



**GREATER
DANDENONG**
City of Opportunity

MINUTES

ORDINARY COUNCIL MEETING

MONDAY 10 JULY 2017

Commencing at 7:00 PM

COUNCIL CHAMBERS

225 Lonsdale Street, Dandenong VIC 3175

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	MEETING OPENING	4654
1.1	ATTENDANCE	4654
1.2	OFFERING OF PRAYER	4654
1.3	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	4654
1.4	ASSEMBLIES OF COUNCIL	4655
1.5	DISCLOSURES OF INTEREST	4656
2	OFFICERS' REPORTS	4657
2.1	DOCUMENTS FOR SEALING	4657
	2.1.1 Documents for Sealing	4657
2.2	DOCUMENTS FOR TABLING	4659
	2.2.1 Petitions and Joint Letters	4659
2.3	CONTRACTS	4680
	2.3.1 Contract No. 1617-70 - Cleaning and Monitoring of Gross Pollutant Traps	4680
2.4	STATUTORY PLANNING APPLICATIONS	4687
	2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662)	4687
	2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744)	4764
2.5	POLICY AND STRATEGY	4821
	2.5.1 Review of Procurement Policy	4821
	2.5.2 Review of Fixed Asset Accounting Policy	4857
2.6	OTHER	4876

2.6.1	Community Safety Advisory Committee (Membership endorsement)	4876
2.6.2	Proposal to Renew Lease of Ground Floor Restaurant at 23-33 Walker Street, Dandenong	4891
2.6.3	Victorian Ombudsman - Investigation into the transparency of local government decision making	4895
2.6.4	Report on Matters Discussed at Councillor Briefing Sessions - 13 June 2017	4902
2.6.5	List of Registered Correspondence to Mayor and Councillors	4905
2.6.6	Proposal to Lease Part of Council's Land at 397 Springvale Rd Springvale (Springvale Town Hall Building) For Use as a Substation	4908
3	NOTICES OF MOTION	4915
3.1	Notice of Rescission Motion No. 24 - Town Planning Application - No. 84 Harwood Road, Bangholme (Planning Application No. PLN16/0072)	4915
3.2	Notice of Motion No. 25 - Greater Dandenong Council taking a role reducing soft plastics pollution	4936
3.3	Notice of Motion No. 26 - Working with community organisations in Greater Dandenong to further gambling reform	4941
3.4	Notice of Motion No. 27 - Establishing a consistent and transparent process for providing Councillors with the basis of officer recommendations for the membership of community based advisory/reference committees and boards.	4944
3.5	Notice of Motion No. 28 - Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017	4946
4	REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS	4949
5	QUESTION TIME - PUBLIC	4968
6	URGENT BUSINESS	4970
6.1	Donation to the Sri Lankan Flood Relief Assistance Program	4971

1 MEETING OPENING

1.1 ATTENDANCE

Apologies

Cr Roz Blades AM (Leave of Absence)

Cr Angela Long (Leave of Absence)

Cr Zaynoun Melhem

Cr Loi Troung

John Bennie PSM (Chief Executive Officer)

Councillors Present

Cr Jim Memeti (Chairperson)

Cr Youhorn Chea, Cr Tim Dark, Cr Matthew Kirwan, Cr Sean O'Reilly, Cr Maria Sampey, Cr Heang Tak

Officers Present

Jody Bosman, Acting Chief Executive Officer; Craig Cinquegrana, Acting Director Engineering Services; Mick Jaensch, Director Corporate Services; Paul Kearsley, Group Manager Greater Dandenong Business and Acting Director Community Services; John Prendergast, Acting Director City Planning, Design and Amenity

1.2 OFFERING OF PRAYER

All present remained standing as Imam Mehmet Salih Dogan from the Emir Sultan Mosque, Dandenong, a member of the Greater Dandenong Interfaith Network, read the opening prayer:

"In the name of Allah, in the name of God the most gracious, the most merciful. All praise and thanks are God's the Lord of the mankind. The most gracious, the most merciful, the only owner the day of Resurrection. You alone we worship and you alone we ask for help for each and everything. Guide us to the straight way, the way of those on whom you have bestowed your grace not the way of those who earned your anger. Amen."

1.3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting of Council held 26 June 2017.

Recommendation

That the minutes of the Ordinary Meeting of Council held 26 June 2017 be confirmed.

MINUTE 276

Moved by: Cr Youhorn Chea

Seconded by: Cr Heang Tak

That the minutes of the Ordinary Meeting of Council held 26 June 2017 be confirmed.

CARRIED

1.4 ASSEMBLIES OF COUNCIL

The following assemblies of Council occurred in the period 16 & 22 June to 5 July 2017:

Date	Meeting Type	Councillors Attending	Topics Discussed & Disclosures of Conflict of Interest
16/06/17	Audit Advisory Committee	Matthew Kirwan (part), Jim Memeti, Maria Sampey (part)	- Audit Advisory Committee Meeting
26/06/17	Councillor Briefing Session	Youhorn Chea, Matthew Kirwan, Zaynoun Melhem, Jim Memeti, Sean O'Reilly, Maria Sampey (part), Heang Tak, Loi Truong	<ul style="list-style-type: none"> - Council officer meeting with Consul for India regarding possible business links and opportunities. - Links between Greater Dandenong Business and Victoria's Agribusiness Group Summit. - Progress report on proposed NPAC tiling works. - Executive staff updates. - Agenda items for the Council meeting of 26 June 2017.
27/06/17	Springvale Major Projects Advisory Group	Youhorn Chea, Matthew Kirwan, Sean O'Reilly	- Springvale Community Precinct Project - Stage 2 Design Development Presentation

03/07/17	Councillor Briefing Session	Youhorn Chea, Tim Dark (part – arrived 5.55pm), Matthew Kirwan, Zaynoun Melhem, Jim Memeti, Sean O'Reilly, Maria Sampey (part – arrived 6.00pm), Heang Tak, Loi Truong	<ul style="list-style-type: none"> - Implementation of the Child Safe Standards across Council. - Public exhibition of the Community Wellbeing Plan. - Results of the 2017 Community Satisfaction Survey. - Springvale Community Precinct project update. - Draft Sustainable Buildings Policy. - Opening hours and arrangements for this year's Christmas and holiday period. - Issue of planning and building compliance with a current contractor (CONFIDENTIAL). - Seagull plague in Dandenong CBD and remedies being investigated. - Works currently being undertaken on Menzies Hall, Dandenong North. - Agenda items for the Council meeting of 10 July 2017.
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Recommendation

That the assemblies of Council listed above be noted.

MINUTE 277

Moved by: Cr Heang Tak

Seconded by: Cr Youhorn Chea

That the assemblies of Council listed above be noted.

CARRIED

1.5 DISCLOSURES OF INTEREST

Cr Jim Memeti disclosed a Conflict of Interest (an Indirect interest due to receipt of an applicable gift) in Item No. 6 Urgent Business (Cr Jim Memeti disclosed the interest at the start of this item), as he was recently a guest of the Sri Lankan Government in Sri Lanka. Cr Jim Memeti left the Chamber prior to discussion and voting on this item.

2 OFFICERS' REPORTS

2.1 DOCUMENTS FOR SEALING

2.1.1 Documents for Sealing

File Id:

Responsible Officer:

Director Corporate Services

Report Summary

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

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

Recommendation Summary

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

2.1.1 Documents for Sealing (Cont.)

Item Summary

There are five [5] items being presented to Council's meeting of 10 July 2017 for signing and sealing as follows:

1. A Section 173 Agreement of the Planning and Environment Act 1987 between the Greater Dandenong City Council and Melbourne Water Corporation, CIP (Perry Road) Pty Ltd and Fautari Properties Pty Ltd to ensure the land is developed in accord with Melbourne Water's requirements for a property in Perry Road, Dandenong South.
2. A Section 173 Agreement of the Planning and Environment Act 1987 between the Greater Dandenong City Council and D & A Project Management Pty Ltd as required by Condition 2 of Planning Permit PLN16/0314 issued on 10 June 2016 for a property in Oswald Street, Dandenong.
3. A letter of recognition to Chandoravann Dy, Community Services, for 10 years of service to the City of Greater Dandenong.
4. A Section 173 Agreement of the Planning and Environment Act 1987 between the Greater Dandenong City Council and Jan Goonewardene to ensure any ongoing maintenance required by the Environmental Audit is carried out in accordance with Condition 4.4 of Planning Permit PLN15/0679 and ensure the payment of an annual open space maintenance levy pursuant to condition 7 of Planning Permit PLN15/0679 for a property in Stanley Road, Keysborough; and
5. A Section 173 Agreement of the Planning and Environment Act 1987 between the Greater Dandenong City Council and Mang Ling Jong and Lung Ting Jong to ensure waste is collected from the land pursuant to Condition 4 of Planning Permit PLN14/0766 and to ensure payment of an annual open space maintenance levy pursuant to condition 7 of Planning Permit PLN14/0766 for a property in Stanley Road, Keysborough.

Recommendation

That the listed documents be signed and sealed.

MINUTE 278

Moved by: Cr Youhorn Chea

Seconded by: Cr Tim Dark

That the listed documents be signed and sealed.

CARRIED

2.2 DOCUMENTS FOR TABLING

2.2.1 Petitions and Joint Letters

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

Report Summary

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

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

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

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

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

2.2.1 Petitions and Joint Letters (Cont.)

Petitions and Joint Letters Tabled

Council received two [2] petition updates, one [1] new petition and no joint letters prior to the Council Meeting of 10 July 2017 as follows:

- No additional signatures have been recorded through the website Change.org requesting Council to establish additional early learning services to meet the growing needs of the community in Keysborough by 2018. *While these are not formal petitions to Council (i.e. they do not meet our guidelines), each submission received has been noted and has been forwarded to the relevant Council business unit for consideration.*
- 254 additional signatures through the website Change.org requesting the Cranbourne Pakenham Loop Train line Extension Includes Koo-Wee-Rup & Phillip Island. *While these are not formal petitions to Council (i.e. they do not meet our guidelines), each submission received has been noted and has been forwarded to the relevant Council business unit for consideration.*
- A new petition from 48 proponents requesting the provision of a Keep Clear zone on Police Road opposite Balfour Place, Noble Park North. This petition has been forwarded to the relevant Council business unit for consideration.
- 1 additional signature recorded through the website Change.org requesting Council to begin detailed design of an integrated, intergenerational Keysborough South Community Hub. *While these are not formal petitions to Council (i.e. they do not meet our guidelines), each submission received has been noted and has been forwarded to the relevant Council business unit for consideration.*

Recommendation

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

MINUTE 279

Moved by: Cr Youhorn Chea

Seconded by: Cr Heang Tak

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

CARRIED

2.2.1 Petitions and Joint Letters (Cont.)

DOCUMENTS FOR TABLING

PETITIONS AND JOINT LETTERS

ATTACHMENT 1

PETITIONS AND JOINT LETTERS

PAGES 19 (including cover)

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No of Petitioners	Status	Officer Response
20 June 17	<p>(Via Change.org) Begin detailed design of an integrated, intergenerational Keysborough South Community Hub</p> <p>Keysborough South needs Greater Dandenong Council to urgently start the detailed design of a integrated, inter-generational Keysborough South Community Hub (both neighbourhood house and children's service centre) to meet the needs of all ages and interests in a population of over 10,000 residents and still growing.</p> <p>Shameena Ahamed started this petition 2 months ago.</p>	<p>As date received (20/6/17) = 105</p> <p>As at 28/06/17= 106</p> <p>As at 5/07/16= 106</p>	New	<p>Forwarded screen-print from website to Acting Director Community Services 20/06/2017</p> <p>20/06/2017 Email sent to head petitioner advising a similar petition had been closed off on Change.org website in January 2017. This petition will be treated as new and reported on as per normal process for online petitions.</p> <p>Acknowledgement letter sent 20/06/2017.</p>

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No of Petitioners	Status	Officer Response
20 June 17	<p>COVER LETTER</p> <p>Dear Aaron Dyer and the council,</p> <p>The residents on Noble Street, Gaynor St and Simpson Street, Noble Park have received a letter regarding PLN 17/0060. This proposal is relating to the construction of four townhouses at 61 Noble Street, Noble Park.</p> <p>A number of us strongly object to the construction of four townhouses, with various views about what would be more appropriate (i.e. 2-3 town houses, single story houses). The current proposal is too crowded, and as per the plans submitted to the council, has too much coverage (82% vs the 60% standard in this area).</p> <p>The houses will increase the difficulty finding street parking, the number of cars driving through the area, and it will increase the noise in our relatively quiet neighbourhood. This proposal will mean that our neighbourhood is no longer the peaceful quaint neighbourhood we call home to live in.</p> <p>The double story houses will mean many of the neighbours next to, behind, and opposite will lose their privacy. And because of the high land coverage, the townhouses are only a couple meters from the neighbouring fences. This will decrease the value of many neighbouring houses.</p> <p>It was also upsetting to see that only 14 days was given to the residents.</p> <p>Many of us do not speak very good English, or do not have a good grasp of technology. This means that it has taken time for us to contact our children, our siblings or our friends to translate these documents, and also to look at and understand the plan. Many of us only sent letters opposing last week.</p> <p>More time needed to be, given when taking into consideration the audience and demographic of the area.</p> <p>We have taken time and given thought to this, and with the help of family and friends, we have investigated, translated and written responses to this proposal.</p> <p>The factors that we listed must be considered and we hope that the proposal is adjusted as wished for by the residents of Noble Street and Simpson St.</p> <p>This is the joint opinion of the residents most impacted. This proposal cannot be approved: if this is approved we will escalate the matter further, whether it's to another area in the council or to the news.</p> <p>Yours Truly,</p> <p>Residents of Noble Street, Gaynor Street and Simpson St, Noble Park.</p>	As received 20/06/17 = 15	New	<p>Referred to Acting Director City Planning, Design and Amenities 20/06/17, to be considered as part of the Statutory Planning process.</p> <p>Acknowledgement Letter sent to head petitioner 20/06/17.</p>

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No of Petitioners	Status	Officer Response
9 June 17	<p>COVER LETTER WITH PETITION:</p> <p>Re: Car Park Traffic Safety at Springvale Service for Children - access and egress visibility</p> <p>As I mentioned at our recent meeting, our Board of Management has become increasingly concerned about the risks of families being involved in a vehicle accident when entering or exiting the SSC car park. Our formal Risk Assessment is that we have a high likelihood of occurrence (based on recurring reports of "near misses") and a high rating of consequence (given the potential for injury, particularly to babies and young children, in a vehicle hit side on or from the rear).</p> <p>As Director, Vanessa Field has, over a lengthy period, been communicating with Council's traffic management staff and we have appreciated that there have been some attempts to alleviate our concerns. However, after consultation with families using the Service, the Board is now requesting two specific actions that we believe will significantly decrease the accident risk:</p> <ol style="list-style-type: none"> 1. Designate two car lengths on either side of the exit driveway as "No Standing" zones, marked obviously on the roadway additional to the usual pole signage; and 2. Replace the existing "No Entry" signs with larger versions set closer to the footpath (particularly bringing the sign on the west side of the exit driveway forward of the tree that partially obscures the current sign). <p>Current line markings (parking and bike lanes) on Lightwood Road continue unbroken across the SSC entrance and exit driveways, creating the impression that these are minor driveways when in fact there are likely more than 400 vehicle crossings per day. The continuous lines also infer that there is no problem if motorists park their vehicles with front or rear directly in line with the driveway edges. We believe these lines should discontinue either side of the proposed "No Standing" zones with 90° lines to the kerbs to clearly delineate the driveways / no standing areas.</p> <p>The SSC Board appreciates that Council has recently undertaken major works at the corner of Lightwood Road and Elm Grove adjacent to the SSC car park to slow the Lightwood Road traffic. However, we have now observed that traffic proceeding south-east towards Sandown Park is accelerating away from the Elm Grove chicane behind cars that proceed slowly, preparing to immediately turn into the SSC car park entrance. Right-turning cars are now often blocked by vehicles slowing for the traffic islands at Elm Grove as they travel north-west towards Springvale.</p>	As at 14/06/17 = 89	In progress	Acknowledgement letter sent to author of cover letter & head petitioner 13/06/17. Referred to Director Engineering Services 13/06/17.

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No of Petitioners	Status	Officer Response
	<p>PRAYER:</p> <p>PETITION TO THE CITY OF GREATER DANDENONG: ENTRY AND EXIT SAFETY AT SPRINGVALE SERVICE FOR CHILDREN</p> <p>As the parent and/or carer of a child attending the Springvale Service for Children (SSC), I am extremely concerned about the safety of Service users when entering and leaving the Council-provided car park. Cars parked on Lightwood Road adjacent to the SSC exit driveway block visibility of the "No Entry" signage and, when leaving the car park, of vehicles travelling along Lightwood Road, with the potential for a serious accident.</p> <p>To greatly improve this situation and reduce the risk of injury (or worse) to users of SSC services, I request the City to:</p> <ul style="list-style-type: none"> • Designate two car lengths on either side of the exit driveway as "No Standing" zones, marked obviously on the roadway additional to the usual pole signage; and • Replace the existing "No Entry" signs with larger versions, moving the sign on the west side of the exit driveway so that it is no longer partially obscured by the adjacent tree. 			

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No of Petitioners	Status	Officer Response
April 2017	<p>(Via Change.org) Residents of Keysborough request that Greater Dandenong Council, deliver on the promise to establish a new maternal and child health centre and kindergarten to meet the growing needs of our community by 2018. Prior Council commitments to our community have yet to be confirmed and delivered two years later. 23 March 2015 Council minutes pg.15963 " (e) When will the construction of the Hub be completed? It is difficult to answer this question at this point in time in the planning and consideration process without a confirmed location and building plans. It is obviously difficult to put an end date as to when the facility will be finished, ready to open and be occupied. However, Council has committed funding in its Long Term Financial Plan to work towards that in 2017/18."</p> <p>Maternal and Child Health Service (MCH) Walkability to the closest MCH centre, Keysborough Maternal Health on Cheltenham Rd is limiting our most disadvantaged residents without a car. 1) Residents in the southern area of Keysborough currently walk over 6 lanes (Dandenong Bypass) to access the closest MCH centre. Vic Roads reported in 2015 that this section of Dandenong Bypass carries over 36,000 vehicles per day. 2) The majority of residents in the southern area of Keysborough would have to walk over 2.5kilometres to access this current MCH or catch two separate buses. 3) Bus access for the most south-east corner of Keysborough is over a 600m walk which could be a struggle for a mother with a C-section. 4) The current MCH at Cheltenham Rd does not have sufficient space for parenting classes to take place so residents are asked to travel even further to other Council buildings.</p> <p>Four-year-old kindergarten To our latest knowledge, there are no vacant places available in 2017 within Keysborough for the four-year-old kindergarten. We are aware of at least a half a dozen residents sending their children to kindergarten in neighbouring suburbs. For Prep classes the Australian Education Union (AEU) strongly recommends a maximum of 23 students. In kindergartens, the teacher-student ratio is 1:11. Some of our Keysborough kindergartens hold up to 30kindergarten students in one session. This number of children is a rather overwhelming environment for children with additional needs. While the ratio is determined by the Department of Education and Training, Council should be providing the best possible ratio to benefit our youngest residents</p>	<p>As at 26/04/17 = 90</p> <p>As at 03/05/17 = 91</p> <p>As at 10/05/17 = 91</p> <p>As at 10/05/17 = 91</p> <p>As at 31/05/17 = 91</p> <p>As at 14/06/17 = 91</p> <p>As at 20/06/17 = 91</p> <p>As at 28/06/17 =91</p> <p>As at 5/07/17 =91</p>	In Progress	<p>Acknowledgement letter sent to D. Stayner 3/04/17.</p> <p>Referred to Acting Director Community Services 3/04/17.</p> <p>Letter sent 28/16/17:</p> <p>Dear Petitioners</p> <p>RE: PETITION – ADDITIONAL EARLY LEARNING SERVICES REQUIRED FOR KEYSBOROUGH BY 2018</p> <p>Thank you for your petition received through the website Change.org April 2017.</p> <p>The City of Greater Dandenong is committed to the provision of Early Years services for Keysborough South. Please find attached our responses to your questions.</p> <p>Residents of Keysborough request that Greater Dandenong Council, deliver on the promise to establish a new maternal and child health centre and kindergarten to meet the growing needs of our community by 2018.</p> <p>Prior Council commitments to our community have yet to be confirmed and delivered two years later. 23 March 2015 Council minutes pg.15963</p> <p>" (e) When will the construction of the Hub be completed? It is difficult to answer this question at this point in time in the planning and consideration</p>

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No of Petitioners	Status	Officer Response
	<p>3-year-old kindergarten</p> <p>Within Keysborough the 3year old kindergarten program (voluntary attendance) is full for 2017. As of 27th March 2017, the following kindergartens with 3-year-old programs had no vacancies, Keysborough Kindergarten, Bibunga Kindergarten and Corrigan Rex. For the first time, this year Freedom Club started a 3-year-old program which is also full. While we understand the priority within Council kindergartens is the 4-year-old kindergarten (funded 15hour program) our centres within Keysborough must have the capacity to extend the 3-year-old program to meet the population demand.</p> <p>In summary, the Keysborough community has waited in limbo for 11 months for the State Government budget promise of a Primary School site announcement. The community has no guaranteed funding yet of an opening date due to next year's State election. State Government politics should not delay Council's core function of delivering a new Maternal Health Centre and kindergarten for our community in 2018.</p> <p>Keep in mind today's one year old (born prior to 30th April 2016) will attend four-year-old kindergarten in 2020.</p>			<p><i>process without a confirmed location and building plans. It is obviously difficult to put an end date as to when the facility will be finished, ready to open and be occupied. However, Council has committed funding in its Long Term Financial Plan to work towards that in 2017/18."</i></p> <p>Council Response</p> <p>Council has committed funding to the Keysborough South Community Hub in the long term financial plan for 2017/18 and has been in negotiations to determine a suitable site.</p> <p>There is evidence of increased educational and social benefits for children and families when community services are collocated with school sites and Council has been liaising with the Department of Education and Training to identify opportunities for this collocation. The State government committed funding in the 2016-17 State Budget to purchase land in this area for a new school.</p> <p>Maternal and Child Health Service (MCH)</p> <p><i>Walkability to the closest MCH centre, Keysborough Maternal Health on Cheltenham Rd is limiting our most disadvantaged residents without a car.</i></p> <p>1) <i>Residents in the southern area of Keysborough currently walk over 6 lanes (Dandenong Bypass) to</i></p>

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No of Petitioners	Status	Officer Response
				<p>access the closest MCH centre. Vic Roads reported in 2015 that this section of Dandenong Bypass carries over 36,000 vehicles per day.</p> <p>2) The majority of residents in the southern area of Keysborough would have to walk over 2.5kilometres to access this current MCH or catch two separate buses.</p> <p>3) Bus access for the most south-east corner of Keysborough is over a 600m walk which could be a struggle for a mother with a C-section.</p> <p>There are thirteen Maternal and Child Health centres across the municipality, which offer the Key Ages and Stages program and new parent groups.</p> <p>To accommodate individual needs there are three maternal child health centres in Keysborough. Parents can also access any other centre across the municipality.</p> <p>The new community hub will also provide increased Maternal and Child Health Services.</p> <p>4) The current MCH at Cheltenham Rd does not have sufficient space for parenting classes to take place so residents are asked to travel even further to other Council buildings.</p> <p>Parenting groups are offered across the municipality. The Cheltenham Road is a</p>

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No of Petitioners	Status	Officer Response
				<p>single use facility and does not have room for groups.</p> <p>Parenting programs are currently provided at the Chandler Kindergarten and Springside Kindergarten sites. An increase of 5% in participation has been noted across the municipality in the last 12 months. As a result an additional two parenting programs have been implemented to meet demand within these sites.</p> <p>Four-year-old kindergarten</p> <p><i>To our latest knowledge, there are no vacant places available in 2017 within Keysborough for the four-year-old kindergarten. We are aware of at least a half a dozen residents sending their children to kindergarten in neighbouring suburbs.</i></p> <p><i>For Prep classes the Australian Education Union (AEU) strongly recommends a maximum of 23 students. In kindergartens, the teacher-student ratio is 1:11. Some of our Keysborough kindergartens hold up to 30 kindergarten students in one session. This number of children is a rather overwhelming environment for children with additional needs. While the ratio is determined by the Department of Education and Training, Council should be providing the best possible ratio to benefit our youngest residents.</i></p> <p>All children who have applied for a</p>

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No of Petitioners	Status	Officer Response
				<p>kindergarten program in the Keysborough area have received a place for 2017 either in a state funded kindergarten, community kindergarten or in a long day care setting that has funding to run a kindergarten program.</p> <p>Residents can choose up to three preference kindergartens in their local area. The majority of residents have received their first preference kindergarten in 2017. The City of Greater Dandenong's 2018 kindergarten enrolment first round offers will commence from the start of August 2017.</p> <p>The National Quality Framework (NQF) and Policy Reform Agenda for Early Childhood, determines educator to child ratios as a key factor in delivering quality education and care, allowing staff to give more individual attention to each child. In comparison to Prep classes in schools, Kindergartens have a much higher staff to child ratio. Kindergartens that accommodate 30 children employ three staff with varying qualifications in order to meet the standards set by the National Quality Framework. In addition Kindergartens who have identified children with additional needs can reduce the ratio by accessing the Kindergarten and Inclusion Support Subsidy (KISS) for individual children or contacting FKA for support with bicultural workers.</p> <p>3-year-old kindergarten</p> <p><i>Within Keysborough the 3year old</i></p>

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No of Petitioners	Status	Officer Response
				<p>kindergarten program (voluntary attendance) is full for 2017. As of 27th March 2017, the following kindergartens with 3-year-old programs had no vacancies, Keysborough Kindergarten, Bibungra Kindergarten and Corrigan Rex. For the first time, this year Freedom Club started a 3-year-old program which is also full.</p> <p>While we understand the priority within Council kindergartens is the 4-year-old kindergarten (funded 15hour program) our centres within Keysborough must have the capacity to extend the 3-year-old program to meet the population demand.</p> <p>In summary, the Keysborough community has waited in limbo for 11 months for the State Government budget promise of a Primary School site announcement. The community has no guaranteed funding yet of an opening date due to next year's State election. State Government politics should not delay Council's core function of delivering a new Maternal Health Centre and kindergarten for our community in 2018.</p> <p>Keep in mind today's one year old (born prior to 30th April 2016) will attend four-year-old kindergarten in 2020.</p> <p>Council encourages and supports kindergartens to run both funded and non-funded 3 year old kindergarten programs. Keysborough Kindergarten,</p>

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No of Petitioners	Status	Officer Response
				<p>Bilbungra Kindergarten, Corrigan Rex and Freedom Club Services have self-funded programs in addition to the state funded kindergarten program. Council supports the implementation of both state funded and non-funded three year old kindergarten programs throughout the municipality and will continue to advocate for ongoing funding and services to support the best start in life for all children.</p> <p>In Summary</p> <p>The City of Greater Dandenong continues to support families in the Keysborough area to access kindergartens and Maternal and Child Health services within Keysborough and across the municipality.</p> <p>In addition Council has increased its capacity to provide parenting programs at both Springside and Chandler kindergartens.</p> <p>Council appreciates the concerns raised by families for the provision of early years services and has been a strong advocate for the provision of a Primary School and collocated community facilities for Keysborough South. Council is working with State Government and kindergarten service providers to get the best community outcome for all children requiring access to early year's services and schooling in the Keysborough South area.</p>

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No of Petitioners	Status	Officer Response
				If you have any questions about this matter please contact Council's Acting Manager Community Wellbeing, Katharina Verscharen on 8571 1619 or email katharina.verscharen@cgd.vic.gov.au .

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No of Petitioners	Status	Officer Response
April 2017	<p>(via Change.org)</p> <p>Cranbourne Sky rail needs to go out to Koo-Wee-Rup build a 3 platform station (one side for metro other side for Vline with a Vline ticket box and even a bus terminal for both Local Bus's & Vline Bus's) there to allow a Vline to go down to Phillip Island then connect our Cranbourne train line to Pakenham from Koo-Wee-Rup to turn it into a loop to the city as we will have more trains and allows more people to travel more freely as there isn't really much of a public transport service out there in that area so you will have more of constant flow with the original Cranbourne trains and Pakenham trains doing the city loop & Cranbourne Pakenham Loop, also allows more trains stations to be built for easier access for people to utilise this will free up our over crowded car parking at Pakenham, Berwick, Merinda Park and Cranbourne Train Stations and also bring the traffic down out Phillip Island way as well especially during Christmas and other holiday periods and when the Phillip island grand prix is on as traffic does build up to a complete stop this also allows another form and safer transportation when Grand Prix is on also for people to travel to Phillip Island in the holiday period and to make our roads a bit more safer. I know that there is an existing train line that went from Cranbourne to Koo-Wee-Rup and all the way down to Leongatha at one point which needs to be extended to Phillip Island or at least Wonthaggi, but since these areas are rapidly growing I think it's a need for us as there is elderly people, people who don't drive would definitely uses the service also as I believe it's essential for the people out there, Tooradin also needs a train station as there is also no Public Transport on the Weekends also other areas of Outer South Eastern Suburbs such as Koo-Wee-Rup, Bayles and more surrounding townships down that way are also isolated on the weekends which is unfair.</p> <p>I know it will definitely bring more people to Cranbourne as they have the shopping centre, race course, Swimming Pools and Soon a Cinema...Also bring business to Pakenham & Narre Warren Fountain Gate Shopping Centre as well. I believe The Cranbourne Pakenham Loop would be essential to our community and definitely in need, also it will be great when or if Koo-Wee-Rup gets it's Domestic/International Airport as they would have a fully functioning Train Line that goes to and from the city, Dandenong will be also the Gate for the Cranbourne & Pakenham loop also with the V-Line Trains for Philip Island as well will make that airport really accessible for everyone to get there and fully functioning before it gets built which will become the ideal spot for the airport also it may prevent heavy traffic as we know from Experience</p>	<p>As at 03/05/17 = 261</p> <p>As at 10/05/17 = 365</p> <p>As at 17/05/17 = 535</p> <p>As at 31/05/17 = 586</p> <p>As at 7/06/17 = 706</p> <p>As at 14/06/17 = 726</p> <p>As at 21/06/17 = 731</p> <p>As at 28/06/17 = 846</p> <p>As at 5/07/17 = 1,100</p>	Completed	<p>Acknowledgement letter sent to head petitioner 09/05/17.</p> <p>Response provided by Director Engineering Services on 23/05/17 as follows:</p> <p>Dear Mr Dobson</p> <p>Thank you for your petition requesting the introduction of a metropolitan style train service to Phillip Island.</p> <p>The City of Greater Dandenong has and will continue to advocate strongly for improvements to the public transport system which provide greater service and options to improve mobility choice.</p> <p>As the requested infrastructure improvements are beyond Greater Dandenong's municipal boundaries, we believe those Local Government authorities who have the most to gain, such as the City of Casey, Cardinia Shire Council and Bass Coast Shire, should lead any advocacy efforts in this regard.</p> <p>The City of Greater Dandenong have a great working relationship with our neighbouring municipalities and is better positioned to play a supportive role, where and if necessary on this matter.</p> <p>Again, thank you for bringing this matter to our attention.</p>

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No of Petitioners	Status	Officer Response
	<p>going out to Avalon and Tullamarine Airports on how bad that traffic can get so using the train line out there will make it appealing to travellers as they will be dodging the traffic and hopefully reducing the traffic going out to this airport. We also need Larger Trains especially on the South Eastern train line I know that there is a new design for a train which is longer with more carriages but we need more trains consistently running also please consider a Double Decker Train like Sydney to give more room and seats for people.</p> <p>Thank you so much for reading this message I would love to see plans for this as it's definitely in need especially for the elderly who don't drive but allows them to have the freedom and a chance to catch a Vline train too Koo-Wee-Rup then a train to the city for the elderly Phillip Island & Koo Wee Rup people.</p>			

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

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

Date Received	Letter Content	No of Co-Signatures	Status	Officer Response

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

2.2.1 Petitions and Joint Letters (Cont.)

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

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

2.2.1 Petitions and Joint Letters (Cont.)

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2.2.1 Petitions and Joint Letters (Cont.)

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2.3 CONTRACTS

2.3.1 Contract No. 1617-70 - Cleaning and Monitoring of Gross Pollutant Traps

File Id: qA 365776
Responsible Officer: Director Engineering Services

Report Summary

This report outlines the tender process undertaken to select a suitably qualified and experienced contractor for the provision of **Cleaning & Monitoring of Gross Pollutant Traps** within the City of Greater Dandenong. This is a Schedule of Rates based contract.

Recommendation Summary

This report recommends that Council awards Contract 1617-70 to **R.A. Bell & Company Pty Ltd** for a Schedule of Rates as tendered for an initial term of two (2) years from the date of commencement with an option to extend the contract by three (3) twelve month periods at the sole and absolute discretion of Council.

The estimated expenditure for this contract over the possible five year contract term is Five Hundred and Sixty Eight Thousand, One Hundred and Twenty Five Dollars (\$568,125.00) including GST of \$51,647.73.

2.3.1 Contract No. 1617-70 - Cleaning and Monitoring of Gross Pollutant Traps (Cont.)

Introduction

The City of Greater Dandenong has at number of Gross Pollutant Traps (**GPTs**) at strategic locations throughout the Municipality to reduce the volume of waterborne pollutants such as industrial, commercial and domestic litter, vegetation and coarse sediments entering water courses and streams, and eventually Port Philip Bay, via the underground stormwater drainage system.

The purpose of this contract is to provide the Council with the operational capability to ensure that its Gross Pollutant Traps (GPTs) are cleaned and maintained to ensure maximum efficient operation.

To maintain the efficiency the GPTs must be cleared regularly, therefore Council is seeking the services of a suitably qualified contractor for the cleaning of gross pollutant traps (GPTs) within the Municipality.

The scope of the services will include all supervision, labour, materials, plant, equipment, overheads and profit for the cleaning and monitoring of GPTs including:

- a. Removal and disposal of all pollutant material from the GPTs;
- b. Cleaning and monitoring of the GPTs in accordance with Council's supplied schedule;
- c. Carrying out the services in a manner that is environmentally sensitive;
- d. Provide to the Supervisor, in respect of each GPT, an estimate of the volume and composition (ie. sediment, gross litter and vegetation) of the material collected;
- e. Carry out the services at times and with processes that will minimise disruption and inconvenience to road and footpath traffic and to adjacent properties.
- f. All works under this contract will be carried out to the satisfaction of the Superintendent and any other requirements within this contract as set out in the Specification to the complete satisfaction of Contract Supervisor.

Tender Process

This tender was advertised in the Age Newspaper and on Council's website on Saturday 25 February 2017 and at the close of tenders at 2:00PM Tuesday 14 March 2017 four (4) tender submissions were received as follows:

1) R.A. Bell & Company Pty Ltd trading as Bell Storm Water

2) Environmental Services Group Pty Ltd

3) GMA Waste Water Pty Ltd

4) Veolia Water Technologies (Australia) Pty Ltd

Tenderers were requested to submit a schedule of rates per site for the cleaning and the monitoring services of Council's Gross Pollutants Traps (GPTs) as specified in Schedule 1 – Schedule of Rates (Appendix A) of the tender documents.

2.3.1 Contract No. 1617-70 - Cleaning and Monitoring of Gross Pollutant Traps (Cont.)

The Schedule of Rates offered are not subject to cost adjustment (rise and fall) in the first year of the contract term. Thereafter, the specified unit rate/prices shall be subject to cost adjustment in accordance with the Services General Conditions – Short Form and the Australian Bureau of Statistics Consumer Price Index.

Tender Evaluation

The evaluation panel consisted of Council's Service Unit Leader – Works, Fleet & Cleansing, the Team Leader Works Services Unit, Infrastructure & Utilities Contracts Coordinator and the Contracts Officer, with Occupational Health & Safety and Environmental Management consultants providing specialist advice.

The Tenders were evaluated using Council's Weighted Attributed Value Selection Method.

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

	Evaluation Criteria	Weighting
1	Price	40%
2	Capability	30%
3	Relevant Experience	30%
4	OH&S Systems (Pass / Fail)	Pass / Fail
5	Environmental System (Pass / Fail)	Pass / Fail

The Evaluation Criteria 4 and 5 are given a Pass or Fail. The Evaluation Criteria 1 – 3 are given a point score between 0 and 5 as detailed in the following table.

