resident and staff familiarity with the policy.
- resident and staff perceptions of the policy in achieving the grants principles.

The manner and extent to which the policy fulfils its purpose in providing funding to community groups and organisations that deliver services and activities consistent with Council's strategic objectives as outlined in the Council Plan will be assessed during the life of the policy as well as during the process of formal review which preceded the development of this policy. This will include an assessment of whether Councils decision-making is transparent, accountable, and equitable and that organisations are actively supported to develop their applications and deliver their projects.

The policy will be reviewed every four years in line with the development of the Council Plan.

## 13. REFERENCES AND RELATED DOCUMENTS

The following policies, strategies, procedures, legislation, or guidelines relate to the implementation of this policy.

### Legislation

- Charter of Human Rights and Responsibilities Act 2006
- Children, Youth and Families Act 2005 (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)
- Equal Opportunity Act 2010 (Vic)
- Freedom of Information Act 1982 (Vic)
- Gender Equality Act 2020 (Vic)
- Health Records Act 2001 (Vic)
- Local Government Act 2020
- Privacy and Data Protection Act 2014 (Vic)
- Public Records Act 1973 (Vic)
- Racial and Religious Tolerance Act 2001 (Vic)

### Related Commonwealth Government Policies

- Commonwealth Grants Rules and Guidelines 2017
- Disability Discrimination Act 1992

### Related Council and Other Policies, Procedures, Strategies, Protocols, Guidelines

- Alcohol Management Policy 2018-2022
- Anti-Poverty Strategy 2022-25
- Ats, culture and Heritage Strategy 2022-26
- Children's Plan 2021-26
- Climate Change Emergency Strategy and Action Plan 2020-30
- Code of Conduct - Councillors
- Code of Conduct - Contractors
- Code of Conduct – Staff
- Community Grants Guidelines 2023
- Council Plan (The Plan) 2021-25 which incorporates the Municipal Public Health and Wellbeing Plan
- Community Development Framework 2021

- Community Engagement Planning Framework 2022
- Diversity, Access, and Equity Policy, 2021
- Gambling Policy 2022
- Gender Equality Action Plan 2021-25
- Indigenous Policy
- Make Your Move Greater Dandenong Physical Activity Strategy 2020-2030
- Positive Ageing Strategy 2017-25
- Privacy and Personal Information Policy
- Public Transparency Policy
- Reconciliation Action Plan 2021-23
- Risk Management Policy
- Sustainability Strategy 2016-30
- Youth and Family Strategy 2021-26.

# Festivals and Events Sponsorship Grants 2024

Recommended Applications

| Application Name | Project Title | Total Recommendation | Year 1 | Year 2 |
|---|---|---|---|---|
| Casey Tamil Manram | Aadi Pirrappu 2024 | $20,000 | $10,000 | $10,000 |
| City of Greater Dandenong Band Inc | City of Greater Dandenong Band | $40,000 | $20,000 | $20,000 |
| Dandenong Agricultural and pastoral Society Inc | Dandy Show 2024/2025 | $80,000 | $40,000 | $40,000 |
| Melbourne Malaysian Indian Cultural Club | Aatam Paatam Kolattam Community Dance, Indian Music, Malaysian Food Festival | $20,000 | $10,000 | $10,000 |
| Noble Park Community Centre Inc. | Noble Park Community Centre Art Show 2024 | $30,000 | $15,000 | $15,000 |
| Southern Waters Ski Show Team | Community Water Ski Show | $10,000 | $5,000 | $ 5,000 |
| Springvale Asian Business Association Inc | 2025 Springvale Lunar New Year Festival | $80,000 | $40,000 | $40,000 |
| Springvale Neighbourhood House | Springvale Harmony Festival - many voices, one community | $40,000 | $20,000 | $20,000 |
| Victorian Afghan Associations Network | Nawroz Festival 2025 | $80,000 | $40,000 | $40,000 |
| Vietnamese Community in Australia - Vic Chapter | Children Lantern Festival | $25,000 | - | $25,000 |
| | **10 Applications** | **$425,000** | **$200,000** | **$225,000** |

# Strategic Project Grants 2024

Recommended Applications

| Application Name | Project Title | Total Recommendation | Year 1 | Year 2 |
|---|---|---|---|---|
| Afri-Aus Care | The UBUNTU Women's Project | $80,000 | $40,000 | $40,000 |
| Arts Access Victoria | Maker Space, Dandenong | $40,000 | $20,000 | $20,000 |
| Asylum Seeker Resource Centre Inc | Refugee Resource Hub Foodbank and Collaborative Partnership Development | $130,000 | $50,000 | $80,000 |
| Cornerstone Contact Centre Inc. | Expansion of Cornerstone Drop-In Service Hours for Homeless and Disadvantaged | $150,000 | $70,000 | $80,000 |
| Friends of Refugees | Job skills training and work experience for people seeking asylum | $150,000 | $70,000 | $80,000 |
| Fusion Theatre | Theatre Without Limits: Breaking Barriers with Workshops and Sensory Theatre | $71,700 | $47,560 | $24,140 |
| Keysborough Learning Centre | Learn Local - Work local in Aged Care and Disability | $90,000 | $45,000 | $45,000 |
| Kidsafe Victoria | Greater Dandenong Childhood Injury Prevention Community Champions Program | $51,144 | $25,572 | $25,572 |
| Noble Park Community Centre Inc. | Growing Together: Cultivating Community Wellness through Kitchen Garden Cooking Classes | $50,000 | $25,000 | $25,000 |
| North Dandenong Neighbourhood House | Building community resilience in North Dandenong | $100,000 | $50,000 | $50,000 |
| SisterWorks Incorporated | Journey to Employment: Dandenong's Migrant and Refugee Women Initiative | $150,000 | $70,000 | $80,000 |
| SisterWorks Incorporated | EmpowerHer: Creating Jobs for Migrant Women in Greater Dandenong | $80,000 | $40,000 | $40,000 |
| South East Community Links | HomeLink: Navigating Housing Stability | $150,000 | $70,000 | $80,000 |
| SOUTH-EAST MONASH LEGAL SERVICE | Mothers Legal Help (MLH) | $150,000 | $70,000 | $80,000 |
| Springvale Neighbourhood House | Peer volunteers supporting older people to be Active, Connected, Engaged. | $120,000 | $60,000 | $60,000 |

| Application Name | Project Title | Total Recommendation | Year 1 | Year 2 |
|---|---|---|---|---|
| St Kilda Gatehouse Incorporated | Young Women's Program | $80,000 | $40,000 | $40,000 |
| St Kilda Mums Inc | Providing essentials for vulnerable babies and children | $80,000 | $40,000 | $40,000 |
| The Cambodian Association of Victoria Inc | Supporting Victims of Family Violence in the Cambodian Community | $27,000 | $15,000 | $12,000 |
| Wellsprings for Women Inc | Migrant Women's Safety: Intensifying Efforts to Prevent Technology Facilitated Abuse | $120,000 | $60,000 | $60,000 |
| | **19 Applications** | **$1,869,844** | **$908,132** | **$961,712** |

## 4.2.2 Vanity Lane and Dandenong New Art - Project Update

**Responsible Officer:** Executive Director City Futures
Deputy Director Chief Engineer & Major Projects

**Attachments:**
1. Vanity Lane - Design Layout and Existing Lane Loading and Waste Operations [**4.2.2.1** - 3 pages]
2. DNA - What is was and what it is now [**4.2.2.2** - 4 pages]

### Executive Summary

1. This report recommends the Vanity Lane capital project be ceased. With the remaining project funding to be allocated to the Dandenong New Art (DNA) project.
2. The expected budget shortfall for the construction of DNA is proposed to be funded through Vanity Lane, and allocations from the Dandenong Activity Centre Precinct Reserve and the Major Projects Reserve.

## Background

3. Recently Council Officers undertook an assessment of Key Major Projects that were experiencing significant project delays, and / or cost increases.
4. This assessment included both the Vanity Lane and Dandenong New (DNA) projects.
5. The assessment looked at the current state, key challenges and next steps that could be considered for each project.
6. Understanding that Council has a finite amount of funding available under its capital program, options were considered to see how each project could proceed, understanding that all projects would not be able to be delivered in their current scope, and some middle ground would need to be found with how projects proceed.

## Key Points / Issues / Discussion

### *Dandenong New Art (DNA)*

**Current State**

7. Dandenong New Art (DNA) is proposed be a state-of-the-art facility. Delivering industry standard exhibition programs, creative workshops and community events, a large contemporary extension spanning two floors, a surrounding terrace, outdoor wrap around LED screen façade and new and engaging public art. Helping establish Dandenong as a unique contemporary Creative Precinct in Victoria.
8. The project is currently in the construction phase.
9. DNA was designed and tendered with a contract awarded in 2020 (pre-covid).
10. Significant issues were encountered during covid with construction, procurement of materials, labour, cost escalations and uncertainty of when the project could be complete.
11. Due to the uncertainty and risks during covid, an agreement was struck for Council and the Contractor to part ways on the project.
12. A significant number of materials have already been procured / purchased for the project, including the steel structure frame which is currently located off-site.
13. Since this time, Council has been carrying out rectification works on inground services, to de-risk the project for any future contractor / future construction.
14. The majority of these works have been completed as of April 2024.
15. An attachment is provided in Attachment 4.4.9.2, which shows the existing state of DNA, and its current state with works that have been completed to date.
16. Halpin Way (adjacent to DNA) has now been opened back up to pedestrian traffic.
17. Council has also commenced a market sounding process from February to March 2024.
18. This process involved approaching the building contractor market to see the risk appetite of picking up a build mid-way through.
19. The outcome being that Council can expect that a reasonably constructed tender for the remaining works at DNA will attract strong market interest and will generate an acceptable level of competition.

20. The market sounding also explored a number of different contact models in how the contact could be delivered –
    a. Lump-sum construct only
    b. Managing Contractor with Early Contractor Involvement (ECI)
    c. Construction Management
    d. Cost Plus
21. Regardless of contract model, most builders recognised the need for two phases of work, whereby:
    a. Phase 1 - Development of fully detailed scope of completion works.
    b. Phase 2 - Delivery of construction and fit-out works.
22. The project is still expected to take 2.5 years to complete the build.
    a. 6 months tendering and contractor engagement
    b. 24 months estimated build time from contractor engagement

**Key Challenges and Risks**

23. Current project estimates for DNA anticipate a budget shortfall of up to $6.24M to complete construction.
24. The risk appetite of contractors to pick up the remaining works is still a risk– although this has been addressed in the recent market sounding.
25. The exact cost for the project is unknown until Phase 1 of a market sounding would be complete.
26. It is expected that the existing Walker Street Gallery would be considered for sale once the DNA project was complete.
27. If DNA were not to continue and go ahead –
    a. Council would still have to maintain the Walker Street Gallery. Walker Street has poor accessibility, is not water-tight, and not up to current building code or standards, so costs and risks are not clearly understood.
    b. There is the potential to consider selling off the asset / land – however there would be no alignment with strategic plans for the area (E.g. Revitalise Central Dandenong).
    c. There are significant heritage overlays on the Masonic Hall building for any future use / development – which will be restrictive for any future use / build / potential sell-off.