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

2.3.1 Contract No. 1617-70 - Cleaning and Monitoring of Gross Pollutant Traps (Cont.)

Each submission was assessed against all evaluation criteria, to ensure that the tenderers met the standards required for Council contractors. A fail in any criterion would automatically exclude tenderers from further consideration for this contract.

The weighted attribute points scores resulting from the assessment are shown in the following table:

Tenderer	Price Points	Non-Price Points	OH&S	EMS	Total Score
R.A. Bell & Company Pty Ltd trading as Bell Storm Water	0.86	3.00	PASS	PASS	3.86
Environmental Services Group Pty Ltd	1.14	1.65	PASS	PASS	2.79
GMA Waste Water Pty Ltd	0.39	2.10	Not Assessed	Not Assessed	2.49
Veolia Water Technologies (Australia) Pty Ltd	1.40	2.40	PASS	PASS	3.80

Note 1: The higher the price score – lower the tendered price.

Note 2: The higher the non-price score – represents better capability and relevant experience to undertake the service.

At the completion of the tender evaluation process described above the evaluation panel agreed that the tender submission from **R.A. Bell & Company Pty Ltd** would provide the Best Value outcome for Council for the following reasons:

Relevant Experience –

R.A. Bell & Company have over 20 years' experience providing the service of cleaning and monitoring Gross Pollutant Traps (GPTs).

They are currently operating seven (7) contracts for Melbourne Local Governments specifically cleaning and monitoring GPTs.

R.A. Bell & Company Pty Ltd listed a total of 19 past and current contracts specifically for the cleaning and monitoring of gross pollutant traps.

They have done and continue to provide an excellent service to Council cleaning and monitoring Gross Pollutant Traps (GPTs) for over 12 years.

Capability –

R.A. Bell & Company demonstrated their capability for this service contract by;

Having the most relevant past and current similar contracts where they specifically clean and monitor Gross Pollutant Traps (GPTs).

2.3.1 Contract No. 1617-70 - Cleaning and Monitoring of Gross Pollutant Traps (Cont.)

Offering adequate resources including:

- Four (4) nominated staff, including the Storm Water Manager, three (3) Storm Water Operators plus two trade assistants.
- Eight (8) plant items that are available for use with this contract including Crane Trucks and Combination trucks specifically required for the operation of this type of service.

R.A. Bell & Company are recognised industry leaders in the field of GPT cleaning and maintenance, with more experience than any of the other contractors and have numerous local government contracts both here and interstate. They currently service nearly all Councils in Melbourne's south eastern region and have successfully operated this contract for City of Greater Dandenong for the past 12 years.

Although both Environmental Services Group Pty Ltd and Veolia Water Technologies (Australia) Pty Ltd provided more competitive pricing in their tender submissions there was concerns about the lack of relevant experience (specific to GPT servicing and cleaning) and capability to meet the requirements of the contract compared to that of R.A. Bell & Company which has been reflected in the scoring of their non-price criteria by the tender panel.

Environmental Services Group's core business is pit and pipe cleaning & CCTV inspections (they are Council's current contractor for these services) however they have very limited experience in servicing and cleaning GPTs (with no specific contracts or amounts mentioned in their tender submission) and are proposing a one man operation for the works (that past experience tells us will require 2 persons in most instances).

Veolia Water Technologies are also well known to Council as the previous incumbent for the pit and pipe cleaning & CCTV inspection contract. Although Veolia Water Technologies did reference some current local government GPT works that were completed as part of a larger pit and pipe cleaning contract there were also some concerns around previous experience with this contractor. Therefore they were ranked lower for the non-price evaluation criteria of relevant experience and capability.

The evaluation matrix and other supporting documents have been placed in the relevant Objective Contract Procurement file.

Financial Implications

This contract is a schedule of rates contract. A budget for the Cleaning & Monitoring of Gross Pollutant Traps is included in the Roads and Drains operational sub-activity account number 2750 1200 2558 and 2750 1200 3700.

Adequate funding is budgeted for these services for the initial two year term of this contract to service both the workload and requirements of this contract.

Note: Schedule of Rates – A schedule of rates contract is one under which the amount that is payable to the contractor is calculated by applying an agreed schedule of rates to the quantity of work that is actually performed.

2.3.1 Contract No. 1617-70 - Cleaning and Monitoring of Gross Pollutant Traps (Cont.)**Consultation**

During the tender evaluation process and in preparation of this report, relevant Council Officers from Council's Operations Centre and Council's Occupational Health & Safety and Environmental Planning were all consulted.

Conclusion

At the conclusion of the tender evaluation process, the tender submission from **R.A. Bell & Company Pty Ltd** was assessed as representing the overall best value tender submission based on their Schedule of Rates pricing, Relevant Experience and Capability as reflected in the evaluation scoring.

R.A. Bell & Company Pty Ltd have also been providing this service to the City of Greater Dandenong for more than 12 years. During that time they have provided an excellent service and have proven to be a reliable contractor and they are the recommended tenderer for this contract and should be accepted for the following reasons:

- 1) Their conforming tender submission and overall well priced schedule of rates;
- 2) Their excellent level of relevant experience with more than 20 years' experience monitoring and cleaning Gross Pollutant Traps for Local Government organisations;
- 3) Their very good level of resources including operating the relevant plant and equipment required to carry out the works associated with cleaning and monitoring of Gross Pollutant Traps;
- 4) They have received a Pass for their Occupational Health and Safety (OH&S) and Environmental Management Systems;
- 5) They are registered and pre-qualified with Ipro Live.

Recommendation**That Council:**

1. **awards Contract No. 1617-70 for the provision of Cleaning & Monitoring of Gross Pollutant Traps within the City of Greater Dandenong to R.A. Bell & Company Pty Ltd at the tendered Schedule of Rates for an initial period of two (2) years;**
2. **reserves the option to extend the initial contract term by (3) three 12 month extensions at the sole and absolute discretion of Council; and**
3. **signs and seals the contract documents when prepared.**

2.3.1 Contract No. 1617-70 - Cleaning and Monitoring of Gross Pollutant Traps (Cont.)

MINUTE 280

Moved by: Cr Tim Dark

Seconded by: Cr Matthew Kirwan

That Council:

1. **awards Contract No. 1617-70 for the provision of Cleaning & Monitoring of Gross Pollutant Traps within the City of Greater Dandenong to R.A. Bell & Company Pty Ltd at the tendered Schedule of Rates for an initial period of two (2) years;**
2. **reserves the option to extend the initial contract term by (3) three 12 month extensions at the sole and absolute discretion of Council; and**
3. **signs and seals the contract documents when prepared.**

CARRIED

2.4 STATUTORY PLANNING APPLICATIONS

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662)

File Id:	580899
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Submitted Plans Objectors' locations Clause 22.09 Assessment Clause 52.06 Assessment Design Guidelines for Higher Density Residential Development Assessment

Application Summary

Applicant:	Taylors Development Strategies Pty Ltd
Proposal:	Development of the land for sixty six (66) dwellings (five (5) storey apartment building), use and development of the land for a convenience shop, reduction in the parking requirements of Clause 52.06 and loading and unloading requirements of Clause 52.07, alteration of access to a road in a Road Zone, Category 1, removal of easement (E2 Drainage and Sewerage).
Zone:	General Residential Zone Schedule 1 (GRZ1), abuts RDZ1
Overlay:	Design and Development Overlay Schedule 3 (DDO3)
Ward:	Red Gum Ward

This application has been brought to a Council meeting as it has received three (3) objections.

The application proposes the development of the land for sixty-six (66) dwellings within a five (5) storey apartment building, the use and development of a convenience shop and associated reduction in the parking requirements of Clause 52.06 and loading and unloading requirements of Clause 52.07, alteration of access to a road in a Road Zone, Category 1, and removal of an easement (E2 Drainage and Sewerage).

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

- General Residential Zone
- 32.08-2 use of a convenience shop

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

- 32.08-6 construct two or more dwellings on a lot
- 32.08-8 construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2 (convenience shop)
- Clause 52.02 removal of an easement
- Clause 52.06-3 to reduce the number of car parking spaces required under clause 52.06-5.
- Clause 52.07 to reduce the loading and unloading requirements
- Clause 52.29 to create or alter access to a road in a Road Zone Category 1

Amendment C182

The subject site will remain within a General Residential Zone Schedule 1 with changes to the Schedule proposed under the amendment.

Objectors Summary

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

Three (3) objections were received to the application. Issues raised generally relate to matters of:

- Insufficient on-site parking
- Impact on adjoining Dandenong Club car park
- 5 storeys too high/ overshadowing/ visual impact
- Impact on property values
- Noise from future residents
- Noise from traffic

Assessment Summary

The subject site is well suited for higher density housing. Given the subject sites gateway location at a major entry point into the municipality it is important to assess the appropriateness of the building in relation to its siting, design and visual prominence.

The development is considered to be respectful of the preferred neighbourhood character subject to conditions by way of siting, design, mass and bulk. Sufficient parking has been provided on site and the mixed-use building sits well within the context of the adjoining (commercial) and surrounding (residential) land uses.

The development complies with both the State and Local Planning Policy Framework, and will contribute to the diversity of housing choices available to suit the changing needs of the community.

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

Recommendation Summary

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

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

Subject Site and Surrounds

Subject Site

The subject site is located on the eastern side of Stud Road in Dandenong.

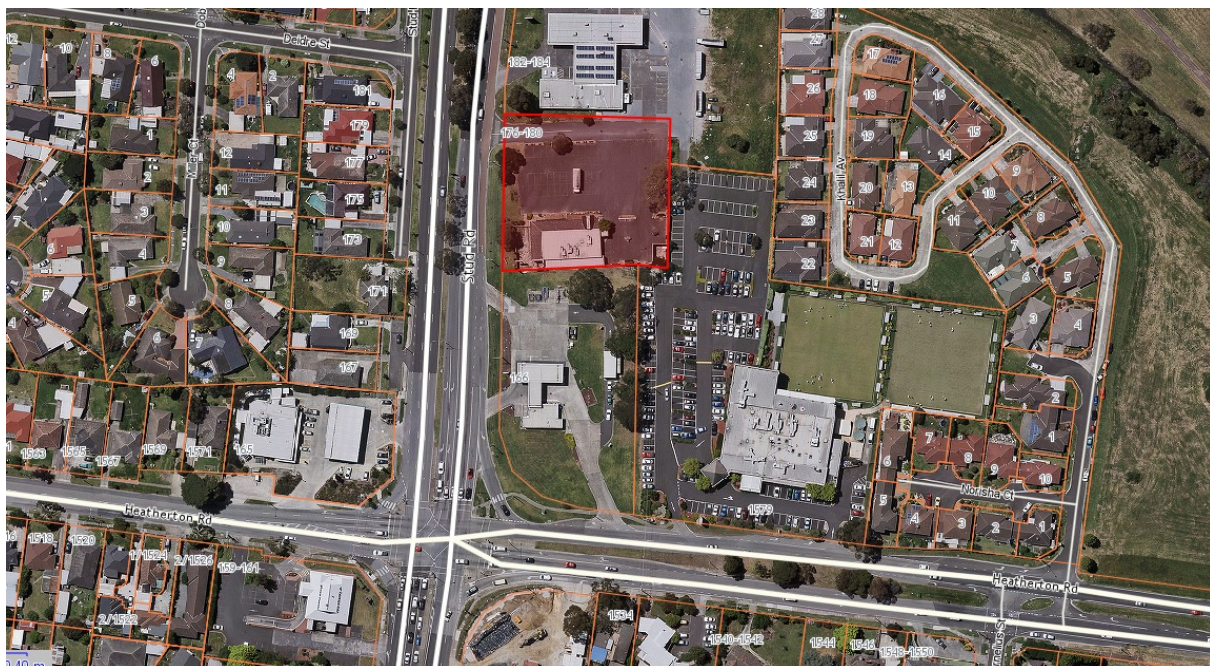
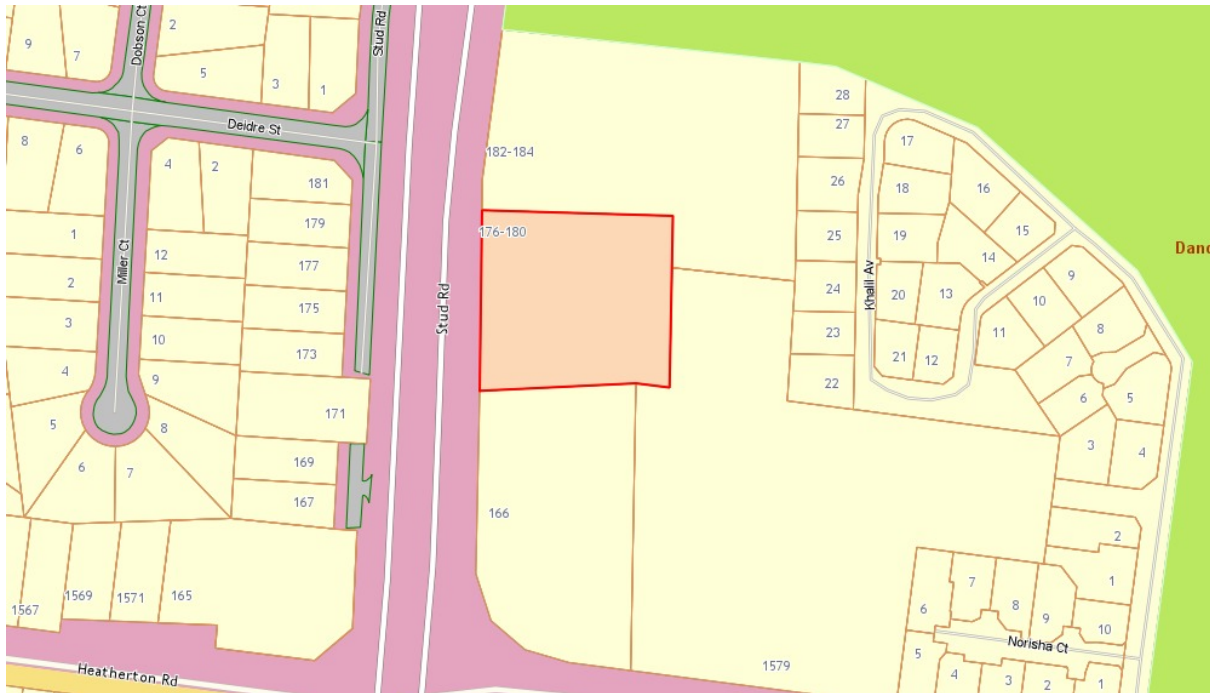
- The lot is generally square in shape with a frontage of 62 metres to Stud Road to the western boundary and depth of approximately 67 metres, yielding an overall site area of 4024 square metres.
- The site is currently developed with a single storey brick building sited adjacent to the south/west corner of the site and associated storage facility on the south/east corner with surrounding car parking. The site was previously used by the Bangholme Funeral Services.
- Access to the site is via a double crossover from Stud Road with internal access from the adjoining northern property adjacent to the eastern side of the site.
- A mature significant gum tree is located adjacent to the eastern boundary with other scattered trees adjacent to the northern and western sides of the site.
- Two (2) drainage and sewerage easements run through the site in a north/south direction adjacent to the western boundary.

Surrounding Area

- The surrounding land is zoned General Residential Zone.
- The site adjoins Stud Road to the west which is a six (6) lane arterial road.
- Located on the western side of Stud Road are residential dwellings.
- To the east (rear) the site adjoins the car park for the Dandenong Club with residential dwellings to the east of the car park.
- To the south the site adjoins a Shell petrol station located on the corner of Stud Road and Heatherton Road.
- To the north the site adjoins a Liberty petrol station and Subway Restaurant.
- Existing residential and commercial buildings within the immediate area are a maximum of two storeys high.
- To the south/west approximately 800 metres from the subject site is the Chisholm Institute and Dandenong Hospital.
- The Melbourne Water Recreational Reserve is located approximately 58 metres to the north/east on the western side of the Monash Freeway.

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

Locality Plan



2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

Background

Previous Applications

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

- Planning permit PLN09/0297 for the development of two (2) seven-storey buildings comprising a total of ninety-six (96) residential apartments as well as a basement car parking area and to develop and use the land for the purpose of six (6) convenience shops and reduced parking was issued on 29/10/2010;
- One Extension of Time was approved on 25/09/2012 extending the time to commence development to 29/10/2014 and complete 29/10/2016;
- A further extension of time was refused on 5/09/2014 and the permit has since expired.

Proposal

The application proposes the development of the land for sixty-six (66) dwellings within a five (5) storey apartment building, the use and development of the land for a convenience shop and associated reduction in the parking requirements of Clause 52.06 and loading and unloading requirements of Clause 52.07, alteration of access to a road in a Road Zone Category 1, and removal of an easement (E2 Drainage and Sewerage).

It is proposed to demolish the existing buildings on the subject site (no permit required) and develop the site with a mixed use building. Key details of the development and use are as follows:

Dwellings

The proposal seeks to construct a 5-storey apartment building with dwellings located on the first, second, third and fourth floors with car parking (undercroft) and a convenience shop located on the ground floor.

The dwellings consists of:

- 21 x One bedroom dwellings
- 43 x Two bedroom dwellings
- 2 x Three bedroom dwellings

Each dwelling is provided with a balcony directly accessed from main living areas with balcony areas ranging between 8 and 20 square metres.

Use/ development of a shop

The proposal includes a rectangular shaped convenience shop located at ground level on the front (western) side of the building with an overall commercial floor area of 96sqm.

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

Pedestrian access to the shop is via entrance doors at the front of the site. The shop is yet to be leased with no internal layout provided however the applicant has advised it is envisaged that the shop will be predominately used by residents of the apartments.

Built form

The building is of a contemporary design constructed of a mixture of external building materials consisting of timber cladding, weatherboards, and render with a flat roof and an overall building height: 18.26 metres.

Setbacks of the building are as follows:

	Grd Floor	1st Floor	2nd Floor	3rd Floor	4th Floor
North (side)	10.9m	8.5m	8.5m	8.5m	15m
East (rear)	3.5m	4.03m	4.03m	4.03m	17m
South (side)	zero	2.4m	2.4m	2.4m	7.7m
West (front)	13.7m	9.9m	9.9m	9.9m	14.4m

3 x 15,000 litre underground water tanks are proposed under the car park.

Pedestrian entry to the site is via a main entry lobby facing western (front) elevation to two (2) internal lifts and staircases.

Each level will contain the following:

Ground floor:

- Car parking/ bicycle facilities
- Retail space
- Main entry to dwellings (lifts & staircases)
- Services
- Waste storage

First floor

- 20 apartments (7 x 1 bedroom apartments & 13 x 2 bedroom apartments)
- 12 x storage cages of varying sizes located to the south/east section of the building.
- Central shared courtyard on the northern side of the building (7 apartments fronting the shared courtyard have POS areas adjoining the courtyard)

Second floor

- 20 apartments (7 x 1 bedroom apartments & 13 x 2 bedroom apartments)

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

- 12 x storage cages of varying sizes located to the south/east section of the building.

Third floor

- 20 apartments (7 x 1 bedroom apartments & 13 x 2 bedroom apartments)
- 12 x storage cages of varying sizes located to the south/east section of the building.

Fourth floor

- 6 apartments (4 x 2 bedroom apartments & 2 x 3 bedroom apartments)

Internal access to all levels is provided via 2 lifts and internal staircase centrally located plus 2 additional internal staircases which provide access to levels 1, 2 & 3 on opposite sides of the building.

Car parking/ access:

The proposal includes car spaces located directly at the front of the site, and within an undercroft car parking area for the residents with 9 car spaces accessed on the northern side of the building via external roller doors.

Car spaces are allocated as follows:

- Residents: 68 spaces
- Visitors: 13 (including 1 x disabled space)
- Shop: 3 spaces

Total car spaces provided: 84

A variation to the number of required car spaces for the convenience shop is sought.

Access to the site is proposed via the concrete crossover from Stud Road adjacent to the north/west corner of the site to a new shared driveway within the existing carriageway easement.

Bicycle provisions

The proposal includes 17 bicycle racks within the carpark area and 8 bicycle hoops located outside the main entry to the residential lobby.

Total bicycle spaces provided: 25

Vegetation Removal/ Landscaping

The proposal includes the removal of five (5) trees from the subject site which are considered to be non-indigenous to Victoria. The large gum tree adjacent to the eastern side of the site is proposed to be retained.

Landscaping is proposed adjacent to the boundaries with the majority of landscaping within a central communal courtyard area on the first floor and within the rear (eastern) communal garden area.

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

Easements

The proposal includes the removal of a drainage and sewerage easement on the site.

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

Victorian Charter of Human Rights and Responsibilities

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

Financial Implications

No financial resources are impacted by this report.

Planning Scheme and Policy Frameworks

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

General Residential Zone

- 32.08-2 use of a convenience shop;
- 32.08-6 construct two or more dwellings on a lot;
- 32.08-8 construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2 (convenience shop);

Clause 52.02 removal of an easement;

Clause 52.06-3 a permit is required to reduce the number of car parking spaces required under clause 52.06-5;

Clause 52.07 to reduce the loading and unloading requirements;

Clause 52.29 to create or alter access to a road in a Road Zone Category 1.

The relevant controls and policies are as follows:

Zoning Controls

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

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

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations*

A permit is required under:

- 32.08-2 for the use of a convenience shop
- 32.08-6 for the construct two or more dwellings on a lot
- 32.08-8 for the construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2 (convenience shop)

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

The purpose of Clause 52.29 is to:

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

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

Overlay Controls

The subject site is affected by Design and Development Overlay Schedule 3 – Dandenong Hospital Flight Path Protection (Outer).

The design objectives of DDO3 are:

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

A permit is not required to construct a building or construct or carry out works, which have a height of less than 62.9 metres above the Australian Height Datum.

As the proposed development has an overall building height less than the above specified height a permit is not required under DDO3.

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)**State Planning Policy Framework**

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

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

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

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

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

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

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

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

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

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

Clause 16.01-2 Location of residential development includes an objective that aims to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.

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

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

Local Planning Policy Framework

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

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

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

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

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

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

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

2. To respect and improve residential environments.

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

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

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

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

1. To facilitate high quality building design and architecture.

1.1. Ensure building design is consistent with the preferred character of an area and fully integrates with surrounding environment.

1.2. Encourage high standards of building design and architecture, which allows for flexibility and adaptation in use.

1.3. Encourage innovative architecture and building design.

2. To facilitate high quality development, which has regard for the surrounding environment and built form.

2.2. Promote all aspects of character – physical, environmental, social, and cultural.

2.3. Encourage planting and landscape themes, which complement and improve the environment.

2.4. Encourage developments to provide for canopy trees.

2.5. Recognising valued existing neighbourhood character and promoting desired future character as defined in the Residential Development and Neighbourhood Character Policy at Clause 22.09.

7. To protect and improve streetscapes.

7.1. Ensure that new developments improve streetscapes through generous landscape setbacks and canopy tree planting.

7.2. Ensure landscaping within private property that complements and improves the streetscapes and landscaping of public areas.

8. To ensure landscaping that enhances the built environment.

8.1. Encourage new developments to establish a landscape setting, which reflects the local and wider landscape character.

8.2. Encourage landscaping that integrates canopy trees and an appropriate mix of shrubs and ground covers and complements and integrates with existing or proposed landscaping in public areas.

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)**Clause 22.05 Greater Dandenong Gateways Policy**

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

The objectives of Clause 22.05-2 are:

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

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

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

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

Relevant details from that policy include the following:

- To guide the form of residential development that occurs in residential areas throughout Greater Dandenong, having regard to metropolitan policies and planning policies concerning urban form and housing, while respecting valued characteristics of residential neighbourhoods throughout the municipality.
- To promote a range of housing types, in appropriate locations, to accommodate the future needs of the municipality's changing population.
- To improve the quality and standard of residential development that occurs throughout Greater Dandenong and the quality, sustainability and standard of onsite landscaping provided in residential developments.
- To encourage high quality, creative and innovative design that makes a positive contribution to the streetscape.
- To encourage varied forms and intensities of residential development in appropriate locations throughout Greater Dandenong, having regard to metropolitan policies promoting urban consolidation and increased densities, and existing neighbourhood character.
- To encourage higher densities and forms of development in preferred strategic locations that have good access to existing public transport and the Proposed Public Transport Network (PPTN), commercial, community, educational and recreational facilities.

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

- To ensure that the siting and design of new residential development takes account of its interface with existing residential development on adjoining sites and responds to the individual circumstances of its site and streetscape it is located within.
- To implement the City of Greater Dandenong Neighbourhood Character Study (Sept 2007).

Clause 22.09-3 provides design principles which consider matters such as: housing form; height; bulk; site coverage; permeable site area; front setback; side and rear setbacks; private open space; car parking; landscaping; and, front boundary treatment. An assessment against this clause is included as Attachment 3.

It is noted that a number of the principles also relate to the variances to the requirements of standards to Clause 55 under the Schedule to the General Residential Zone.

Particular Provisions

Clause 52.02 Easements, Restrictions and Reserves should be considered. The purpose of this provision is:

- To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

A permit is required before a person proceeds Under Section 36 of the *Subdivision Act 1988* to acquire or remove an easement or remove a right of way.

The proposal includes the removal of E2 drainage and sewer easement adjacent to the western boundary.

Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people

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

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

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

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

The proposal seeks to use the building for the following:

- Dwellings & convenience shop.

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

Use	Rate
Dwelling	One (1) car parking space to each one (1) or two (2) bedroom dwelling; and
	Two (2) car parking spaces to each three (3) or more bedroom dwelling
	One (1) car parking space for visitors to every five (5) dwellings for developments of five (5) or more dwellings.
Convenience shop	10 to each premises

The proposal seeks a reduction the number of required car spaces for the convenience shop only with no reduction required in relation to the proposed apartments.

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

An assessment against this clause is included as Attachment 4.

Clause 52.07 Loading and unloading of vehicles

The purpose is to:

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

Pursuant to the requirements of Clause 52.07 a permit maybe granted to reduce or wavier the requirements if either:

- The land area is insufficient
- Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.

The proposal is seeking a reduction to the loading and unloading requirements.

Clause 52.17 Native Vegetation must be considered, the purposes of this provision are:

- To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

- Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.
- Minimise impacts on Victoria's biodiversity from the removal of native vegetation.
- Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.
- To manage native vegetation to minimise land and water degradation.
- To manage native vegetation near buildings to reduce the threat to life and property from bushfire.

Pursuant to Clause 52.17-2 a permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.
- To an area specified in the schedule to this clause.

Whilst the proposal does not require the removal of any native vegetation and therefore does not trigger a permit under 52.17-2, a significant Eucalyptus is being retained on the site and will need to be adequately protected to ensure the health and structure of the tree is not detrimentally impacted upon as a result of the development.

Clause 52.34 Bicycle Facilities is relevant to the proposal. The purpose of which is:

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

A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

The table at Clause 52.34-3 sets out the required bicycle facilities that apply to the proposed uses of land as follows:

Use	Employee/ Resident	Visitor/ Shopper/ Student
Dwelling	In developments of four or more storeys, 1 to each 5 dwellings	In developments of four or more storeys, 1 to each 10 dwellings
Shop	to each 600 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres	1 to each 500 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

Note: The proposed convenience shop is not specifically listed within the table at Clause 52.34, however under the nesting diagrams (Clause 75) a convenience shop is listed under a shop and as the proposed convenience shop has a leasable floor area less than 1000sqm bicycle facilities are not required to be provided for this use.

The proposal includes 25 bicycle spaces in excess of the required number of bicycle facilities for the use of the dwellings.

The requirements of **Clause 52.35 – Urban Context Report and Design Response for Residential Development of Four or More Storeys** need to be considered under this application. The purpose of that Clause is;

To ensure that an urban context report is prepared before a residential development of four or more storeys is designed and that the design responds to the existing urban context and preferred future development of the area.

The Clause continues to detail application requirements for an urban context report and design response.

An assessment against this clause is included as Attachment 5.

General Provisions

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

Proposed and Gazetted Planning Scheme Amendments

Planning Scheme Amendment C182, VC110 and VC136 affect the proposal which is explained below:

Amendment C182 – Greater Homes, Greater Neighbourhoods

Amendment C182 to the Greater Dandenong Planning Scheme was heard at a panel meeting on Tuesday 14 June, 2016. At Council's meeting on 22 August 2016, Council resolved to:

- *receives the Panel Report prepared in response to submissions made to Amendment C182 to the Greater Dandenong Planning Scheme and considers its recommendations in accordance with Section 27(1) of the Planning and Environment Act 1987 as outlined in the report;*
- *adopts the position recommendations of the Panel Report as set out in the report;*
- *adopts Amendment C182 to the Greater Dandenong Planning Scheme in accordance with Section 29(1) of the Planning and Environment Act 1987, incorporating the changes to Amendment C182 recommended in the report;*
- *forwards the revised Amendment C182 documentation to the Minister for approval in accordance with Section 31(1) of the Planning and Environment Act 1987; and*
- *advises all submitters accordingly.*

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

The amendment applies to all land in the Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone in the City of Greater Dandenong.

The Amendment proposes to implement the fundamental recommendations of the *Greater Dandenong Residential Planning Policy and Controls Project 2015* to improve the operation of planning policy and controls across all residential areas in Greater Dandenong to ensure that they achieve a variety of housing types and built form outcomes that meet high amenity and design standards and accommodate expected population growth.

The subject site will remain within a General Residential Zone Schedule 1 with changes to the Schedule proposed under the amendment.

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

Planning Scheme Amendment VC110 was gazetted by the Victorian State Government on 13 April 2017. This amendment introduced:

- Mandatory minimum garden areas; and
- Maximum building heights of 11 metres or no more than three (3) stories.

The amendment included Transitional provisions which details as follows:

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

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

It is identified that the application was submitted on 6 September 2016 before the 27 March 2017 Gazettal of the amendment and therefore the amendments under VC110 do not apply to this application.

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

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

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

The amendment included Transitional provisions which details as follows:

“Clause 58 does not apply to:

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

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

It is identified that the application was submitted on 6 September 2016 before the 13 April 2017 Gazettal of the amendment and therefore the amendments under VC136 do not apply to this application.

Restrictive Covenants

The subject site is affected by a restrictive covenant created by Instrument No. N401639V, which seeks to protect easements in favour of the Gas and Fuel Corporation of Victoria or its successors beneath which lay pipelines for the purposes of conveying liquid or gaseous hydrocarbons. The proposal will not breach this covenant as no part of the proposed buildings will encroach upon any of the easements on the site.

In addition, a carriageway easement is located along and within the northern boundary of the subject site for the benefit of the property to the north (petrol station) and east (Dandenong Club). This is not being affected as it is to be used for access to the subject site's undercroft car parking as well as remaining unobstructed for use by the northern property, as required.

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

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

Diversity (Access & Equity)

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

Community Safety

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

Safe Design Guidelines

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

Referrals

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

External Referrals	Advice/Response/Conditions
Vic Roads	No objections subject to conditions

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

Melbourne Water	No objections subject to conditions
Multinet Gas	No objections no conditions
South East Water	No objections subject to conditions

Internal

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

Council Referrals	Advice/Response/Conditions
Bushland and Garden (Arborist)	No objections subject to conditions
Asset Planning	No objections subject to conditions
Building Services	No objections
Civil Development	No objections subject to conditions
ESD/ Sustainability	No objections subject to conditions
Transport Planning	No objections subject to conditions
Urban Design	Comments provided - Conditions required
Waste Management	No objections subject to conditions

Advertising

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

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

The notification has been carried out correctly.

Council has received three (3) objections to date.

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

The location of the objectors is shown in Attachment 2.

Consultation

A consultative meeting was held on 9 March 2017, with the applicant, objectors and Council representatives in attendance. Whilst the issues were discussed at length there was no resolution and the objections stand as received.

Summary of Grounds of Submissions/Objections

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

- **Insufficient on-site parking**

Whilst the proposal seeks a variation to the required number of car spaces this relates only to the proposed convenience shop with a variation of seven (7) spaces sought. The applicant has advised that the shop will be predominantly used by residents of the apartments. The required number of car spaces associated with the number of dwellings including visitor spaces has been provided and overall it is considered the extent of onsite car parking is considered reasonable to allow.

- **Impact on adjoining Dandenong Club car park**

The proposal is for a combined development and use on the subject site with no proposal to use the adjoining car park associated with the Dandenong Club to the west of the site. Sufficient parking has been provided on the subject site for the proposed development/ use and Officers are satisfied that there will not be any overflow parking on neighbouring properties.

- **5 storeys too high/ overshadowing/ visual impact**

The development will have a maximum building height of five (5) storeys and whilst it is acknowledged that there are no other five (5) storey developments within the immediate area the location of the site adjoining Stud Road to the west and Heatherton Road further to the south along with the commercial nature of the surrounding land uses (petrol stations/ Dandenong Club/ convenience restaurants) lends itself to a more higher form of development with no directly adjoining sensitive land uses such as dwellings that maybe detrimentally impacted upon.

- **Impact on property values**

Property values are not a planning consideration.

- **Noise from future residents**

As mentioned previously the site does not directly adjoin any residential dwellings with the nearest residential dwelling located approximately 43 metres to the east on the opposite side of the Dandenong Club car parking area and 47 metres to the west on the opposite side of Stud Road.

Residential noise associated with a dwelling is considered normal and reasonable in an urban setting with the subject site and surrounding area zoned General Residential. Any future issues of amenity, if they arise should be pursued as a civil matter.

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

- **Noise from traffic**

It is not considered that the proposed development would result in any significant increase in noise from traffic generated as a result of the development as the site does not adjoin any sensitive uses (dwellings).

Assessment

It is noted that as the development is five storeys the objectives, standards and decision guidelines of Clause 55 do not apply with Clause 52.35 applying as the application maintains transitional provisions brought in under amendment VC136. In addition the garden area as required under amendment VC110 is not applicable as the application maintains transitional provisions.

Use

The proposed use of the site for dwellings does not require a permit, however the commercial use/ development in the form of a convenience shop at the front of the site does trigger a permit under the General Residential Zone.

The applicant has not provided details of any business that will be leasing the site as this is yet to be determined so extensive details of the use in relation to hours of operation/ business details/ number of employees etc. have not been provided however it is envisaged that the convenience shop will predominantly be used by residents of the apartment building and given the adjoining commercial developments is considered reasonable to allow. Overall the scale of the proposed use is considered minimal and will not be highly visible on the streetscape generating very little traffic from passing motorists.

The use at ground level seeks to ensure that personal safety and property security is enhanced and maintains causal surveillance to the street and surrounds. The location of the use adjacent to Stud Road will achieve activation of the building to the street to the extent that there will be high level of public activity and private surveillance of this area adding to public safety.

General conditions relating to the use of the site can be included on any permit issued.

Development

The development proposes a total of sixty-six (66) dwellings within a five (5) storey mixed use building on the subject site.

In terms of built form, the subject site is set in a context which is characterised by non-residential land uses even though it is on residential-zoned land. This isolated location from nearby existing residential developments means that there would be no direct adverse impacts on adjoining residential land uses.

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

In addition the site is located within the Stud Road Principal Transport Network and is located on a site which is considered as a “gateway” site. The scale and architectural presentation of the proposal would enable future visitors to Dandenong travelling south towards the Dandenong Central Activities Centre from the Monash Freeway interchange with Stud Road to experience a sense of arrival to Dandenong.

The subject site is also located within a significant ‘landscape dominant gateway’ pursuant to Clause 22.05. As the development will have a building height of five (5) storeys landscaping will be critical to ensure the proposed development blends in with the surrounding landscape features of nearby reserves.

The proposed building height of five (5) storeys whilst being significantly higher than the two (2) storey preferred building height under Clause 22.09-3.2 is considered acceptable. The departure from the preferred two (2) storey height is acceptable due to the adjoining commercial developments to the north, south and east and lack of directly adjoining sensitive land uses (dwellings) which reduces any potential amenity impacts such as overshadowing, overlooking and visual appearance of the building. Direct access to a major arterial road (Stud Rd) to the west is also of benefit for a higher form of development.

It is considered that the proposed development has achieved an appropriate balance of development and landscaping on the site with sufficient setbacks from the boundaries and little on boundary development. The large significant Eucalypt tree adjacent to the eastern side of the site is being retained which allows the development to integrate well with the site and surrounding landscape. The retention of this tree will also allow for an increased setback to the eastern boundary with this area forming a communal garden. The tree is visually prominent when travelling in a northern direction past the subject site along Stud Road and east/west along Heatherton Road due to the slope of the land.

The Dandenong Creek trail and Melbourne Water Reserve are located approximately 69 metres to the north/east from the subject site which forms a significant green spine that is visible through the subject site when looking north from Heatherton Road it is considered that the proposed extent of landscaping on the site and retention of the tree will soften the appearance of the building.

The proposal seeks a minimum setback of 2.4 metres from the southern boundary to the first, second and third floors which is considered inadequate.

The setback creates internal and external amenity impacts and it is recommended that the the first to the third storeys are setback no less than a minimum of 4 metres from the southern boundary. This can be done by reducing the proposed width of the northern driveway and shifting the entire building footprint towards the north which can be addressed as a permit condition. The setback would allow for greater landscaping along the southern boundary and provide some amenity protection should the adjoining southern property be redeveloped in the future.

The construction materials and external finishes to the building are reflective of the existing palette of materials within the locality. The external elevations have been broken up through the use of varying external building materials providing depth and a level of visual interest to the elevations which assists in minimising the bulk of the building.

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

Whilst the style of the building is contemporary the development will not appear out of context with the established streetscape creating a unique and appealing building which has utilised a combination of external finishes and colours designed to excite and create visual interest when viewed from Stud Road and the surrounding area.

Whilst the proposed development will be unique in terms of being the only current 5 storey building within the immediate area; the development is considered to contribute to an improved urban character whilst still being respectful the existing surrounding residential interface.

A central shared courtyard area to the first floor on the northern side breaks up the building providing a large communal area for future residents to enjoy. The courtyard will provide an outlook to dwellings on the first floor directly fronting this area whilst also ensuring the dwellings on the upper levels (2nd, 3rd and 4th) have greater access to northern light.

Access to the site via the existing crossover and carriageway easement located on the northern side of the site lessens the impact on the streetscape, however the minimal setback between the car parking area at the front of the site and front boundary to Stud Road provide little in the way of significant landscaping this area can be conditionally required to be increased which will assist in softening the appearance of built form and hard surface area on the streetscape.

Sufficient solar access is provided to the dwellings with large windows and balconies allowing for a reasonable amount of natural light into the dwellings, however some of the dwellings have been provided with balconies with depths of only 1.5 metres and sizes below the minimum 10 sq. metre requirement under Clause 22.09 (amended) which is considered minimal restricting the useability of these balconies. A condition can be placed required the balconies affected to be increased to a minimum of 2 metres in width with a minimum area of 10 sq. metres (Condition 1.4).

Car Parking

Car parking for the proposal has been provided in the form of undercroft parking for the residents. Visitor and shop parking is directly at the front of the building and parking on the northern side of the building accessed via roller doors for the residents.

Access to the site will be via the existing crossover and carriageway easement adjacent to the northern side of the site. As the development is altering access to a road in a Road Zone Category 1 (Stud Road) a referral to VicRoads was required. VicRoads have advised they have no objections to the proposal subject to vehicles being able to enter and exit the site in a forward's direction. It is considered that the proposal complies with this requirement with sufficient turning areas provided within each of the car parking areas.

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

Pursuant to Clause 52.06-5 the following car parking rates are applicable to the proposed uses (dwellings and convenience shop):

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

Use	Rate	Proposal	P a r k i n g requirement	Proposed parking
1 or 2 bedroom dwellings	1 space per dwelling	62 dwellings	62	66
3 or more bedroom dwellings	2 spaces per dwelling	2 dwellings	4	
Visitors to dwellings	1 space for every 5 dwellings	Total of 66 dwellings	13	13
Convenience Shop	10 to each premises	96sqm of leasable floor area	10	3

Based on the above the proposal is seeking a car parking wavier of 7 of the car spaces to the convenience shop, with all required spaces provided to the residents and visitors of the dwellings.

The applicant has advised within the Transport Impact Assessment submitted that it is envisaged that the shop will be used primarily by residents within the apartment building and that the nature of a convenience shop is to have a high turnover providing speed and convenience for people with limited time, and given the small size of the convenience shop it is considered that the proposed parking is sufficient to meet the potential demand.

Loading and Unloading

The proposal seeks to wavier the loading and unloading bay requirements for the proposed convenience shop. The wavier is considered reasonable given the size of the shop which has a leasable floor area of only 96 square metres.

Given the small scale nature of the proposed commercial use it is envisaged that deliveries to the site would be via small trucks and vans which would generally occur outside of peak operating times and can be accommodated within proposed parking area on site without detrimentally impacting on the proposed parking.

Bicycle Facilities

Use	Rate - Employee /Resident	Rate – Visitor / Shopper / Student	Proposal	B i c y c l e P a r k i n g requirement	Proposed parking
Dwellings	In developments of four or more storeys, 1 to each 5 dwellings	In developments of four or more	62 dwellings	18	25

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

		storeys, 1 to each 10 dwellings			
Shop	1 to each 600 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres	1 to each 500 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres	96 sq m of leasable floor area	0	N/A

The proposal provides a total of 25 bicycle spaces consisting of 17 wall mounted racks within the residents car parking area and an additional 8 double sided hoops located at the main pedestrian entry to the apartments, the extent of bicycle spaces is considered to exceed the requirements of Clause 52.34 as the size of the shop (convenience shop) does not trigger the requirement for bicycle facilities).

Vegetation & Landscaping

The application has been amended from the original proposal with an amended Arborist Report which details the existing vegetation on the site.

The proposal includes the removal of the majority of vegetation from the site with the exception of one (1) large Eucalyptus tree located on the eastern side of the site. All of the vegetation proposed to be removed is not considered to be native to Victoria and therefore no permit is required pursuant to Clause 52.17.

The retention of the significant Eucalyptus tree becomes a feature of the site and prevents the development from having minimal setbacks from the rear boundary allowing for greater landscaping opportunities on the site. Given the significance of this tree being retained and the level and setback of the proposed development, sufficient protection will need to be implemented prior to development commencing to ensure the protection of the tree throughout the course of the construction phase and beyond. This can be addressed through permit conditions Conditions 1.8 & 23.

The retention of the tree creates a communal area which can be used by residents and is proposed to contain seating. It is identified that access to this area is restricted and in order to provide greater access opportunities for the residents to this area additional access such as an external stairway should be provided. This can be addressed as a permit condition. In addition, to provide a greater

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

level of visual amenity for users of the communal area a permit condition will require the eastern elevation to the undercroft car parking area to have a green wall of landscaping to screen the proposed stark blank external wall.

The proposed landscaping setback to the southern boundary is a minimum of 1.2 metres before increasing to 3.1 metres. A greater setback would allow for denser landscaping opportunities along this boundary which would provide adequate screening and setbacks should the adjoining southern property be redeveloped in the future, this can be addressed as a permit condition.

Waste

A waste area has been provided within the undercroft car parking area and the applicant has submitted a Waste Management Plan as part of the application. Waste produced from the site will be collected via a private collector and the waste management plan can be endorsed to form part of any permit issued.

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

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

The site has an existing access point adjacent to the north/west corner of the site from Stud Road which will be used for the proposed development.

The application was referred to VicRoads which had no objection to the proposal subject to conditions requiring vehicles to enter and exit the site in a forward's direction.

Clause 52.35 – Urban context report and design response for residential development of four or more storeys

An assessment of the proposed residential development has been made against Clause 52.35 as the application is subject to the transitional requirements under Amendment VC136. Overall, the proposal is considered to meet all of the objectives and the standards as detailed in the attachment.

Removal of an easement

The proposal includes the removal of a drainage and sewerage easement that runs in an north/south direction adjacent to the western side of the site. The easement is in favour of the land owner, the City of Greater Dandenong and South East Water. The removal of the easement is considered reasonable as the easement is considered to be redundant and no longer in use. South East Water has provided consent to the removal subject to a new 3 metre wide easement being created.

Conclusion

The proposed development of sixty-six (66) dwellings within a five (5) storey building and use and development of a convenience shop and associated works is considered reasonable given it is a significant reduction in height from the previous permit issued on the site for two (2) seven storey

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

buildings containing 96 dwellings and commercial space (convenience stores) on the land approved by Council in 2010, making for a more design responsive building in terms of visual bulk, height, setbacks, private open space, car parking and landscaping.

The five (5) storey building height is considered reasonable given the sites location to major arterial roads and directly adjoining commercial developments. The proposed development creates a visual appealing mixed used building within a gateway entrance to the municipality.

Recommendation

That Council resolves to issue a Notice of Decision to grant a permit in respect of the land known and described as 176-180 Stud Road, Dandenong, for the purpose of the development of sixty-six (66) dwellings within a five (5) storey mixed use building, development and use of convenience shop, reduction in car parking and loading and unloading requirements, alteration of access to a road in a RDZ1, and removal of easement in accordance with the plans submitted with the application subject to the following conditions:

- 1. Before the development starts, two (2) copies of amended plans drawn to scale and dimensioned must be submitted to the Responsible Authority for approval. No buildings or works must be commenced until the plans have been approved and endorsed by the Responsible Authority. The endorsed copy of the plans forms part of this permit. The plans must be in accordance with the plans submitted with the application, but modified to show;**
 - 1.1. The setbacks of the first to the third storeys to be increased to no less than 4m from the southern boundary.**
 - 1.2. A fence and pedestrian gate to the northern side of the rear communal open space.**
 - 1.3. Basic amenities shown on the floor plan such as toilet and pantry area for the proposed convenience shop.**
 - 1.4. Increase the balcony depths to a minimum 2 metres with an overall minimum balcony area of 10 Square metres for all apartments. Please note the internal dimensions of the bedrooms and living areas must not be reduced.**
 - 1.5. The location(s) for all outdoor air conditioning units. If they are placed on the balcony, they must be concealed from the street and surrounding views. This may require an alternative material/ finish to the currently proposed clear glass and the metal balustrades.**

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

- 1.6. An external staircase creating access to the rear communal open space from the first floor.**
- 1.7. A 3m centrally located sewer easement over the existing sewer main in accordance with South East Water requirements.**
- 1.8. Tree protection zones for all trees to be retained which may be impacted by the construction of the proposed building in compliance with the Australian Standard AS4970-2009 Protection of Trees on Building Sites.**
- 1.9. An amended landscape plan in accordance with Condition 2.**

To the satisfaction of the Responsible Authority.

- 2. Prior to the endorsement of plans under Condition 1, a landscape plan must be submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and two (2) copies must be provided. The landscaping plan must be prepared by a suitably qualified person, and must show;**
 - 2.1. The site at a scale of 1:100/200, including site boundaries, existing and proposed buildings, neighbouring buildings, car parking, access and exit points, indicative topography and spot levels at the site corners, existing and proposed vegetation, nature strip trees, easements and landscape setbacks;**
 - 2.2. Details of the proposed layout, type and height of fencing.**
 - 2.3. Legend of all plant types, surfaces, materials and landscape items to be used including the total areas of garden and lawn.**
 - 2.5. Increase the depth of the landscaping area adjacent to the western (front) car parking area to allow for more screen planting to occur.**
 - 2.6. Provide a wall of greenery/ green wall effect to the eastern car park elevation adjacent to the rear communal open space.**
 - 2.7. Tree protection zones for all trees to be retained which may be impacted by the construction of the proposed building in compliance with the Australian Standard AS4970-2009 Protection of Trees on Building Sites.**

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

To the satisfaction of the Responsible Authority.

- 3. Prior to the endorsement of plans under condition 1, the applicant is to address the following items in the form of a revised Sustainability Management Plan to the satisfaction of the responsible authority. The sustainability management plan, and supporting documentation should address the following;**

- 3.1. The number of bicycle parking spaces increased to meet the environmental performance objective of 1 space per apartment.**
- 3.2. To further enhance energy efficiency and intake of fresh air to the apartments, the development should specify a number of windows to the common area corridors as operable.**
- 3.3. Solutions to reduce the heat gained to apartment 1.06 and other apartments that share the same physical traits and orientation such as vertical or horizontal shading or low-e glazing.**

To the satisfaction of the Responsible Authority.

- 4. Prior to the commencement of the development hereby approved, the owner must submit a Construction Management Plan to the Responsible Authority for approval. When approved, the Plan will be endorsed and then form part of the Permit.**

The Construction Management Plan must include details on how the construction will be undertaken so it has minimal impact on the environment and surrounding area. Details to be provided in the Plan must include (but not limited to):

- 4.1. Details pertaining to the access and parking of staff, visitors and construction workers to the site, with the provision of a drop-off zone and emergency service access to the site**
- 4.2. Details as to how traffic and pedestrian safety and amenity will be controlled within the vicinity of the site and its surrounds**
- 4.3. Measures to minimise and control noise, vibrations and dust from construction works**
- 4.4. Measures to minimise the impact of construction vehicles arriving at and departing from the land and**

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

4.5. Measures to minimise the creation of conditions likely to be a nuisance.

- 5. Obscure glazing to habitable room windows must be through frosted glass or similarly treated glass, and thereafter maintained to the satisfaction of the Responsible Authority. Adhesive film or the like that can be removed must not be used.**
- 6. Prior to the occupation of the new dwellings approved by this permit, an appropriate stormwater discharge arrangement from the site must be designed and constructed to the satisfaction of the Responsible Authority. When required, fees for plan checking and supervision must be paid to the Responsible Authority.**
- 7. The layout of the site and size, design and location of the buildings and works permitted must always be in accordance with the endorsed plans, unless with the written consent of the Responsible Authority.**
- 8. Once the development has started, it must be continued and completed in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.**
- 9. The use hereby approved must not commence and the subject site must not be occupied for that use until all buildings and works and conditions of this permit have been complied with, unless with the written consent of the Responsible Authority.**
- 10. No buildings or works may be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority without the prior written consent of the relevant authority and the Responsible Authority.**
- 11. The dwellings hereby approved must not be occupied until all buildings and works and the conditions of this permit have been complied with, unless with the written consent of the Responsible Authority.**
- 12. Prior to the occupation of the dwellings hereby permitted, all landscaping as shown on the endorsed plans, including trees, shrubs and lawn, shall be planted and thereafter maintained, to the satisfaction of the Responsible Authority.**
- 13. Provision must be made for the drainage of the site including landscaped and pavement areas, all to the satisfaction of the Responsible Authority.**

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

- 14. The connection of the internal drainage infrastructure to the legal point of discharge must be to the satisfaction of the Responsible Authority, prior to the issue of land upgrade Approval.**

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

- 15. Access to the site and any associated roadwork must be constructed, all to the satisfaction of the Responsible Authority. Vehicle Crossing permit is required for alteration/removal/reinstatement of existing vehicle crossings and construction of new vehicle crossings. Works are to be in accordance with Council Standards.**

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

- 17. Letterboxes and all other structures (including fencing and landscaping) should be constructed to a maximum height of 900mm or relocated clear of a splayed area (2m x 2.5m) along the frontage road at access points in accordance with Dandenong Planning Scheme Clause 52.06-8.**

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

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

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

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

19.3. Surfaced with an all-weather sealcoat.

19.4. Drained to the legal point of discharge.

All to the satisfaction of the Responsible Authority

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

- 20. Car spaces, access lanes and driveways must be maintained and kept available for these purposes at all times.**
- 21. Visitor parking must be clearly marked and well-lit outside of daylight hours.**
- 22. Tree 1 as shown on the plans is to have its tree protection zone fenced and mulched in accordance with Australian Standard AS4970-2009 Protection of Trees on Building Sites. It is also to have root pruning performed using hydro excavation to a depth of 600mm in the area where the development encroaches on the TPZ. The root pruning is to be done before construction and Council Arborist must be present to during root prune. Pruning of roots properly will reduce impact of building on the tree.**
- 23. Tree 1 is to be pruned away from the building before works commence to ensure no physical damage occurs.**
- 24. Prior to any works commencing the applicant is to pay an Asset protection bond to Council in the sum of \$5000 in relation to Tree 1 as shown on the plans as being retained.**
- 25. The vegetation removal as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 26. Waste storage and collection must be carried out in accordance with the approved Waste Management Plan.**
- 27. The approved ESD Management Plan must be implemented to the satisfaction of the Responsible Authority.**
- 28. All boundary walls in the development must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.**
- 29. Bicycle signage in accordance with Clause 52.34-5 must be provided on the site.**
- 30. The amenity of the area must not be detrimentally effected by the use or development on the land, through the:**
 - 30.1 Transport of materials, goods or commodities to or from the land;**

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

30.2 Appearance of any buildings, works or materials;

30.3 Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;

30.4 Presence of vermin.

All to the satisfaction of the Responsible Authority

- 31. All plant and equipment must be installed and located so that it does not adversely affect the amenity of the area due to the emission of noise, to the satisfaction of the Responsible Authority.**
- 32. Bins or other receptacles for any form of rubbish or refuse may not be placed or allowed to remain in the view of the public, and no adverse odour shall be emitted from any such receptacle.**
- 33. All external lighting of the site, including car parking areas and buildings, must be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any persons beyond the site.**
- 34. Goods, materials, equipment, and the like associated with the use of the land must not be displayed or stored outside of the building.**
- 35. The removal of easement as shown on the endorsed plans must not be altered, unless with the written consent of the Responsible Authority.**
- 36. The plan of subdivision or other document identify the removal of easement must be submitted for Certification and a Statement of Compliance under the Subdivision Act 1988.**

Melbourne Water Conditions

- 37. Prior to the endorsement of plans, amended plans must be submitted to Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and finished floor levels to Australian Height Datum (AHD)**
- 38. Finished floor levels of the ground floor must be constructed at 30.76 meters to Australian Height Datum (AHD) which is 300mm above the applicable flood level of 30.46 meters to AHD**

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

- 39. The entry / exit driveway of the car park must incorporate a flood proof apex of a minimum of 300mm above the applicable flood level of 30.46 meters to AHD**
- 40. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements**
- 41. Any new fence must be of an open style of construction (minimum 50% open) to allow for the passage of floodwaters/ overland flows**
- 42. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways**

VicRoads conditions

- 43. All vehicles must be able to enter exit the land in a forward direction at all times.**
- 44. This permit will expire if:-**
 - 44.1. The development does not start within two (2) years of the date of this permit, or**
 - 44.2. The development or any stage of it is not completed within four (4) years of the date of this permit.**
 - 44.3. The use does not start within one (1) year of the completion of the development; or**
 - 44.4. The use is discontinued for a period of two (2) years; or**
 - 44.5. The Plan of Subdivision or other document identifying the Removal of Easement is not certified within two (2) years from the date of issue of this permit; or**
 - 44.6. The easement is not removed within five (5) years of the certification of the Plan of Subdivision under the Subdivision Act 1988.**

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

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

Notes:

- **A Building Approval is required prior to the commencement of the approved development. This planning permit does not constitute any building approval.**
- **A Vehicle Crossing Permit must be obtained from Council for all vehicular crossings prior to construction of the crossings. You may be required to apply for a Asset Protection Permit from Council's engineering services. Queries regarding engineering requirements can be directed to Council's general phone number on 8571 1000.**
- **Approval of any retention system within the property boundary is required by the relevant building surveyor.**
- **Before commencement of the development occurs, the applicant should contact the City of Greater Dandenong's Civil Development and Design Unit regarding legal point of discharge, new crossings, building over easements, etc.**
- **Mailboxes should be provided and located for convenient access as required by Australia Post.**
- **Any works undertaken within the road reservation and easements will require the developer to obtain a Civil Works Permit from Council.**
- **Melbourne Water Footnote(s)**
 1. **The applicable flood level for the property is 30.46 metres to Australian Height Datum (AHD).**
 2. **If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 282891.**
- **Except where no permit is required under the provision of the Planning Scheme, no sign, flashing or intermittent lights, bunting or advertising device may be erected or displayed on the land without the permission of the Responsible Authority.**

Prior to the erection of any advertising signs on the land, consultation should be made with officers of the Town Planning Department to determine the relevant Planning Scheme controls.

- **Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act and require Council approval via the Chief Environmental Health Officer before occupation.**

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

MINUTE 281

Moved by: Cr Matthew Kirwan

Seconded by: Cr Maria Sampey

ALTERNATE MOTION

That Council resolves to Refuse to grant a planning permit in respect of the land known as and described as, 176-180 Stud Road Dandenong for the development of the land for sixty six (66) dwellings (five (5) storey apartment building), use and development of the land for a convenience shop and associated reduction in the parking requirements of Clause 52.06 and loading and unloading requirements of Clause 52.07, alteration of access to a road in a Road Zone, Category 1, removal of easement (E2 Drainage and Sewerage) on the following grounds:

1. The proposal fails to comply with Clause 22.09-3 (Housing Form, Ground Floor, Height, Bulk, Private Open Space) as it is not in line with the preferred built form of medium density townhouses and villa that have ground level living areas, and doesn't meet the two to three storey height sought in an Incremental Change Area and General Residential Zone;
2. The proposed development does not comply with Amendment C182 (future Clause 22.09-3.3) which strengthens the preferred maximum building height of two storeys in the Incremental Change Area and General Residential Zone;
3. The proposal fails to comply with 52.06 (Parking Provision) which may impact adversely on the adjoining Dandenong Club car park; and
4. The development will have a dominant visual impact when viewed from the Dandenong Wetlands Park as a result of its bulk, height and scale.

CARRIED

For the Motion: Cr Matthew Kirwan, Cr Jim Memeti, Cr Maria Sampey, Cr Heang Tak

Against the Motion: Cr Youhorn Chea, Cr Tim Dark (called for the Division), Cr Sean O'Reilly

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

TOWN PLANNING

**TOWN PLANNING APPLICATION - 176-180 STUD ROAD, DANDENONG
(PLANNING APPLICATION NO. PLN16/0662)**

ATTACHMENT 1

SUBMITTED PLANS

PAGES 17 (including cover)

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

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

Received
06 SEP 2016
Planning & Design
City of Greater Dandenong

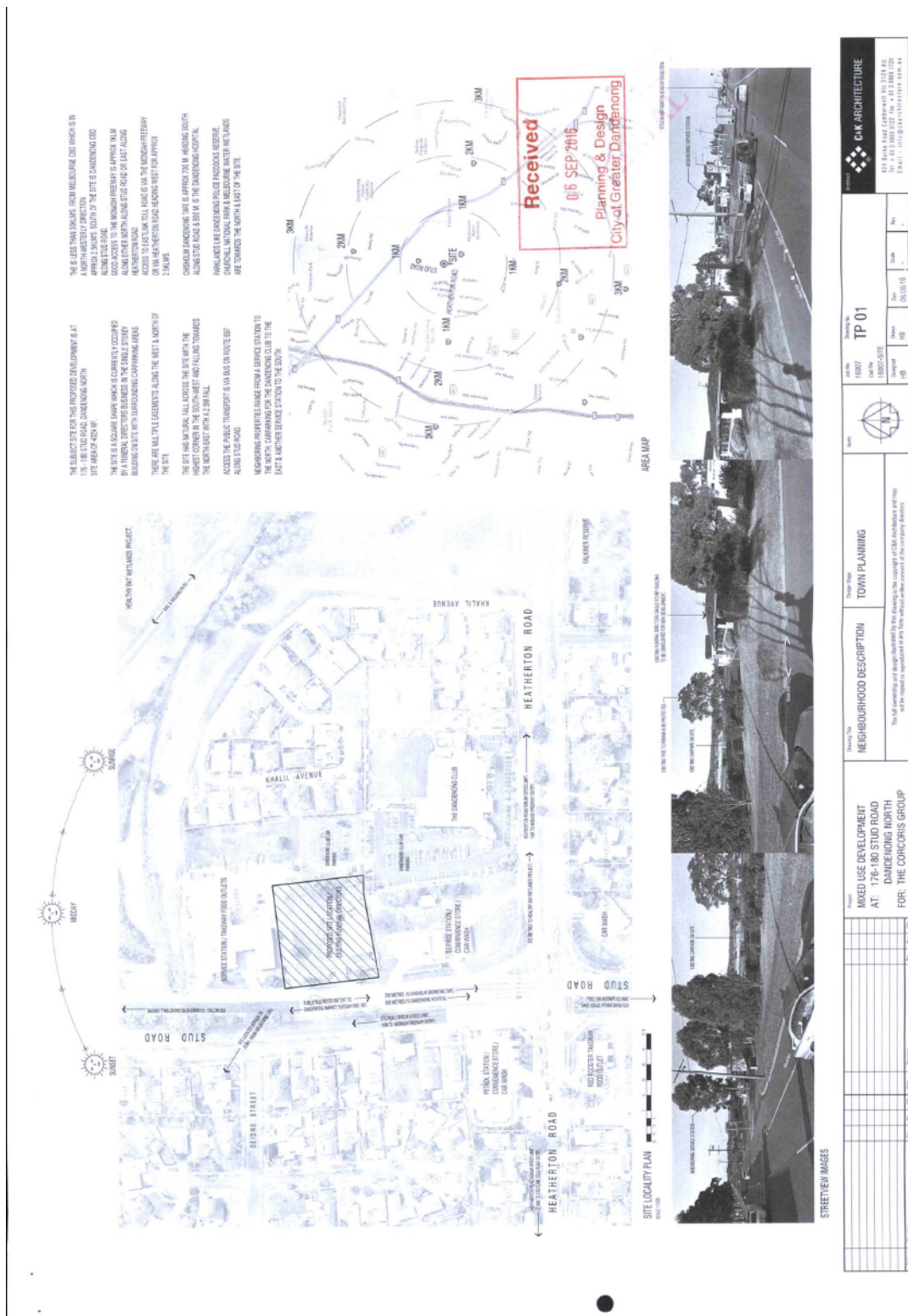


RENDER IS INDICATIVE ONLY

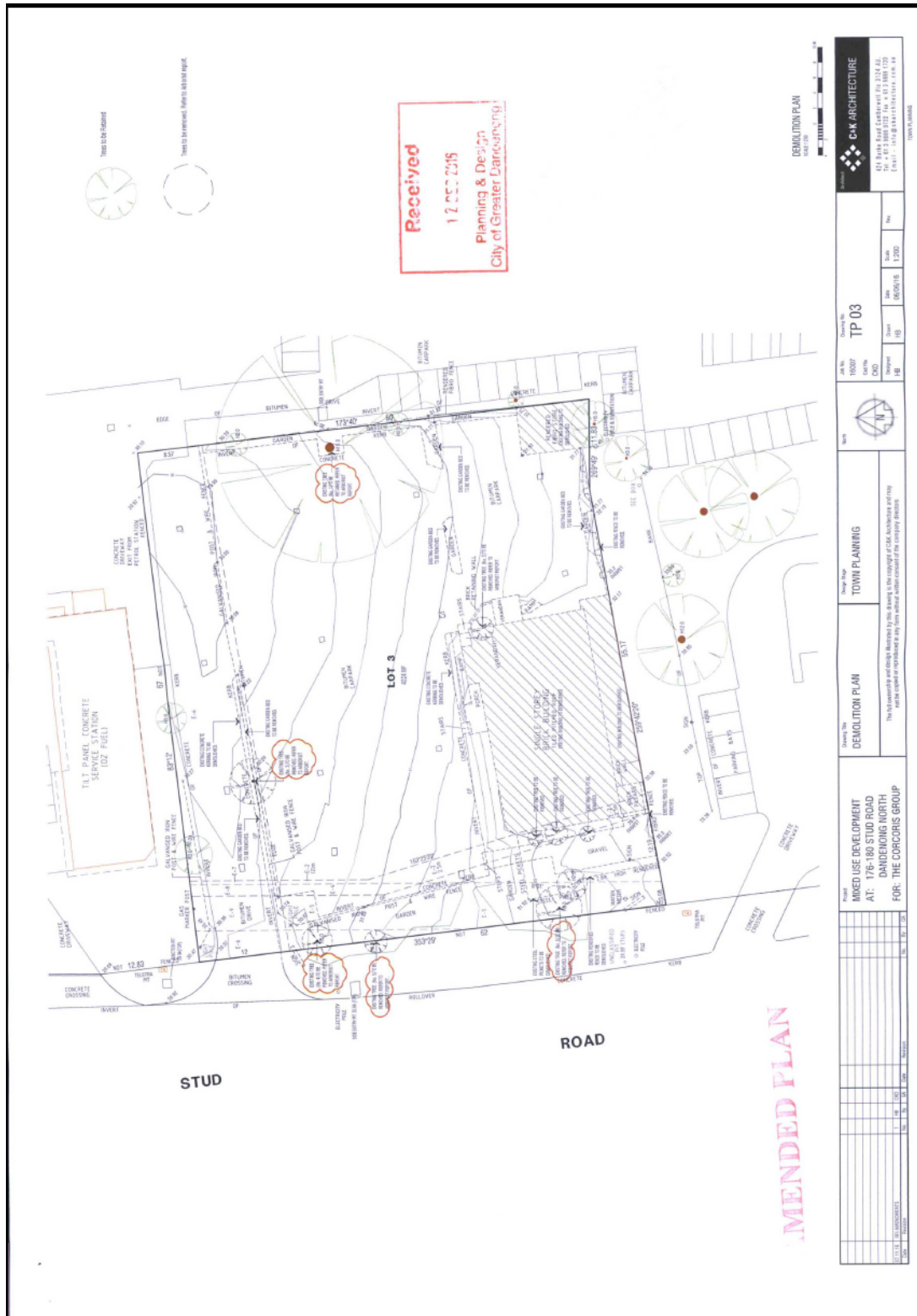
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TP02 EXISTING CONDITIONS
TP03 DEMOLITION PLAN
TP04 PROPOSED GROUND FLOOR
TP05 PROPOSED FIRST FLOOR
TP06 PROPOSED SECOND FLOOR
TP07 PROPOSED THIRD FLOOR
TP08 PROPOSED FOURTH FLOOR
TP09 PROPOSED ROOF PLAN
TP10 PROPOSED ELEVATIONS
TP11 PROPOSED ELEVATIONS
TP12 PROPOSED ELEVATIONS
TP13 SHADOW DIAGRAM - 9AM
TP14 SHADOW DIAGRAM - 12PM
TP15 SHADOW DIAGRAM - 3PM

Project MIXED USE DEVELOPMENT AT: 176-180 STUD ROAD DANDENONG NORTH FOR: THE CONCURS GROUP		Drawings Title TOWN PLANNING		Drawing No. TP 00		Author C&W ARCHITECTURE 176-180 Stud Road, Dandenong North, VIC 3180 Tel: +61 3 9800 222 Fax: +61 3 9800 171 Email: info@cwarchitecture.com.au	
Drawings Title COVER PAGE		Drawings Title TOWN PLANNING		Drawing No. TP 00		Author C&W ARCHITECTURE 176-180 Stud Road, Dandenong North, VIC 3180 Tel: +61 3 9800 222 Fax: +61 3 9800 171 Email: info@cwarchitecture.com.au	
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2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)



2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)



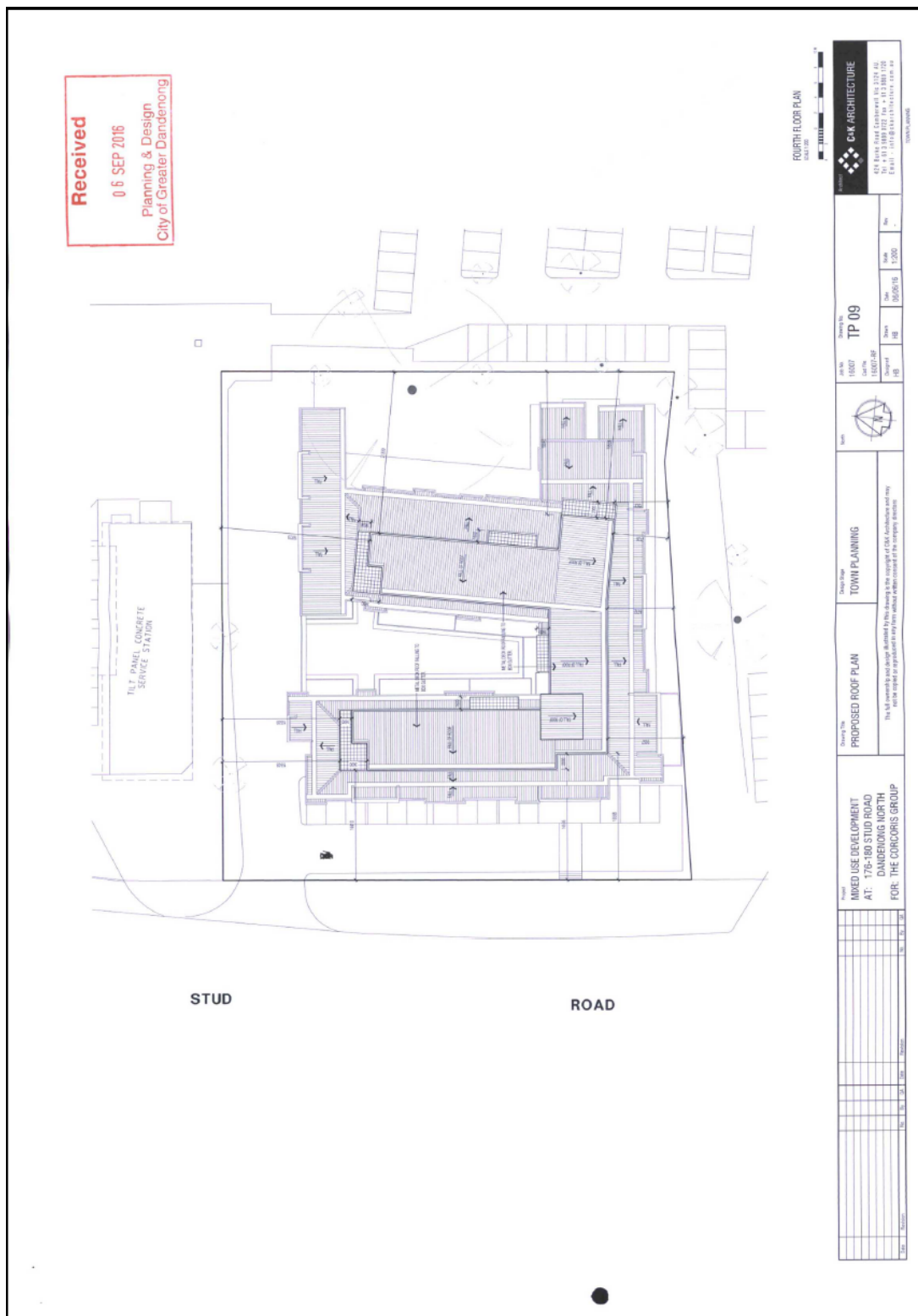
2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)



2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)



2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

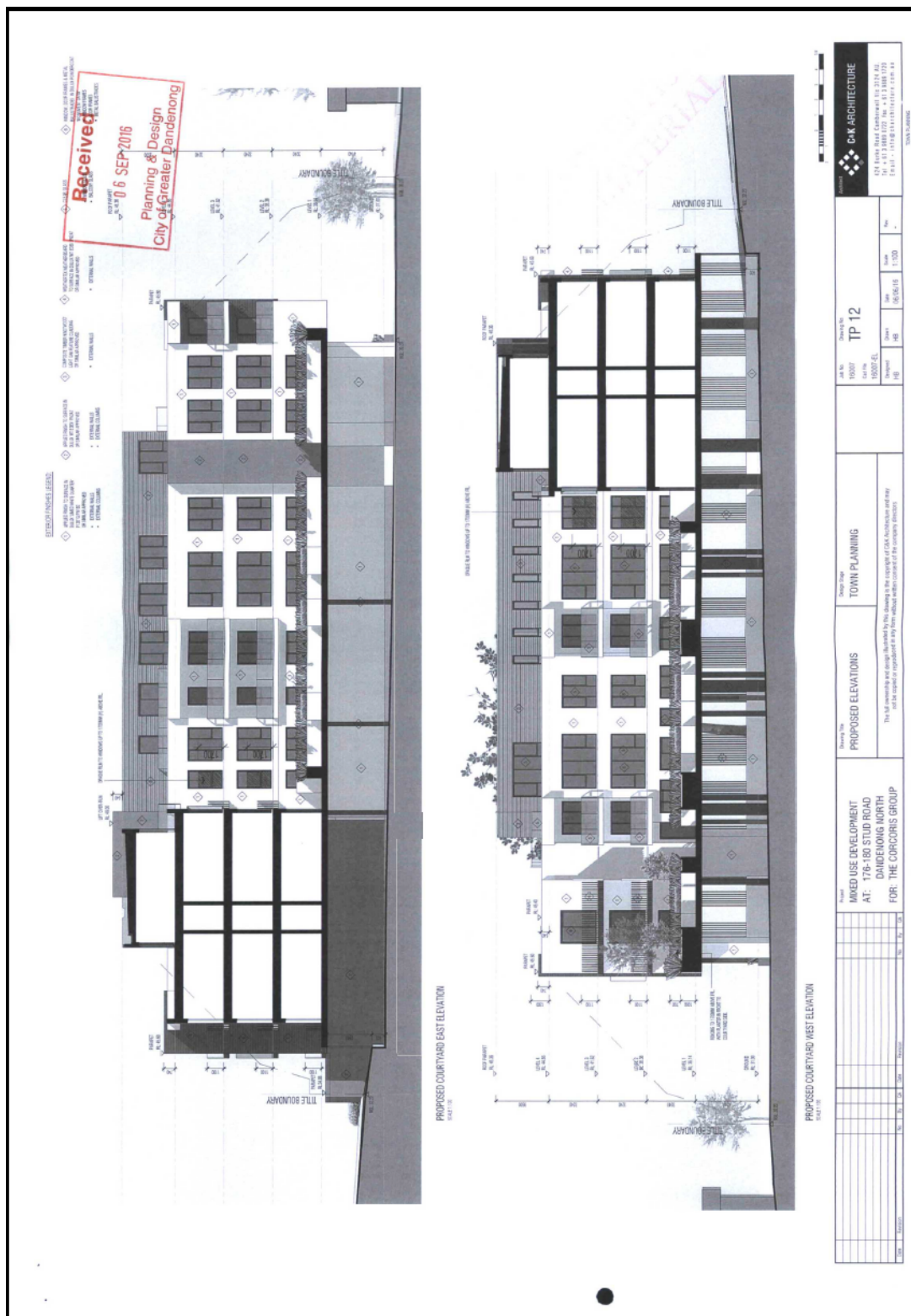
2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)