### *Vanity Lane*

**Current State**

28. Vanity Lane is intended as a new pedestrian priority lane in central Dandenong that improves connections between Lonsdale Street and Thomas Street; two of Dandenong's most active streets.
29. The project is currently in the detailed design phase.
30. Council has ownership of the land and existing structure (fire damaged) at 275 Lonsdale Street that can provide a connection between Lonsdale Street and Thomas Street.
31. Temporary hoarding has now been erected over the facade of the building at 275 Lonsdale Street to improve its presentation to Lonsdale Street.
32. A concept design was completed for Vanity Lane project back in 2020.
33. A detailed design is currently 75% complete for the laneway.

34. Finalising the detail design and estimates is dependent on demolishing the current building and taking the site to ground to understand the ground conditions and how levels would match.
35. The estimated timing if the project were to proceed to construction would be –

    - 6 months – Demolition application to Victorian Building Authority (VBA)
    - 2 months – Demolition works
    - 2 months – Tender
    - 6 months – Construction

**Key Challenges and Risks**

36. Costs / detailed design cannot be finalised until the building is demolished.
37. If proceeding to construction, the project has an estimated total project budget shortfall of $1M+ minimum to complete the project.
38. To proceed with the building demolition, a Council and VBA (Victorian Building Authority) application would need to be lodged and which will take in the order of 6 months.
39. If the decision from the VBA is favourable it allows full demolition to proceed, however if not, it is not clear how the project will proceed.
40. The current design for Vanity Lane provides a shared area for half of the laneway, meaning there is a vehicle access zone which both pedestrians and loading vehicles can use.
41. The current design provides the benefit of some business being able to open out onto the laneway, however it will also impact on the loading and waste operations of existing adjoining business, with time restrictions likely needed for any loading operations to continue to take place within the shared area.
42. An attachment is provided in Attachment 4.4.9.1, which shows the current design, and impacts to loading / waste operations.
43. Unfortunately, there is limited ability to relocate any loading operations to Thomas Street, due to a lack of physical space, and the make-up of the roadside environment.
44. Council engineers also have road safety concerns over the potential for pedestrian / vehicle conflicts within the laneway, even if loading operations were restricted to times of low pedestrian movements and given the size of trucks that need to access the laneway.
45. If Vanity Lane were to continue and go ahead –

    i. There is minor / moderate risk associated with securing a building permit for demolition.

    ii. It must be considered that there is insufficient funding available for the project to proceed to construction, with a minimum $1M+ additional funding needed, currently not available in the capital program.

    iii. Community outcomes – the practicality of the shared area working as intended, noting the laneway will still be used for business vehicle access, loading / waste operations.

## Financial Implications

46. For Dandenong New Art (DNA), based on current project estimates it is anticipated there will be a budget shortfall of up to $6.24M to complete construction.
47. For Vanity Lane based on current project estimates, it is anticipated that will be a minimum budget shortfall of $1M+ to complete construction.
48. Both projects are unable to be delivered with the current budget shortfalls to complete construction.
49. Council has a finite amount of funding available under its capital program, meaning there is limited opportunity to seek additional funding for both projects to proceed.
50. It is noted that the Dandenong New Art (DNA) project is already in the construction phase, and has been since 2020, with significant works already undertaken within the existing Masonic Hall building. There are also significant cost risks with having to maintain the Walker Street Gallery if the DNA project was not completed.
51. It is noted that the Vanity Lane project is in the detailed design phase, and construction has not commenced. This is some risk around the building demolition permit, and the practicality of the shared area which will be used for both pedestrians, and business vehicle access, loading / waste operations.
52. Given the risks across each project, and noting the phase each project is in, and the finite amount of funding available under Councils capital program, it is recommended Vanity Lane be ceased, with remaining funding to be allocated to the Dandenong New Arts (DNA) project.
53. The expected budget shortfall for the construction of DNA proposed to be funded through Vanity Lane, and allocations from the Dandenong Activity Centre Precinct Reserve and the Major Projects Reserve.

## Community and Stakeholder Consultation

54. For Vanity Lane, consultation was undertaken with the community across multiple touch points including the early project stages to establish the design principles, for design development and historic interpretive signs.
55. This included Lonsdale Street and neighbouring property owners and tenants, Afghan Precinct Traders, Dandenong Chamber of Commerce, Dandenong & District Historical Society, Victoria Police, Greater Dandenong Community Safety Committee, Monash University's Faculty of Pharmacy and Pharmaceutical Sciences, key individuals with historic insights and surviving family members, Greater Dandenong Disability Advisory Committee, Greater Dandenong Environment Group and the Greater Dandenong Cultural Heritage Advisory Committee.
56. Property owners with access off the laneway were surveyed on their specific access requirements (times / days/ vehicle types) as well as their waste removal arrangements.
57. Council produced an 'access and delivery changes' flyer which was distributed to some property owners with access off the laneway.
58. For Dandenong New Art (DNA), community consultation was undertaken for 4 weeks from 13 November to Friday 15 December 2017 to seek feedback on the Masonic Hall Art Gallery Development. The views of the community were sought through a number of avenues consisting of Council's webpage, media release, social media, and posters in key locations including Walker Street Gallery, Heritage Hill, The Drum, libraries and the Masonic Hall.
59. Public consultation was also undertaken for 30 days from 16 August to 14 September 2021 for the naming of the new art gallery. The consultation was done via direct mailouts, website, social media, media release and local print advertising. Following this consultation process, on 15 November 2021, Council formally endorsed the name Dandenong New Art (DNA).

60. No further consultation has taken place on the potential of ceasing projects, noting that both projects provide community benefit and would be desired by the community to be completed.

## Links to the Community Vision and Council Plan

61. This report is consistent with the following principles in the Community Vision 2040:
    a. Principle 5: Mind Body and Spirit.
        i. To value physical, mental and spiritual health by providing safe spaces through programs and events easily accessible and promoted by the community.

62. This report is consistent with the following strategic objectives from the Council Plan 2021-25:
    a. A city that respects and celebrates diversity, our history and the arts.
        i. Provide cultural facilities and infrastructure to meet the communities needs now and into the future.
    b. A city of accessible, vibrant centres and neighbourhoods.
        i. Improve access to quality infrastructure and spaces that enhance community participation, encourage visitors and deliver positive health outcomes for current and future generations.
        ii. Create safe, inclusive and well-designed public spaces which encourage community participation.
        iii. Encourage investment and infrastructure improvements through a collaborative approach to creating, enhancing and managing great focused places.
    c. A Council that demonstrates leadership and a commitment to investing in the community.
        i. Develop long term plans to effectively manage Council assets.
        ii. Deliver Council's capital works program.
        iii. Maintain Council's resources effectively and efficiently to ensure financial sustainability.

## Legislative and Policy Obligations

63. This report has considered Council's legislative and policy obligations (where applicable) as outlined in the Report Considerations section detailed in the front of this Agenda.

    This includes the Overarching Principles of the Local Government Act 2020, where Section 9 of the Local Government Act 2020 states that a Council must in the performance of its role give effect to the overarching governance principles.
    The planning and design of Vanity Lane, as well as the construction of Dandenong New Art (DNA) has considered the requirements of the Local Government Act 2020 and the overarching governance principles.

## Conclusion

64. This report provides an update on the current state of the Vanity Lane and Dandenong New Art (DNA) projects, with the key challenges and risks provided to determine how the projects could proceed.
65. This report notes that for Dandenong New Art (DNA), based on current project estimates it is anticipated there will be a budget shortfall of up to $6.24M to complete construction.
66. This report notes that  for Vanity Lane, based on current project estimates it is anticipated that will be a minimum budget shortfall of $1M+ to complete construction.
67. This report provides recommendation that Vanity Lane be ceased, with remaining funding to be allocated to the Dandenong New Art (DNA) project.
68. This report provides recommendation that the expected budget shortfall for the construction of DNA is to be funded through Vanity Lane, and allocations from the Dandenong Activity Centre Precinct Reserve and the Major Projects Reserve.

## Officer Recommendation

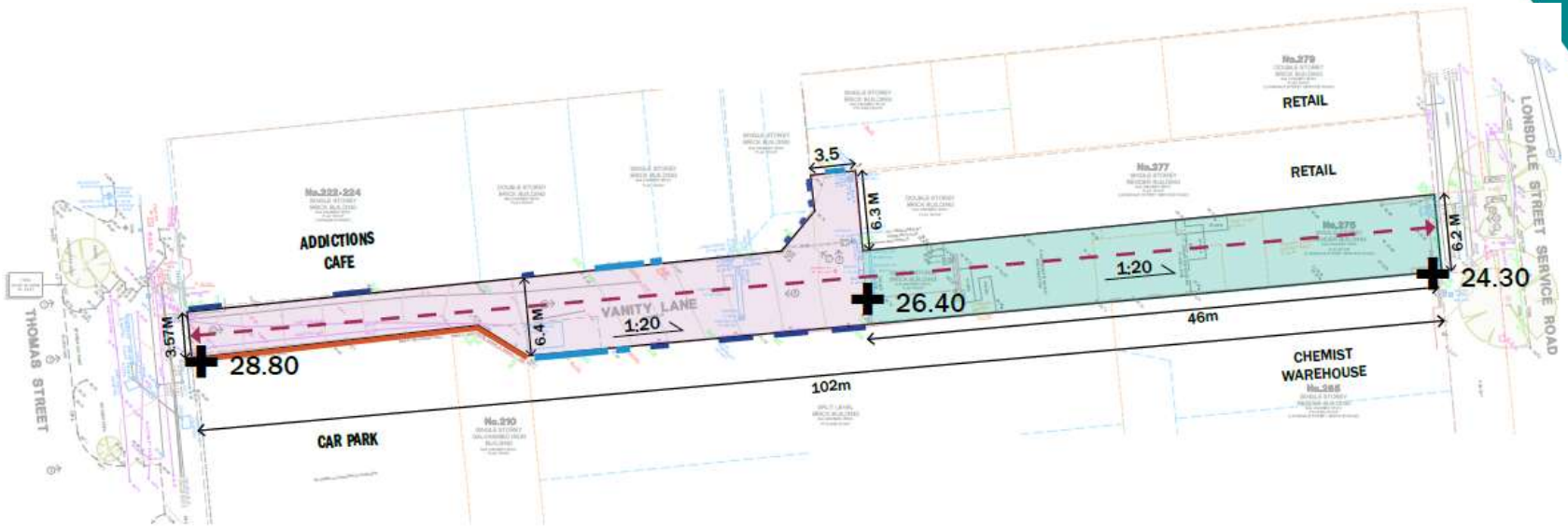
**That Council:**

1. **APPROVES the Vanity Lane capital project be ceased. With the remaining project funding to be allocated to the Dandenong New Art (DNA) project;**
2. **APPROVES the investigations for sale of the Vanity Lane property;**
3. **APPROVES the budget shortfall for the construction of DNA ($6.24M) to be funded through Vanity Lane, and allocations from the Dandenong Activity Centre Precinct Reserve and the Major Projects Reserve; and**
4. **NOTES that there will be a future report to appoint a head contractor for construction of DNA project.**