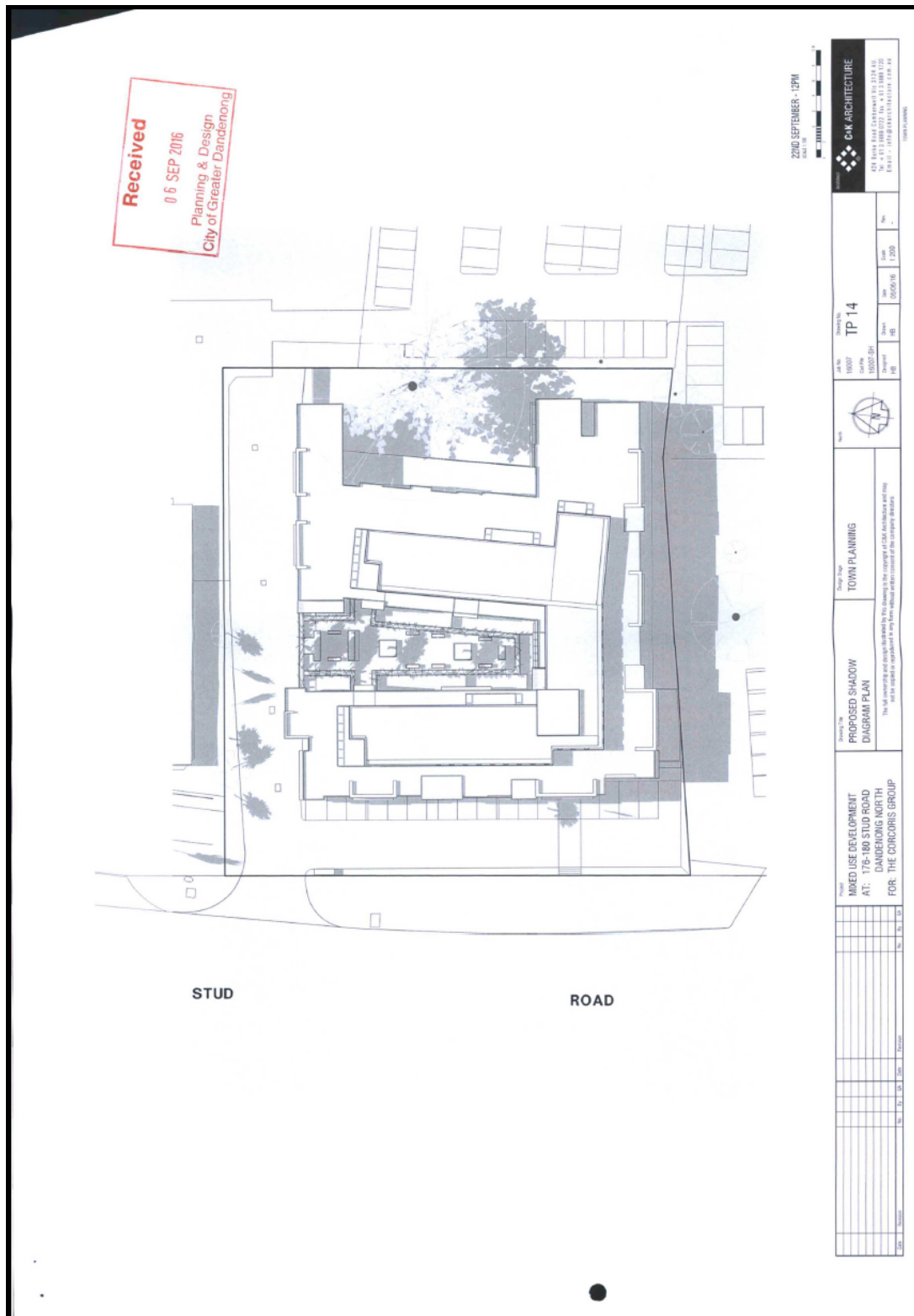
2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)



2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)



2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)



2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

TOWN PLANNING

**TOWN PLANNING APPLICATION - 176-180 STUD ROAD, DANDENONG
(PLANNING APPLICATION NO. PLN16/0662)**

ATTACHMENT 2

OBJECTOR LOCATIONS

PAGES 2 (including cover)

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

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)



2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

TOWN PLANNING

**TOWN PLANNING APPLICATION - 176-180 STUD ROAD, DANDENONG
(PLANNING APPLICATION NO. PLN16/0662)**

ATTACHMENT 3

CLAUSE 22.09 ASSESSMENT

PAGES 3 (including cover)

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

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

Assessment Table for Clause 22.09-3

Incremental change areas

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
Housing form	Medium density housing forms, including townhouses and villas to provide medium density infill development.	Variation The development seeks a higher density development. Refer to report. Given sites location and adjoining commercial land uses the development is considered appropriate.
Ground Floor	All dwellings to have ground level living areas. Developments comprising dwellings without ground level living areas only if they can be justified on merit with respect to design, location and amenity grounds.	Variation The development is for apartments with each apartment provided with a balcony
Height	Up to 2 storeys, with 3 storeys a possibility where appropriate considering its interface with existing residential development, response to site circumstances and streetscape.	Variation The development will have a maximum of 5 storeys – Given sites location and adjoining commercial land uses the height is considered appropriate as no sensitive land uses.
Bulk	More intense and higher elements of built form focussed towards the front of a site. Upper level tiering may be appropriate in some cases, however, excessive tiered building profiles that result in exaggerated, progressive upper level setbacks should be avoided.	✓ Complies
	Double storey buildings to the rear of a lot are generally discouraged where they would adversely impact on the future character of the area, the immediate character of the neighbourhood or on the amenity of neighbouring properties. Two storey development is discouraged in locations where the subdivision and development pattern tends to have a spine of open space or low levels of building structure at the rear of the lots.	Variation The development will have a maximum of 5 storeys – Given sites location and adjoining commercial land uses the height is considered appropriate as no sensitive land uses.
	Double storey dwellings to the rear of the lot may be considered in cases where their upper storey components are well recessed from adjoining sensitive interfaces, are in keeping with the existing character of open spaces within rear backyards of the immediate area and can provide sufficient side and rear boundary landscaping to screen any adverse impacts on neighbouring properties.	N/A The site does not adjoin any residential dwellings or sensitive land uses
Private open space	Developments should provide main living areas at ground level orientated to the secluded private open space areas to be located to the side and or rear of the dwelling.	Variation Each dwelling is provided with a balcony given the level of development is considered reasonable.

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
Car parking	For developments comprising dwellings with a ground level component –all car parking should be well integrated into the design of the building, should, generally be hidden from view or recessed from the existing streetscape.	✓ Complies Car parking for visitors and the shop is located at the front and will be screened by landscaping the parking for residents is well hidden within an undercroft area.
Front boundary	Open or low scale front fences which allow a visual connection between the landscaping in front gardens and street tree planting will be encouraged.	N/A No front fence
	Parking, paving and car access within the front boundary setback should be avoided in order to maximise the opportunity for soft landscaping and prevent the over dominance of carports and or garages to the street.	✓ Complies Landscaping is still provided at the front of the site
	Second crossovers on allotments with frontage widths below 17 metres will be discouraged.	N/A Existing access is utilised.

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

TOWN PLANNING

**TOWN PLANNING APPLICATION - 176-180 STUD ROAD, DANDENONG
(PLANNING APPLICATION NO. PLN16/0662)**

ATTACHMENT 4

CLAUSE 52.06 ASSESSMENT

PAGES 5 (including cover)

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

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

Car Parking

Assessment Table for Clause 52.06

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
Parking Provision To ensure that car and bicycle parking for residents and visitors is appropriate to the needs of residents.	Car parking for residents should be provided as follows: <ul style="list-style-type: none"> One space for each one or two bedroom dwelling. Two spaces for each three or more bedroom dwelling, with one space under cover. Studies or studios that are separate rooms must be counted as bedrooms. <ul style="list-style-type: none"> One space for visitors to every 5 dwellings for developments of 5 or more dwellings Car Parking for convenience shop should be provided as follows: <p>10 spaces to each premises</p>	! Variation required Refer to assessment section in the report A total of 66 spaces are provided for the dwellings (62 spaces x 1 & 2 bedroom & 4 spaces x 3 bedroom) 13 visitor spaces are proposed. 3 shop spaces are proposed with a variation of 7 sought.
Design Standard 1 Accessways The provision of car parking should meet the design requirements of this Clause.	Accessways should: <ul style="list-style-type: none"> Be at least 3 metres wide. Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide. Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre. Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres. 	✓ Complies
	If the accessway serves four or more car spaces or connects to a road in a Road Zone, the accessway must be designed so that cars can exit the site in a forward direction. If an accessway to four or more car parking spaces is from land in a Road Zone, the access to the car spaces must be at least 6 metres from the road carriageway.	✓ Complies
	Provide a passing area at the entrance at least 5 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Road Zone.	✓ Complies

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
	Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided.	✓ Complies
Design Standard 2 Car parking spaces Car parking spaces and accessways should have minimum dimensions.	Minimum car park and accessway dimensions: <ul style="list-style-type: none"> ▪ Parallel – 2.3m x 6.7m with a accessway width of 3.6m ▪ 45 degrees – 2.6m x 4.9m with a accessway width of 3.5m ▪ 60 degrees – 2.6m x 4.9m with a accessway width of 4.9m ▪ 90 degrees – 2.6m x 4.9m with a accessway width of 6.4m (refer to the table in 55.06 for more details)	✓ Complies
	A building may project into the space if it is at least 2.1 metres above the space.	✓ Complies
	Car spaces in garages, carports or otherwise constrained by walls should:- <ul style="list-style-type: none"> ▪ Single garage 3.5m x 6m ▪ Double garage 5.5m x 6 	✓ Complies

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

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

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
	Ground level car parking spaces should include trees planted with flush grilles. Spacing of trees should be determined having regard to the expected size of the selected species at maturity.	✓ Complies

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

TOWN PLANNING

**TOWN PLANNING APPLICATION – 176-180 STUD ROAD, DANDENONG
(PLANNING APPLICATION PLN16/0662)**

ATTACHMENT 5

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

PAGES 12 (including cover)

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

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

Clause 52.35 Assessment

ELEMENT 1 – URBAN CONTEXT

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

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

ELEMENT 2 – BUILDING ENVELOPE

OBJECTIVE	SUGGESTIONS	PLANNERS RESPONSE
2.1 To ensure that the height of new development responds to existing urban context and neighbourhood character objectives of the area.	<ul style="list-style-type: none"> Arrange building height, massing and forms to reinforce the structure and character of the area. Mass new buildings in response to the scale of surrounding buildings, unless otherwise achieves neighbourhood character objectives. 	The height of the proposed development as a five (5) storey building on a site at a “gateway” location within an area identified as a Principal Transport Network, as well as a mixed use context incorporating commercial development is appropriate in this area.
2.2 To ensure new development is appropriate to the scale of nearby streets, other public spaces, and buildings.	<ul style="list-style-type: none"> Relate building height to street width and intended character. Set back upper levels of tall buildings or use a podium and tower form to create a pedestrian scale at street level. Respect nearby heritage buildings and places. Reduce heights, increase setbacks or step the mass of the building to create sensitive interfaces with adjoining buildings. 	Although this is the first 5 storey higher density residential building in the immediate context of the subject site, the proposal is appropriate to its strategic context. The proposal has generous setbacks from its boundaries at ground floor level to enable the provision of adequate landscaping to soften its visual impacts from the adjoining properties as well as the public realm. The building is well articulated by design.
2.3 To protect sunlight access to public spaces.	<ul style="list-style-type: none"> Avoid reducing sunlight to important public spaces. 	<p>Public spaces around the site include Melbourne Water Wetlands Reserve, within which the Dandenong Basketball Stadium and the State Volleyball Centre is located to the north of the subject site.</p> <p>The proposal does not overshadow the reserve and is minimal on adjoining properties.</p> <p>It is also noted that the proposal incorporates a generous staggered landscaped setback to the rear. This will enhance the presentation of the proposal from the public realm.</p>

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

2.4 To respond to existing or preferred street character.	<ul style="list-style-type: none"> Reinforce consistent street edges, except where creating a new public space is an integral part of the proposal. Match existing setbacks. Respond to the local physical context in a way that makes a positive contribution to the pedestrian environment at street level. 	The proposed development responds positively to the preferred streetscape character as foreshadowed in the General Residential Zoning of the land, noting that the site is located at a "gateway" entrance to/from the Central Dandenong Declared Area Centre.
2.5 To ensure building separation supports private amenity and reinforces the neighbourhood character	<ul style="list-style-type: none"> Don't separate buildings with side setbacks in streets that have connected buildings. Use recesses at the street front to create the appearance of separated buildings where side setbacks are important but do not contribute to private amenity. Use side setbacks where these are important for private amenity. 	The building has been well set back from the front, side and rear boundaries, enabling adequate planting and landscaping to be provided at ground level along with the retention of an existing significant tree on the eastern portion of the site.
2.6 To ensure areas can develop with an equitable access to outlook and sunlight.	<ul style="list-style-type: none"> Consider possible future development on adjoining sites. Maintain sunlight and daylight access to adjoining open spaces of dwellings in accordance with Clause 55. Provide spacing between taller buildings. Orient new buildings to optimize sunlight and amenity for dwellings, private open spaces and adjoining public spaces. 	The configuration of the development will provide each of the proposed dwellings with adequate access to daylight. The majority of units have an aspect to an open courtyard located on the north, thus providing increased opportunity for solar access into the apartments.
2.7 To ensure visual impacts to dwellings at the rear are appropriate to the context.	<ul style="list-style-type: none"> Consider views from dwellings abutting the development. 	The site adjoins commercial uses/developments to the north/ east and south boundaries with no directly adjoining residential uses.

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

2.8 To maximize informal or passive surveillance of streets and other public open spaces.	<ul style="list-style-type: none"> Provide windows overlooking these areas. Locate living areas towards these areas. Use level changes to allow views from residential units onto adjacent public open spaces while controlling views into these units. 	<p>The apartments provide for informal passive surveillance through balconies and windows.</p> <p>The convenience shop at ground level also provides possible surveillance of the street.</p>
2.9 To maximize residential amenity through the provision of views and protection of privacy within the subject site and on neighbouring properties.	<ul style="list-style-type: none"> Locate living areas, windows and private open spaces to minimize the potential for overlooking. 	<p>This objective considers the requirements of Clause 55, specifically Standard B22. This Standard considers views into secluded open space or habitable room windows within a horizontal distance of 9 metres.</p> <p>As the site does not directly adjoin any dwellings there is no overlooking.</p>
2.10 To ensure new tall buildings do not create adverse wind effects.	<ul style="list-style-type: none"> Use stepped building forms and articulation of building mass. Provide protection for pedestrians in public and private spaces from wind down drafts where a building is taller than surrounding development. 	<p>It is considered that this objective is not relevant to the application under assessment. Although the proposed building is taller than the surrounding buildings in existence, it is not considered as tall enough to have significant adverse wind effects.</p>
2.11 To treat roof spaces and forms as a considered aspect of the overall building design.	<ul style="list-style-type: none"> Incorporate plant and lift overruns as an integral part of roof design. Design the roof to be used. 	<p>A flat roof has been proposed over the entire development.</p>

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

ELEMENT 3 – STREET PATTERN & STREET-EDGE QUALITY

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

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

3.5 To ensure car park entries do not detract from the street.	<ul style="list-style-type: none"> Avoid car park entrances on shopping streets. Incorporate pedestrian access with car park entrances or provide for discrete car entrances. 	There is only one car parking entry to the undercroft area, however there is parking on the northern side which will be accessed via roller doors for residents which will not be highly visible on the streetscape. The proposed car parking entry will be safe, convenient and not detract from the street.
3.6 To avoid creating inactive frontages as a result of fencing private open spaces.	<ul style="list-style-type: none"> Use of low, transparent or partially open fences. 	The proposal has an active frontage to Stud Road and does not include a front fence.
3.7 To ensure that front fences respect and contribute to neighbourhood character.	<ul style="list-style-type: none"> Respect existing character or contribute to establishing a new character. 	

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

ELEMENT 4 – CIRCULATION & SERVICES

OBJECTIVE	SUGGESTIONS	PLANNERS RESPONSE
4.1 To provide adequate, safe and efficiently designed parking layouts.	<ul style="list-style-type: none"> Clearly mark access into and movement through car parks with clear signage, floor markings and lighting. Clearly identify parking spaces allocated to specific dwellings. Make provisions for loading and unloading of goods and services. Make provision for bicycle parking. 	<p>The number of car parking spaces for the intended uses is considered to be adequate, all parking for residents and visitors has been provided with a variation to the convenience shop.</p> <p>Parking spaces are easily identifiable with the resident parking provided within the undercroft area and visitor and shop parking clearly marked at the front of the site.</p> <p>Public transport is highly available along both Stud and Heatherton Roads with particular regard to Bus No's 901, 862, 811, 802 and 804, and there is a high likelihood that many residents and visitors would utilise this method of transport on a frequent basis.</p> <p>Bicycle provisions have also been provided with areas inside the undercroft parking area for residents bicycles and directly at the front entry to the apartments.</p>
4.2 To provide safe and convenient access between car parking and bicycle areas and the pedestrian entry to buildings.	<ul style="list-style-type: none"> Provide well considered entrances from the car park to residential lobbies, foyers and individual apartments. Design car parks to assist orientation and way-finding. Provide adequate parking for visitors. 	<p>The building is provided with lift and staircases from the ground level to the upper floors of the building.</p>
4.3 To create shared internal spaces that contribute positively to the experience of living in higher density development.	<ul style="list-style-type: none"> Ensure that the main entry and individual dwelling entries allow for the delivery/removal of large furniture items. Ensure service lifts can accommodate large furniture items. Design quality internal spaces. 	<p>Shared internal spaces within the building comprise corridors, the entry lobby; lift well, stairwell and the car parking area. These are appropriately designed to facilitate human circulation and easy movement of goods, such as furniture and service equipment, into the site.</p>

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

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

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

ELEMENT 5 – BUILDING LAYOUT & DESIGN

OBJECTIVE	SUGGESTIONS	PLANNERS RESPONSE
5.1 To provide a range of dwelling sizes and types in higher density residential developments.	<ul style="list-style-type: none"> Design for a mix of dwelling types (eg. household size/type, people with limited mobility, incomes etc.). 	The development proposes a mixture of one (1), two (2) and three (3) bedroom units within the building, thus providing for a range of household sizes. The building would adequately cater for people of limited mobility as a lift well is proposed to enable disabled access to all floors.
5.2 To optimise the layout of buildings in response to occupants' needs as well as identified external influences and characteristics of a site.	<ul style="list-style-type: none"> Design the internal layout to suit the site and surroundings as well as the needs of its occupants. Consider multiple lifts and stair cores rather than a single central core in buildings with a larger footprint or floor plate. 	There is one common entrance to the building from Stud Road. This is considered appropriate as the provision of one common entry to the development would avoid confusion and facilitate easy access to both residents and visitors.
5.3 To create functional, flexible, efficient and comfortable residential apartments.	<ul style="list-style-type: none"> Check layouts for practicality. Where possible, build in some flexibility in the uses of rooms. 	The layout of the dwellings is considered adequate to cater for their intended uses. Living areas are generally open plan to provide for greater flexibility.
5.4 To ensure that a good standard of natural lighting and ventilation is provided to internal building spaces.	<ul style="list-style-type: none"> Provide direct light and air to all rooms wherever possible. Design light wells that are adequately sized for their intended purpose. Take measures to reduce the reverberation of noise in light wells. 	Windows are provided to all habitable rooms allowing for adequate lighting and ventilation to the units.
5.5 To provide adequate storage space for household items.	<ul style="list-style-type: none"> Provide adequate storage space. 	Each unit is provided with a storage area with areas provided in the parking area as over bonnet storage, and on each of the apartment levels in addition to internal cupboard spaces provided within the apartments. This is considered appropriate to provide for adequate storage for the residents.
5.6 To promote buildings of high architectural quality and visual interest.	<ul style="list-style-type: none"> Design various building elements to suit the different ways they are viewed. Consider materials as an integral part of the design response. Avoid an unconsidered repetition of elements. Use external lighting to enhance the design. Integrate signage and graphics with the building design. Provide a discrete location for air conditioner units. 	The building is contemporary in style and provides for a visually interesting and high quality design.

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

ELEMENT 6 – OPEN SPACE & LANDSCAPE DESIGN

OBJECTIVE	SUGGESTIONS	PLANNERS RESPONSE
6.1 To ensure access to adequate open space for all residents.	<ul style="list-style-type: none"> Ensure private open spaces are useable and provide reasonable levels of amenity. Clearly distinguish between private and public spaces. 	Balcony areas are provided to each unit accessed from the main living areas. A large communal courtyard is also provided on the 1 st floor.
6.2 To ensure common or shared spaces are functional and attractive for their intended users.	<ul style="list-style-type: none"> Consider the availability of recreational spaces and facilities in the area, potential demands for them, and provide for facilities that are absent or undersupplied. Consider providing high-quality specialised facilities that will be shared by other local developments. Design open spaces that can be well maintained. Design spaces that are usable in a range of weather conditions. Open space should: be substantially fronted by active ground floors, including building entries; provide an outlook for as many dwellings as possible; provide opportunity for mature planting to shade, shelter and screen; be designed to protect any natural feature on or abutting the site; be accessible and useable. 	Common areas within the existing facility are able to be well maintained and managed.
6.3 To allow solar access to the private and shared open spaces of new high density residential units.	<ul style="list-style-type: none"> Orient balconies, terraces and communal open space to optimise access to sunlight. Use the open spaces on balconies, podiums and roof terraces to provide open spaces with maximum access to sunlight. 	Whilst the amount of solar access received to some of the balcony areas of the units is hindered in some instances due to the north-south orientation of the land, most of the apartments will receive adequate solar access throughout the day as they have an aspect to a courtyard on the 1 st floor, which opens up greater opportunities for sufficient solar access to the dwellings.

2.4.1 Town Planning Application - 176-180 Stud Road, Dandenong North (Planning Application No PLN16/0662) (Cont.)

6.4	To integrate the design of the shared and private open space into the overall building design and façade composition.	<ul style="list-style-type: none"> Integrate balconies, terraces and roof gardens with the overall building form and façade composition. 	The design of the development has ensured that balconies and roof forms have been integrated into the overall design of the building. The balconies have been located so as to provide for an appropriate rhythm to the building.
6.5	To provide for greenery within open spaces.	<ul style="list-style-type: none"> Include substantial areas for landscaping. Design to enable high quality, sustainable landscaping over structures. Minimise the visual effects of water run-off from open space areas. Provide permeable ground surfaces. 	A landscape plan has been submitted with the application which indicates the existing gum tree on the land will be retained.
6.6	To create public open space appropriate to its context.	<ul style="list-style-type: none"> Ensure new public open spaces contribute to a safe, attractive and well used public environment. 	Public open space areas are not proposed within this development. As noted above, the subject site is located within a strategic context which encourages intensification of residential development. The provision of communal open space within the site is considered necessary given this strategic context, and also that there is a public park/reserve nearby.

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744)

File Id:	125895
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Submitted Plans Location of Objectors Clause 22.09 Assessment C182 Assessment Clause 52.06 Assessment Clause 55 Assessment

Application Summary

Applicant:	Mark Ku
Proposal:	To construct two (2) new double storey dwellings
Zone:	General Residential Zone 1
Overlay:	No overlays apply
Ward:	Lightwood

This application has been brought to a Council Meeting as it received four (4) objections.

The application proposes to construct two (2) new double storey dwellings. A permit is required pursuant to Clause 32.08-6 of the Greater Dandenong Planning Scheme to construct two or more dwellings on a lot.

Under Amendment C182 the subject site would remain in a General Residential Zone Schedule 1.

Objectors Summary

The application was advertised to the surrounding area through the erection of an on-site notice and the mailing of notices to adjoining and surrounding owners and occupiers. Four (4) objections were received to the application. Issues raised generally relate to matters of traffic; neighbourhood character; inadequate front setbacks; walls on boundaries; overshadowing; overlooking; noise; insufficient private open space; fencing; odour/waste management; and construction impacts.

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)**Recommendation Summary**

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

Subject Site and Surrounds**Subject Site**

The subject site is located on the eastern side of Sullivan Street, Springvale, between Hope Street to the north and Loller Street to the south. The site is oriented east-west, is irregular in shape and is relatively flat with a western frontage of 30.48m to Sullivan Street, a northern-boundary of 29.96m, an eastern boundary of 19.08m and a southern boundary of 28.01m, giving the site a total area of 537m².

The site is affected by a 1.83m wide drainage and sewerage easement along its eastern boundary. Dwelling 1 would be located 1.64m from the sewer pipe and Dwelling 2 would be located 1.44m from the sewer pipe.

The site is currently occupied by an existing single storey weatherboard dwelling and a metal garage. The site is currently accessed from the southern part of the Sullivan Street frontage. There is no existing significant vegetation on the subject site.

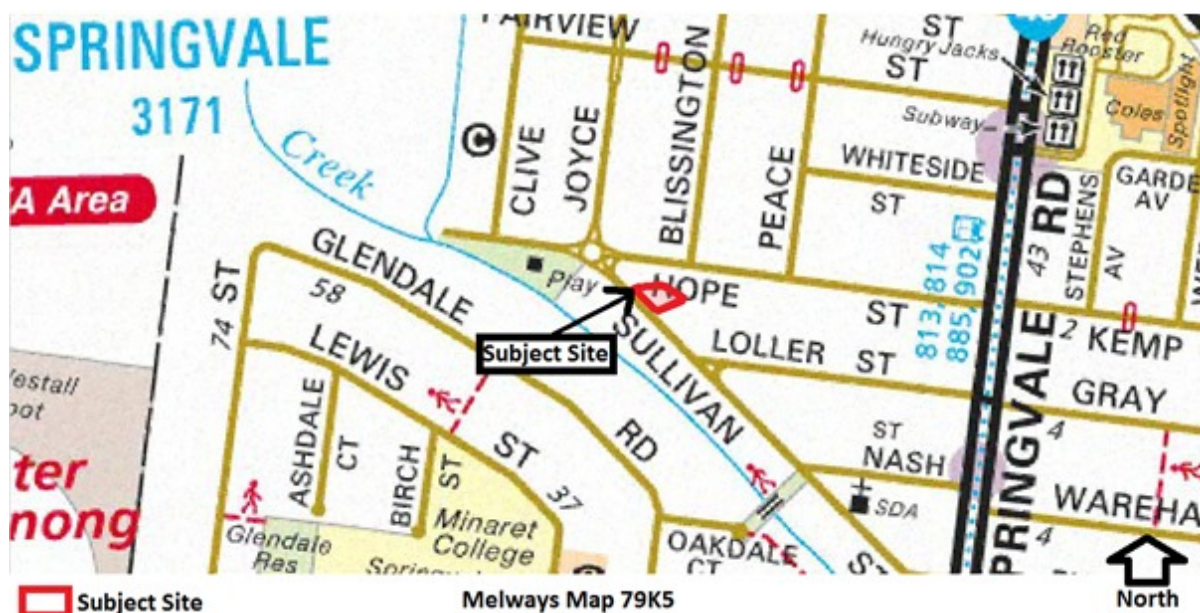
Surrounding Area

The subject site is located in a predominantly residential part of Springvale which is bounded by Fairview Street/Young Street to the north, Springvale Road to the east, Mile Creek to the south and an existing industrial area to the west. The area accommodates a variety of housing types including single dwellings and multi-unit developments.

The site is located approximately 60m to the east of the park at 44 Hope Street, 375m to the south-west of the Springvale North Shopping Centre, 230m to the north-east of Minaret College Springvale Campus and 1,380m to the north-west of Springvale Railway Station.

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Locality Plan



Background

Previous Applications

A search of Council records indicates that the existing dwelling on the subject site was constructed in 1958.

No planning permit applications have previously been considered for the subject site.

Proposal

The application proposes the construction of two (2) new double storey dwellings as follows:

	Details
Type of proposal	Multi dwellings
Number of dwellings	Two (2)
Levels	Double storey
Height	7.14 metres
Orientated to	Sullivan Street
External materials	Brick at ground floor level and rendered cladding at first floor level

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Set backs	<p><i>Ground floor level</i></p> <p>Minimum 5.68m front western setback (Dwelling 2 garage), minimum 0.2m northern side setback (Dwelling 1 garage), minimum 3.38m eastern rear setback (Dwelling 2), no southern side setback (Dwelling 2 garage).</p> <p><i>First floor level</i></p> <p>6.73m front western setback (Dwelling 2), minimum 2.01m northern side setback (Dwelling 1), minimum 5.18m eastern rear setback (Dwelling 2), minimum 2.43m southern side setback (Dwelling 2).</p>
Open space type	<p>Dwelling 1 – 112.6m² front yard + 54.4m² backyard = 167m² private open space</p> <p>Dwelling 2 – 26.5m² front yard + 61m² backyard = 87.5m² private open space</p>
Number of Car parking Spaces provided	Four (4)
Number of Car parking Spaces required	Four (4)
Type of car parking	Single garage with tandem car space in front for each dwelling
Access	<p>Access located to the west of the development</p> <p>Connects to Sullivan Street</p> <p>Minimum width is 3 metres for each accessway</p>
Front Fence	A 1.2 metre high brick pier front fence with steel infills is proposed

On 27/03/2017 the State Government amended the Greater Dandenong Planning Scheme as part of Amendment VC110 to introduce a minimum garden area requirement at Clause 32.08-4 as follows:

Lot size	Minimum percentage of a lot set aside as garden area
400 – 500 square metres	25%
501 – 650 square metres	30%

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Above 650 square metres	35%
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As the plans were most recently amended on 20/04/2017 after the introduction of the new garden area requirements under Amendment VC110, these are required to be considered for this 537m² lot which would require a garden area of at least 30% to be set aside for this purpose. This is considered as follows:

Garden Area:	
Provided	244.6 square metres or 45.55%
Required	161.1 square metres or 30%

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

Financial Implications

No financial resources are impacted by this report.

Planning Scheme and Policy Frameworks

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

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

The relevant controls and policies are as follows:

Zoning Controls

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

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

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

Pursuant to Clause 32.08-6, a permit is required to construct two or more dwellings on a lot.

It is noted that in Schedule 1 to the General Residential Zone, different requirements are set out as follows:

- Standard B6 (Minimum Street Setback) – As per B6 or 7.5 metres, whichever is the lesser;

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

- Standard B9 (Permeability) – Minimum of 30%;
- Standard B13 (Landscaping) – 70% of ground level front setback planted with substantial landscaping and canopy trees;
- Standard B28 (Private Open Space) – As per the B28 40sq m requirement, with the 25sq m of secluded private open space at ground level having a minimum dimension of 5 metres; and
- Standard B32 (Front Fence Height) – Maximum 1.5 metre height in streets in Road Zone Category 1, 1.2 metre maximum height for other streets.

Overlay Controls

No overlays affect the subject site.

State Planning Policy Framework

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

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

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

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

Clause 11.06 – Metropolitan Melbourne

- To provide housing choice close to jobs and services.

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

- To create a distinct and liveable city with quality design and amenity.
- To create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local jobs and services.

Clause 15 - Built Environment and Heritage

- Contributes positively to local urban character and sense of place.
- Reflects the particular characteristics, aspirations and cultural identity of the community.
- Enhances liveability, diversity, amenity and safety of the public realm.
- Promotes attractiveness of towns and cities within broader strategic contexts.
- Minimises detrimental impact on neighbouring properties.

Clause 16 – Housing

- To promote a housing market that meets community needs.
- To locate new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs, services and transport.
- To identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.
- To provide for a range of housing types to meet increasingly diverse needs.
- To deliver more affordable housing closer to jobs, transport and services.

Local Planning Policy Framework

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

Clause 21.04-1 Housing and community

- Greater Dandenong is forecast to be home to some 16,700 new households by 2031 (as measured from 2001), according to the Southern Regional Housing Statement (DSE, 2006). This represents a 36% increase on the number of households compared to 2001.
- Supporting urban consolidation and providing housing in existing areas close to activity centres means that people do not need to travel as far to work, shop or to take part in sports/leisure activities thus reducing the environmental impacts of transport.
- Increases in housing density must be balanced by adequate provision of open space, good urban design and improvements to the public realm.
- Encourage the provision of housing that is adaptable to support the needs of the changing needs of present and future residents.
- Encourage innovative redevelopment and renewal of deteriorating housing stock and older styled higher-density apartments and multi-unit developments.
- Encourage new residential development that incorporates adequate space for the planting and the long term viability and safe retention of canopy trees.

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

- Respecting valued, existing neighbourhood character both on particular sites and within wider streetscapes.
- Ensuring new development takes into full account the neighbourhood character design guidelines for each type of building and that such new development positively contributes to the preferred future neighbourhood character of each particular residential area.

Clause 21.05-1 Urban design, character, streetscapes and landscapes

1. To facilitate high quality building design and architecture.

1.1 Ensure building design is consistent with the preferred character of an area and fully integrates with surrounding environment.

1.2 Encourage high standards of building design and architecture, which allows for flexibility and adaptation in use.

1.3 Encourage innovative architecture and building design.

7. To protect and improve streetscapes

7.1 Ensure that new developments improve streetscapes through generous landscape setbacks and canopy tree planting.

7.2 Ensure landscaping within private property that complements and improves the streetscapes and landscaping of public areas.

Clause 22.09 – Residential Development & Neighbourhood Character Policy

- To guide the form of residential development that occurs in residential areas throughout Greater Dandenong, having regard to metropolitan policies and planning policies concerning urban form and housing, while respecting valued characteristics of residential neighbourhoods throughout the municipality.
- To promote a range of housing types, in appropriate locations, to accommodate the future needs of the municipality's changing population.
- To improve the quality and standard of residential development that occurs throughout Greater Dandenong and the quality, sustainability and standard of on site landscaping provided in residential developments.
- To encourage high quality, creative and innovative design that makes a positive contribution to the streetscape.
- To encourage varied forms and intensities of residential development in appropriate locations throughout Greater Dandenong, having regard to metropolitan policies promoting urban consolidation and increased densities, and existing neighbourhood character.
- To encourage higher densities and forms of development in preferred strategic locations that have good access to existing public transport and the Proposed Public Transport Network (PPTN), commercial, community, educational and recreational facilities.

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

- To ensure that the siting and design of new residential development takes account of its interface with existing residential development on adjoining sites and responds to the individual circumstances of its site and streetscape it is located within.
- To implement the City of Greater Dandenong Neighbourhood Character Study (Sept 2007).
- To support the comprehensive redevelopment of sites (including the demolition of existing buildings) where buildings are poorly positioned on the site or are in a demonstrably poor state of repair, except where such buildings are clearly identified as either historically or socially significant.

Clause 22.09-3.2 provides design guidelines, some of which also relate to the variances to the requirements of standards to Clause 55 under the schedule to the zone. The guidelines consider matters such as: housing form; ground floor; height; bulk; private open space; car parking; and front boundary treatment. The application has been assessed against this policy as detailed within the attached Clause 22.09-3.2 table.

Particular Provisions*Car Parking*

The purposes of this provision, Clause 52.06, are:

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

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

The required spaces are identified in the table to Clause 52.06-5. Clause 52.06-3 further notes that a permit may be granted to reduce or waive the number of car spaces required by the table.

The table at Clause 52.06-5 notes that a dwelling with 1 or 2 bedrooms requires 1 car space, and a dwelling with 3 or more bedrooms requires 2 spaces to each dwelling.

Car parking is to be designed and constructed in accordance with the requirements of Clause 52.06-8 and 52.06-10 of the Scheme.

Two or more dwellings on a lot and residential buildings

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Pursuant to Clause 55 of the Greater Dandenong Planning Scheme, the provisions of this Clause apply to an application:

- To construct two or more dwellings on a lot.

The purpose of this clause is:

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

A development:

- Must meet all of the objectives of this clause.
- Should meet all of the standards of this clause.

An assessment of the application against this policy is contained at the end of this report. This clause only applies for developments of less than 5 storeys.

General Provisions

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

Proposed Planning Scheme Amendments

There is a planning scheme amendment currently proposed that will affect this site.

Amendment C182 is now with the Minister for Planning as of 22/08/2016 and must be considered further to Section 60(1A) of the Planning and Environment Act 1987 as a ‘seriously entertained document’.

Amendment C182 proposes to amend Clause 22.09-3.2 (to become Clause 22.09-3.3). The subject site would remain in a General Residential Zone – Schedule 1.

An assessment against the new overarching Design Principles at Clause 22.09-3.1 and the new Incremental Change Area provisions at Clause 22.09-3.3 is included as Attachment 4 to this report.

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)**Council Plan 2013-2017 – Strategic Objectives, Strategies and Plans**

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

Diversity (Access & Equity)

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

Community Safety

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

Referrals**External**

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

Internal

The application was internally referred to the following:

Civil Development	■ No objection, subject to conditions.
Asset Planning	■ No objection, subject to conditions.

Advertising

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

- Sending notices to the owners and occupiers of adjoining and surrounding land.
- Placing a sign on site facing Sullivan Street.

The notification has been carried out correctly.

Council has received four (4) objections to the application.

The location of the objectors is shown in Attachment 2.

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)**Consultation**

A consultative meeting was held on 15/03/2017, with the applicant, objectors and Council representatives in attendance. Whilst the issues were discussed at length there was no resolution and the objections stand as received.

Summary of Grounds of Submissions/Objections

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

- **Traffic**

The objectors are concerned that the proposed development will result in increased traffic along Sullivan Street which will affect existing residents.

Car parking and traffic impacts have been assessed against the requirements of Clause 52.06 of the Greater Dandenong Planning Scheme. The addition of one (1) dwelling is not considered to adversely impact on traffic in the surrounding area.

- **Neighbourhood character**

The objectors are concerned that the side-by-side development proposed is not in keeping with the existing character of Sullivan Street.

The impact of the proposed development on neighbourhood character has been assessed against the requirements of Clause 55.02-1 of the Greater Dandenong Planning Scheme. Whilst side-by-side development is not a feature of the neighbourhood, there are no prohibitions on it in this area. There are other examples of double storey development in the area, most notably at 48 Sullivan Street (25m to the south of the subject site), 24 Joyce Street (85m to the north-west of the subject site) and 41 Hope Street (90m to the north-west of the subject site).

- **Inadequate front setback**

The objectors are concerned that the proposed development has insufficient front setbacks to Sullivan Street.

The front setbacks of the proposed development have been assessed against the requirements of Clause 55.03-1 of the Greater Dandenong Planning Scheme.

The front setback of the adjoining property to the north-west at 25 Sullivan Street to Sullivan Street is 2.2m, whilst the front setback of the adjoining property to the south-east at 21 Sullivan Street is 7.2m. The average of the two adjoining properties is 4.7m. Dwelling 1 would have a front setback of 5.89m, whilst Dwelling 2 would have a front setback of 6m. Both of these front setbacks exceed the minimum 4.7m required.

- **Wall on boundaries**

The objectors are concerned about walls on boundaries associated with the proposed development and the properties to the north and south of the subject site.

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Walls on boundaries have been assessed against the requirements of Clause 55.04-2 of the Greater Dandenong Planning Scheme.

Dwelling 1's northern wall on the boundary would have a length of 6.7m (which is less than 10m) and is setback 200mm from the boundary. Dwelling 2's garage wall would have a length of 6.47m along the boundary (which is less than 10m). Both of these comply with Clause 55.04-2.

- Overshadowing

The objectors are concerned that the proposed development will overshadow their properties due to its double storey nature.

Overshadowing impacts have been assessed against the requirements of Clause 55.04-5 of the Greater Dandenong Planning Scheme.

At 9am, the proposed development would not overshadow any of the adjoining properties. At 11.00am, the northernmost portion of 21 Sullivan Street's front yard would be slightly overshadowed. At 1.00pm the northern portion of 21 Sullivan Street's front and side yards would be slightly overshadowed. At 3.00pm the side yard and the north-facing windows of 21 Sullivan Street would be overshadowed. However, the proposed development would not overshadow the secluded private open space areas (i.e. backyards) of any of the adjoining properties, satisfying Standard B21 of Clause 55.04-5 and meeting the objective of this clause as well.

- Overlooking

The objectors are concerned that the proposed development will overlook their properties due to its double storey nature.

Overlooking impacts have been assessed against the requirements of Clause 55.04-6 of the Greater Dandenong Planning Scheme. All upper level windows with overlooking potential are either completely obscure glazed, or up to 1.7 metres above finished floor level, which would limit views into existing secluded private open space and habitable room windows of adjoining properties in accordance with the objective of this clause.

- Noise

The objectors are concerned about potential noise impacts associated with the proposed development.

Noise impacts have been assessed against the requirements of Clause 55.04-8 of the Greater Dandenong Planning Scheme. The provision of an additional dwelling on this site is unlikely to result in a significant increase in noise in this residential area.

- Insufficient private open space

The objectors are concerned that inadequate private open space will be provided for the future residents of the proposed development.

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Private open space provision for the proposed development has been assessed against the requirements of Clause 55.05-4 of the Greater Dandenong Planning Scheme.

Each dwelling would be provided with more than 50m² of private open space including a main area of secluded private open space with a minimum area of 30m² and a minimum dimension of 5m.

- Fencing

The objectors are concerned that existing fencing between the subject site and the adjoining properties to the north and south will need to be replaced as a result of the proposed development.

Fencing disputes between adjoining properties are a civil matter between the adjoining property owners under the Fencing Act.

- Odour/Waste Management

The objector to the south of the subject site is concerned that the location of rubbish bins for Dwelling 2 as shown on the plans is too close to one of their habitable room windows and will emit odour to their dwelling.

The location of the bins as shown on the plans is not necessarily indicative of where the bins will be stored at all times. There is sufficient room to store the bins elsewhere in the private open space area of Dwelling 2 if odour becomes an issue.

- Construction impacts

The objectors are concerned that during construction access will be required to their properties to build the proposed development.

If approved the proposed dwellings will require building approval and will be required to comply with the relevant building regulations, including those relating to access.

Assessment

The subject site is located within an established residential area and appears to be well suited for medium density housing given that the site is located in within easy walking distance of many community facilities.

As required by the General Residential Zone that applies to this site, the proposed development has been assessed against the provisions of Clause 55 of the Greater Dandenong Planning Scheme and Schedule 1 to the General Residential Zone. The use of the land for accommodation (dwellings) is as of right. An assessment against Clause 55 is included at the end of this report. The proposed development has also been assessed against Clause 22.09 of the Greater Dandenong Planning Scheme. The proposal complies with all requirements of these clauses.

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

The proposal achieves an appropriate built form outcome for the site which would be in keeping with the preferred future character of the area. The proposal also provides sufficient car parking on the subject site in accordance with Clause 52.06 of the Planning Scheme.

Proposed Planning Scheme Amendments

There is a planning scheme amendment currently proposed that will affect this site.

Amendment C182 is now with the Minister for Planning as of 22/08/2016 and must be considered further to Section 60(1A) of the Planning and Environment Act 1987 as a 'seriously entertained document'.

The proposal would remain in the General Residential Zone Schedule 1 under this amendment.

Amendment C182 proposes to modify the General Residential Zone 1 (GRZ1) / Incremental Change Area provisions which apply to the subject site. The site would be subject to new provisions and the proposal does not comply with the following:

Clause 22.09-3.1 – Design Principles

Landscaping – Residential development should:

- *Include the planting of at least one substantial canopy tree to each front setback and ground level secluded private open space area.*

Neither dwelling contains a canopy tree in its secluded private open space area. This can be required as a condition of permit, if granted.

On 27/03/2017 the State Government amended the Greater Dandenong Planning Scheme as part of Amendment VC110 to introduce a minimum garden area requirement at Clause 32.08-4 as follows:

Lot size	Minimum percentage of a lot set aside as garden area
400 – 500 square metres	25%
501 – 650 square metres	30%
Above 650 square metres	35%

As the plans were most recently amended on 20/04/2017 after the introduction of the new garden area requirements under Amendment VC110, these are required to be considered for this 537m² lot which would require a garden area of at least 30% to be set aside for this purpose. This is considered as follows:

Lot size	537 square metres (i.e. between 501 – 650 square metres)
Garden Area required	30% or 161.1 square metres

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Garden Area provided	45.55% or 244.6 square metres
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The application has been assessed against the relevant sections of the Greater Dandenong Planning Scheme, including the State and Local Planning Policy Framework, Municipal Strategic Statement as set out in this assessment. It is considered that the application complies with these policies and it is therefore recommended that the proposal is approved.

Conclusion

The application has been assessed against the relevant sections of the Greater Dandenong Planning Scheme, including the State and Local Planning Policy Framework and Municipal Strategic Statement as set out in this assessment. It is considered that the application complies with these policies. A **Notice of Decision to Grant a Planning Permit** should be issued in line with the recommendation of this report.

Recommendation

That Council resolves to issue a Notice of Decision to grant a permit in respect of the land known and described as 23 Sullivan Street, Springvale, for the construction of two (2) new double storey dwellings in accordance with the plans submitted with the application subject to the following conditions:

- 1. Prior to the endorsement of plans, a landscape plan must be submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and two (2) copies must be provided. The landscaping plan must be prepared by a suitably qualified person, and must show:**
 - 1.1. The site at a scale of 1:100/200, including site boundaries, existing and proposed buildings, neighbouring buildings, car parking, access and exit points, indicative topography and spot levels at the site corners, existing and proposed vegetation, nature strip trees, easements and landscape setbacks;**
 - 1.2 Details of the proposed layout, type and height of fencing;**
 - 1.3 Legend of all plant types, surfaces, materials and landscape items to be used including the total areas of garden and lawn;**
 - 1.4 A plant schedule giving a description of botanical name, common name, mature height and spread, pot size, purchase height (if a tree) and individual plant quantities; and**
 - 1.5 At least one (1) native tree with a minimum planting height of 1.5 metres within the rear secluded open space areas of each dwelling and within the front yard.**

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

All to the satisfaction of the Responsible Authority.

- 2. The layout of the site, and the size of the proposed buildings and works as shown on the endorsed plan, shall not be altered or modified (whether or not in order to comply with any Statute, Statutory Rule or Local Law or for any other reason) without the prior consent of the Responsible Authority.**
- 3. Prior to the occupation of the dwelling(s) hereby permitted, all landscaping as shown on the endorsed plans, including trees, shrubs and lawn, shall be planted and thereafter maintained, to the satisfaction of the Responsible Authority.**
- 4. The dwelling(s) hereby approved must not be occupied until all buildings and works and the conditions of this permit have been complied with, unless with the written consent of the Responsible Authority.**
- 5. Provision must be made for the drainage for proposed development including landscaped and paved areas, all to the satisfaction of the Responsible Authority.**
- 6. The connection of the internal drainage infrastructure to the Legal Point of Discharge (LPD) must be to the satisfaction of the Responsible Authority. Collected stormwater must be retained onsite and discharged into the drainage system at pre development peak discharge rates as stated in the LPD approval letter. Approval of drainage plan including any retention system within the property boundary is required.**
- 7. Prior to works commencing the developer must obtain an Asset Protection Permit from Council.**
- 8. All piping and ducting above the ground floor storey of the building, except for downpipes and spouting, shall be concealed to the satisfaction of the Responsible Authority.**
- 9. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Council's standard specifications and any vehicle crossing no longer required must be removed and the land, footpath and kerb and channel reinstated, to the satisfaction of the Responsible Authority.**
- 10. Access to the site and any associated roadwork must be constructed, all to the satisfaction of the Responsible Authority. Alteration of existing vehicle crossing will require a Vehicle Crossing Permit. Note any redundant vehicle crossing will need to be removed and reinstated with kerb in accordance with Council Standards.**
- 11. Service units, including air conditioning/heating units, must not be located where they will be visible from any public area, to the satisfaction of the Responsible Authority.**

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

- 12. The obscure glazing to the windows shown on the endorsed plans must be through frosted glass or similarly treated glass, and thereafter maintained to the satisfaction of the Responsible Authority. Adhesive film or the like that can be removed must not be used.**
- 13. All boundary walls in the development must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.**
- 14. This permit will expire if:-**
 - 14.1 The development or any stage of it does not start within two (2) years of the date of this permit, or**
 - 14.2 The development or any stage of it is not completed within four (4) years of the date of this permit.**

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

The owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date to complete the development or a stage of the development if:

- (a) the request for the extension is made within twelve (12) months after the permit expires; and**
- (b) the development or stage started lawfully before the permit expired.**

Notes

- 1. The property is identified to be subject to flooding in major rain events. An application for Report and Consent for Flooding is required. Infrastructure Planning is to be contacted to confirm the minimum finished floor level (FFL) of the proposed development.**
- 2. The property is subject to uncontrolled overland flow across the frontage of the property.**
- 3. A flood dispensation is to be obtained prior to issue of Building Permit.**
- 4. The minimum finished floor level of the proposed units are as follows:**

Unit 1 – 51.50m

Unit 2 – 51.50m
- 5. A Building Approval is required prior to the commencement of the approved development. This planning permit does not constitute any building approval.**

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

6. As this is an established site, the proposed internal drainage should be connected to the existing legal point of discharge. The applicant may apply for local drainage information, if available; otherwise on site verification should be undertaken by the applicant.
7. A Vehicle Crossing Permit must be obtained from Council for all vehicular crossings prior to construction of the crossings. You may be required to apply for a Asset Protection Permit from Council's engineering services. Queries regarding engineering requirements can be directed to Council's general phone number on 8571 1000.
8. No buildings or works shall be constructed over any easement without the written consent of the relevant authorities.

This permit has been granted on the basis that consent to build over any easement will be obtained from the relevant authority. If consent is not able to be obtained, the development plan will be required to be amended.
- 9 Any works undertaken within the road reservation and easements will require the developer to obtain a Civil Works Permit from Council.

MINUTE 282

Moved by: Cr Tim Dark

Seconded by: Cr Sean O'Reilly

Recommendation

That Council resolves to issue a Notice of Decision to grant a permit in respect of the land known and described as 23 Sullivan Street, Springvale, for the construction of two (2) new double storey dwellings in accordance with the plans submitted with the application subject to the following conditions:

1. Prior to the endorsement of plans, a landscape plan must be submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and two (2) copies must be provided. The landscaping plan must be prepared by a suitably qualified person, and must show:
 - 1.1. The site at a scale of 1:100/200, including site boundaries, existing and proposed buildings, neighbouring buildings, car parking, access and exit points, indicative topography and spot levels at the site corners, existing and proposed vegetation, nature strip trees, easements and landscape setbacks;
 - 1.2 Details of the proposed layout, type and height of fencing;
 - 1.3 Legend of all plant types, surfaces, materials and landscape items to be used including the total areas of garden and lawn;

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

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

All to the satisfaction of the Responsible Authority.

- 2. The layout of the site, and the size of the proposed buildings and works as shown on the endorsed plan, shall not be altered or modified (whether or not in order to comply with any Statute, Statutory Rule or Local Law or for any other reason) without the prior consent of the Responsible Authority.**
- 3. Prior to the occupation of the dwelling(s) hereby permitted, all landscaping as shown on the endorsed plans, including trees, shrubs and lawn, shall be planted and thereafter maintained, to the satisfaction of the Responsible Authority.**
- 4. The dwelling(s) hereby approved must not be occupied until all buildings and works and the conditions of this permit have been complied with, unless with the written consent of the Responsible Authority.**
- 5. Provision must be made for the drainage for proposed development including landscaped and paved areas, all to the satisfaction of the Responsible Authority.**
- 6. The connection of the internal drainage infrastructure to the Legal Point of Discharge (LPD) must be to the satisfaction of the Responsible Authority. Collected stormwater must be retained onsite and discharged into the drainage system at pre development peak discharge rates as stated in the LPD approval letter. Approval of drainage plan including any retention system within the property boundary is required.**
- 7. Prior to works commencing the developer must obtain an Asset Protection Permit from Council.**
- 8. All piping and ducting above the ground floor storey of the building, except for downpipes and spouting, shall be concealed to the satisfaction of the Responsible Authority.**
- 9. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Council's standard specifications and any vehicle crossing no longer required must be removed and the land, footpath and kerb and channel reinstated, to the satisfaction of the Responsible Authority.**
- 10. Access to the site and any associated roadwork must be constructed, all to the satisfaction of the Responsible Authority. Alteration of existing vehicle crossing will require a Vehicle Crossing Permit. Note any redundant vehicle crossing will need to be removed and reinstated with kerb in accordance with Council Standards.**

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

- 11. Service units, including air conditioning/heating units, must not be located where they will be visible from any public area, to the satisfaction of the Responsible Authority.**
- 12. The obscure glazing to the windows shown on the endorsed plans must be through frosted glass or similarly treated glass, and thereafter maintained to the satisfaction of the Responsible Authority. Adhesive film or the like that can be removed must not be used.**
- 13. All boundary walls in the development must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.**
- 14. This permit will expire if:-**
 - 14.1 The development or any stage of it does not start within two (2) years of the date of this permit, or**
 - 14.2 The development or any stage of it is not completed within four (4) years of the date of this permit.**

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

The owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date to complete the development or a stage of the development if:

- (a) the request for the extension is made within twelve (12) months after the permit expires; and**
- (b) the development or stage started lawfully before the permit expired.**

Notes

- 1. The property is identified to be subject to flooding in major rain events. An application for Report and Consent for Flooding is required. Infrastructure Planning is to be contacted to confirm the minimum finished floor level (FFL) of the proposed development.**
- 2. The property is subject to uncontrolled overland flow across the frontage of the property.**
- 3. A flood dispensation is to be obtained prior to issue of Building Permit.**
- 4. The minimum finished floor level of the proposed units are as follows:**

Unit 1 – 51.50m

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Unit 2 – 51.50m

- 5. A Building Approval is required prior to the commencement of the approved development. This planning permit does not constitute any building approval.**
- 6. As this is an established site, the proposed internal drainage should be connected to the existing legal point of discharge. The applicant may apply for local drainage information, if available; otherwise on site verification should be undertaken by the applicant.**
- 7. A Vehicle Crossing Permit must be obtained from Council for all vehicular crossings prior to construction of the crossings. You may be required to apply for a Asset Protection Permit from Council's engineering services. Queries regarding engineering requirements can be directed to Council's general phone number on 8571 1000.**
- 8. No buildings or works shall be constructed over any easement without the written consent of the relevant authorities.**

This permit has been granted on the basis that consent to build over any easement will be obtained from the relevant authority. If consent is not able to be obtained, the development plan will be required to be amended.
- 9 Any works undertaken within the road reservation and easements will require the developer to obtain a Civil Works Permit from Council.**

CARRIED

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

TOWN PLANNING

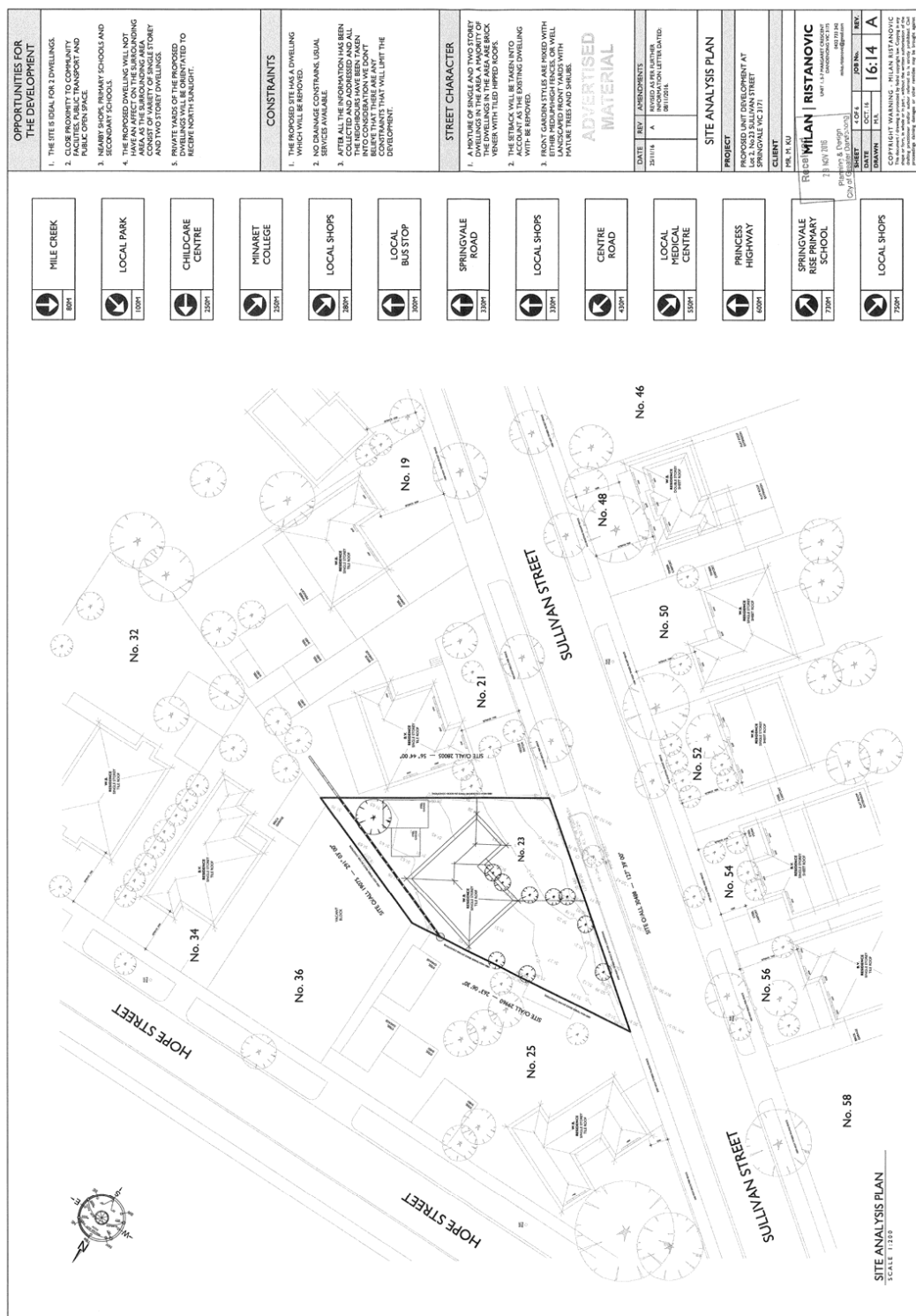
**TOWN PLANNING APPLICATION – No. 23 SULLIVAN STREET,
SPRINGVALE (PLANNING APPLICATION No. PLN16/0744)**

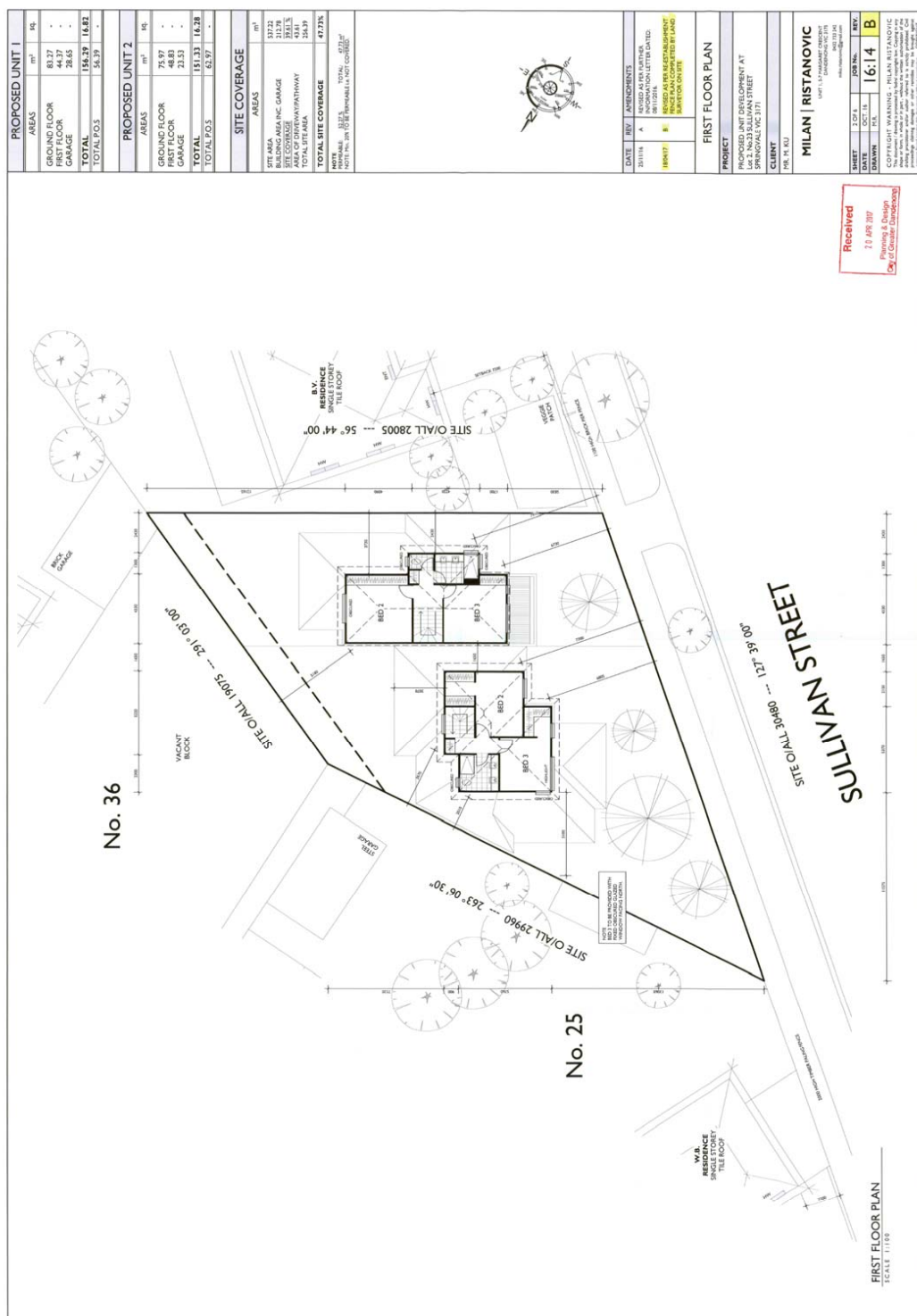
ATTACHMENT 1

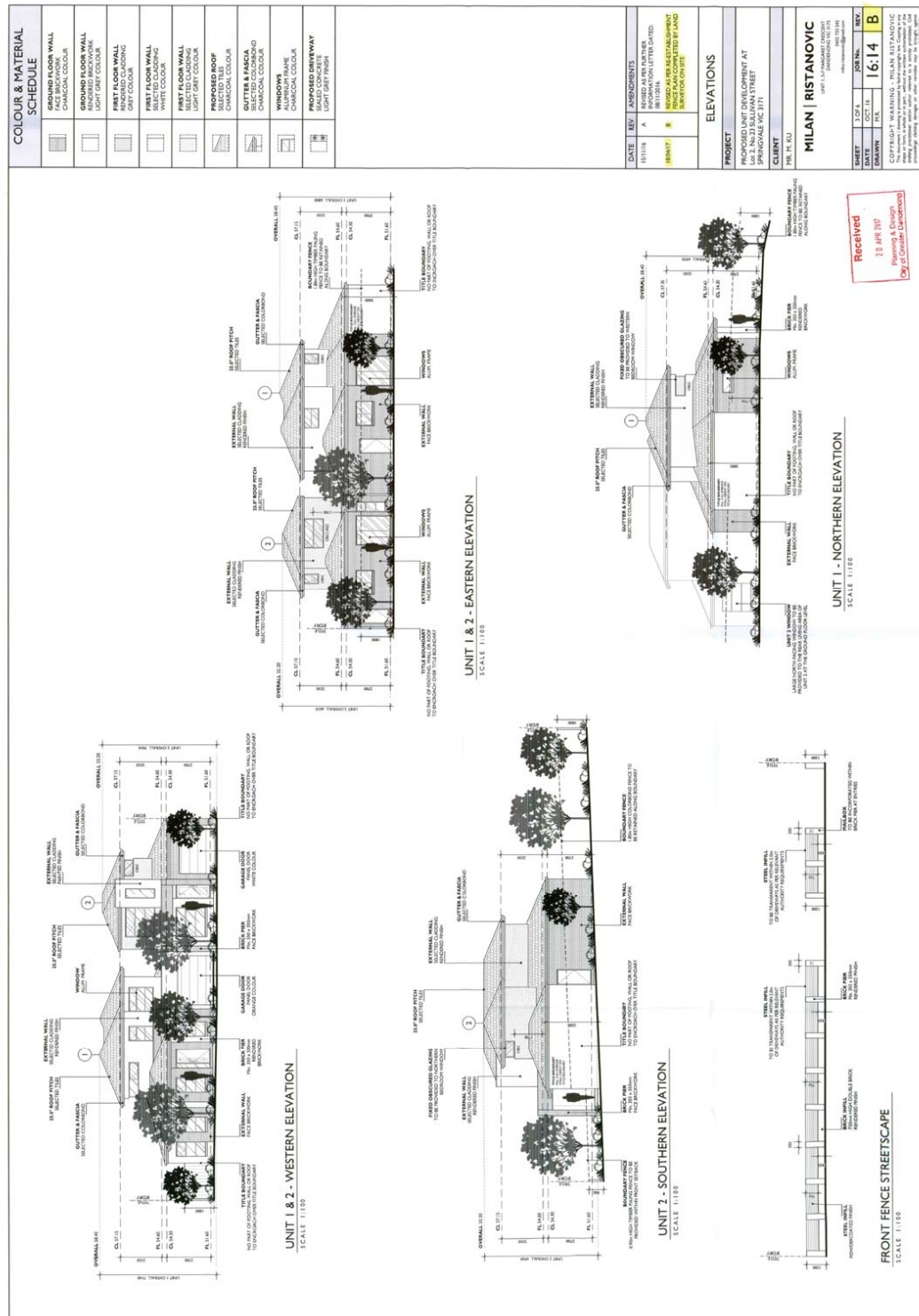
SUBMITTED PLANS

PAGES 8 (including cover)

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

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

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2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

TOWN PLANNING

**TOWN PLANNING APPLICATION – No. 23 SULLIVAN STREET,
SPRINGVALE (PLANNING APPLICATION No. PLN16/0744)**

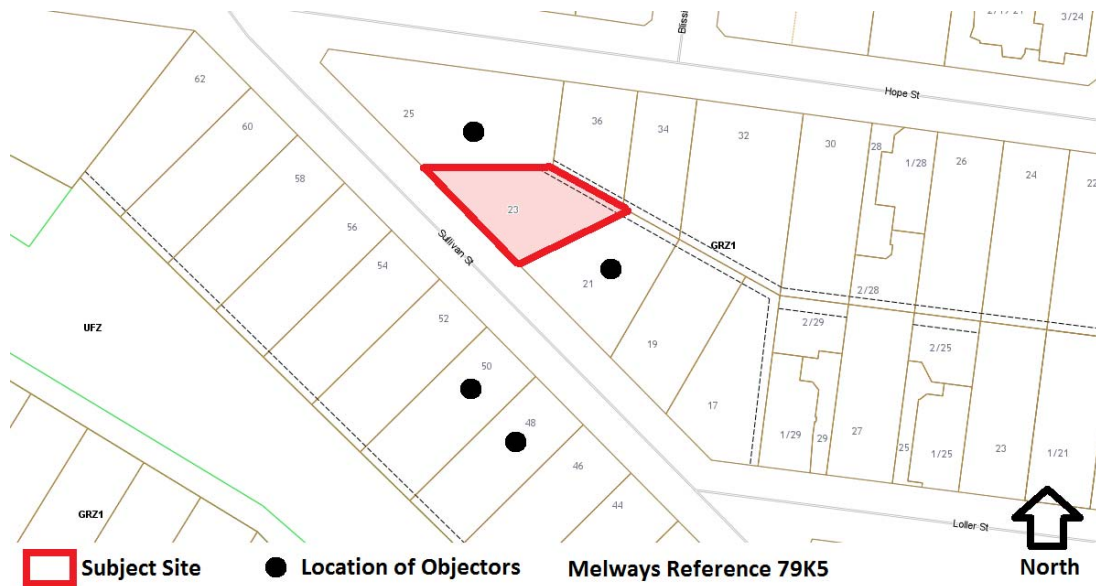
ATTACHMENT 2

LOCATION OF OBJECTORS

PAGES 2 (including cover)

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

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)



2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

TOWN PLANNING

**TOWN PLANNING APPLICATION – No. 23 SULLIVAN STREET,
SPRINGVALE (PLANNING APPLICATION No. PLN16/0744)**

ATTACHMENT 3

CLAUSE 22.09 ASSESSMENT

PAGES 2 (including cover)

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

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Assessment Table for Clause 22.09-3.2 Incremental change areas		
Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
Housing form	Medium density housing forms, including townhouses and villas to provide medium density infill development.	✓ Complies
Ground Floor	All dwellings to have ground level living areas. Developments comprising dwellings without ground level living areas only if they can be justified on merit with respect to design, location and amenity grounds.	✓ Complies
Height	Up to 2 storeys, with 3 storeys a possibility where appropriate considering its interface with existing residential development, response to site circumstances and streetscape.	✓ Complies
Bulk	More intense and higher elements of built form focussed towards the front of a site. Upper level tiering may be appropriate in some cases, however, excessive tiered building profiles that result in exaggerated, progressive upper level setbacks should be avoided.	✓ Complies
	Double storey buildings to the rear of a lot are generally discouraged where they would adversely impact on the future character of the area, the immediate character of the neighbourhood or on the amenity of neighbouring properties.	- N/A
	Two storey development is discouraged in locations where the subdivision and development pattern tends to have a spine of open space or low levels of building structure at the rear of the lots.	- N/A
Private open space	Double storey dwellings to the rear of the lot may be considered in cases where their upper storey components are well recessed from adjoining sensitive interfaces, are in keeping with the existing character of open spaces within rear backyards of the immediate area and can provide sufficient side and rear boundary landscaping to screen any adverse impacts on neighbouring properties.	- N/A
	Developments should provide main living areas at ground level orientated to the secluded private open space areas to be located to the side and or rear of the dwelling.	✓ Complies
Car parking	For developments comprising dwellings with a ground level component –all car parking should be well integrated into the design of the building, should, generally be hidden from view or recessed from the existing streetscape.	✓ Complies
Front boundary	Open or low scale front fences which allow a visual connection between the landscaping in front gardens and street tree planting will be encouraged.	✓ Complies
	Parking, paving and car access within the front boundary setback should be avoided in order to maximise the opportunity for soft landscaping and prevent the over dominance of carports and or garages to the street.	✓ Complies
	Second crossovers on allotments with frontage widths below 17 metres will be discouraged.	✓ Complies