# Vanity Lane

## Key Challenges

- Impact to loading and waste operations to adjoining businesses, and the concept of providing a shared area within this part of the laneway (behind 275 Lonsdale Street)

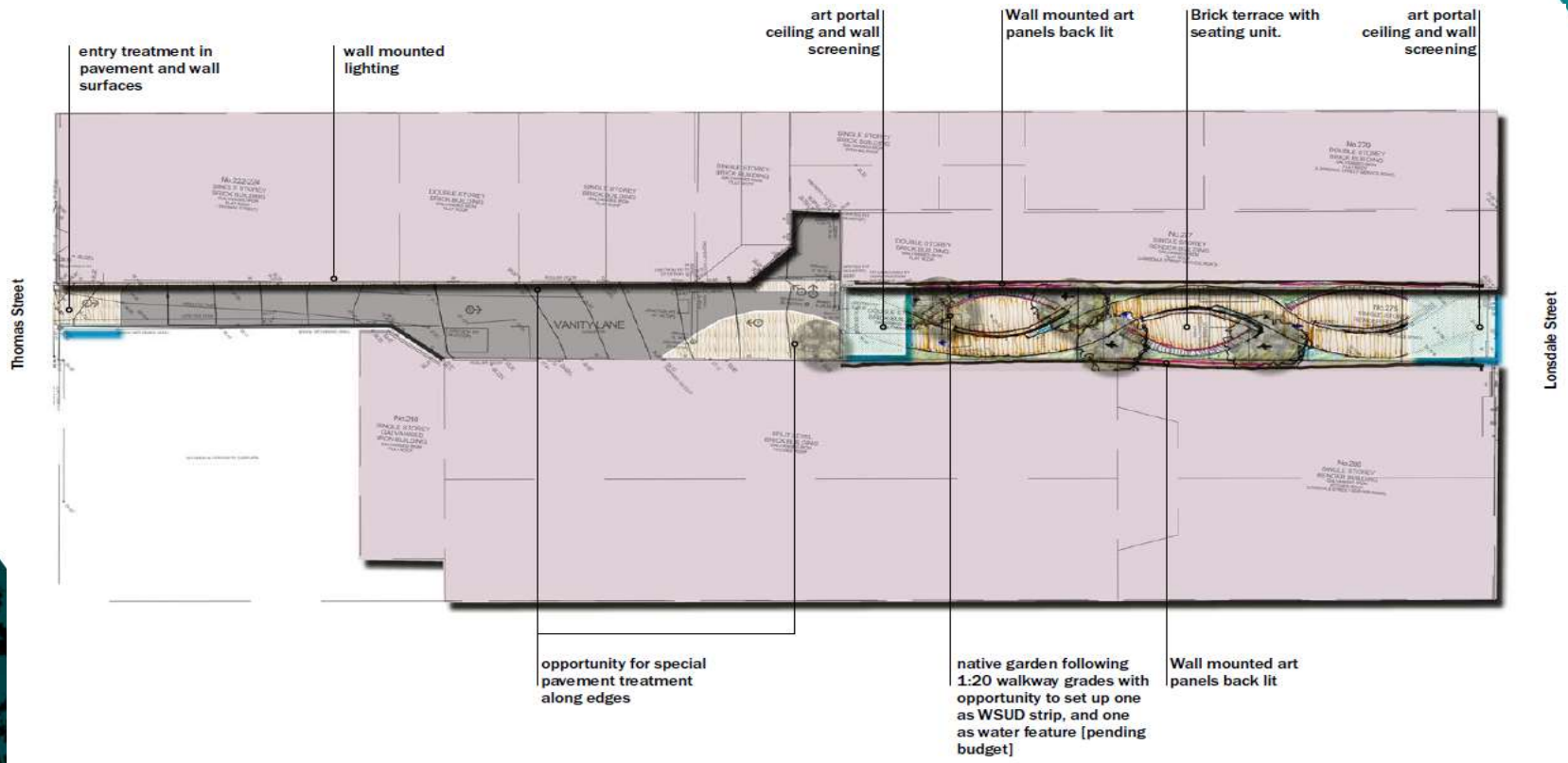



Retaining Brick Wall
Doors and Roller Doors
Windows
Demolition site + Future Lane connection
Vehicular access Zone
Pedestrian Access

# Vanity Lane

## Key Challenges

- Impact to loading and waste operations to adjoining businesses, and the concept of providing a shared area within this part of the laneway (behind 275 Lonsdale Street).

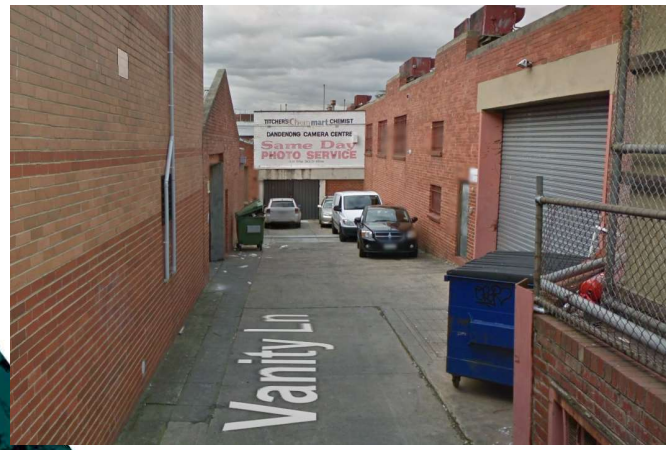


# Vanity Lane

## Key Challenges

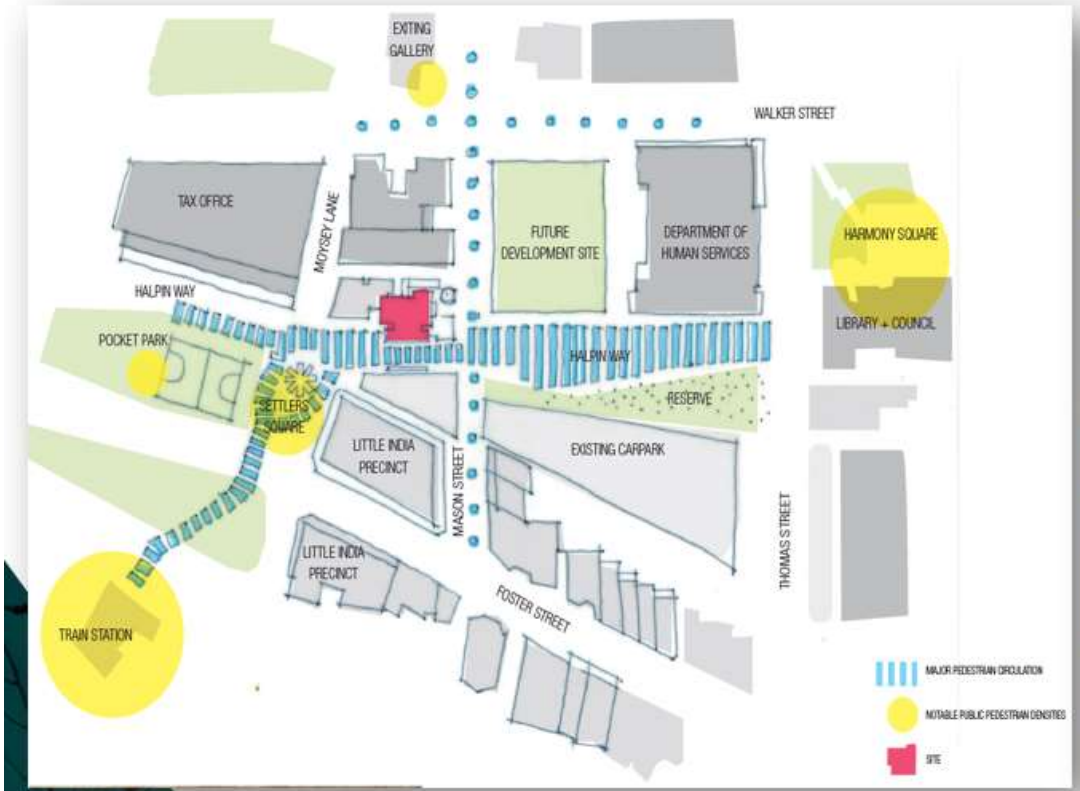
- Impact to loading and waste operations to adjoining businesses, and the concept of providing a shared area within this part of the laneway (behind 275 Lonsdale Street).






# Dandenong New Art (DNA)









# Dandenong New Art (DNA)

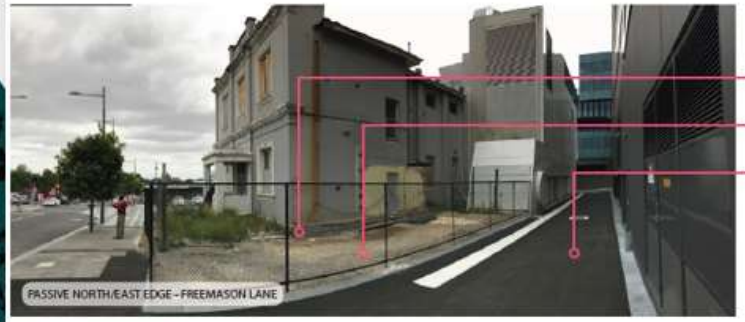
## Current State - What it was

**SITE CONDITIONS + RESPONSE //**
EXISTING BUILDING EDGES + EXTERNAL CONDITIONS










**EXISTING BUILDING CONDITIONS**
Upon a full inspection of the existing conditions our design approach of the external will include:

- Full restoration of the original Mason St facade rendering and mouldings.
- Restoring existing window openings to match heritage style.
- Retaining the existing Mason St entrance as the main entrance for the new gallery spaces
- Full repair of roof sheeting and stormwater systems.
- Retaining areas of southern facade 'character' and history.
- General repairs and make good works.
- Testing for lead based paints.
- Ensuring that any external features that are retained and restored meet current regulatory code.
- Awareness of easements and existing infrastructures.