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

TOWN PLANNING

**TOWN PLANNING APPLICATION – No. 23 SULLIVAN STREET,
SPRINGVALE (PLANNING APPLICATION No. PLN16/0744)**

ATTACHMENT 4

C182 ASSESSMENT

PAGES 7 (including cover)

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

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Assessment against C182 – Clause 22.09		
<p>The subject site is located within the 'Incremental change' area at Clause 22.09-3.5 Map 1 – Future Change Areas.</p> <p>Clause 22.09 requires all residential developments to be assessed against the design principles, in addition to those specific to each future Change area.</p> <p>The overarching Design Principles at Clause 22.09-3.1 are as follows:</p>		
Objective	Design Principle	Response
Safety	<p>To encourage the provision of safer residential neighbourhoods, new development should enable passive surveillance through designs that:</p> <ul style="list-style-type: none"> • Incorporate active frontages including ground floor habitable room windows. • Maximise the number of habitable room windows on all levels of residential buildings that overlook the public realm, streets, laneways, internal access ways and car parking areas. • Use semi-transparent fences to the street frontage. • Light communal spaces including main entrances and car parking areas with high mounted sensor-lights. • Ensure that all main entrances are visible and easily identifiable from the street. • Locate non-habitable rooms such as bathrooms, away from entrances and street frontage. 	✓ Complies
Landscaping	<p>Residential development should:</p> <ul style="list-style-type: none"> • Provide substantial, high quality on-site landscaping, including screen planting and canopy trees along ground level front and side and rear boundaries. • Provide substantial, high quality landscaping along vehicular accessways. • Include the planting of at least one substantial canopy tree to each front setback and ground level secluded private open space area. • Planting trees that are common to and perform well in the area. • Avoid the removal of existing mature trees by incorporating their retention into the site design. • Use landscaping to soften the appearance of the built form when viewed from the street and to respect the amenity of adjoining properties. • Ensure that landscaping also addresses the Safety Design Principles. <p>Canopy trees should be planted in well proportioned setbacks/private open space that are sufficient to accommodate their future growth to maturity.</p> <p>Landscaping should minimise the impact of increased storm water runoff through water sensitive urban design and reduced impervious surfaces.</p> <p>Landscaping should be sustainable, drought tolerant, and include indigenous species and be supported through the provision of rainwater tanks.</p>	! Variation required
Car parking	The existing level of on-street car parking should be maintained by avoiding second crossovers on	✓ Complies

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

	<p>allotments with frontage widths less than 17 metres.</p> <p>On-site car parking should be:</p> <ul style="list-style-type: none"> • well integrated into the design of the building, • generally hidden from view or appropriately screened where necessary, • located to the side or rear of the site so as to not dominate the streetscape and to maximise soft landscaping opportunities at ground level, <p>Where car parking is located within the front setback it should be:</p> <ul style="list-style-type: none"> • fully located within the site boundary; and • capable of fully accommodating a vehicle between a garage or carport and the site boundary. <p>Developments with basement car parking should consider flooding concerns where applicable.</p>	
Setbacks, front boundary and width	<p>Residential developments should:</p> <ul style="list-style-type: none"> • Provide a front setback with fence design and height in keeping with the predominant street pattern. • Maintain the apparent frontage width pattern. • Provide appropriate side setbacks between buildings to enable screen planting where required, and at least one generous side setback to enable the retention of trees and/or the planting and future growth of trees to maturity. • Provide open or low scale front fences to allow a visual connection between landscaping in front gardens and street tree planting. 	✓ Complies
Private open space	<p>All residential developments should provide good quality, useable private open space for each dwelling directly accessible from the main living area.</p> <p>Ground level private open space areas should be able to accommodate boundary landscaping, domestic services and outdoor furniture so as to maximise the usability of the space.</p> <p>Private open space should be positioned to maximise solar access.</p> <p>Upper floor levels of the same dwelling should avoid encroaching secluded private open space areas to ensure the solar access, useability and amenity of the space is not adversely affected.</p> <p>Upper level dwellings should avoid encroaching the secluded private open space of a separate lower level dwelling so as to ensure good solar access and amenity for the lower level dwelling.</p>	✓ Complies
Bulk & Built Form	<p>All residential developments should respect the dominant façade pattern of the streetscape by:</p> <ul style="list-style-type: none"> • Using similarly proportioned roof forms, windows, doors and verandahs; and • Maintaining the proportion of wall space to windows and door openings. <p>Balconies should be designed to reduce the need for screening from adjoining dwellings and properties.</p>	✓ Complies

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

	<p>The development of new dwellings to the rear of existing retained dwellings is discouraged where:</p> <ul style="list-style-type: none"> • The siting of the retained dwelling would not enable an acceptable future site layout for either the proposed or future dwelling; or • The retention of the existing dwelling detracts from the identified future character. <p>On sites adjacent to identified heritage buildings infill development should respect the adjoining heritage by:</p> <ul style="list-style-type: none"> • Not exceeding the height of the neighbouring significant building; • Minimising the visibility of higher sections of the new building; and • Setting higher sections back at least the depth of one room from the frontage. 	
Site Design	<p>Residential development should:</p> <ul style="list-style-type: none"> • Preserve the amenity of adjoining dwellings through responsive site design that considers the privacy, solar access and outlook of adjoining properties. • Maximise thermal performance and energy efficiency of the built form by addressing orientation, passive design and fabric performance. • Ensure that building height, massing and articulation responds sensitively to existing residential interfaces, site circumstances, setbacks and streetscape and reduces the need for screening. • Provide sufficient setbacks (including the location of basements) to ensure the retention of existing trees and to accommodate the future growth of new trees. • Provide suitable storage provisions for the management of operational waste. Appropriately locate suitable facilities to encourage public transport use, cycling and walking. 	✓ Complies
Materials & Finishes	<p>Residential development should:</p> <ul style="list-style-type: none"> • Use quality, durable building materials and finishes that are designed for residential purposes. • Avoid the use of commercial or industrial style building materials and finishes. • Avoid using materials such as rendered cement sheeting, unarticulated surfaces and excessive repetitive use of materials. • Use a consistent simple palette of materials, colours, finishes and architectural detailing. • Maximise the ongoing affordability and sustainability of residential developments through the selection of low maintenance, resource and energy efficient materials and finishes that can be reasonably expected to endure for the life of the building. 	✓ Complies
Domestic services normal to a dwelling and Building services	<p>In order to minimise the impact of domestic and building services on the streetscape, adjacent properties, public realm and amenity of future residents, new residential development should:</p> <ul style="list-style-type: none"> • Ensure that all domestic and building services are visually integrated into the design of the building and appropriately positioned or screened so as to not be seen from the street or adjoining properties. • Be designed to avoid the location of domestic and building services: 	✓ Complies

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

	within secluded private open space areas, including balconies; and where they may have noise impacts on adjoining habitable rooms and secluded private open space areas.	
Internal Amenity	<p>Residential development should:</p> <ul style="list-style-type: none">• Ensure that dwelling layouts have connectivity between the main living area and private open space.• Be designed to avoid reliance on borrowed light to habitable rooms.• Ensure that balconies and habitable room windows are designed and located to reduce the need for excessive screening.• Ensure that dwellings without ground level main living areas meet the Standards of Clauses 55.03-5, 55.04-1, 6 & 7, 55.05-3, 4 & 5.	✓ Complies

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Assessment Table for Clause 22.09-3.3 Incremental change areas		
Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
Preferred housing types	The preferred housing type for the Incremental Change Area is medium density.	✓ Complies
Building Height	The preferred maximum building height for land within the GRZ1 and GRZ2 is up to 2 storeys, including ground level.	✓ Complies
Landscaping	Residential development should use landscaping to create a landscaped character, particularly canopy trees in front and rear gardens; and to protect the outlook of adjoining properties.	✓ Complies
Setbacks, front boundary and width	Parking, paving and car access within the front boundary setback should be limited in order to maximise the opportunity for soft landscaping and prevent the over dominance of carports and garages in the street.	✓ Complies
Private open space	Residential development should provide secluded private open space at the side or rear of each dwelling to avoid the need for excessive screening or high front fencing	✓ Complies
Bulk & Built Form	<p>Residential development should:</p> <ul style="list-style-type: none"> ensure that the built form respects the scale of existing prevailing built form character and responds to site circumstances and streetscape; provide separation between dwellings at the upper level; retain spines of open space at the rear of properties to maximise landscaping opportunities and protect private secluded open space; position more intense and higher elements of built form towards the front and centre of a site, transitioning to single storey elements to the rear of the lot. <p>The rearmost dwelling on a lot should be single storey to ensure the identified future character of the area and the amenity of adjoining properties is respected by maximising landscaping opportunities and protecting adjoining private secluded open space.</p> <p>Two storey dwellings to the rear of a lot may be considered where:</p> <ul style="list-style-type: none"> the visual impact of the building bulk does not adversely affect the identified future character of the area; overlooking and/or overshadowing does not adversely 	✓ Complies

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

	<p>affect the amenity of neighbouring properties;</p> <ul style="list-style-type: none"> the building bulk does not adversely affect the planting and future growth of canopy trees to maturity; sufficient side and rear boundary landscaping can be provided to screen adjoining properties; upper storey components are well recessed from adjoining sensitive interfaces. <p>Residential development should be well articulated through the use of contrast, texture, variation in forms, materials, and colours.</p>	
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Assessment against C182 – Schedule 1 to the General Residential Zone		
Requirement of Clause 55	Requirement	Response
Minimum Street Setback Standard B6	As per B6 or 7.5 metres, whichever is lesser	✓ Complies
Permeability Standard B9	Minimum of 30%	✓ Complies
Landscaping Standard B13	70% of ground level front setback, and side and rear setbacks, planted with substantial landscaping and canopy trees.	✓ Complies
Private Open Space Standard B28	An area of 50 square metres of ground level, private open space with an area of secluded private open space at the side or rear of the dwelling with a minimum area of 30 square metres and a minimum dimension of 5 metres and convenient access from a living room; or A balcony or rooftop with a minimum area of 10 square metres with a minimum width of 2 metres that is directly accessible from the main living area.	✓ Complies
Front fence height Standard B32	Maximum 1.5 metre height if streets in Road Zone Category 1 1.2 metre maximum height for other streets	✓ Complies

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

TOWN PLANNING

**TOWN PLANNING APPLICATION – No. 23 SULLIVAN STREET,
SPRINGVALE (PLANNING APPLICATION No. PLN16/0744)**

ATTACHMENT 5

CLAUSE 52.06 ASSESSMENT

PAGES 4 (including cover)

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

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Car Parking Assessment Table for Clause 52.06		
Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
Parking Provision To ensure that car and bicycle parking for residents and visitors is appropriate to the needs of residents.	Car parking for residents should be provided as follows: <ul style="list-style-type: none"> One space for each one or two bedroom dwelling. Two spaces for each three or more bedroom dwelling, with one space under cover. Studies or studios that are separate rooms must be counted as bedrooms. <ul style="list-style-type: none"> One space for visitors to every 5 dwellings for developments of 5 or more dwellings 	✓ Complies
Design Standard 1 Accessways The provision of car parking should meet the design requirements of this Clause.	Accessways should: <ul style="list-style-type: none"> Be at least 3 metres wide. Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide. Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre. Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres. 	✓ Complies
	If the accessway serves four or more car spaces or connects to a road in a Road Zone, the accessway must be designed so that cars can exit the site in a forward direction.	- N/A
	If an accessway to four or more car parking spaces is from land in a Road Zone, the access to the car spaces must be at least 6 metres from the road carriageway.	- N/A
	Provide a passing area at the entrance at least 5 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Road Zone.	- N/A
	Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided.	✓ Complies

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Car Parking Assessment Table for Clause 52.06		
Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
Design Standard 2 Car parking spaces Car parking spaces and accessways should have minimum dimensions.	Minimum car park and accessway dimensions: <ul style="list-style-type: none"> Parallel – 2.3m x 6.7m with a accessway width of 3.6m 45 degrees – 2.6m x 4.9m with a accessway width of 3.5m 60 degrees – 2.6m x 4.9m with a accessway width of 4.9m 90 degrees – 2.6m x 4.9m with a accessway width of 6.4m (refer to the table in 55.06 for more details)	✓ Complies
	A building may project into the space if it is at least 2.1 metres above the space.	✓ Complies
	Car spaces in garages, carports or otherwise constrained by walls should:- <ul style="list-style-type: none"> Single garage 3.5m x 6m Double garage 5.5m x 6 	✓ Complies

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Car Parking Assessment Table for Clause 52.06		
Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
Design Standard 3 Gradients Accessways to ensure safety for pedestrians and vehicles.	Accessway grades should not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.	✓ Complies
	Ramps (except within 5 metres of the frontage) should have the maximum grades of: <ul style="list-style-type: none"> 20 metres or less 1:5 (20%) Longer than 20 metres 1:6 (16.7%) 	
Design Standard 4 Mechanical parking	Mechanical parking may be used to meet the car parking requirement provided: <ul style="list-style-type: none"> At least 25 per cent of the mechanical car parking spaces can accommodate a vehicle clearance height of at least 1.8 metres. Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation. The design and operation is to the satisfaction of the responsible authority. 	- N/A
Design Standard 5 Urban Design	Ground level car parking, garage doors and accessways should not visually dominate public space.	✓ Complies
	Car parking within buildings (including visible portions of partly submerged basements) should be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.	✓ Complies
Design Standard 6 Safety	Car parking should be well lit and clearly signed.	✓ Complies
	The design of car parks should maximise natural surveillance and pedestrian visibility from adjacent buildings.	✓ Complies
Design Standard 7 Landscaping	The layout of car parking areas should provide for water sensitive urban design treatment and landscaping.	✓ Complies
	Landscaping and trees should be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.	✓ Complies
	Ground level car parking spaces should include trees planted with flush grilles. Spacing of trees should be determined having regard to the expected size of the selected species at maturity.	- N/A

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

TOWN PLANNING

**TOWN PLANNING APPLICATION – No. 23 SULLIVAN STREET,
SPRINGVALE (PLANNING APPLICATION NO. PLN16/0744)**

ATTACHMENT 6

CLAUSE 55 ASSESSMENT

PAGES 12 (including cover)

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

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

	Assessment Table - Two or More Dwellings on a Lot and Residential Buildings (Clause 55) 23 Sullivan Street, Springvale
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Neighbourhood Character & Infrastructure		Clause 55.02	
Objective	Standard (Summarised)	Complies / Comply Required/NA	Does Not Variation
B1 Neighbourhood Character To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that development responds to the features of the site and the surrounding area.	The design response must be appropriate to the neighbourhood and the site. The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.	✓ Complies	
B2 Residential Policy To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.	An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	✓ Complies	
B3 Dwelling Diversity To encourage a range of dwelling sizes and types in developments of ten or more dwellings.	Developments of ten or more dwellings should provide a range of dwelling sizes and types, including: <ul style="list-style-type: none"> Dwellings with a different number of bedrooms. At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	- N/A	
B4 Infrastructure To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure.	Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available. Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.	✓ Complies	
		✓ Complies	
		- N/A	

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Objective	Standard (Summarised)	Complies / Does Not Comply / Variation Required/NA
B5 Integration with the Street To integrate the layout of development with the street.	Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.	✓ Complies
	Development should be oriented to front existing and proposed streets.	✓ Complies
	High fencing in front of dwellings should be avoided if practicable.	✓ Complies
	Development next to existing public open space should be laid out to complement the open space.	- N/A
Site Layout and Building Massing		
Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
B6 Street Setback To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	Walls of buildings should be set back from streets: the distance specified in Table B1. <i>Porches, pergolas and verandahs that are less than 3.6m high and eaves may encroach not more than 2.5m into the setbacks of this standard.</i> <i>Within the General Residential Zone schedule:</i> As per B6 or 7.5 metres, whichever is the lesser.	✓ Complies
B7 Building Height To ensure that the height of buildings respects the existing or preferred neighbourhood character.	The maximum building height should not exceed 9 metres (unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 1 metre higher than the maximum prescribed for the zone).	✓ Complies
	Changes of building height between existing buildings and new buildings should be graduated.	✓ Complies

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
B8 Site Coverage To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.	The site area covered by buildings should not exceed 60%.	✓ Complies
B9 Permeability To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration.	At least 20% of the site should not be covered by impervious surfaces. Within the GRZ1 schedule - 30%	✓ Complies
B10 Energy Efficiency To achieve and protect energy efficient dwellings and residential buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.	Buildings should be:	✓ Complies
	<ul style="list-style-type: none"> ▪ Oriented to make appropriate use of solar energy. ▪ Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. 	
	Living areas and private open space should be located on the north side of the development, if practicable.	✓ Complies
B11 Open Space To integrate the layout of development with any public and communal open space provided in or adjacent to the development.	Developments should be designed so that solar access to north-facing windows is maximised.	✓ Complies
	If any public or communal open space is provided on site, it should: <ul style="list-style-type: none"> ▪ Be substantially fronted by dwellings, where appropriate. ▪ Provide outlook for as many dwellings as practicable. ▪ Be designed to protect any natural features on the site. ▪ Be accessible and usable. 	- N/A
B12 Safety To ensure the layout of development provides for the safety and security of residents and property.	Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.	✓ Complies
	Planting which creates unsafe spaces along streets and accessways should be avoided.	✓ Complies
	Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.	✓ Complies
	Private spaces within developments should be protected from inappropriate use as public thoroughfares.	✓ Complies

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
B13 Landscaping To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site.	The landscape layout and design should: <ul style="list-style-type: none"> Protect any predominant landscape features of the neighbourhood. Take into account the soil type and drainage patterns of the site. Allow for intended vegetation growth and structural protection of buildings. In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. Provide a safe, attractive and functional environment for residents. 	✓ Complies
	Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood. Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.	✓ Complies
	The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.	✓ Complies
	In the GRZ1 and RGZ1 schedule, 70% of ground level front setback planted with substantial landscaping and canopy trees.	✓ Complies
B14 Access To ensure vehicle access to and from a development is safe, manageable and convenient. To ensure the number and design of vehicle crossovers respects the neighbourhood character.	Accessways should: <ul style="list-style-type: none"> Be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network. Be designed to ensure vehicles can exit a development in a forwards direction if the accessway serves five or more car spaces, three or more dwellings, or connects to a road in a Road Zone. Be at least 3 metres wide. Have an internal radius of at least 4 metres at changes of direction. Provide a passing area at the entrance that is at least 5 metres wide and 7 metres long if the accessway serves ten or more spaces and connects to a road in a Road Zone. 	✓ Complies
	The width of accessways or car spaces should not exceed: 33% of the street frontage; or if the width of the street frontage is less than 20 metres, 40% of the street frontage.	✓ Complies
	No more than one single-width crossover should be provided for each dwelling fronting a street.	✓ Complies
	The location of crossovers should maximise the retention of on-street car parking spaces.	✓ Complies

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Amenity Impacts		Clause 55.04
Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
B17 Side and Rear Setbacks To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.	<p>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>	✓ Complies
B18 Walls on Boundaries To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.	<p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, <p>or</p> <ul style="list-style-type: none"> Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater. <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200m from a boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>	✓ Complies

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
B19 Daylight to Existing Windows To allow adequate daylight into existing habitable room windows.	Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.	✓ Complies
	Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.	✓ Complies
	Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.	

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
B20 North Facing Windows To allow adequate solar access to existing north-facing habitable room windows.	If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.	- N/A
B21 Overshadowing Open Space To ensure buildings do not significantly overshadow existing secluded private open space.	<p>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.</p> <p>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	✓ Complies
B22 Overlooking To limit views into existing secluded private open space and habitable room windows.	<p>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the <u>secluded private open</u> space or <u>habitable room window</u> of an existing dwelling (horizontal 9m rule and from a height of 1.7m above ffl).</p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view should be either:</p> <ul style="list-style-type: none"> ▪ Offset a minimum of 1.5 metres from the edge of one window to the edge of the other. ▪ Have sill heights of at least 1.7 metres above floor level. ▪ Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level. ▪ Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. 	✓ Complies
	<p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</p>	✓ Complies

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
	<p>Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> ▪ Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. ▪ Permanent, fixed and durable. ▪ Designed and coloured to blend in with the development. <p>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p>	- N/A
B23 Internal Views To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.	Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.	✓ Complies
B24 Noise Impacts To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise.	Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.	✓ Complies
	Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.	✓ Complies - N/A

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

On-Site Amenity and Facilities		Clause 55.05
Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
B25 Accessibility To encourage the consideration of the needs of people with limited mobility in the design of developments.	The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.	✓ Complies
B26 Dwelling Entry To provide each dwelling or residential building with its own sense of identity.	Entries to dwellings and residential buildings should: <ul style="list-style-type: none"> Be visible and easily identifiable from streets and other public areas. Provide shelter, a sense of personal address and a transitional space around the entry. 	✓ Complies
B27 Daylight to New Windows To allow adequate daylight into new habitable room windows.	A window in a habitable room should be located to face: <ul style="list-style-type: none"> An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or A verandah provided it is open for at least one third of its perimeter, or A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	✓ Complies
B28 Private Open Space To provide adequate private open space for the reasonable recreation and service needs of residents.	A dwelling or residential building should have private open space consisting of: <ul style="list-style-type: none"> Total of 40 square metres, one part to consist of secluded private open space to side or rear with a minimum area of 25 square metres and a minimum width of 3 metres. A balcony of 8 square metres, minimum width of 1.6 metres. A roof-top area of 10 square metres, minimum width of 2 metres. All with convenient access from a living room. <i>Within the General Residential Zone schedule:</i> With 25 square metres of secluded private open space at ground level having a minimum dimension of 5 metres.	✓ Complies
B29 Solar Access to Open Space To allow solar access into the secluded private open space of new dwellings and residential buildings.	The private open space should be located on the north side of the dwelling or residential building, if appropriate.	✓ Complies
	The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2+0.9h) metres, where 'h' is the height of the wall.	✓ Complies

2.4.2 Town Planning Application – No. 23 Sullivan Street, Springvale (Planning Application No. PLN16/0744) (Cont.)

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
B30 Storage To provide adequate storage facilities for each dwelling.	Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.	✓ Complies
Detailed Design		Clause 55.06
Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
B31 Design Detail To encourage design detail that respects the existing or preferred neighbourhood character.	The design of buildings, including: <ul style="list-style-type: none"> ▪ Facade articulation and detailing, ▪ Window and door proportions, ▪ Roof form, and ▪ Verandahs, eaves and parapets, ▪ Should respect the existing or preferred neighbourhood character. 	✓ Complies
	Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.	✓ Complies
B32 Front Fences To encourage front fence design that respects the existing or preferred neighbourhood character.	The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.	✓ Complies
	A front fence within 3 metres of a street should not exceed: <ul style="list-style-type: none"> ▪ 2m if abutting a Road Zone, Category 1. ▪ 1.5m in any other streets. <p><i>Within all residential zone schedules:</i> Maximum 1.5 metre height in streets in Road Zone Category 1, 1.2 metre maximum height for other streets.</p>	✓ Complies
B33 Common Property To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.	Developments should clearly delineate public, communal and private areas.	✓ Complies
To avoid future management difficulties in areas of common ownership.	Common property, where provided, should be functional and capable of efficient management.	- N/A
B34 Site Services To ensure that site services can be installed and easily maintained.	The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.	✓ Complies
To ensure that site facilities are accessible, adequate and attractive.	Bin and recycling enclosures, mailboxes and other site facilities should be accessible, adequate in size, durable, waterproof and blend in with the development.	✓ Complies
	Mailboxes should be provided and located for convenient access as required by Australia Post.	✓ Complies

2.5 POLICY AND STRATEGY

2.5.1 Review of Procurement Policy

File Id:

Responsible Officer:

Director Corporate Services

Attachments:

Procurement Policy

Report Summary

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

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

- Procurement Policy

Recommendation Summary

This reports recommends that the Procurement Policy be readopted as per attachment (1) one.

2.5.1 Review of Procurement Policy (Cont.)**Background**

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

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

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

It is critical that Council policies and codes of practice fully reflect the principles, values and issues that Council believes are important as outlined in the Council Plan. Following a detailed review of a Council policy or code of practice it will be submitted to Council for either readoption or abolition to ensure all policies and codes of practice remain current.

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

Council's previous Procurement Policy was last adopted in May 2014 and was based on a higher level principles based approach to the Policy. This approach has been reviewed by internal audit on more than one occasion with audit recommendations for the Policy to be significantly redeveloped.

This has now occurred the proposed Policy that is submitted for Council consideration is substantially more detailed than the previous policy and has been based upon the MAV Model Procurement Policy and the information gained from a review of a number of other Councils.

Proposal

The following Policy be readopted by Council:

Subject	Description of change to existing Policy
Procurement Policy	The Procurement Policy that is attached to this Agenda is substantially more detailed than the previous Policy. As such the new Policy constitutes a completely new version of the Policy rather than a change to the existing approach.

A copy of the policy seeking readoption is attached to this report.

Community Plan 'Imagine 2030' and Council Plan 2013-2017 – Strategic Objectives, Strategies and Plans

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

2.5.1 Review of Procurement Policy (Cont.)

Community Plan 'Imagine 2030'

Opportunity

- *Leadership by the Council* – The leading Council

Council Plan 2013-2017

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

Opportunity

- A thriving and resilient economy
- A Council that listens and leads

Financial Implications

No financial resources are impacted by this report.

Consultation

The revised Procurement Policy has been subject of review by Councils staff based Procurement Steering Committee and then has been tabled for the review of the Audit Advisory Committee Meeting held on Friday 16 June, 2017. The Audit Advisory Committee recommended to Council the adoption of the Policy.

Conclusion

The policy detailed in this report has been significantly redeveloped since the previous Procurement Policy and now meets industry best practice and all audit recommendations in terms of content.

Recommendation

That the Procurement Policy attached to this report be adopted.

MINUTE 283

Moved by: Cr Matthew Kirwan
Seconded by: Cr Youhorn Chea

That the Procurement Policy attached to this report be adopted.

CARRIED

2.5.1 Review of Procurement Policy (Cont.)

POLICY AND STRATEGY

REVIEW OF PROCUREMENT POLICY

ATTACHMENT 1

PROCUREMENT POLICY

PAGES 33 (including cover)

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

2.5.1 Review of Procurement Policy (Cont.)

Greater Dandenong Policy

Procurement Policy

File number:	A37214	Authority:	Council
Directorate:	Corporate Services	Responsible Officer:	Manager People and Procurement Services
Policy Type:	Compliance	Version No:	004
1 st Adopted by Council	9 November 2009 Minute No. 334	Last Adopted by Council:	12 May 2014 Minute No. 565
Review Period:	In each financial year	Next Review:	June 2019

2.5.1 Review of Procurement Policy (Cont.)**Contents**

1	Principles.....	1
1.1	Background.....	1
1.2	Scope.....	2
1.3	Purpose.....	2
1.4	Treatment of GST	2
1.5	Definitions and Abbreviations.....	3
2	Effective legislative and policy compliance.....	6
2.1	Ethics and Probity	6
2.1.1	Requirement	6
2.1.2	Conduct of Councillors and Council Staff	6
2.1.2.1	General	6
2.1.2.2	Members of Professional Bodies	6
2.1.3	Tender and Quotation Processes	6
2.1.4	Conflict of Interest	7
2.1.5	Fair and Honest Dealing	7
2.1.6	Accountability and Transparency	7
2.1.7	Gifts and Hospitality	8
2.1.8	Disclosure of Information	8
2.1.9	Councils Expectations of Suppliers.....	8
2.2	Governance	9
2.2.1	Structure	9
2.2.2	Standards	9
2.2.3	Methods	10
2.2.4	Responsible Financial Management.....	11
2.2.5	Probity Advisor/Auditor	11

2.5.1 Review of Procurement Policy (Cont.)

2.3	Procurement Thresholds and Competition.....	12
2.3.1	Requirement	12
2.3.2	Minimum Spend Competition Thresholds.....	12
2.3.2.1	Tenders.....	12
2.3.2.2	Best and Final Offer (BAFO).....	13
2.3.2.3	Quotations.....	14
2.3.2.4	Purchasing Cards	14
2.3.2.5	Petty Cash	14
2.3.2.6	Agency	15
2.3.2.7	Emergencies	15
2.3.2.8	Ministerial Exemption	15
2.4	Tender Criteria and Weightings	15
2.5	Tender Evaluation Panels.....	16
2.6	Delegation of Authority.....	17
2.6.1	Requirement	17
2.6.2	Delegations.....	17
2.6.2.1	Council Staff.....	17
2.6.2.2	Delegations Reserved for the Tender Board and Council	17
2.7	Internal Controls.....	18
2.8	Commercial Information	18
2.9	Risk Management	18
2.9.1	General	18
2.9.2	Supply by Contract	18
2.9.3	OH&S and Other Mandatory Requirements	19
2.10	Contract Terms	19
2.11	Endorsement.....	19
2.12	Dispute Resolution.....	19
2.13	Contract Management.....	20
2.14	e-Procurement	20

2.5.1 Review of Procurement Policy (Cont.)

3	Demonstrate sustained value.....	21
3.1	Integration with Council Strategy	21
3.2	Achieving Value for Money	21
3.2.1	Requirement	21
3.2.2	Approach	21
3.2.3	Role of Specifications	22
3.3	Performance Measure and Continuous Improvement	22
3.4	Corporate Social Responsibility	22
3.5	Sustainable Procurement.....	23
3.6	Social Procurement.....	23
3.6.1	Supporting Local Businesses	24
3.6.2	Social Enterprises.....	24
3.6.3	Collaboration with the Industry Capability Network (ICN)	24
3.6.4	Project Delivery.....	Error! Bookmark not defined.
4	Application of a consistent standard approach	25
4.1	Standard Processes.....	25
4.2	Performance Indicators and Management Information	25
5	Build and maintain supply relationships.....	26
5.1	Developing and Managing Suppliers	26
5.2	Supply Market Development.....	26
5.3	Relationship Management	26
5.4	Communication	26
6	Continual improvement.....	27
7	References	28

2.5.1 Review of Procurement Policy (Cont.)

Greater Dandenong Policy

1 Principles

This Policy has been developed to meet the requirements of Section 186A of the *Local Government Act 1989* as amended on 19 November 2008 with consideration given to meet Section 3C of the Act (Objectives of Council)

1.1 Background

Greater Dandenong City Council:

- Recognises that:
 - Developing a procurement strategy and adopting appropriate best practice contracting and procurement principles, policies, processes and procedures for all goods, services and works by Council, will enhance achievement of Council objectives.
 - The elements of best practice applicable to local government procurement incorporate:
 - broad principles covering ethics, value for money, responsibilities and accountabilities;
 - guidelines giving effect to those principles;
 - a system of delegations (i.e. the authorisation of officers to approve a range of functions in the procurement process);
 - procurement processes, with appropriate procedures covering minor simple procurement to high value complex procurement; and
 - a professional approach to all tenders undertaken.
- Requires that Councils procurement activities:
 - support Council's corporate strategies, aims and objectives;
 - take a long term strategic view of procurement needs while continually assessing, reviewing and auditing procedures, strategy and objectives;
 - provide a robust and transparent audit trail which ensures that procurement projects are delivered on time, within cost constraints and that the needs of end users are fully met;
 - are conducted, and are seen to be conducted, in an impartial, fair and ethical manner;
 - achieve value for money and quality in the acquisition of goods, services and works;
 - ensure that risk is identified, assessed and managed at all stages of the procurement process;
 - use strategic procurement practices and innovative procurement solutions, in particular making use of collaboration and partnership opportunities;
 - comply with legislation (including Risk Management, Occupational Health and Safety and Competition and Consumer Legislation), Council policies or other requirements, ensuring that all staff responsible for procurement and contract management are aware of and adhere to the legislative requirements, Victoria's Charter of Human Rights and Responsibilities, Council standards and best practice;
 - support business in the local community where possible.

2.5.1 Review of Procurement Policy (Cont.)



Greater Dandenong Policy

1.2 Scope

This Procurement Policy is made under Section 186A of the *Local Government Act 1989*.

This section of the Act requires Council to prepare, approve and comply with a procurement policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by Council.

This policy applies to all contracting and procurement activities at Council and is binding upon Councillors, Council officers and temporary employees, contractors and consultants while engaged by Council.

1.3 Purpose

It is the council policy that all purchasing decisions have the objective of ensuring a best value outcome for the community. A best value outcome takes into account the need for prudent financial management, a competitive and fairly treated local procurement environment, optimum sustainability outcomes and addressing local social disadvantage concerns.

The purpose of this Policy is to

- provide policy and guidance to Council to allow consistency and control over procurement activities;
- demonstrate accountability and value for money to rate payers;
- provide guidance on ethical behaviour in public sector purchasing;
- demonstrate the application of elements of best practice in purchasing;
- increase the probability of obtaining the right outcome when purchasing goods and services; and
- further strengthen local communities by exploring ways to generate local employment and procurement opportunities.

1.4 Treatment of GST

All monetary values related to this policy include GST except, where specifically stated otherwise.

2.5.1 Review of Procurement Policy (Cont.)

Greater Dandenong Policy

1.5 Definitions and Abbreviations

Term	Definition
Act	<i>Local Government Act 1989.</i>
Commercial in Confidence	Information that, if released, may prejudice the business dealings of the party (e.g. discounts, rebates, profits, methodologies and process information). It is information provided for a specific purpose that is not to be used for any other purpose than set out in the initial document.
Conditions of Tendering	Rules governing the content and submission of tenders and the conduct of the tendering process.
Contract Management	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.
Council Staff (Council Representative / Contracts Officer/ Superintendent)	Includes full time and part-time Council officers, and temporary employees, contractors and consultants while engaged by the Council.
Conflict of Interest	Refer to section 77A of the Act.
Corporate Social Responsibility (CSR)	Corporate Social Responsibility (CSR) is about taking positive action to demonstrate Council's commitment to the local community and environment on which it impacts. This includes sustainability, social procurement and support for local industries
Delegation	A power handed down by the Council or Chief Executive Officer in an instrument to enable a delegate to act on Council's behalf.
Emergency	Sudden or unexpected occurrence requiring immediate action.
e-Procurement	e-Procurement is integral to the overall development of procurement processes and involves the use of electronic systems to acquire goods services and works.
Expression of Interest (EOI)	An invitation for persons to submit an EOI for the provision of the goods, services and works which generally set out in the overview of requirements contained in the document. This invitation is not an offer or a contract.

2.5.1 Review of Procurement Policy (Cont.)

Greater Dandenong Policy

Term	Definition
Local Supplier	Local suppliers are defined as business that are either based in the south-east region of Melbourne, perform the majority of their manufacturing in this region or employ a significant number of Greater Dandenong residents in their business.
Preferred Tenderer	A process whereby Council determines the preferred tenderer arising from a tender process, subject to ongoing negotiations with that tenderer in respect of tender received. This may include negotiations on price, tender conditions and tender outcomes.
Probity	The dictionary definition of probity refers to uprightness, honesty, proper and ethical conduct and propriety in dealings. Within Government, the word "probity" is often used in a general sense to mean "good process." A procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the Council's policies and legislation are established, understood and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.
Probity Advisor	Commonly an observer in dealings with tenderers and the evaluation panel at presentations and interviews. The probity advisors would be available to answer questions and provide advice to the evaluation team and/or steering committee.
Probity Auditor	Primarily reviews all processes and documentation throughout the procurement process and provides a report on their findings at the conclusion of the process.
Panel Contract Arrangements	A contract that sets out rates for goods and services which are available for the term of the agreement. However, no commitment is made under the agreement to purchase a specified value or quantity of goods or services.
Procurement ⁱ	Procurement is the whole process of acquisition of external goods, services and works. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
Social Enterprise	A social enterprise is a revenue-generating business with primarily social objectives whose surpluses are reinvested for that purpose in the business or in the community, rather than being driven by the need to deliver profit to shareholders and owners.

2.5.1 Review of Procurement Policy (Cont.)

Greater Dandenong Policy

Term	Definition
Social Procurement	Social Procurement uses Procurement processes and purchasing power to generate positive social outcomes in addition to the delivery of efficient goods, services and works.
Sustainability ⁱⁱ	Activities that meet the needs for goods, works and services in a way that achieves value for money on a whole of life basis in terms of generating benefits not only to Council, but also to society and the economy, while minimising damage to the environment.
Tender Process	The process of inviting parties to submit a tender by public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer.
Thresholds	The value above which a procurement, unless exempt, is subject to the mandatory procurement processes.
Quotation Process	The process of inviting parties to submit a quotation followed by evaluation of submissions and selection of a successful bidder or tenderer.
Value For Money	<p>Value for Money in procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including:</p> <ul style="list-style-type: none"> • contribution to the advancement of the Council's priorities; • non-cost factors such as fitness for purpose, quality, service and support, project delivery, risk, economic contribution to the South East region, financial capacity; and • cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.

2.5.1 Review of Procurement Policy (Cont.)



Greater Dandenong Policy

2 Effective legislative and policy compliance

2.1 Ethics and Probity

2.1.1 Requirement

The Council's procurement activities shall be performed with integrity and in a manner able to withstand the closest possible scrutiny.

2.1.2 Conduct of Councillors and Council Staff

2.1.2.1 General

Councillors and Council Staff shall at all times conduct themselves in ways that are ethical and will:

- treat potential and existing suppliers with equality and fairness;
- not seek or receive personal gain;
- maintain confidentiality of competing companies information, such as pricing, specifications, quotation, tender, bid, or any other commercial or proprietary information;
- present a high standard of professionalism and probity;
- deal with suppliers in an honest and impartial manner that does not allow conflicts of interest;
- provide all suppliers and tenderers with the same information and equal opportunity;
- be able to account for all decisions and provide feedback on them, and
- maintain fair, equitable and non-discriminatory procedures for addressing complaints and concerns raised by suppliers or members of the community regarding Council's procurement activities.

2.1.2.2 Members of Professional Bodies

Councillors and Council Staff belonging to professional organisations shall, in addition to the obligations detailed in this policy, ensure that they adhere to any code of ethics or professional standards required by that body. (for example IPWEA Tendering code of practice)

2.1.3 Tender and Quotation Processes

All tender and quotation processes shall be conducted in accordance with the requirements of this policy, the Procurement Manual and any associated procedures, relevant legislation, relevant Australian Standards and the Act.

2.5.1 Review of Procurement Policy (Cont.)



Greater Dandenong Policy

2.1.4 Conflict of Interest

Councillors and Council Staff shall at all times avoid situations in which private interest's, conflict or might reasonably be deemed to have the potential to conflict, with their Council duties.

Councillors and Council staff involved in the procurement process, in particular preparing tender documentation, including writing tender specifications, opening and downloading of tenders and evaluation of tenders MUST not do so where that person or any member of their immediate family has a direct or indirect interest, or holds a position of influence or power in a business undertaking tendering for the work.

The onus is on the Councillor and Council Staff involved, to promptly declare a direct or indirect, actual or potential, conflict of interest to Council.

2.1.5 Fair and Honest Dealing

All prospective contractors and suppliers must be afforded an equal opportunity to tender or quote. Impartiality must be maintained in selecting contractors and suppliers so that it can withstand public scrutiny.

The commercial interests of existing and potential suppliers must be protected.

Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices (other than the price of the successful tenderers own fixed price lump sum contract), discounts, rebates, profit, manufacturing and product information.

2.1.6 Accountability and Transparency

Accountability in procurement means being able to explain and provide evidence on the process followed. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

The processes by which all procurement activities are conducted will be in accordance with this Procurement Policy and related Council policies and procedures.

Additionally:

- all Council Staff are required to comply with the Code of Conduct for Council Staff, accordingly they must be able to account for all procurement decisions made over the lifecycle of all goods, services and works purchased by the Council and provide feedback on them;
- Council staff responsible for procurement decisions must undertake periodic training in procurement processes and responsibilities.
- all procurement activities are to leave an audit trail for monitoring and reporting purposes and as principle contain a double authorization process;

2.5.1 Review of Procurement Policy (Cont.)



Greater Dandenong Policy

- Councillors must not direct or influence a member of Council staff in the exercise of any power in the performance of any duty or function.

2.1.7 Gifts and Hospitality

All Councillors and Council Staff must adhere to Council's Gifts and Hospitality Policy.

2.1.8 Disclosure of Information

Information received by the Council that is Commercial in Confidence must not be disclosed and is to be stored in a secure location.

Councillors and Council Staff are to protect, by refusing to release or discuss the following:

- information disclosed by organisations in tenders, quotation or during tender negotiations;
- all information that is Commercial in Confidence; and
- pre-contract information including but not limited to information provided in quotes and tenders or subsequently provided in pre-contract negotiations.

Councillors and Council Staff are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests.

Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt or clarify on what is being offered by that supplier.

At no stage should any discussion be entered into which could have potential contractual implications prior to the contract approval process being finalised.

Tenderers are however advised that a report on a tender process may be presented at an open meeting of Council, and some information arising from the tender will be publicly available.

2.1.9 Councils Expectations of Suppliers

It is Councils expectation that whilst participating in tendering or quotation processes suppliers must not approach, or request any other person to approach, any Councillor or Council Staff to solicit support for their bid or otherwise seek to influence the outcome of the process.

The bid of any supplier who engages in this type of conduct may not be considered further by Council.

If a supplier is aware of or concerned about any improper practices being undertaken by Council Staff in relation to procurement activities, they are requested to contact Councils Protected Disclosure Co-ordinator.

2.5.1 Review of Procurement Policy (Cont.)



Greater Dandenong Policy

2.2 Governance

2.2.1 Structure

The Council shall:

- establish a procurement management responsibility structure and delegations ensuring accountability, traceability and auditable procurement decisions.
- ensure that the Council's procurement structure:
 - encourages competition
 - is flexible enough to purchase in a timely manner the diverse range of goods, works and services required by Council;
 - ensures that prospective contractors and suppliers are afforded an equal opportunity to tender/quote;
 - ensures that policies that impinge on the purchasing policies and practices are communicated and implemented.

2.2.2 Standards

The Council's procurement activities shall be carried out to the professional standards required by best practice and in compliance with:

- the Act;
- Council's policies and procedures;
- Council's Procurement Manual;
- Councillor and Staff Code of Conduct;
- Local Government Procurement Best Practice Guidelines; and
- other relevant legislative and policy requirements, such as, but not limited to the Competition and Consumer Act, Charter of Human Rights and Responsibilities Act, Goods Act and the Environment Protection Act, National Competition and Competitive Neutrality.

2.5.1 Review of Procurement Policy (Cont.)

Greater Dandenong Policy

2.2.3 Methods

The Council's standard methods for purchasing goods, services and works shall be by:

- purchasing card;
- purchase order following a quotation process;
- under contract following a tender or quotation process; or
- under purchasing schemes including collaborative purchasing arrangements with other councils and commercial schemes such as provided by Procurement Australia, Municipal Association of Victoria Procurement, Supply Clusters of Australia, State Purchase Contracts, Whole of Victorian Government Contracts and the Construction Suppliers Register.

The only exceptions to the above are where procurements fall within the defined list of exclusions as contained in the Act and the Best Practice Procurement Guidelines 2013:

Under sub-section 186(1) of the Act, councils must expose all purchases of goods, services or works which reach the thresholds to public tender. However, the legislation allows for specific circumstances where a council may enter into a contract without first undertaking the public tender. These circumstances are:

- where the council has resolved that the contract must be entered into because of an **emergency**
- where the contract is entered into **with a council acting as the agent** for a group of councils and the council has otherwise complied with this Act
- where the contract is entered into in accordance **with arrangements approved by the Minister** for the purposes of this sub-section
- the contract is **a type of contract that has been exempted** from this section by regulation which currently only applies to contracts for the provision of legal services.

For the purposes of this section the following transactions are not considered to be procurements of goods and services and are exempt from the requirements to raise purchase orders/ seek quotations or procure under a tender process:

- Rate Refunds
- Refunds to Community Care clients
- Trust Refunds
- Employee Re-imbursements
- Utilities
- Australia Post
- Grants and Sponsorships
- Memberships and Subscriptions
- Couriers
- Petty Cash
- Seminars and conferences
- Travel related expenses

2.5.1 Review of Procurement Policy (Cont.)

Greater Dandenong Policy

Typically, a multi-stage tender process may commence with a registration/expression of interest stage followed by a tender process involving the organisations selected as a result of the registration of interest stage.

Expressions of Interest (EOI) may be appropriate where:

- Council wishes to consider ahead of the formal tender process such issues as whether those tendering possess the necessary technical, managerial and financial resources to successfully complete the project;
- tendering costs are likely to be high and Council seeks to ensure that companies incapable of supplying the requirement don't incur unnecessary expense;
- Council wishes to determine the level of interest of suppliers or vendors in tendering for the provision of goods, services or works;
- it is necessary to pre-qualify suppliers and goods to need defined standards; and
- Council is required to gain a greater understanding of its needs, the availability of relevant goods and services and the likely costs.

2.2.4 Responsible Financial Management

The principle of responsible financial management shall be applied to all procurement activities. Where the tender sum exceeds budget allocation, Council will review scope of project or ensure that appropriate funding is available within its overall budgeted resources. Council reports on tenders must identify the financial implications of each tender process.

Council Staff must not authorise the expenditure of funds in excess of their financial delegations. Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

2.2.5 Probity Advisor/Auditor

Council will consider the appointment of a probity advisor or probity auditor for tender requests based on the nature and complexity of the proposed procurement having regard to the level of risk involved. As a guideline, procurements which are greater than \$10 million should include a report from either a probity advisor and/or probity auditor. Councils contract initiation forms will provide for the relevant Director to review and recommend the appointment of a probity advisor or probity auditor where deemed necessary.

2.5.1 Review of Procurement Policy (Cont.)

Greater Dandenong Policy

2.3 Procurement Thresholds and Competition**2.3.1 Requirement**

Council's procurement thresholds will be amended from time to time to alter minimum spend competition thresholds, but at all times clear guidelines will be provided. These will be decided based on the size and complexity of the proposed procurement activities.

2.3.2 Minimum Spend Competition Thresholds

The minimum spend competitive thresholds are as follows:

- \$150,000 for Goods and Services contracts
- \$200,000 for Works (Building and Civil) contracts

For purchases with a contract value at those levels or above, State Legislation requires Council to conduct a public tender process which must be carried out by Council's Contracts Unit. A 'Contract Value' is determined over the life of a contract, and not as an annual sum in the case of an Annual Supply Contract. The contract value also includes GST, as Council is required by law to make contract payments inclusive of GST.

Notwithstanding the foregoing public tender thresholds, CGD Purchasing Procedures now require staff to contact the Contracts Unit for any purchase expected to be \$50,000 or more. This is a mandatory requirement aimed at ensuring due process has been established.

2.3.2.1 Tenders

Purchase of all goods, services and works for which the estimated expenditure exceeds the compulsory tender thresholds pursuant to Section 186 of the Act, must be undertaken by public tender unless approved exemptions are available.

As a general rule, Council will consider the threshold to apply over a one-year period but Council will determine the optimum period for the contract, on the basis of value for money and the efficiency and effectiveness of the procurement and then assess the value of the contract. Council may undertake a public tender where the value of goods, works and services does not reach the threshold sums. These may be situations where a public tender is preferred or prudent, managing risk considerations are paramount, or there is a desire for greater transparency of the procurement.

2.5.1 Review of Procurement Policy (Cont.)

Greater Dandenong Policy

Council will not accept late tenders, the exception being where it can be substantiated that:

- there was a Council related system failure/interruptions in the case of submission of an electronic tender, or
- access was denied or hindered in relation to the tender box.

The Manager People and Procurement can accept a late tender where it can be determined the above circumstances prevailed at the time of attempted lodgement.

If the nature of a proposed procurement and the characteristics of the market are such that the public tender process would lead to a better result for the Council, public tenders may be called for purchase of goods, services and works for which the estimated expenditure is less than the compulsory tender thresholds.

Where significant amounts are spent in aggregate on one supplier, or for one service, over time, Council will assess whether greater savings can be achieved by tendering. For this purpose, at least two financial accounting periods of category expenditure will be analysed with each category being individually assessed based on its own unique characteristics.

2.3.2.2 Preferred Tenderer

Following the completion of a tender process and tender evaluation, Council may reach an outcome where it has a preferred tenderer but is not in position to accept the tender due to a range of potential factors. In these cases Council may endorse a tenderer as the preferred tenderer subject to ongoing negotiation.

Without limiting the generality of the previous paragraph, this stage of the tender process may involve:

- The preferred tender refining their tender, including investigating any value management proposals put forward by Council
- Council and the preferred tenderer negotiating the contract documents including by:
 - The tenderer withdrawing some or all of its qualifications;
 - The tenderer modifying some or all of its qualifications; or
 - Council accepting in whole or in part some or all of the preferred tenderers qualifications.
- If the preferred tenderer desires to do so, re-submitting their tender to Council.
- The preferred tenderer confirming to Council in writing that the offer contained in their Tender (or, if relevant, revised Tender), is binding and will be open for acceptance by Council for up to 90 days from the date of such written confirmation; and

2.5.1 Review of Procurement Policy (Cont.)

Greater Dandenong Policy

2.3.2.3 Quotations

For purchases of goods, services and works having a total valuation of less than compulsory tender thresholds Council will maintain a formalised system of procurement requirements.

Quotes must be obtained within the following parameters if the required works or service are not already covered by an existing Annual Supply contract.

- A minimum of **one written quote** be obtained for purchases under \$5000 (letter, fax, email)
- A minimum of **two written quotes** be obtained for all purchases between \$5000 and under \$50,000 (letter, fax, email)
- A minimum of **three written quotes** be obtained for all purchases between \$50k and under \$150k

For any quotes over \$150k, please consult with the Contracts Unit.

Situations may arise where the required number of quotations cannot be obtained due a range of factors including where there may only be one supplier or where Council due to previous commitments must continue to use a single supplier. Where the required quotes cannot be obtained permission must be sought from the CEO to be excluded from this requirement.

Similarly, where an emergency event requires that quotations cannot be obtained, the procurement must be endorsed by the relevant Director either prior to the procurement or if necessary after the emergency event.

2.3.2.4 Purchasing Cards

Purchasing cards are available for the low cost and of high volume purchases of goods and services. They must be used in accordance with Council's Purchasing Card policy and are not to be used for personal use.

2.3.2.5 Petty Cash

A petty cash system operates to reimburse legitimate, urgent and operational business expenses incurred by Council staff in the conduct of Council activities.

The maximum claim for petty cash is \$100 (inclusive of GST) and must be authorised by the requesting officer's supervisor. Amounts in excess of this threshold may be approved in emergency cases by the Manager Finance and IT.

2.5.1 Review of Procurement Policy (Cont.)**Greater Dandenong Policy**

2.3.2.6 Agency

Council may use the services of a third party agent to undertake a tender on its behalf. Where this engagement is determined Council will:

- endorse the tender and contract specifications, conditions and other contract documentation before public tenders are called;
- ensure proper procurement processes and procedures are in place;
- make a decision to either accept one of the tenders or reject all tenders as allowed by the Act, including reviewing the evaluation panels' assessment of submissions and recommendation to select one tender or a panel of tenderers; and
- exercise discretion in accepting one of the tenders and merely rely on the work undertaken by the agent.

2.3.2.7 Emergencies

Council will enter into a contract, the value of which reaches the threshold amounts, for the provision of goods, services or works without first putting that contract to public tender, if it is resolved that the contract must be entered into because of an emergency.

2.3.2.8 Ministerial Exemption

The Minister for Local Government may exercise his or her discretionary power to approve an arrangement for the purposes of the Act, a contract that Council wishes to enter into without first exposing that contract to public tender. Ministerial exemptions will only be sought in exceptional circumstances.

2.4 Tender Criteria and Weightings

Tender criteria and weighting percentages must be established prior to seeking tenders and will be set having regard for the nature and type of the procurement and the objectives of Council in respect of each specific procurement.

The types of tender criteria that Council will consider in respect of each tender include:

- Price
- Experience
- Capability
- Capacity
- Methodology
- Track Record (Past Performance)
- Innovative Work Practices
- Appreciation of the Task
- Management and Technical skills
- Resources
- Local SME Industry impact

2.5.1 Review of Procurement Policy (Cont.)**Greater Dandenong Policy**

- Social and Sustainable Procurement
- OH&S
- Environmental Management Systems
- Quality Management Systems

The price weighting must form a minimum 40% of the tender weighting unless special circumstances are determined by the relevant Director having regard to tenders requiring innovative input and methodology. A lower price weighting results in a high price having a relatively low impact on the total score.

As part of its corporate social responsibility objectives and to achieve the objectives of Council strategies, a minimum tender weighting of 5% for social procurement aspects (e.g. social enterprises, fair trade, sustainability and social responsibility) and 5% for support of local industry will further apply to all tenders.

2.5 Tender Evaluation Panels

Tender evaluation panels will be established having regard to the size and complexity of the procurement. As a minimum the panel shall comprise of three members. Complex procurements may also have a larger number of participants on the evaluation panel

Where the procurement is particular complex or involves matters that require specialist knowledge, Council will engage independent external advisers to form part of the tender evaluation panel. External advisors may act as independent observers, in an advisory capacity or form part of the evaluation/selection panel. Where the latter applies independent advisors must not form the majority of the evaluation panel.

Council procurement staff may either form part of the tender evaluation panel or act as procurement advisors to the tender evaluation panel.

2.5.1 Review of Procurement Policy (Cont.)

Greater Dandenong Policy

2.6 Delegation of Authority

2.6.1 Requirement

Delegations define the limitations within which Council Staff are permitted to work. Delegation of procurement authority allows specified Council Staff to approve certain purchases, quotations, tender and contractual processes without prior referral to the Council. This enables Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

Procurement delegations ensure accountability and provide confidence to Council and the public that purchasing activities are dealt with at the appropriate level.

As such, Council has delegated responsibilities as detailed below relating to the expenditure of funds for the purchase of goods, services and works, the acceptance of quotes and tenders and for Contract Management activities.

2.6.2 Delegations

2.6.2.1 Council Staff

Council maintains a documented record of authorised procurement delegations, identifying Council officers authorised to make such procurement commitments in respect of goods, services and works on behalf of Council, including but not limited to the followingⁱⁱⁱ:

- power to authorise and issue order forms for goods and services;
- power to enter into contracts within approved budget;
- sign letters of acceptance on behalf of Council to enter into contracts; and
- contract term extensions and contract variations.

The requisition and authorisation of purchases cannot be processed by the same officer.

2.6.2.2 Delegations Reserved for the Tender Board and Council

Tenders that have a value of between \$200,000 and \$500,000 will require a detailed evaluation report to be prepared and will be considered by the Tender Board which comprises of all members of the Executive Management Team. Tender recommendations where approved will be authorised by the Chief Executive Officer and a register of approvals tabled quarterly to Council for noting.

Tender recommendations where the expenditure is over \$500,000 will be reported to Council for formal consideration. Reports are to clearly show the weightings for each category and the scoring achieved by each tenderer. Reports should also clearly state whether there has been a Pass/Fail for Occupational Health and Safety and Environmental Management Systems. Where a tenderer fails a mandatory assessment criteria no further evaluation of the tender will occur.

2.5.1 Review of Procurement Policy (Cont.)

Greater Dandenong Policy

2.7 Internal Controls

The Council will establish and maintain procurement processes that will ensure:

- more than one person is involved in and responsible for a transaction end to end;
- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented; and
- systems are in place for appropriate monitoring and performance measurement.

2.8 Commercial Information

Procurement activities will be carried out in a way that supports Council Staff in meeting their obligations to ensure information of a commercially sensitive or confidential nature is obtained, stored, processed, published (where applicable) in an appropriate manner in accordance with the relevant Council guidelines.

2.9 Risk Management**2.9.1 General**

Risk Management is to be appropriately applied at all stages of procurement activities which will be properly planned and carried out in a manner that will protect and enhance the Council's capability to prevent, withstand and recover from interruption to the supply of goods services and works.

Risk management will be carried out in accordance with the stated requirements in the Risk Management Policy and the Guidelines for OH&S Management of Contractors and any Federal or State regulatory requirements.

2.9.2 Supply by Contract

The provision of goods, services and works by contract potentially exposes the Council to risk. The Council will minimise its risk exposure by measures such as:

- standardising contracts to include current, relevant clauses;
- requiring security deposits where appropriate;
- referring specifications to relevant experts;
- requiring contractual agreement before commencement;
- use of or reference to relevant Australian Standards (or equivalent); and
- effectively managing the contract including monitoring and enforcing performance.

2.5.1 Review of Procurement Policy (Cont.)

Greater Dandenong Policy

2.9.3 OH&S and Other Mandatory Requirements

Council undertakes due diligence activities on all suppliers to ensure compliance to legislative and business requirements. Council requires all contractors, service providers and volunteers to comply with all OH&S legislative requirements. These are mandatory requirements and non-compliance will disqualify prospective suppliers. Suppliers must provide evidence of insurances in providing goods, services or works. Council currently uses the iPRO LIVE system where contractors can enter all details and pre-qualify for submission of tenders.

2.10 Contract Terms & Payment Terms

All contractual relationships must be documented in writing based on standard terms and conditions.

Where this is not possible, approval must be sought from the appropriate member of Council Staff listed in the Delegations section or above. A request for such an approval should be supported with procurement and legal advice as relevant.

All contractors must obey and ensure that its employees, sub-contractors and agents obey any Acts, regulations, local laws and by-laws in any way applicable to the performance of a contract. All contractors must also comply with the terms of any relevant Commonwealth and State industrial instruments in respect to its employees and ensure that any agents and sub-contractors of the contractor also comply with these obligations.

To protect the best interests of the Council, terms and conditions must be settled in advance of any commitment being made with a supplier. Any exceptions to doing this expose the Council to risk and thus must be authorised by the appropriate member of Council Staff.

Council payment terms provide that vendor invoices are paid on a 30 day cycle, generally within 30 days from the date of the invoice and after completion/receipt of the goods, services or works whichever is the latter. Payment terms are only changed with the approval of the Manager Finance and IT. The preferred payment method is by electronic funds transfer, directly to the relevant bank. Bank account details are obtained for all new vendors whenever possible, except for credit card payments.

2.11 Endorsement

Council Staff must not endorse any products or services. This clause should not be read to preclude Council staff from providing references to other agencies on Councils experience with contractors or services or from presenting to industry forums on similar matters.

2.12 Dispute Resolution

All Council contracts shall incorporate dispute management and alternative dispute resolution provisions to minimise the potential for legal action.

2.5.1 Review of Procurement Policy (Cont.)



Greater Dandenong Policy

2.13 Contract Management

The purpose of contract management is to ensure that the Council, and where applicable its clients, receive the goods, services or works provided to the required standards of quality and quantity as intended by the contract by:

- establishing a system reinforcing the performance of both parties' responsibilities and obligations under the contract;
- ensuring adherence with Council's Risk Management framework and compliance with applicable Occupational Health and Safety procedures; and
- providing a means for the early recognition of issues and performance problems and the identification of solutions.

Contracts are to be proactively managed by the member of Council Staff responsible for the delivery of the contracted goods, services or works to ensure the Council receives Value for Money.

2.14 e-Procurement

e-Procurement is integral to the overall development of procurement processes and involves the use of an electronic system to acquire goods, services and works.

By utilising e-procurement the aim is to:

- reduce transaction costs;
- make processes more efficient;
- improve management information and visibility of spend;
- increasing control and consistency of processes; and
- improve spend compliance.

2.5.1 Review of Procurement Policy (Cont.)

Greater Dandenong Policy

3 Demonstrate sustained value

3.1 Integration with Council Strategy

The Council procurement strategy shall support its corporate strategies, aims and objectives, including but not limited to:

- A vibrant, connected and safe community
- A healthy, liveable and sustainable city
- A diverse and growing economy
- A creative city that respects and embraces diversity
- A city planned for the future
- An open and effective Council

3.2 Achieving Value for Money

3.2.1 Requirement

The Council's procurement activities will be carried out on the basis of obtaining Value for Money. Lowest price is not necessarily an indicator of value for money and cost is not the only factor for assessing value for money. Other factors such as technical capability to meet specification, risk management, environment and occupational health and safety, financial capacity, economic contribution to the Greater Dandenong region, sustainability, quality, customer service, resource management, continuous improvement, fitness for purpose and social considerations may be considered in assessing competing companies' submissions.

3.2.2 Approach

This will be facilitated by:

- developing, implementing and managing procurement strategies that support the co-ordination and streamlining of activities throughout;
- effective use of competition;
- using schedule of rates and panel contract arrangements where appropriate;
- identifying and rectifying inefficiencies in procurement processes;
- pursuing innovating practices
- more emphasis placed on procurement planning process;
- developing a more cost efficient tender process including appropriate use of e-solutions;
- providing competent advice in terms of available products and agreements;
- working with suppliers to create relationships that are professional and productive, and are appropriate to the value and importance of the goods, services and works being acquired;
- undertaking analysis of Council's category spending patterns; and
- ensuring procurement effort corresponds with risk and expected return.

2.5.1 Review of Procurement Policy (Cont.)

Greater Dandenong Policy

3.2.3 Role of Specifications

Specifications used in quotations, tenders and contracts are to support and contribute to the Council's Value for Money objectives through being written in a manner that:

- ensures impartiality and objectivity as reasonably practicable;
- encourages the use of standard products;
- is written in a manner that is brief and clear;
- encourages sustainability; and
- eliminates unnecessarily stringent requirements.

3.3 Performance Measure and Continuous Improvement

Council will establish an appropriate management and reporting systems to monitor performance against targets and compliance with procurement policies, procedures and controls.

Procurement procedures, practices and costs will be benchmarked externally.

Procurement will use the performance measurements developed to:

- highlight trend and exceptions where necessary to enhance performance;
- improve the internal efficiency of the procurement process and where relevant the performance of suppliers; and
- facilitate relevant programs to drive improvement in procurement to eliminate waste and inefficiencies across key spend categories.

3.4 Corporate Social Responsibility

Corporate Social Responsibility (CSR) is about taking positive action to deliver the Council's commitment to the local community and environment on which it impacts. This means the Council maximising the social, environmental and economic benefits of the services they provide across the community and minimising the negative aspects of their activities.

The Council integrates CSR into its organisational policies and practices through social procurement, sustainable procurement and procurement supporting local businesses.

2.5.1 Review of Procurement Policy (Cont.)

Greater Dandenong Policy

3.5 Sustainable Procurement

Council is committed to reducing its environment impacts and operating in a socially, financially and environmentally responsible manner. The Greater Dandenong Sustainability Strategy 2016-2030 has as a goal to increase sustainability outcomes via procurement.

Council will encourage the design and use of products and services which have minimal impact on the environment and human health. This includes, but is not limited to:

- Recycling
- Waste Management
- Emissions Management
- Water Conservation
- Energy Management, and
- Green Building Design

Council shall encourage suppliers to adopt good environmental practices and requires suppliers to have an Environmental Management System.

Council will actively promote green procurement throughout its supply chain and where possible consider selection which has minimum environmental impact. The Council aims to achieve this by:

- Taking into account the need to minimize emissions and reducing the negative impacts of transportation when purchasing goods and services;
- Taking steps to minimise carbon dioxide and other greenhouse gas emissions through the detailed consideration of products and services procured;
- Considering the environmental performance of all suppliers and contractors and encouraging them to conduct their operations in an environmentally sensitive manner;
- Selecting products/services that have a minimal effect on the depletion of natural resources and biodiversity;
- Giving a preference to Fairtrade, or equivalent and ethically sourced and produced goods and services;
- Ensuring all relevant procurement contracts and tenders contain sustainability specifications as appropriate to the product and service being procured.
- Training Council staff with procurement responsibilities on sustainability considerations within the procurement process.

3.6 Social Procurement

Social procurement is the process of generating positive social outcomes through the delivery of goods, services and works. Social procurement is a key mechanism by which to generate wider social benefits by providing a mechanism for linking and integrating social and economic agendas.

Social procurement can effectively contribute to building stronger communities and meeting social objectives and in particular facilitating employment opportunities to target disadvantaged communities and groups in the Greater Dandenong region.

2.5.1 Review of Procurement Policy (Cont.)

Greater Dandenong Policy

3.6.1 Social Enterprises

A social enterprise is a revenue-generating business with primarily social objectives whose surpluses are reinvested for that purpose in the business or in the community, rather than being driven by the need to deliver profit to shareholders and owners. These organisations are commonly referred to as social benefit suppliers and they include social enterprises, Australian Disability Enterprises, Fair Trade Businesses and Indigenous Businesses and can also include women owned and minority owned businesses.

Council will identify opportunities to work with social enterprises and other not-for-profit businesses in the Greater Dandenong region which deliver social outcomes as part of doing business, either directly or as part of our supply chain. Commitment to social enterprises is a key goal of *Achieving Greater Dandenong's Potential: A Local Economic and Employment Development Strategy for our City*.

3.6.2 Supporting Local Businesses

Council is committed to buying from local businesses where such purchases may be justified on value for money grounds, while remaining compliant with the Competition and Consumer Act 2010 and other fair trading legislation requirements.

Wherever practicable, Council will fully examine the benefits available through purchasing goods, services or works from suppliers/contractors within the Greater Dandenong region. This is a key goal of *Achieving Greater Dandenong's Potential: A Local Economic and Employment Development Strategy for our City*.

Council will also seek from prospective suppliers/contractors, where applicable, what economic contribution they will make to this region.

3.6.3 Collaboration with the Industry Capability Network (ICN)

Council has committed to further engaging with local suppliers through collaboration with the ICN. Wherever practicable, Council will utilise ICN's network to alert local suppliers of relevant work opportunities with Council.

2.5.1 Review of Procurement Policy (Cont.)



Greater Dandenong Policy

4 Application of a consistent standard approach

4.1 Standard Processes

The Council will provide effective commercial arrangements covering standard products and standard service provisions across the Council to enable employees to source requirements in an efficient manner.

This will be achieved via a combination of the following areas:

- use of Council's preferred supplier system;
- pricing where relevant;
- processes, procedures and techniques;
- tools and business systems e.g. e-tendering, e-quotation sourcing arrangements;
- reporting requirements; and
- application of standard contract terms and conditions.

4.2 Performance Indicators and Management Information

A list of indicators will be developed to measure procurement performance. They will include criteria such as:

- the proportion of spend against corporate contracts; and
- user and supplier satisfaction levels measuring the success of procurement initiatives e.g. procurement cards.

Councils current procurement systems and frameworks don't presently readily allow the extraction of data based on what procurement spend relates to social and sustainable procurement. Further work will be undertaken over the duration of this Policy to implement performance indicators on these spending categories.

2.5.1 Review of Procurement Policy (Cont.)

Greater Dandenong Policy

5 Build and maintain supply relationships

Council recognises that in order to achieve sustainable value, appropriate relationships must be developed and maintained with suppliers.

5.1 Developing and Managing Suppliers

Council recognises the importance of effective and open working relationships with its suppliers, and is committed to the following:

- managing existing suppliers, to ensure the benefits are delivered;
- maintaining approved preferred supplier lists and compliance with Council's requirements for insurances, OH&S etc.; and
- developing new suppliers and improving the capability of existing suppliers where appropriate.

5.2 Supply Market Development

A wide range of suppliers will be encouraged to compete for Council work.

5.3 Relationship Management

Council is committed to developing constructive long-term relationships with suppliers. It is important that the Council identifies its key suppliers so that its efforts are focused to best effect. Such areas may include:

- size of spend across the Council;
- criticality of goods / services supplier, to the delivery of the authorities services;
- availability of substitutes; and
- market share and strategic share of suppliers.

5.4 Communication

External communication is very important in ensuring a healthy interest from potential suppliers and partners to Council. The external website will be developed and updated to provide:

- information about Council and how to become an approved supplier;
- guidelines for doing business with Council;
- standard documentation used in the procurement process;
- links to other relevant sites; and
- where applicable, a list of upcoming tenders.

2.5.1 Review of Procurement Policy (Cont.)

Greater Dandenong Policy

6 Continual improvement

Council will focus on developing and maintaining effective working relationships with external and internal stakeholders, to assist in delivery of Council's strategic objectives.

Council's procurement strategy aims to support Council's objectives by implementing continuous improvement and value for money opportunities in the following areas:

- **Technology**
 - Develop innovative procurement techniques, tools and methods.
- **Process and Governance**
 - Procurement activities shall be performed with integrity and withstand closest possible scrutiny.
- **People and Skills**
 - Maintain the level of knowledge, skill and expertise of staff in respect to procurement processes and procedures.
- **Strategy and Organisation**
 - Review buying patterns across Council and deliver savings from tendering goods and services, as appropriate.
- **Leadership and Influence**
 - Adopt best practice procurement and contracting principles, policies, processes and procedures.
- **Sourcing and Collaboration**
 - Realise opportunities from increased economies of scale through collaboration with other Council's and public sector agencies for particular goods and services.
- **Supplier Management**
 - Source and maintain suppliers that demonstrate compliance with Council's regulatory requirements and support key stakeholder requirements.

2.5.1 Review of Procurement Policy (Cont.)



Greater Dandenong Policy

7 References

- Procurement Manual
 - City of Greater Dandenong ~ Contract Management Manual - Version 5.4 February 2013 ;
 - AS 4120 – 1994 'Code of Tendering'
 - Council Minute 4.5 (95) of Meeting 27 February, 2006 – Approving the use of Procurement Australia, Municipal Association of Victoria Procurement and State and Federal Government contracts;
 - Councillors - Code of Conduct
 - City of Greater Dandenong Disability Policy 9 August 2010
 - Freedom of Information Act 1982;
 - Information Privacy Act 2000
 - Fair Work Act 2009
 - Fraud and Corruption Prevention and Control Policy
 - MAV Model Procurement Policy – August 2011
 - Gifts & Hospitality Policy
 - Occupational Health & Safety Policy
 - Risk Management Policy
 - Staff Code of Conduct
 - Council Purchasing Card Policy
 - Greater Dandenong Sustainability strategy 2016-2030
 - Achieving Greater Dandenong's potential – A Local Economic and Employment Development Strategy for our city
 - Sustainable Water Use Plan
 - Local Government Act 1989
 - Best Value Principles Act 1999;
 - National Competition Policy;
 - Competition and Consumer Act 2010
 - Human Rights and Responsibilities Act 2006
 - Disability Act 2006 & Regulations 2007
 - City of Greater Dandenong Disability Policy 9 August 2010
 - Victorian Local Government Best Practice Procurement Guidelines 2013
 - Social Procurement: A Guide for Victorian Local Government – October 2010.
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2.5.2 Review of Fixed Asset Accounting Policy

File Id:

Responsible Officer:

Director Corporate Services

Attachments:

Draft Fixed Asset Accounting Policy

Report Summary

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

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

- Fixed Asset Accounting Policy

Recommendation Summary

This report recommends that the Fixed Asset Accounting Policy be readopted as per Attachment 1.

2.5.2 Review of Fixed Asset Accounting Policy (Cont.)**Background**

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

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

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

It is critical that Council policies and codes of practice fully reflect the principles, values and issues that Council believes are important as outlined in the Council Plan. Following a detailed review of a Council policy or code of practice it will be submitted to Council for either readoption or abolition to ensure all policies and codes of practice remain current.

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

Proposal

Subject	Description of change to existing Policy
Fixed Asset Accounting Policy	<p>It is recommended that the policy be re-adopted by Council for a further twelve (12) months. Changes to this policy relate primarily to a small number of changes in useful life and capitalisation.</p> <p>Clarification regarding flood prevention, surface drainage, water quality devices and investment properties has been included.</p> <p>The accounting treatment of land under roads (LUR) remains unchanged pending further advice from the State Government.</p> <p>The policy (as amended) was noted at the Audit Advisory Committee on 16 June 2017.</p> <p>Changes are highlighted in red</p>

A copy of the policy seeking readoption is attached to this report.

2.5.2 Review of Fixed Asset Accounting Policy (Cont.)

Victorian Charter of Human Rights and Responsibilities

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

Financial Implications

No financial resources are impacted by this report.

Consultation

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

The Fixed Asset Accounting Policy was also reviewed by the Audit Advisory Committee Meeting on 16 June 2017

Conclusion

The policy detailed in this report has been reviewed and found consistent with current legislation and Council's operational needs and is submitted to Council for re-adoption with minor changes.

Recommendation

That the amended Fixed Asset Accounting Policy provided in Attachment 1 be re-adopted.

MINUTE 284

Moved by: Cr Sean O'Reilly

Seconded by: Cr Tim Dark

That the amended Fixed Asset Accounting Policy provided in Attachment 1 be re-adopted.