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# Dandenong New Art (DNA)

## Current State - What it was (inside)

**SITE CONDITIONS + RESPONSE //**
EXISTING INTERNAL BUILDING CONDITIONS













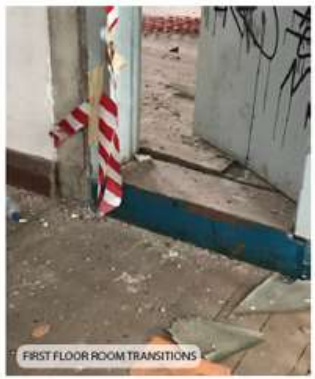
**EXISTING INTERNAL CONDITIONS**
Upon a full inspection of the existing conditions our design approach of the internal will include:

- Restoring original strapped and moulded plaster ceilings in the large gallery spaces.
- Restoring original timber floorboards where possible.
- Restoring original hard plaster walls where possible.
- Restoring the original staircase.
- General repairs and make good works.
- Testing for lead based paints.
- Ensuring that any internal features that are retained and restored meet current regulatory code.













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# Dandenong New Art (DNA)

## Current State - What it is now (May 2024)









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## 4.2.3 Recommended Appointments for Membership of Positive Ageing Advisory Committee

**Responsible Officer:** Executive Director Community Strengthening

**Attachments:**
1. Recommended Applicants for the Positive Ageing Advisory Committee [**4.2.3.1** - 1 page]

### Executive Summary

1. This report recommends Council appointment two (2) proposed candidates outlined in Attachment 1 of this report as independent members of the Positive Ageing Advisory Committee (PAAC).

## Background

2. PAAC was established to provide advice to Council in relation to effective policy and service provision for older people in the community and issues regarding positive ageing. The establishment of the advisory committee provided an important forum for identifying current and future issues and advising Council about effective policy and longer-term strategic direction regarding older people in the City of Greater Dandenong. The advisory committee complements other forms of community engagement used by Council such as the newsletters, focus groups and invited consultations.

3. The PAAC provided significant input into the development of the Positive Ageing Strategy 2017-25. They have also had a key role in overseeing the implementation of the Action Plan providing an ongoing connection to the community and service providers. The committee will also be integral to community consultation as Council determines its role in aged care into the future.

4. Due to five vacancies on the committee, applications were sought in January-April 2024 from the public to fill vacancies as independent members of the Positive Ageing Advisory Committee (2024-2026), aligned with the term of the existing committee members. Three applications were received. Further advertising and promotion will occur over the coming months to fill the remaining vacancies. This promotion will occur predominantly through social media, local seniors networks and through print media at local venues.

## Key Points / Issues / Discussion

5. Advertising for the Committee occurred in January-April 2024 with promotion through local newspapers, social media and through networks including the e-news. Three written applications were received for five vacant positions. The selection process was undertaken in accordance with the Terms of Reference and two applicants recommended for Council endorsement. The two recommended individuals for the Positive Ageing Advisory Committee outlined in (Attachment 1) represents a widespread knowledge and strategic experience in positive ageing.

## Financial Implications

6. There are no financial implications associated with this report.

## Community and Stakeholder Consultation

7. A public request for nominations occurred. All applicants were assessed against the selection criteria for the Positive Ageing Advisory Committee.

## Links to the Community Vision and Council Plan

8. This report is consistent with the following principles in the Community Vision 2040:

   - Education, training, entrepreneurship and employment opportunities.
   - Embrace diversity and multiculturalism.
   - Mind, body and spirit.

9. This report is consistent with the following strategic objectives from the Council Plan 2021-25:

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

## Legislative and Policy Obligations

10. This report has considered Council's legislative and policy obligations (where applicable) as outlined in the Report Considerations section detailed in the front of this Agenda. The applicable obligations considered and applied are:

    - The Overarching Governance Principles of the *Local Government Act* 2020.
    - *Victorian Charter of Human Rights and Responsibilities* 2006.
    - Related Council Policies, Strategies or Frameworks.

## Conclusion

11. Applications were sought from the public for appointment as independent members of the Positive Ageing Advisory Committee. Three applications were received, considered and two are recommended as independent members of the Positive Ageing Advisory Committee 2024-2026 during which time they will contribute to the development of a new Positive Ageing Strategy.

## Officer Recommendation

**That Council:**

1. **APPROVES the appointment of the following two (2) applicants as independent members of the Positive Ageing Advisory Committee for a term of two (2) years from 8 August 2024 to 8 August 2026:**
   **a. Vinh-Quang Long**
   **b. Mark Osborn; and**
2. **NOTES that the Mayor of the Greater Dandenong City Council will write to the proposed applicants to confirm their appointment to the Positive Ageing Advisory Committee for a term of two (2) years from 8 August 2024 to 8 August 2026.**

## Recommended Applicants for the Positive Ageing Advisory Committee

| |
|---|
| **Mark Osborn**<br>Mark is a local resident who has experience working in residential aged care locally. He is focused on linking services to provide better outcomes for older people and improved access to health care. |
| **Vinh-Quang Long**<br>Vinh is a local resident and has experience providing volunteer support to seniors groups and serving on local community committees. He is focused on social connection and accessibility of information. |

## 4.2.4 List of Registered Correspondence to Mayor and Councillors

**Responsible Officer:** Executive Director Corporate Development

**Attachments:**
1. Correspondence Received 17-28 June 2024 [**4.2.4.1** - 2 pages]

### Executive Summary

1. Subsequent to past Council resolutions in relation to the listing of registered incoming correspondence addressed to the Mayor and Councillors, Attachment 1 to this report provides a list of this correspondence for the period 17- 28 June 2024.

### Officer Recommendation

**That the listed items for the period 17- 28 June 2024 provided in Attachment 1 to this report be received and noted.**

Objective
CONNECTED. COLLABORATIVE. COMMUNITY.

**Correspondences addressed to the Mayor and Councillors received between 17/06/24 & 28/06/24 - for officer action - total = 3**

| Correspondence Name | Correspondence Dated | Date Record Created | Objective ID | User Currently Assigned |
|---|---|---|---|---|
| A reminder to participate in an Asset Management in Public Infrastructure Investment survey. | 27-Jun-24 | 27-Jun-24 | fA320693 | Mayor & Councillors Office |
| A request for an update to urgent concerns regarding traffic safety around Dandenong Primary School. | 18-Jun-24 | 18-Jun-24 | fA319785 | Mayor & Councillors Office |
| A request for a meeting with 'Ageing with Grace'. | 21-Jun-24 | 21-Jun-24 | fA320147 | Mayor & Councillors Office |

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

Objective
CONNECTED. COLLABORATIVE. COMMUNITY.

**Correspondences addressed to the Mayor and Councillors received between 17/06/24 & 28/06/24 - for information only - total = 2**

| Correspondence Name | Correspondence Dated | Date Record Created | Objective ID | User Currently Assigned |
|---|---|---|---|---|
| A letter to the Mayor from the CEO of the Local Government Association of Victoria regarding the outcome of the 2024 VLGA board elections. | 24-Jun-24 | 24-Jun-24 | A11074789 | Mayor & Councillors Office |
| A response from Cr Rhonda Garad to an invitation to attend a seminar from Gas Energy Australia. | 27-Jun-24 | 27-Jun-24 | A11088486 | Mayor & Councillors Office |

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

## 4.2.5 Draft Minutes of Cultural Heritage Advisory Committee Meeting - 21 March 2024

**Responsible Officer:** Executive Director Community Strengthening

**Attachments:**
1. Cultural Heritage Advisory Committee Meeting Minutes 20240321 [**4.2.5.1** - 4 pages]

### Executive Summary

1. At the Council meeting held 23 April 2018, Council resolved in part to *invite Advisory Committees and Reference Groups to submit meeting minutes for Council endorsement*. This resolution also allowed interested Councillors (and those that attend these Committees and Reference Groups) to speak to the meeting about items discussed at these meetings.
2. This report recommends that the Draft Minutes of the Cultural Heritage Advisory Committee meeting held on 21 March 2024 as provided in Attachment 1 to this report be noted by Council.

## Background

3. Greater Dandenong Council is represented on a wide range of Committees, Reference Groups and Advisory Groups which frequently reflect the interests of individual Councillors in serving the broader community in their role. A full listing of these appointments is confirmed each November at Council's Meeting to elect the Mayor and Deputy Mayor and is available via Council's website.

4. The resolution of Council made on 23 April 2018 provides for Minutes of meetings held by Advisory Committees or Reference Groups to be submitted to Council for information purposes and for noting. To ensure they are provided to Council in a timely manner, Minutes of these Advisory Committees or Reference Groups are submitted to Council typically in a draft form (in that they have not yet been adopted by the relevant Committee). If significant material changes occur when they are adopted by the Advisory Committee or Reference Group, then those particular Minutes would then be resubmitted to Council for noting.

5. As such, Draft Minutes are provided as Attachment 1 to this report.

6. There are no financial implications associated with the development and submission of this report.

## Links to the Community Vision and Council Plan

7. This report is consistent with the following principles in the Community Vision 2040:

    - Safe and peaceful community
    - Embrace diversity and multiculturalism.
    - Sustainable environment.
    - Art and culture.

8. This report is consistent with the following strategic objectives from the Council Plan 2021-25:

    - A socially connected, safe and healthy city.
    - A city that respects and celebrates diversity, our history and the arts.
    - A city of accessible, vibrant centres and neighbourhoods.
    - A Council that demonstrates leadership and a commitment to investing in the community.

## Legislative and Policy Obligations

9. This report has considered Council's legislative and policy obligations (where applicable) as outlined in the Report Considerations section detailed in the front of this Agenda. The applicable obligations considered and applied are:

    - The Overarching Governance Principles of the *Local Government Act* 2020.
    - The *Gender Equality Act* 2020.
    - *Victorian Charter of Human Rights and Responsibilities* 2006.
    - Climate Change and Sustainability.

## Officer Recommendation

**That Council NOTES the Draft Minutes of the meeting for the Cultural Heritage Advisory Committee as provided in Attachment 1 to this report.**

| | |
|---|---|
| **Advisory Committee or Reference Group Name:** | Cultural Heritage Advisory Committee |
| **Date of Meeting:** | Thursday 21 March 2024 |
| **Time of Meeting:** | 5pm–6.30pm |
| **Meeting Location:** | Springvale Community Hub, Microsoft TEAMS |

**Attendees:**
Chris Keys (CK), Gaye Guest (GG), Robyn Robie (RR), Samuel Sofos (SS- Chair), Hesara Welivitiya (HW), Maryanne McCubbin (MM) until 5:56pm, Manager Community Arts, Culture and Library Services (MCACLS) (CGD), Library Services Senior Coordinator (CGD), Library Technology and Heritage Coordinator (CGD), Cultural Heritage Program Lead (CGD).
**Apologies:**
Cr Angela Long
**Minutes:** Library Technology and Heritage Coordinator (CGD)

| Item No. | Item | Action | Action By |
|---|---|---|---|
| 1. | **Acknowledgement of Country**<br>*"We acknowledge the Traditional Custodians of this land, the Bunurong People, and pay respects to their Elders past and present.*<br>*We recognise and respect their continuing connections to climate, Culture, Country and waters and we also pay our respects and acknowledge all Aboriginal and Torres Strait Islander peoples and their Elders present here today, in acknowledging their journey."* | | Chair |
| 2. | **Conflicts of Interest**<br>HW - advised he recently joined the Level Crossing Removals Project and there is an interface with his new role and what is discussed at the committee. | Noted | |
| 3. | **Previous Meeting Minutes**<br>• A question was asked as to what the 'AMCACLS' abbreviation stood for - Acting Manager Community Arts, Culture and Library Services.<br>• In context of booking a space at Heritage Hill, CK asked for clarification as to if the point below is true from the previous minutes under 'Heritage Hill Updates'.<br>Since the restructure, the Civic and Community Facilities is in the same department, which means Heritage Hill is now within our department and any facilities that are currently booked including Heritage Hill is undertaken via Civic Facilities.<br>The chair advised that the minutes are an accurate account of the previous meeting. | | All |
| 4. | **Grant Programs** – General discussion from the committee, future grant ideas, programs, and initiatives.<br>List of grant programs previously applied for by CGD:<br>1. Community Heritage Grants through the National Library of Australia. Council was able to organise training for significance assessments and caring for collections with previous years' grant. Unfortunately, in last year's round, CGD was unsuccessful.<br>2. Local History Grants programs through Public Records Office of Victoria. This funding stream has the 'We Built This City' heritage interpretation project underway and | | All |

| | | | |
|---|---|---|---|
| | nearing completion. The project involves the development of eleven short videos for the heritage sites, allowing users to find out more information at sites by a designed heritage poster sticker with QR code to scan and play a video. The project must be completed before we can apply for the additional funding.<br>General information on the stage government funding:<br>1. The Andrews Foundation, which provide grants in the Southeast with three rounds per year.<br>2. Copland Foundation Scholarship Grants https://www.coplandfoundation.com.au/grants<br>3. Ian potter Foundation https://www.ianpotter.org.au/can-we-apply/funding-rounds/<br>4. Creative Projects Fund – Creative Victoria https://creative.vic.gov.au/funding-opportunities/find-a-funding-opportunity/creative-projects-fund<br><br>These grants fund projects which fall under the umbrella of Alex Copland's interests, namely the study, management, conservation, acquisition, and interpretation of collections. The grants could be viewed for Commercial Activation for historical societies, such as the Bookshops in the City i.e. A'beckett street, with CK advising that as Historical society members are volunteers, it would be difficult to resource. Many grants do not permit staffing costs as an allowed use. This has previously been investigated when Historical Societies applied for PROV funding to staff the cost for digitisation assistance and was unsuccessful.<br><br>Both the Dandenong and Springvale Historical Societies are members of the Southeastern Historical Association as well as the Royal Historical Society of Victoria. The groups assist with training, information as well as gaining advice. | CGD to investigate further into the Copland grant and distribute grant links. | Council officer |
| **5.** | **Heritage Hill Updates**<br><br>Exhibitions:<br>• The Yesteryear exhibition. Wednesday to Friday 10am to 2pm.The exhibition opened from 20 Sept 2023 and extended through to Friday 8 March 2024 with 638 visitors attending the exhibition. Residents and visitors from interstate including South Australia as well as visitors from overseas such as New Zealand, Ireland, and the United States.<br>• 'Trees: A Canopy Extraordinaire Exhibition' to open in mid-April.<br>Tours:<br>• Nine small groups have been delivered, totalling 134 participants since the last meeting.<br>• Several group and school's tours are scheduled over a couple of days in April, including the Garden History of Victoria and Dandenong Primary School supported in conjunction with the libraries team.<br>Further discussion ensued regarding:<br>• Operations - Council is currently in the process of reviewing its civic facilities area which incorporates the booking of venues such as Heritage Hill. Further information to be shared soon.<br>• Heritage Hill Marketing – opportunities to market, advertise and promote, and undertake further research of the site. Once the review has been completed and strategic | | Council officers |

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| | direction is worked out within Council, an action plan on engagement and marketing could be investigated.<br>• Members would like reassurance from Council/Councillors that they are interested in Heritage. Heritage Hill is one of the oldest houses still standing in this area with a long history and would like to see some more encouragement from Council. Could a request to Council be made for more staffing as it is open 3 days a week at the moment.<br>• Social Media promotion used during the times of exhibitions and programs noticeably increases visits.<br>• Progress on the Arts, Culture and Heritage Strategy. A one-year report card for the department is currently being developed.<br>• CK noted the site would be good to become the home of the historical society in some form. Not within those two buildings, but another location on the site. Ideas and comments which came up as part of the discussion include commercial businesses, like gift shop, café, bookshop, gardens. | CGD to circulate the completed report card. | Council officer |
| **6.** | **Future Heritage Themes**: follow up from the last meeting and related to potential themes for consideration when we plan for exhibitions, programs, and engagement activities.<br>Past themes include:<br>• The big 3 (GMH, Heinz, International Harvester) local industries and impact on the region.<br>• Migration stories.<br>• Early education.<br>• 150 years of local government in Victoria.<br>• Floral Muse associated patterns and tapestry.<br>• Early Dandenong Street names and their backgrounds.<br>• Collaborated with local indigenous community 'Bunjil Dance Group history' exhibition.<br>• Previously sought permission from ACMI to display early Dandenong videos on the big screens at Springvale and Dandenong.<br><br>**Discussed suggestions included**:<br>• Noble Park Public Hall turns 100 and Noble Park interpretive signs.<br>• Architecture in the City, looking at the eras of homes.<br>• Photographing monuments.<br>• The era's, e.g. The Seventies and Eighties.<br>• Migrant Settlement through the buildings.<br>• Dandenong Market.<br>• The eras and different uses of land – what were the uses of land. | GG to continue discussion with the place making team on the interpretive signage. | Council officer |
| **7.** | **Items for Council Planning Department:**<br>• A meeting regarding the Keysborough Church with the chair of the friends of the church will be held on 11 April.<br>• GG Heritage Study 1999 – request for an update on the review, how many listings have been looked at and how long it is estimated to take. And if this is done internally or the use of external consultants. | CGD to provide an update. | Council officer |
| **8.** | **Committee Tour of Shared Archive, Heritage Hill, Dandenong and District Historical Society (DDHS) – update**<br>CGD looking at date and time options after working hours for a tour of DDHS ahead of the next meeting as preferred by the committee. The archive and Heritage Hill to be scheduled for | CGD will look at date options and arrangements for the next meeting. | Council officer |

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

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| | future visits. | | |
| **9.** | **Dandenong Stock Market Clock Update:** Council has been continuing the discussion with the Dandenong Agricultural and Pastoral Society on the relocation of the Stock Market Clock to their heritage interpretation shed. We have also recently worked with the Society on participating in the video recording as part of the 'We Built This City – Heritage Interpretation Project.' | Further updates to be provided at future meetings. | Council officer |
| **10.** | **Capturing Oral Histories- Added item.**<br>As mentioned in previous correspondence by GG, the following locals should be considered for capturing their oral histories:<br>1. Viviene Dews – has a lot of local history, it would be great to capture her history.<br>2. Zeccola Family (Maria and Vince) – their brother Peter who started PALACE cinemas in the Noble Park public hall.<br>3. Doug Lucas - a Noble Park resident on local LGBTQ history.<br>A question was also clarified on Heritage Hill being the original holder of the oral history collection.<br>Several years ago, Heritage Hill was one of the first oral history centres and they currently sit within our collection of oral histories. In terms of reinitiating, we have had discussions however it would come down to resourcing and the infrastructure to facilitate a podcast, an interviewer as well as the interviewee.<br>Springvale and District Historical Society (SDHS) confirmed enquiries are received from visitors on telling their stories, they're advised to write it down and SDHS can save a copy. SDHS confirmed they have commenced digitising all the CDs they have on oral history as well as some videos.<br>The chair also suggested if a podcast was developed the name needs to be interesting rather than an official CGD publication. | CGD to keep the oral history recording discussions and ways to resource the project and recommence in mind for the future. | All |
| **11.** | **Next Meeting:**<br>To be confirmed in combination with DDHS tour. | | |
| **Meeting closed 6.31pm** | | | |

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

## 4.2.6 Draft Minutes of Disability Advisory Committee Meeting - 15 April 2024

**Responsible Officer:** Executive Director Community Strengthening

**Attachments:**
1. Draft Minutes of Disability Advisory Committee Meeting - 15 April 2024 [**4.2.6.1** - 4 pages]

### Executive Summary

1. At the Council meeting held 23 April 2018, Council resolved in part to *invite Advisory Committees and Reference Groups to submit meeting minutes for Council endorsement*. This resolution also allowed interested Councillors (and those that attend these Committees and Reference Groups) to speak to the meeting about items discussed at these meetings.
2. This report recommends that the Draft Minutes of the Disability Advisory Committee meeting held on 15 April 2024 as provided in Attachment 1 to this report be noted by Council.

## Background

3. Greater Dandenong Council is represented on a wide range of Committees, Reference Groups and Advisory Groups which frequently reflect the interests of individual Councillors in serving the broader community in their role. A full listing of these appointments is confirmed each November at Council's Meeting to elect the Mayor and Deputy Mayor and is available via Council's website.

4. The resolution of Council made on 23 April 2018 provides for Minutes of meetings held by Advisory Committees or Reference Groups to be submitted to Council for information purposes and for noting. To ensure they are provided to Council in a timely manner, Minutes of these Advisory Committees or Reference Groups are submitted to Council typically in a draft form (in that they have not yet been adopted by the relevant Committee). If significant material changes occur when they are adopted by the Advisory Committee or Reference Group, then those particular Minutes would then be resubmitted to Council for noting.

5. As such, Draft Minutes are provided as Attachment 1 to this report.

6. There are no financial implications associated with the development and submission of this report.

## Links to the Community Vision and Council Plan

7. This report is consistent with the following principles in the Community Vision 2040:

   - Education, training, entrepreneurship and employment opportunities.
   - Embrace diversity and multiculturalism.
   - Mind, body and spirit.

8. This report is consistent with the following strategic objectives from the Council Plan 2021-25:

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

## Legislative and Policy Obligations

9. This report has considered Council's legislative and policy obligations (where applicable) as outlined in the Report Considerations section detailed in the front of this Agenda. The applicable obligations considered and applied are:

   - The Overarching Governance Principles of the *Local Government Act* 2020.
   - *Victorian Charter of Human Rights and Responsibilities* 2006.
   - Related Council Policies, Strategies or Frameworks.

## Officer Recommendation

**That Council NOTES the Draft Minutes of the meeting for the Disability Advisory Committee as provided in Attachment 1 to this report.**

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| **Advisory Committee or Reference Group Name:** | Disability Advisory Committee (DAC) Meeting |
| **Date of Meeting:** | Monday 15 April 2024 |
| **Time of Meeting:** | 4pm–5.30pm |
| **Meeting Location:** | Dandenong Civic Centre - 225 Lonsdale St, Dandenong<br>Meeting Rooms 2NW/2NE<br>Microsoft Teams |

**Attendees:** Catherine Rampant (Acting Chair), Lyn Bates, Lisa Ashton, Deborah Lee, Norma Seip, Pradeep Hewavitharana, Lionel Gee, Manager Community Care (City of Greater Dandenong [CGD]), Cr Angela Long (CGD), Coordinator Community Access (CGD), Disability Planning Officer (CGD), Community Inclusion Officer (CGD)

**Apologies:** Frank Cutuli, Kristina Drmic

**Guest Speakers:** Virginia Richardson (Principal Consultant – Universal Design Consulting), Adam Johnson

**Minutes:** Business Support Officer (CGD)

| Item No. | Item | Action | Action By |
|---|---|---|---|
| 1. | **Welcome and Apologies**<br>*We acknowledge the Traditional Custodians of this land, the Bunurong People, and pay respects to their Elders past and present.*<br>*We recognise and respect their continuing connections to climate, Culture, Country and waters and we also pay our respects and acknowledge all Aboriginal and Torres Strait Islander peoples and their Elders present here today, in acknowledging their journey.*<br><br>Due to the apology from the Chair, Catherine agreed to chair this meeting.<br><br>The Chair welcomed all present and apologies noted. | | |
| 2. | **Previous Minutes and Business Arising**<br>***International Airline Disability Access Incident***<br>An update on the issue relating to using a wheelchair when travelling on an international airline was provided.<br><br>The Committee member advised he has written a complaint letter to the Industry Complaints Commissioner (ICC) however has yet to receive a response into the matter. | Support was offered to the Committee Member to follow up the matter. | Disability Planning Officer |
| 3. | **Update on Aged and Disability Review**<br>The Manager Community Care advised the resolutions from the Council meeting held on 25 March 2024 regarding Council's future role in Aged and Disability Services including: | | |

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

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| | • Continuation of the current Commonwealth Home Support Programme (CHSP) and Home and Community Care Program for Younger People (HACC-PYP) program of aged and disability service delivery (subject to ongoing Commonwealth Victorian State Government Funding)<br>• Council officers to develop a comprehensive business case and cost modelling for Council consideration of a future navigation and support system.<br>• Council officers will continue to closely monitor the current proposed changes to the Aged Care System and marketplace and provide regular updates to Council on these changes.<br><br>Council considered a report that drew on extensive community consultation during 2023, expert external advice and detailed financial modelling.<br><br>Council remains committed to supporting our residents to be safe, engaged and thriving in our community – especially through investment in early intervention, social connection, navigation and access support for seniors, carers and residents living with a disability. | Further updates as required. | Manager Community Care |
| 4. | **International Day of People with a Disability Planning**<br>International Day for People with Disability (IDPwD) is a United Nations Day observed annually on 3 December. It aims to promote community awareness, understanding and acceptance of people with disability.<br><br>Council is looking to acknowledge this important day with an activity that aims to raise community awareness of some of the issues and challenges our residents with a disability experience.<br><br>The Community Inclusion Officer advised this year, Council is planning to hold an event at the Ross Reserve precinct including the All-Abilities Playground, Noble Park Aquatic Centre (NPAC) and the Noble Park Community Centre.<br><br>Proposals including having an open day at the NPAC and coordinating information stalls with disability organisations. | Provide updates on event planning.<br><br>Provide any ideas and feedback on activities. | Community Inclusion Officer<br><br>Committee Members |
| 5. | **Updates**<br>***Dandenong Station***<br>Public transport in Victoria is primarily delivered by the Victoria's Department of Transport and Planning (DTP). Council's role in this space is to advocate for improvements that would benefit the Greater Dandenong community.<br><br>The Disability Planning Officer provided an update the accessibility and safety improvements at Dandenong | | |

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

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| | station including:<br>• The State Government initiated the Better Stations program to explore options for accessibility and safety improvements at the Dandenong Station. The DTP led the project with Council officers and representatives from other key agencies were given the opportunity to provide input into the study<br>• Council advocated core access issues as outlined in Council's Public Transport Advocacy Statement<br><br>Enquiries with both the Dandenong Station Master and the DTP have provided no further updates or progress from the Better Stations program.<br><br>***Noble Park Community Centre (NPCC) Toilets***<br>The Manager Community Care provided an update on the NPCC toilet floor concerns raised.<br><br>A disability access consultant specialising in flooring was engaged to investigate the toilet floors at the NPCC and Ross Reserve and has confirmed that all floor surfaces tested are compliant with DDA requirements.<br><br>Council is now reviewing flooring options to address the concern whilst ensuring any modifications made are still DDA compliant. | Further investigate the progress and updates on the accessible and safety issues at Dandenong Station.<br><br>Provide further updates on the progress. | Disability Planning Officer<br><br>Manager Community Care |
| 6. | **National Disability Insurance Scheme (NDIS) Review/ Members Issues**<br>Minister for the NDIS the Hon. Bill Shorten MP introduced NDIS legislation to Parliament on 27 March 2024 to implement priority recommendations from the NDIS Review.<br><br>Tabling the *National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1) Bill 2024*, represents the first amendments to the National Disability Insurance Scheme Act 2013 to improve participant experience.<br><br>In his speech to parliament, Minister Shorten listed four principles that guided the changes including:<br>• Making the NDIS a better experience for participants.<br>• Restoring the Scheme to its original intent to support people with significant and permanent disability.<br>• That the Scheme be equitable.<br>• Ensuring the Scheme is sustainable. | For noting. | |
| 7. | **Universal Design Presentation and Questions**<br>Universal design is about creating places, spaces, services and information that make people feel welcome, and contribute to a sense of belonging.<br><br>A presentation on Universal Design trends in Local Government was provided to the Committee. | | |

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

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| | The presentation included a case study of the City of Bunbury's aspiration to become the 'Most Accessible Regional City in Australia.'<br><br>The project involved 11 people with lived experience of disability as co-researchers. The project team interviewed people in the City of Bunbury about what design safeguards were in place that would make sure all future buildings, facilities, services, and events would be fully accessible and inclusive, using universal design principles.<br><br>Key recommendations from the research include:<br>• Co-Design - establish processes for meaningful co-design with people with lived experience of disability, from project inception to completion.<br>• Training - provide universal design training for technical and managerial staff, and/or contractors responsible for design.<br>• Audits - systematically audit buildings, facilities, events and services to eliminate barriers through structured planning and resource allocation.<br>• Technical Consultants - ensure design staff regularly consult universal design technical experts, especially in major project.<br>• Benchmarking - introduce internal best practice benchmarks and checklists for universal design<br>• Design Safeguards - introduce policy and procedural safeguards into the design process. | Ensure relevant Council departments are regularly updated on the importance of considering Universal Design principles in council project planning. | Disability Planner Officer |
| 8. | **Other Business**<br>A Committee member who uses a wheelchair raised concerns about accessibility and assistance available at particular supermarkets. She has been provided with contact details of head office but has unable to obtain a response. A complaint letter has also been sent detailing issues. | For noting. | |
| **Meeting Closed at 5:36pm** | | | |

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

## 4.2.7 Draft Minutes of Positive Ageing Advisory Committee Meeting - 11 April 2024

**Responsible Officer:** Executive Director Community Strengthening

**Attachments:**
1. Draft Minutes of Positive Ageing Advisory Committee Meeting 11 April 2024 [**4.2.7.1** - 2 pages]

### Executive Summary

1. At the Council meeting held 23 April 2018, Council resolved in part to *invite Advisory Committees and Reference Groups to submit meeting minutes for Council endorsement*. This resolution also allowed interested Councillors (and those that attend these Committees and Reference Groups) to speak to the meeting about items discussed at these meetings.
2. This report recommends that the Draft Minutes of the Positive Ageing Advisory Committee meeting held on 11 April 2024 as provided in Attachment 1 to this report be noted by Council.

## Background

3. Greater Dandenong Council is represented on a wide range of Committees, Reference Groups and Advisory Groups which frequently reflect the interests of individual Councillors in serving the broader community in their role. A full listing of these appointments is confirmed each November at Council's Meeting to elect the Mayor and Deputy Mayor and is available via Council's website.

4. The resolution of Council made on 23 April 2018 provides for Minutes of meetings held by Advisory Committees or Reference Groups to be submitted to Council for information purposes and for noting. To ensure they are provided to Council in a timely manner, Minutes of these Advisory Committees or Reference Groups are submitted to Council typically in a draft form (in that they have not yet been adopted by the relevant Committee). If significant material changes occur when they are adopted by the Advisory Committee or Reference Group, then those particular Minutes would then be resubmitted to Council for noting.

5. As such, Draft Minutes are provided as Attachment 1 to this report.

6. There are no financial implications associated with the development and submission of this report.

## Links to the Community Vision and Council Plan

7. This report is consistent with the following principles in the Community Vision 2040:

    - Education, training, entrepreneurship and employment opportunities.
    - Embrace diversity and multiculturalism.
    - Mind, body and spirit.

8. This report is consistent with the following strategic objectives from the Council Plan 2021-25:

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

## Legislative and Policy Obligations

9. This report has considered Council's legislative and policy obligations (where applicable) as outlined in the Report Considerations section detailed in the front of this Agenda. The applicable obligations considered and applied are:

    - The Overarching Governance Principles of the *Local Government Act* 2020.
    - *Victorian Charter of Human Rights and Responsibilities* 2006.
    - Related Council Policies, Strategies or Frameworks.

## Officer Recommendation

**That Council NOTES the Draft Minutes of the meeting for the Positive Ageing Advisory Committee as provided in Attachment 1 to this report.**

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|---|---|
| **Advisory Committee or Reference Group Name:** | Positive Ageing Advisory Committee (PAAC) |
| **Date of Meeting:** | 11 April 2024 |
| **Time of Meeting:** | 4pm–5.30pm |
| **Meeting Location:** | Springvale Community Hub<br>5 Hillcrest Grove, Springvale<br>Community Room 1<br><br>Also via Microsoft Teams |

**Attendees:** Lauris Attard, Maria Erdeg, Christine Green, Jeanette Keane**,** Julie Klok, Erica Moulang (Chair), Manager Community Care (City of Greater Dandenong [CGD]), Coordinator Community Access (CGD)

**Apologies:** Carol Drummond, Positive Ageing Team Leader (CGD)

**Minutes:** Positive Ageing Support Officer (CGD)

| Item No. | Item | Action | Action By |
|---|---|---|---|
| 1. | **Welcome & Apologies**<br>*We acknowledge the Traditional Custodians of this land, the Bunurong People, and pay respects to their Elders past and present.*<br>*We recognise and respect their continuing connections to climate, Culture, Country and waters and we also pay our respects and acknowledge all Aboriginal and Torres Strait Islander peoples and their Elders present here today, in acknowledging their journey.*<br><br>The chair welcomed all present and apologies noted. | | |
| 2. | **Previous Minutes and Business Arising**<br>December 2023 minutes were accepted – moved Jeanette Keane and seconded Christine Green. | | |
| 3. | **Aged Care Reforms**<br>The Commonwealth Government's Support at Home program will start on 1 July 2025 replacing the existing Home Care Packages (HCP) and Short-Term Restorative Care (STRC) programs.<br><br>The Commonwealth Home Support Program (CHSP) will transition to the new Support at Home program no earlier than 1 July 2027. Further details of the new Support at Home Program are expected to be provided by the Government before the new program commences. | Provide updates. | Manager Community Care |
| 4. | **Aged and Disability Services**<br>The Aged Care Taskforce has released its Final Report, delivering 23 recommendations to support an equitable, financially sound and sustainable sector. | Provide updates. | Manager Community Care |

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

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| | It has not recommended a new tax or levy to fund aged care or change the means testing treatment of the family home for aged care.<br><br>The Government will now undertake further analysis of the recommendations of the Taskforce Report. | | |
| 5. | **Seniors Festival Planning**<br>Positive Ageing Team is planning a larger scale dance for this year's festival, a possible expo style day, additional day trips and a centenarian event. As a result, a larger edition of the Living Well Newsletter will be distributed. Options to collaborate and promote are encouraged by clubs and groups. U3A is running an event on Friday 18 October at Gloria Pyke Netball Stadium and seniors' groups are encouraged to get involved.<br><br>**Seniors Festival Activity Suggestions**<br>The Committee discussed ideas for this year's Seniors Festival and suggested a variety of activities for consideration.<br><br>**Meeting with Department of Family Fairness and Housing (DFFH)**<br>The Positive Ageing Team is meeting with the Department of Families Fairness and Housing (DFFH) in April about this year's festival plans and to hear about other Council's 2023 festival experiences. The statewide information will be incorporated into Great Dandenong's festival. | Provide updates on Seniors Festival. | Positive Ageing Team Leader |
| 6. | **Seniors Clubs Supports**<br>Workshops are being held in April and May to support clubs with their responsibilities in running their groups. Ongoing meetings will be offered as part of Council's ongoing support. | Provide Seniors clubs support updates. | Positive Ageing Team Leader |
| 7. | **Committee Membership**<br>Membership is still open with five vacancies. | Update Committee. | Coordinator Community Access |
| 8. | **Other Business**<br>**Committee Meeting Time**<br>Committee members provided feedback on the change of meeting time to 4pm (second meeting). This will continue to be reviewed at the next meeting.<br><br>**Meeting Room Acoustics**<br>Meeting room acoustics are working well. A stand-alone microphone to amplify sound for participants during our meetings is being sought. | Update Committee with response.<br><br>Source microphone for next meeting. | Manager Community Care<br><br>Positive Ageing Support Officer |
| Meeting Closed 5.35pm | | | |

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

## 4.2.8 Multicultural and People Seeking Asylum Advisory Committee Meeting Minutes - 14 May 2024

**Responsible Officer:** Executive Manager Strategy Growth & Advocacy

**Attachments:**
1. Multicultural and People Seeking Asylum Advisory Committee Meeting Minutes 14 May 2024 [**4.2.8.1** - 5 pages]

### Executive Summary

1. At the Council meeting held 23 April 2018, Council resolved in part to *invite Advisory Committees and Reference Groups to submit meeting minutes for Council endorsement*. This resolution also allowed interested Councillors (and those that attend these Committees and Reference Groups) to speak to the meeting about items discussed at these meetings.
2. This report recommends that the Draft Minutes of the Multicultural and People Seeking Asylum Advisory Committee meeting held on 14 May 2024 as provided in Attachment 1 to this report be noted by Council.
3. That the membership recommendation of the Committee noted at section 2 of the Minutes be endorsed by the Council.

## Background

4. Greater Dandenong Council is represented on a wide range of Committees, Reference Groups and Advisory Groups which frequently reflect the interests of individual Councillors in serving the broader community in their role. A full listing of these appointments is confirmed each November at Council's Meeting to elect the Mayor and Deputy Mayor and is available via Council's website.

5. The resolution of Council made on 23 April 2018 provides for Minutes of meetings held by Advisory Committees or Reference Groups to be submitted to Council for information purposes and for noting. To ensure they are provided to Council in a timely manner, Minutes of these Advisory Committees or Reference Groups are submitted to Council typically in a draft form (in that they have not yet been adopted by the relevant Committee). If significant material changes occur when they are adopted by the Advisory Committee or Reference Group, then those particular Minutes would then be resubmitted to Council for noting.

6. As such, Draft Minutes are provided as Attachment 1 to this report.

7. There are no financial implications associated with the development and submission of this report.

## Links to the Community Vision and Council Plan

8. This report is consistent with the following principles in the Community Vision 2040:

   - Safe and peaceful community.
   - Education, training, entrepreneurship and employment opportunities.
   - Embrace diversity and multiculturalism.

9. This report is consistent with the following strategic objectives from the Council Plan 2021-25:

   - A socially connected, safe and healthy city.
   - A city that respects and celebrates diversity, our history and the arts.
   - A city of accessible, vibrant centres and neighbourhoods.
   - A Council that demonstrates leadership and a commitment to investing in the community.

## Legislative and Policy Obligations

10. This report has considered Council's legislative and policy obligations (where applicable) as outlined in the Report Considerations section detailed in the front of this Agenda. The applicable obligations considered and applied are:

    - The Overarching Governance Principles of the *Local Government Act* 2020.
    - *Victorian Charter of Human Rights and Responsibilities* 2006.

## Officer Recommendation

**That Council:**

1. **NOTES the Draft Minutes of the meeting for the Multicultural and People Seeking Asylum Advisory Committee as provided in Attachment 1 to this report;**
2. **ENDORSES the Committee's membership recommendation to the Committee for a Settlement Services International (SSI) representative; and**
3. **ENDORSES the Committee's membership recommendation to the Committee for Hamish Fernando.**

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| **Advisory Committee or Reference Group Name:** | Multicultural and People Seeking Asylum Advisory Committee (MAPSAAC) |
| **Date of Meeting:** | 14 May 2024 |
| **Time of Meeting:** | 9.30am-11.30am |
| **Meeting Location:** | Springvale Community Hub Room 2 & 3 (5 Hillcrest Grove, Springvale VIC 3171) |

**Chairperson:** Kylie Reid (Chisholm Institute – Foundation College)

**Invited:**
Mayor Cr Lana Formoso (City of Greater Dandenong [CGD]), Sri Samy (Friends of Refugees), Meggan Boag (Sisterworks), Chaw Po (Community Member), Qutbiallam Timor (Refugee Resource Hub - Asylum Seeker Resource Centre), Diversity and Literacy Librarian (CGD), Sarah Jefry (Victorian Afghan Association Network [VAAN]), Community Engagement Lead (CGD), Community Advocacy Officer (CGD), Coordinator Community Advocacy (CGD), Community Development Support Officer (CGD).

**Apologies**: Lauren Blanch (Australian Red Cross), Adwin Town (Voice of Outer South-East), Jacquie McBride (Monash Health), Ali Al Lawati (Community Member), Roz Blades AM (Community Member), Ifrin Fitlock (Sisterworks), Aran Mylvaganam (South-East Monash Legal Service), Peter McNamara (South-East Community Links [SECL]), Lauren Riddle (Life Without Barriers), Liz Mulqueeny (Life Without Barriers),

**Minutes:**
Community Development Support Officer (CGD)

| Item No. | Item | Action |
|---|---|---|
| 1. | **Welcome, Acknowledgement of Country and Introductions**<br>Chair welcomed members and acknowledged Country –<br><br>*We acknowledge the Traditional Custodians of this land, the Bunurong People, and pay respects to their Elders past and present.*<br><br>*We recognise and respect their continuing connections to climate, Culture, Country and waters and we also pay our respects and acknowledge all Aboriginal and Torres Strait Islander peoples and their Elders present here today, in acknowledging their journey.* | |
| 2. | **Membership Nomination for Recommendation and Endorsement**<br><br>• Settlement Service International (SSI) submitted an Expression of Interest to join the committee, aiming to collaborate with the council and advisory groups to understand the needs of multicultural communities. The committee approved SSI's membership nomination.<br><br>• Hamish Fernando, a Multicultural Practice Advisor from the Department of Justice and Community Safety, Victoria, applied for membership. Hamish demonstrated a strong commitment to addressing multicultural issues and supporting asylum seekers. The committee approved Hamish's membership, noting his sister, | • Committee's recommendation for an SSI representative and Hamish Fernando's membership to the Advisory Committee be included in the MAPSAAC Council report for Council's formal endorsement. |

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| | Cassandra Fernando, is the Federal Member for the Holt Electorate in Victoria.<br><br>• The Committee members in attendance requested that approval be obtained from members noted in meeting apologies for their absence. This action was completed, noting unanimous approval the Committee members concerned.<br><br>**Refugee Week Event 2024**<br><br>• An update was provided on the Refugee Week Event 2024 planning, scheduled for Saturday, 22 June 2024, at the Springvale Community Hub from 1:00pm to 3:00pm. The theme, "Finding Freedom: Family," highlights the resilience within refugee families. Planned activities include community stalls, cultural performances, Multicultural experiences, food tasting and more.<br>More details:<br>https://www.greaterdandenong.vic.gov.au/refugee-week-2024 | |
| 3. | **Sisterworks Empowering CALD Women and Community Impact.**<br><br>• Sisterworks, with 11 years of experience, has supported over 2500 women in Victoria through industry-specific training in warehousing and hospitality.<br><br>• A brief update was provided on the establishment of a manufacturing hub, set to launch in Springvale during Refugee Week.<br><br>• This initiative, part of a social enterprise, aims to provide employment opportunities for women by offering industry-specific training in warehousing and hospitality. The hub will collaborate with local businesses, with plans to employ women directly.<br><br>• The Manufacturing Hub will offer training facilities for forklift operation and industrial sewing, contributing to area refurbishment and providing valuable skills to participants. The space also encourages English conversation skills. An invitation to the hub's launch event, scheduled for June 21, will be circulated.<br><br>**Discussion & Comments:**<br><br>• Mayor Cr Formoso inquired about the number of employment connections SisterWorks has and suggested the possibility of advertising SisterWorks initiatives on trams, mentioning that she could facilitate this through The Hon Gabriel Williams, the Transport Minister.<br><br>• SisterWorks is actively seeking more partners and requested committee members to refer any potential partners they may know.<br><br>• Committee members noted that a lack of experience often hinders employment opportunities for women. They | |

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| | emphasized the initiatives by SisterWorks will help overcome this barrier. | |
| 4. | **Victorian Afghan Association Network (VAAN) activities and programs**<br>**(Nawroz Festival 2024)**<br><br>• Sarah Jeffry outlined VAAN's vision for a united and thriving Afghan-Australian community, free from discrimination, and its mission to coordinate Afghan Associations in Victoria to address community challenges and opportunities.<br><br>• VAAN office in central Dandenong serves as a community hub for Afghan community members in south-east Melbourne.<br>Services provided at the VAAN office include:<br>- Information and support on settlement services such as housing, health, welfare, legal, education, trauma, and mental health.<br>- Assistance with forms, emails, letters, and applications.<br>- Advocacy and referral to other appropriate services.<br>- Publishing community service directory guides in Dari and Pashtu languages.<br>- Conducting information awareness sessions and capacity-building programs.<br><br>• VAAN Nawroz Festival Update: Held at Dandenong Park on April 14, 2024, drawing around 5000 attendees.<br><br>**Discussion & Comments:**<br><br>• There was an extensive discussion among committee members regarding domestic violence concerns and Mayor Cr Lana Formoso expressed interest in exploring the possibility of further budget allocation for addressing domestic violence issues.<br><br>• Victorian Afghan Association Network representative emphasized the importance of maintaining financial independence for these women and SisterWorks mentioned their provision of pick-packing jobs and expressed a readiness to refer women in need to such employment opportunities. | |
| 5. | **Discussion: Unlawful residents in Victoria**<br><br>• This item was not discussed as Aran Mylvaganam (South-East Monash Legal Service) was unable to attend the meeting. | |
| 6. | **Council Plan 2025-2029: Community Champions**<br><br>• Representatives from Dandenong Council provided information about the ongoing community consultation 'Our City, Our Future.' They discussed the community's | |

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| | vision for 2040 and highlighted the importance of improving health and wellbeing.<br>• Outlined various opportunities for committee members to participate, including online activities, pop-up sessions, surveys, and community conversations.<br>• Activities were conducted during the meeting to gather feedback from committee members about their thoughts on Greater Dandenong.<br>• Detailed information on how to participate can be found on the Greater Dandenong website at: https://yoursay.greaterdandenong.vic.gov.au/our-city-our-future<br>• Requested that committee members take the information to their networks or groups. Also proposed the option of inviting a representative from CGD to speak to their groups and gather information for the Council Plan 2025-2029.<br><br>**Discussion & Comments:**<br><br>• Mayor Cr Lana Formoso highlighted that Greater Dandenong is considered the least active city and mentioned the "Make Your Move" initiative. This initiative is part of the Make Your Move Greater Dandenong Physical Activity Strategy 2020-2030, which has been developed and endorsed by Council to increase the physical activity levels of the community over the next decade. (More details: https://www.greaterdandenong.vic.gov.au/make-your-move-greater-dandenong-physical-activity-strategy-2020-2030 )<br><br>• Friends of Refugees representative emphasized the importance of raising awareness about available support services in Greater Dandenong and suggested creating a community information board, possibly in public spaces, to disseminate information to residents. Also highlighted the need for increased collaboration with other organizations, providing a platform for agencies to come together. | |
| 7. | **Other Business Updates**<br><br>• Chair informed the members about the successful Bring Your Bills event in Springvale hosted by South-East Community Links. Approximately 300 to 400 attendees participated, and Channel 9 featured the event on their Sunday night news. The upcoming event is scheduled for Friday, 9 August, at Dandenong Civic Centre.<br><br>• Back Your Neighbour flyers and postcards were distributed to each organization to promote the advocacy campaign. Committee members are encouraged to display them in their organizations and spread the word among community members to garner more signatures for the new petition.<br><br>• Mayor Cr Lana Formoso provided an update on the initiative to install 30,000 free NBN connections. The offer entails free NBN services until the end of 2025, | |

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| | aimed particularly at addressing the cost-of-living crisis affecting students without internet access. The criteria for application were also explained. | |
| | **Meeting close 11.35am**<br><br>Next meeting Tuesday 13 August in person at Springvale Community Hub Room 2 & 3<br>Time: 9.30-11.30am<br><br>Speakers will be:<br>1. Life Without Barriers – Liz Mulqueny/Lauren Riddle<br>2. Roz Blades AM – Community Member<br>3. Monash Health - Jacquie McBride<br>4. Friends of Refugees – Sri Samy<br>5. Ali Al Lawati (Community Member) | |

# 5 NOTICES OF MOTION

## 5.1 NOTICE OF MOTION NO. 38 - LGBTIQA+ ADVISORY COMMITTEE

**Responsible Officer:** Executive Manager Strategy Growth & Advocacy
**Author:** Cr Rhonda Garad

### Preamble

1. The purpose of this motion is to formalise Council's commitment to LGBTIQA+ inclusion by creating a dedicated advisory committee. This initiative aims to ensure that Council policies and practices are inclusive, equitable, and supportive of the LGBTIQA+ community.
2. Greater Dandenong Council is proud to support the rights and ambitions of the Lesbian, Gay, Bisexual, Transgender, Intersex, Queer, and Asexual (LGBTIQA+) communities. As a diverse and vibrant municipality, we are enriched by the social, cultural, and economic contributions made by LGBTIQA+ people who live in, work in, and visit the City of Greater Dandenong.
3. As an inclusive organisation, Council is dedicated to ensuring our City is safe, respectful, and welcoming for our LGBTIQA+ residents and visitors. Council recognises there are real struggles facing LGBTIQA+ communities, particularly those who experience other forms of discrimination and marginalisation.
4. Whilst the Council is already committed to the following actions, these cannot be effectively done without a meaningful method of engagement:

    1) Challenge discriminatory and antagonistic behaviours towards LGBTIQA+ communities.

    2) Engage with LGBTIQA+ communities in a manner that provides genuine opportunities for:

        a. Participation in decision making;

        b. Providing input into the responsiveness of existing services;

        c. Finding solutions to current unmet needs; and

        d. Developing community leaders to foster positive change.

    3) Collaborate with service providers and organisations to support the needs of LGBTIQA+ communities.

    4) Advocate to state and federal governments for appropriate supports and services to meet the needs of LGBTIQA+ communities.

    5) Celebrate days of significance for LGBTIQA+ communities.

### Motion

**That Council immediately commence the process of establishing a Dandenong-specific LGBTIQA+ Advisory Committee consisting of members of the Dandenong LGBTIQA+ community and relevant stakeholders.**

# 6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS

The principal purpose of this item in the Council Meeting Agenda is for Councillors to report on their attendance, observations or important matters arising from their liaison or representation with groups for which the Councillor has been formally appointed by Council. In accordance with the documented 'protocol' that applies to either liaisons or representatives, Councillors should raise matters of importance during this item. Other matters may also be reported.

If a Councillor chooses to speak, the name of the conference/event and the Councillor will be noted in the Minutes for that meeting. If a Councillor requires additional information on the conference/event to be listed in the Minutes, they must submit it in writing to a Governance staff member by 12.00pm the day following this Council Meeting.

Question time is provided to enable Councillors to address questions to members of Council staff. The guidelines for asking questions at a Council meeting are included in the current Governance Rules.

Councillors have a total of 15 minutes each to report on their attendances at meetings, conferences or events and to ask questions of Council staff.

# 7 URGENT BUSINESS

No business may be admitted as urgent business unless it:

a) relates to or arises out of a matter which has arisen since distribution of the Agenda; and

b) cannot safely or conveniently be deferred until the next ordinary meeting and unless agreed to by a majority of those Councillors present at the meeting.

# 8 CONFIDENTIAL BUSINESS

## 8.1 DANDENONG WELLBEING CENTRE & DANDENONG COMMUNITY HUB PROCUREMENT UPDATE - CONFIDENTIAL

**Responsible Officer:** Executive Director City Futures
Deputy Director Chief Engineer & Major Projects

**Attachments:**
1. CONFIDENTIAL REDACTED - Report [**8.1.1** - 11 pages]
2. CONFIDENTIAL REDACTED - Project Options Considered - DWC and DCH [**8.1.2** - 11 pages]
3. CONFIDENTIAL REDACTED - Strategic Assets - Estimates of Value - Draft [**8.1.3** - 16 pages]

This report contains an attachment which is deemed confidential under s 3(1)(a) of the *Local Government Act* 2020. It contains council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.
This report contains an attachment which is deemed confidential under s 3(1)(g) of the *Local Government Act* 2020. It contains private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets; or, if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

### Executive Summary

1. At Council's Meeting of 8 May 2023, Council resolved to proceed with the endorsed Dandenong Wellbeing Centre (DWC) detailed design and commence the procurement process for the project. This report provides additional information and recommends the procurement strategy pertaining to the appointment of the Head Contractor for the Dandenong Wellbeing Centre (DWC)
2. Due to the nature of commercial in confidence negotiations, the officer's detailed report and associated documentation is provided as attachments to this report and they are deemed to be confidential under section 3(1)(a) & (g) of the *Local Government Act 2020*.
3. If, in the course of consideration of this item, Councillors debate the contents of any of the confidential attachments, the meeting may be closed to the public by resolution under section 66 of the *Local Government Act 2020*.

## Officer Recommendation

**That Council:**

1. **NOTES the Dandenong Wellbeing Centre (DWC) capital project has commenced the procurement / public tender process, with an EOI process now complete;**
2. **APPROVES to continue the procurement / public tender process;**
3. **APPROVES the revised total project budget and funding strategy that aligns to the total estimated project cost, as outlined in the confidential section of this report;**
4. **NOTES that once the procurement / public tender process is complete, a tender recommendation report will come back to Council for consideration and direction for the appointment of a Head Contractor;**
5. **APPROVES the Dandenong Community Hub (DCH) capital project to continue the concept design process, requiring revision of the concept design to align with the budget allowed for in Councils Long-Term Financial Plan (LTFP), and to be funded based on the funding strategy outlined in the confidential section of this report; and**
6. **NOTES a further report will be forthcoming recommending the revised timing and process for community engagement and codesign in the revision of the DCH concept design.**

# 9 CLOSE OF BUSINESS