CARRIED

2.5.2 Review of Fixed Asset Accounting Policy (Cont.)

POLICY AND STRATEGY

REVIEW OF FIXED ASSET ACCOUNTING POLICY

ATTACHMENT 1

FIXED ASSET ACCOUNTING POLICY

PAGES 16 (including cover)

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

2.5.2 Review of Fixed Asset Accounting Policy (Cont.)**Greater Dandenong Policy****Fixed Asset Accounting Policy**

Policy Endorsement	Endorsement required by Council		
File Number:	A1975133	Authority:	Council
Directorate:	Corporate Services	Responsible Officer:	Manager Finance & IT
Policy Type:	Discretionary	Version No:	003
1 st Adopted by Council	24 June 2013 Minute No. 225	Last Adopted by Council:	27 June 2016 Minute No. 1421
Review Period:	Annually	Next Review:	May 2018

1. Purpose

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

This revision of the Fixed Asset Accounting Policy is effective from 1 July 2016.

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 issuesLocal Government (Planning and Reporting) Regulations 2014

The Local Government (Planning and Reporting) Regulations 2014 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)

In December 2007, the Australian Accounting Standards Board (AASB) issued AASB 1051: Land Under Roads (LUR). The standard came into operation 1 July 2008. It required LUR acquired by councils to be recognised in the Financial Statements. At the time, Council elected to recognise all LUR acquired post 1 July 2008 as an asset using a cost measurement basis as permitted by the standard.

2.5.2 Review of Fixed Asset Accounting Policy (Cont.)**Greater Dandenong Policy**

In July 2011, the former Department of Planning and Community Development (DPCD) issued a Guidance Circular (15/11) regarding the recognition and measurement of LUR. The DPCD recommended that the local government sector bring to account "all" LUR both pre and post 1 July 2008 and to value LUR using a fair value measurement basis, to improve comparability of financial information across the sector. A transitional period was proposed and all councils were expected to be compliant by 2014-15, however, in December 2014, the Department of Transport, Planning and Local Infrastructure (DTPLI) extended the transitional period to the 2017-18 financial year.

At the time of updating this policy (April 2017), the Department has not issued any further instruction or guidance to councils on any changes to the requirements for recognising LUR. As such, Council does not propose to make changes to its accounting policy regarding the treatment of LUR and will continue to recognise all land under roads post 1 July 2008 using the cost method of valuation. Officers will continue to monitor any sector developments and/or advice regarding the matter. Council continues to be compliant with Australian Accounting Standards.

3. Scope

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

4. References

- Annual Financial Statements
- Annual Budget
- Local Government Act 1989
- Local Government (Planning and Reporting) Regulations 2014
- Local Government Model Financial Report (LGMFR)
- Fixed Asset Guidelines
- Disposal or Sale of Council Assets Policy
- Australian Accounting Standards

2.5.2 Review of Fixed Asset Accounting Policy (Cont.)**Greater Dandenong Policy**

5. Definitions

<i>Assets</i>	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.
<i>Capitalisation threshold</i>	The new, upgrade or renewal value of an asset, below which the project cost is normally expensed and above which it is normally capitalised.
<i>Capital expenditure</i>	Expenditure on a non-current asset which meets the adopted recognition criteria for the Asset Class or Asset Component.
<i>Useful life</i>	The time period over which an asset is expected to be available for use by Council.

6. Legislative Provisions

Council is required to prepare an annual report pursuant to:

- Section 131 of the Local Government Act 1989
- Section 19 of the Local Government (Planning and Reporting) Regulations 2014

7. Council Policy**7.1 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 C**).

Appendix A details the asset categories and classes required in the Local Government Model Financial Report (LGMFR). The Fixed Asset Guidelines provide a detailed explanation of each asset class and asset component.

2.5.2 Review of Fixed Asset Accounting Policy (Cont.)**Greater Dandenong Policy**

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 B**).
- Where the value of individual assets fall below the asset threshold for capitalisation, but the assets form part of a network or asset group (such as for park furniture on a reserve, signs, etc), consideration will be given to capitalising the individual asset based on whether the aggregate value of those assets exceeds the capitalisation threshold.
- Acquisition costs of assets with less than these 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 (eg – Christmas decorations, IT software upgrades and building audits).

7.2 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.

7.3 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).

7.4 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.

7.5 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.

2.5.2 Review of Fixed Asset Accounting Policy (Cont.)**Greater Dandenong Policy**

7.6 Fixed assets register

The fixed assets register is to record individual assets 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 assets and for stocktaking.

It is recommended that a stocktake of all plant and equipment, including computer equipment, be conducted at least every three to five years.

7.7 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 dependant 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.

7.8 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.

8. Related documents

- City of Greater Dandenong Fixed Asset Accounting Guidelines
- Australian Accounting Standards
- Asset Management Policy
- Annual Financial Statements (Local Government Model Financial Report)
- Annual Budget
- Audit Reports and Audit Advisory Committee
- Council Plans, including Annual Plan

2.5.2 Review of Fixed Asset Accounting Policy (Cont.)



Greater Dandenong Policy

Appendix A – Asset categories/classes and basis of measurement

The categories and classes listed below are as per the Local Government Model Financial Report (LGMFR). There is little guidance available as to which asset types should be included in each asset class, therefore, various assumptions have been made and detailed below.

Asset class	Description	Measurement basis
PROPERTY		
Land *	Land owned or controlled by Council. Land under roads (excluding lanes, private roads and Council roads in parks and reserves) acquired post 1 July 2008.	Land - Fair value (independent valuation) Land under roads - Cost
Land improvements	N/A – all land improvements have been allocated to other asset classes, in particular 'Recreational, leisure and community facilities' and 'Parks, open space and streetscapes'.	N/A
Buildings *	Buildings, building improvements and multi-storey car park buildings.	Fair value (independent valuation)
Building improvements	N/A – included in Buildings above.	N/A
Leasehold improvements	Improvements to property assets leased by Council.	Cost
Heritage buildings	N/A - heritage buildings as listed on the Victorian Heritage Register.	Fair value (independent valuation)
<p><i>* Specialised and non-specialised land and buildings</i></p> <p>The land and building asset classes are further divided into specialised and non-specialised categories in the LGMFR. Specialised land or buildings comprise assets with a specific limited purpose and where the fair value methodology is generally classified as 'Level 3', ie – where there are significant unobservable inputs. Examples include open space land, land under roads and all buildings (as expiry dates used in depreciating building assets over its useful life, are considered to be unobservable inputs).</p> <p>Non-specialised land or buildings comprise assets where the fair value methodology is generally classified as 'Level 2', ie – where there are directly or indirectly observable inputs (and no assumed discounting has been applied).</p>		

2.5.2 Review of Fixed Asset Accounting Policy (Cont.)



Greater Dandenong Policy

Asset class	Description	Measurement basis
PLANT AND EQUIPMENT		
Heritage plant and equipment	N/A	N/A
Plant, machinery and equipment	Plant, machinery and equipment, including heavy and minor plant and equipment such as graders, tractors and front end loaders, motor vehicles, buses , compactors and building/theatre/pool machinery and equipment.	Cost
Fixtures, fittings and furniture	Office furniture and equipment (chairs, tables, desks, filing cabinets), musical instruments, art works (paintings, pictures, murals, heritage).	Cost
Computers and telecommunications	Hardware, cabling, phones, faxes, microwave links, system software, hand held devices and mobile phones.	Cost
Library books	Library books and resources (excludes e-books and annual online licences).	Cost
INFRASTRUCTURE		
Roads	Road seal, substructure, kerb and channel, local area traffic management (LATM) devices and on-street car parks	Fair value
Bridges	Includes major culverts, deck and substructure.	Fair value
Footpaths and cycleways	Paved or gravel, which are separated structures from the road.	Fair value
Drainage	Drainage pipes and pits (underground, surface, water quality devices, channels, inlet structures, access pits, pollution control structures).	Fair value
Recreational, leisure and community facilities	Recreational equipment and facilities (including electronic screens and scoreboards), sportsgrounds, sporting areas, sporting grass (turf), hardstand and other ground surfaces, minor structures (sporting shade structures and retaining walls), playgrounds, irrigation, sports field drainage, controllers, sensors, water tanks/pumps and outdoor pools.	Cost
Waste management	N/A	N/A

2.5.2 Review of Fixed Asset Accounting Policy (Cont.)**Greater Dandenong Policy**

Asset class	Description	Measurement basis
Parks, open space and streetscapes	Open space furniture including street furniture (bicycle racks, tree guards, seats), park furniture (seats, drink fountains, tables, BBQs), bus shelters and litter bins. Signs. Landscaping (passive grass/surfaces, horticultural plantings and gardens, natural bush and vegetation). Flood prevention – retarding/detention basins. Surface drainage – formed and unformed open drains. Water quality devices – wetlands, rain gardens and bioretention swales. Lighting (public, flood lights and street). Fencing, bollards, retaining walls and gates. Parking meters, ticket machines and equipment. Public art (memorials, monuments, murals, plaques, sculptures and statues).	Cost
Aerodromes	N/A	N/A
Off street car parks	Sealed and unsealed off street car parks and access roads.	Fair value
Other infrastructure	N/A. Marine assets – piers, jetties, groins, sea walls, caravan parks, markets and saleyards.	N/A
WORK IN PROGRESS		
Work in progress	Capital expenditure on projects not yet completed.	Cost

2.5.2 Review of Fixed Asset Accounting Policy (Cont.)**Greater Dandenong Policy****Appendix B – Asset capitalisation thresholds**

Capitalisation of fixed assets is expected to apply where expenditure exceeds the following threshold limits and can be classified as renewal, upgrade, expansion or new. Expenditure identified as either operations or maintenance in nature is generally classified as operational and expensed (written off) in the year it is incurred.

The asset class is the basis for measurement of Council's fixed assets. The asset component is designed to provide further details in assessing the component parts of each asset class.

Asset class	Asset component	Threshold 2015-16 (\$)	Threshold 2016-17 (\$)
PROPERTY			
Land		0	0
Buildings		5,000	5,000
Leasehold improvements		0	0
PLANT AND EQUIPMENT			
Plant, machinery and equipment		2,000	2,000
Fixtures, fittings and furniture		2,000	2,000
Computers and telecommunications		2,000	2,000
Library books		0	0
INFRASTRUCTURE			
Roads	Seal and substructure	20,000	20,000
	Kerb and channel and on-street car parks	5,000	5,000
	New local area traffic management (LATM) devices	5,000	0
	Additions to existing traffic management (LATM) devices	5,000	5,000
Bridges		5,000	5,000
Footpaths and cycleways		0	0
Drainage	New pipes and pits	0	0
	Existing pipes and pits	5,000	5,000
	Gross pollutant traps (GPT)	5,000	5,000

2.5.2 Review of Fixed Asset Accounting Policy (Cont.)



Greater Dandenong Policy

Asset class	Asset component	Threshold 2015-16 (\$)	Threshold 2016-17 (\$)
Recreational, leisure and community facilities	Recreational equipment and facilities, electronic screens, scoreboards and playgrounds. Sportsgrounds, grass (turf), courts, hardstand, other ground surfaces and outdoor pools. Minor structures (sporting, shade structures and retaining walls), irrigation, sportsfield drainage, controllers, sensors, water tanks/pumps.	2,000	2,000
Parks, open space and streetscapes	Open space furniture (street furniture such as bicycle racks, tree guards, seats, park furniture such as seats, drink fountains, tables, BBQs, bus shelters and litter bins), fencing, retaining walls, bollards and gates. Public art (memorials, monuments, murals, plaques, sculptures and statues), signs, parking meters, ticket machines and equipment. Lighting (public, floodlights and street lighting and any attached CCTV), landscaping, passive grass/surface, horticultural plantings and gardens, natural bush and vegetation. Flood prevention – retarding/detention basins. Surface drainage – formed and unformed open drains. Water quality devices - wetlands, rain gardens and bioretention swales.	2,000	2,000
Off street car parks		5,000	5,000

2.5.2 Review of Fixed Asset Accounting Policy (Cont.)

Greater Dandenong Policy

Whilst not included in Property, Infrastructure, Plant and Equipment in the Local Government Model Financial Report, the Investment Property asset class has been included here for guidance and completeness.

Asset class	Asset component	Threshold 2015-16 (\$)	Threshold 2016-17 (\$)
INVESTMENT PROPERTY			
Investment property	Land and buildings	0	0

2.5.2 Review of Fixed Asset Accounting Policy (Cont.)**Greater Dandenong Policy****Appendix C – Asset Class Useful Lives**

Asset class	Asset component	Useful life 2015-16 (years)	Useful life 2016-17 (years)
PROPERTY			
Land		N/A	N/A
Buildings		50 - 100	50 - 100
Leasehold improvements		Lease term	Lease term
PLANT AND EQUIPMENT			
Plant, machinery and equipment	Light plant and equipment, passenger vehicles and light commercial vehicles, non-fleet items	5	5
	Buses, quad and trailers	5	10
	Heavy plant	5	7
Fixtures, fittings and furniture	Musical instruments	20	20
	All remaining fixtures, fittings and furniture	6	6
	Artworks	N/A	N/A
Computers and telecommunications	Hardware, cabling, faxes and microwave links.	5	5
	System software, hand held devices / mobile phones.	3	3
Library books	Library resources.	5	5
INFRASTRUCTURE			
Roads	Seal (spray seal)	12	12
	Seal (asphalt, concrete, brick, gravel)	20	20
	Substructure	100	100
	Kerb and channel	80	80
	Kerb and channel (spoon [road shoulder] drain)	15	15
	LATMs - splitter islands, roundabouts, speed humps.	20	20

2.5.2 Review of Fixed Asset Accounting Policy (Cont.)**Greater Dandenong Policy**

Asset class	Asset component	Useful life 2015-16 (years)	Useful life 2016-17 (years)
Roads (continued)	LATMs – slow points.	5	5
	LATMs – traffic signal controller	15	15
	LATMs – traffic signal hardware	30	30
	On-street car parks – seal (asphalt, brick paved, concrete, gravel)	20 - 25	20 - 25
	On-street car parks (substructure)	100	100
Bridges		20 – 100	20 – 100
Footpaths and cycleways	Concrete, brick / pavers, granite	50	50
	Asphalt	25	25
	Gravel	10	10
Drainage	Gross pollutant traps	50	50
	Drainage pipes and pits	100	100
Recreational, leisure and community facilities	Recreational equipment and facilities, electronic screens, scoreboards. Sportsgrounds, grass (turf), courts, hardstand, other ground surfaces. Minor structures (sporting, shade structures and retaining walls), irrigation, sportsfield drainage, controllers, sensors, water tanks/pumps.	10 – 20	10 - 20
	Playgrounds	15	15
	Outdoor pool	50	50
Parks, open space and streetscapes	Open space furniture (street furniture such as bicycle racks, tree guards, seats, park furniture such as seats, drink fountains, tables and BBQs).	10	10
	Open space furniture (bus shelters).	20	20

2.5.2 Review of Fixed Asset Accounting Policy (Cont.)



Greater Dandenong Policy

Asset class	Asset component	Useful life 2015-16 (years)	Useful life 2016-17 (years)
Parks, open space and streetscapes (continued)	Open space furniture (litter bins).	12	12
	Fencing, bollards, retaining walls and gates.	10 – 50	10 - 50
	Public art (memorials, monuments, murals, plaques, sculptures and statues).	50	50
	Signs	20	20
	Parking meters, ticket machines and equipment.	10	10
	Lighting (public, floodlights and street lighting), CCTV and flags on poles.	10 - 20	10 - 20
	Landscaping, passive grass/surface, horticultural plantings and gardens, natural bush and vegetation.	10 - 20	10 - 20
	Flood prevention - retarding/detention basins.	20	20
	Surface drainage - unformed open drains	20	10
	Surface drainage - formed open drains.	20	50
	Water quality devices – wetlands, rain gardens and bioretention swales.	10 - 20	10
Off street car parks	Car park and access road - seal (asphalt, brick paved, concrete, gravel)	20 - 25	20 - 25
	Car park and access road (substructure)	100	100
	Car park and access road (kerb and channel)	80	80

2.5.2 Review of Fixed Asset Accounting Policy (Cont.)

Greater Dandenong Policy

Whilst not included in Property, Infrastructure, Plant and Equipment in the Model Financial Report, the Investment Property asset class has been included here for guidance and completeness.

Asset class	Asset component	Useful life 2015-16 (years)	Useful life 2016-17 (years)
INVESTMENT PROPERTY			
Investment property	Land and buildings	N/A	N/A

2.6 OTHER

2.6.1 Community Safety Advisory Committee (Membership endorsement)

File Id:	A4360396
Responsible Officer:	Director Community Services
Attachments:	Community Safety Advisory Committee Terms of Reference

Report Summary

In April 2017 Council approved the new Terms of Reference for the Greater Dandenong Community Safety Advisory Committee. A public call for nominations to the Community Safety Advisory Committee for the next two year term (August 2017-19) commenced on 3 May 2017. An assessment process has been undertaken in accordance with the endorsed Terms of Reference and 11 nominated Government Departments, agencies and organisations are now proposed for membership of the Community Safety Advisory Committee.

Recommendation Summary

This report recommends that the proposed membership of the Community Safety Advisory Committee be approved in accordance with the endorsed Terms of Reference (Attachment One).

2.6.1 Community Safety Advisory Committee (Membership endorsement) (Cont.)**Background**

The Greater Dandenong Community Safety Advisory Committee is a forum that promotes and enables effective collaboration of government, agencies and organisations involved in community safety. The Committee considers and provides advice on key initiatives and issues, and oversees the implementation of A Safe and Harmonious Greater Dandenong Community Safety plan 2015-22.

The Committee is appointed for a term of two years, which is to commence in August 2017. The appointment of membership to the Committee is in accordance with the Community Safety Advisory Committee Terms of Reference approved by Council on Monday 24 April 2017.

Proposal

A public call for nominations for the Greater Dandenong Community Safety Advisory Committee commenced on 3 May 2017 and was open for one month closing on 31 May 2017. Nominations were published including two advertisements placed in local newspapers, a notice in Council's website and social media channels, as well as notification to current membership, relevant networks, Government Departments, agencies and organisations.

A total of 12 nominations were received:

- Six nominations were made by representatives of professional community safety service providers and agencies
- One nomination was received by a community organisation
- Five nominations were received from representatives of Government Departments

In accordance with the Terms of Reference a selection panel convened to assess the nominations, consisting of:

- A senior member of Council
- Council staff member from the relevant area
- A representative from a local organisation.

Nominations were assessed in accordance with the membership criteria specified in the Terms of Reference.

In accordance with the categories of membership the following 11 representatives are recommended for membership of the Greater Dandenong Community Safety Advisory Committee for the next two year term August 2017 – September 2019.

It is proposed that the following five candidates representing government departments be approved by Council:

- Inspector Mark Langhorn, Local Area Commander representing Victoria Police
- Ivan Petrunic, Dandenong Senior Sergeant representing Victoria Police
- Catherine McGrath, Acting Manager Community Participation representing Department Health and Human Services

2.6.1 Community Safety Advisory Committee (Membership endorsement) (Cont.)

- Donna Hart, Regional Crime Prevention representing Department of Justice and Regulation
- Christiaan O'Dea, General Manager Community Services representing Department of Justice and Regulation.

It is also proposed that the following five candidates representing community safety service providers and agencies be approved by Council:

- Jess Macaulay, Acting Manager Community Services representing Youth Support and Advocacy Service
- Deb Pugsley, Quality and Compliance Coordinator representing Women's Health in the South East
- Brett Harris, Senior Station Master Dandenong representing Metro Trains
- Iderlina Mateo-Babiano, Academic Researcher representing Faculty of Architecture, Building & Planning Melbourne University
- Gaye Ealy, Chief Executive Officer representing Westernport Accommodation and Youth Support Services.

It is proposed that the following candidate representing a Community Organisation be approved by Council:

- Dawn Vernon, President representing Greater Dandenong Neighbourhood Watch.

This leaves one vacancy for a representative from the category of Community Organisation.

Community Plan 'Imagine 2030' and Council Plan 2013-2017 – Strategic Objectives, Strategies and Plans

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

Community Plan 'Imagine 2030'

People

- *Pride* – Best place best people
- *Cultural Diversity* – Model multicultural community

Place

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

2.6.1 Community Safety Advisory Committee (Membership endorsement) (Cont.)

Opportunity

- *Central Dandenong* – Regional capital Dandenong
- *Leadership by the Council* – The leading Council

Council Plan 2013-2017

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

People

- A healthy, active and safe community
- A city that celebrates its diversity with pride

Place

- An environmentally sustainable city
- A city planned for the future

Opportunity

- A Council that listens and leads

The strategies and plans that contribute to these outcomes are as follows:

- City of Greater Dandenong Community Safety Plan (2017-22)
- City of Greater Dandenong Health and Wellbeing Plan (2013-2017)

Related Council Policies

- Community Engagement Policy 2013
- Diversity, Access and Equity Policy 2015
- City of Greater Dandenong Language and Communication Policy and Framework 2015

Victorian Charter of Human Rights and Responsibilities

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

Financial Implications

There are no financial implications associated with this report.

Consultation

Public Call for Nomination – Greater Dandenong Community Safety Advisory Committee

2.6.1 Community Safety Advisory Committee (Membership endorsement) (Cont.)

Conclusion

The nominations recommended for approval ensure a range of Government, professional and community organisations are represented and can contribute constructively to the work of the Greater Dandenong Community Safety Advisory Committee.

2.6.1 Community Safety Advisory Committee (Membership endorsement) (Cont.)

Recommendation

That Council:

- 1. endorses the membership in accordance with the endorsed Terms of Reference (Attachment One):**
 - **Inspector Mark Langhorn, Local Area Commander representing Victoria Police**
 - **Ivan Petrunic, Dandenong Senior Sergeant representing Victoria Police**
 - **Catherine McGrath, Acting Manager Community Participation representing Department Health and Human Services**
 - **Donna Hart, Regional Crime Prevention representing Department of Justice and Regulation**
 - **Christiaan O'Dea, General Manager Community Services representing Department of Justice and Regulation**
 - **Jess Macaulay, Acting Manager Community Services representing Youth Support and Advocacy Service**
 - **Deb Pugsley, Quality and Compliance Coordinator representing Women's Health in the South East**
 - **Brett Harris Senior Station Master Dandenong representing Metro Trains**
 - **Iderlina Mateo-Babiano Academic Researcher representing Faculty of Architecture, Building & Planning Melbourne University**
 - **Gaye Ealy, Chief Executive Officer representing Westernport Accommodation and Youth Support Services**
 - **Dawn Vernon, President representing Greater Dandenong Neighbourhood Watch; and**
- 2. writes to all applicants through the Mayor to advise them of the outcome to be a member of the Advisory Committee.**

2.6.1 Community Safety Advisory Committee (Membership endorsement) (Cont.)

MINUTE 285

Moved by: Cr Tim Dark

Seconded by: Cr Heang Tak

That Council:

- 1. endorses the membership in accordance with the endorsed Terms of Reference (Attachment One):**
 - **Inspector Mark Langhorn, Local Area Commander representing Victoria Police**
 - **Ivan Petrunic, Dandenong Senior Sergeant representing Victoria Police**
 - **Catherine McGrath, Acting Manager Community Participation representing Department Health and Human Services**
 - **Donna Hart, Regional Crime Prevention representing Department of Justice and Regulation**
 - **Christiaan O'Dea, General Manager Community Services representing Department of Justice and Regulation**
 - **Jess Macaulay, Acting Manager Community Services representing Youth Support and Advocacy Service**
 - **Deb Pugsley, Quality and Compliance Coordinator representing Women's Health in the South East**
 - **Brett Harris Senior Station Master Dandenong representing Metro Trains**
 - **Iderlina Mateo-Babiano Academic Researcher representing Faculty of Architecture, Building & Planning Melbourne University**
 - **Gaye Ealy, Chief Executive Officer representing Westernport Accommodation and Youth Support Services**
 - **Dawn Vernon, President representing Greater Dandenong Neighbourhood Watch; and**
- 2. writes to all applicants through the Mayor to advise them of the outcome to be a member of the Advisory Committee.**

2.6.1 Community Safety Advisory Committee (Membership endorsement) (Cont.)

CARRIED

2.6.1 Community Safety Advisory Committee (Membership endorsement) (Cont.)

OTHER

**COMMUNITY SAFETY ADVISORY COMMITTEE (MEMBERSHIP
ENDORSEMENT)**

ATTACHMENT 1

**COMMUNITY SAFETY ADVISORY
COMMITTEE TERMS OF REFERENCE**

PAGES 7 (including cover)

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

2.6.1 Community Safety Advisory Committee (Membership endorsement) (Cont.)



**Community Safety Advisory Committee
Terms of Reference**

PURPOSE

The Community Safety Advisory Committee has been established to add value to other forms of community engagement used by Council to consult with the community with regard to community safety. It will provide the Greater Dandenong community with a voice about issues that matter and an opportunity to inform Council of its priorities and aspirations.

The City of Greater Dandenong recognises that this Advisory Committee presents an opportunity to reach a clear understanding of the experiences of key stakeholders and residents and emerging issues for the community in relation to community safety planning.

OBJECTIVES

The objectives of the Community Safety Advisory Committee are to:

- Provide advice to Council on the implementation of A Safe and Harmonious Greater Dandenong Community Safety Plan 2015-22.
- Consider and provide advice on key Government initiatives, issues, programs and reviews.
- Raise awareness of the strategic issues impacting the community so Council can advocate to State and Federal Government and other relevant authorities.
- Collaborate to identify effective ways to support engagement, interaction and capacity building with the Greater Dandenong community.
- Consider funding and other opportunities as they arise.
- Celebrate and raise awareness of the achievements of our community.

REPORTING REQUIREMENT

In accordance with Council's statutory reporting, a periodic report will be submitted to a Council Briefing Session and the nominated Councillor/s will speak to the report on behalf of the Community Safety Advisory Committee.

TERM OF APPOINTMENT

The Community Safety Advisory Committee will be appointed for a period of two years. Should there be a need for the Community Safety Advisory Committee to continue beyond this time, a re-appointment process will be undertaken for all members in accordance with the selection process outlined in these Terms of Reference.

2.6.1 Community Safety Advisory Committee (Membership endorsement) (Cont.)**MEMBERSHIP**

The Community Safety Advisory Committee may include a selection of representatives from the following:

- **Professional:** Up to five representatives from community safety service providers and agencies.
- **Community Organisations:** Up to two representatives from local community organisations with an active interest and a strong understanding of community safety.
- **Government Departments:** Up to five representatives from State and/or Commonwealth Government Departments.
- **Councillor Representative:** Councillor Representatives (appointed as part of the annual statutory process).
- **Council Senior Officers:** A senior council officer from each of the following Council Areas:
 - Community Services
 - Regulatory Services
 - Youth and Family Services
 - Emergency Management
 - Media and Communications

Council staff will provide administrative support and service expertise to the Advisory Committee.

Membership of the Community Safety Advisory Committee is voluntary and all members must be over 18 years of age. Young people aged 18–25 years will be encouraged to participate.

Members of Community Safety Advisory Committee are free to resign at any time. Should vacancies arise due to resignation or inability to attend the minimum number of meetings during the life of this Advisory Committee, these shall be addressed through the formation of the Selection Panel and the Selection Process.

If Council receives a request for membership in addition to the appointed members, such a request will only be considered if a vacancy exists.

In the event of a vacancy on the committee being created for any reason, the position shall be filled through the process described in the Selection Process. If a vacancy arises less than six months before the scheduled review of the committee, the committee may resolve to leave the vacancy unfilled for the interim.

The term for any member appointed part way through the life of the Community Safety Advisory Committee shall expire in line with the other members of the Advisory Committee.

ROLE OF THE COUNCILLOR

Should a Councillor be nominated on the Community Safety Advisory Committee, the Councillor will:

- Be appointed by Council in accordance with the annual statutory Council appointments
- Act as a link between Council and the Community Safety Advisory Committee
- At all times act in accordance with the Code of Conduct – Councillors, 12th Edition.

SELECTION PROCESS

Membership of the Community Safety Advisory Committee will be achieved by calling for nominations. An advertisement will be placed in the local media and on Council's website. Specific representatives may also be invited to nominate. A nomination form must be completed by interested representatives and all nominations will be assessed against the Criteria for Membership.

CRITERIA FOR MEMBERSHIP OF THE COMMUNITY SAFETY ADVISORY COMMITTEE

Nominees for membership of an Advisory Committee must be able to demonstrate:

- Current involvement in the community in support of community safety
- Endorsement by their own organisation, if appropriate

2.6.1 Community Safety Advisory Committee (Membership endorsement) (Cont.)

- Strong community networks and linkages within Greater Dandenong
- An ability to constructively participate in an advisory capacity
- An ability to represent a broad range of views that reflect the diversity of the community
- A strong understanding of the local community and its social, environmental and economic influences
- Sound knowledge and understanding of local issues that are relevant to Community Safety
- A willingness to contribute positively to meetings in a fair and unbiased manner
- An ability to look beyond personal interests for the benefit of the community and residents of Greater Dandenong
- An ability and willingness to encourage participation from, and provide feedback to, the community regarding community safety
- A capacity to commit to the Advisory Committee for the required duration.

SELECTION PANEL

When the appointment of members of the Community Safety Advisory Committee is required and nominations are received, the following selection panel shall convene:

- A Senior member of Council (CEO or Director – or delegated Manager)
- A Council staff member from the specific service area that is relevant to the Community Safety Advisory Committee
- A representative from a local organisation, agency or government department (provided the organisation has not nominated a representative for membership on the Community Safety Advisory Committee).

All nominations will be assessed by the selection panel against the selection criteria.

A recommendation about the membership of the Community Safety Advisory Committee will then be made for the consideration and endorsement of Council.

It is noted that once the Community Safety Advisory Committee has been appointed, the selection panel will be disbanded.

RESPONSIBILITIES OF THE COMMUNITY SAFETY ADVISORY COMMITTEE

Through the advice and timely information from the Community Safety Advisory Committee, Council will be better informed of the concerns, aspirations and expectations of the Greater Dandenong community as a whole. The Advisory Committee will act as a mechanism through which Council can engage with the community for the implementation, reporting and review of the Community Safety Plan for Greater Dandenong 2015-22.

Specific responsibilities of the Community Safety Advisory Committee are to:

- Develop strategic partnerships in the community, strengthening advocacy efforts for improved or new services
- Act in a primary partnership role with Council and the community, endeavouring to increase the understanding of community safety
- Represent the interests of all members in the community
- At all times, act in the best interests of Council and the community
- Provide advice to Council through its communication, engagement and consultation with the community
- Act with integrity, confidentiality and objectivity.

MEETINGS OF THE COMMUNITY SAFETY ADVISORY COMMITTEE

Meetings of the Community Safety Advisory Committee will be held quarterly for a maximum duration of two hours. A schedule of meetings will be developed and agreed to annually.

2.6.1 Community Safety Advisory Committee (Membership endorsement) (Cont.)

Under special circumstances a meeting may be cancelled or re-scheduled.

All meetings shall be held in a central Council venue to be decided by the Advisory Committee.

The Community Safety Advisory Committee may engage with community members, groups, leaders, industry representatives, practitioners and qualified experts through periodic forums. This may assist to identify priority themes or action areas as a focus for implementation, reporting and review of the Community Safety Plan for Greater Dandenong 2015-22.

WORKING GROUPS

Working Groups of the Advisory Committee may be established at the discretion of the Community Safety Advisory Committee.

Working Groups may be developed to implement particular actions or roles of the Advisory Committee. The establishment of working groups will be conducted under specific objectives and/or expected outcomes and timelines, which will be determined by the Advisory Committee.

The Advisory Committee will determine the role, responsibility and resourcing of working groups. It will retain the ability to conclude a working group or the group's formal relationship with the Advisory Committee at its discretion and/or at the achievement of its objectives.

ATTENDANCE AND RECORD OF MEETINGS

All meetings will have an agenda. Minutes of the meeting will record attendees, apologies, decisions and actions.

The Chairperson will oversee the preparation of the agenda in consultation with Council staff. It is noted that any member may submit agenda items prior to the finalisation and distribution of the agenda.

Council staff will provide administrative support and service expertise to the Community Safety Advisory Committee and will ensure the timely preparation and distribution of agendas and minutes.

Advisory Committee members will be expected to demonstrate their commitment and due diligence by the preparation for, attendance at, and active participation in, Advisory Committee meetings. It is expected that each member of the Community Safety Advisory Committee will attend a minimum of three Community Safety meetings each year.

CHAIRPERSON

The Chairperson shall be on a rotational basis, from the membership of the Community Safety Advisory Committee and determined through a consensus at the start of each year.

The appointed Chairperson is responsible for the conduct of meetings, ensuring fair and equitable opportunities for views to be discussed by the Advisory Committee.

QUORUM AND VOTING

Decisions require more than half of the membership of the Community Safety Advisory Committee to be present at meetings, the majority being non City of Greater Dandenong staff.

It is preferable that decisions of the Community Safety Advisory Committee are made by consensus; however there may be circumstances where a matter is decided by a vote. Each member is entitled to one vote, except that the Chairperson may exercise a casting vote.

CONFLICT OF INTEREST

Any matter deemed by a member to represent a Conflict of Interest shall be reported to the Chairperson either prior to a meeting or before the specific item is discussed.

2.6.1 Community Safety Advisory Committee (Membership endorsement) (Cont.)



**Code of Conduct for members of the Community Safety
Advisory Committee**

I agree to:

- ✓ Attend Advisory Committee meetings and provide apologies in advance where attendance is not possible.
- ✓ Act in an advisory capacity by disseminating authorised information within the community and provide insight and advice into community perspectives of community safety.
- ✓ Seek at all times to obtain and represent the views of the broader community.
- ✓ Respect the ideas and beliefs of all members and provide an atmosphere where all members feel comfortable to participate.
- ✓ Contribute in a positive way to finding solutions to issues or concerns.
- ✓ At all times act in good faith, with honesty and integrity and apply the skills and expertise I possess with diligence and care.
- ✓ Represent the views of my organisation, interest group or community and not individual views at odds with my organisation or group.
- ✓ Notify Council of any potential conflict of interest that may arise with respect to my participation on the Advisory Committee.
- ✓ Allow my comments from the meetings to be noted in the written and recorded minutes.
- ✓ Allow Council to promote my participation in the Advisory Committee in order to facilitate community feedback and participation.
- ✓ Not disseminate confidential information that is discussed at the Advisory Committee meetings as advised by the Advisory Committee chair.
- ✓ Not make any media comment on behalf of the Advisory Committee in relation to the project unless approved by the Advisory Committee chair.
- ✓ At all times act in accordance with the Agreed Meeting Etiquette.

Signed: _____

Name: _____

Date: _____

Advisory Committee: _____

2.6.1 Community Safety Advisory Committee (Membership endorsement) (Cont.)



AGREED MEETING ETIQUETTE



Meeting Attendance

- Come to the meeting with good intention, good will and acting in the best interests of your community(ies).
- Only use your mobile phone if necessary and take it outside the meeting if you receive an urgent call.
- Leave past grievances at the door and focus on the positive.
- Respect the professionalism, integrity and time restraints of those presenting information to you.
- Come with a commitment to the principles of the Code of Conduct.



Speaking Responsibly

- Share air time – remember everyone has a voice and an opinion.
- Express yourself clearly so others can understand your point of view.
- Address the issue at hand, debate the issue vigorously but don't attack others personally.
- Be aware of your body language and speak calmly and respectfully at all times.



Listening

- Listen to understand, listen actively and without preconceptions.
- Be open to new ideas.
- Respect all parties and differing points of view.
- Avoid side-conversations and interjections.



Process

- Council recognises the role of the Chairperson as facilitator and gives permission to the Chair to intervene and guide the group and individuals back from inappropriate behaviour.
- The Chair has the right to adjourn the meeting to address such behaviours.

The Chairperson will:

- Encourage a collaborative approach to the meeting.
- Ensure that each person has a chance to contribute during discussion and/or debate.
- Clarify the outcomes at the conclusion of each item.
- Ensure that the meeting is not dominated by any individual.

While the Chairperson facilitates the meeting, every member is responsible for maintaining good conduct and behaviours within the meeting. Don't be afraid to call someone out.



Confidentiality

- What happens in a meeting stays in a meeting.

2.6.2 Proposal to Renew Lease of Ground Floor Restaurant at 23-33 Walker Street, Dandenong

File Id: qA261765

Responsible Officer: Director Corporate Services

Report Summary

This report addresses a proposal to renew the lease with Baryalai Rahimi & Hayatullah Najimi, trading as Afghan Rahimi Restaurant, for the Council premises known as the ground floor restaurant 23-33 Walker Street, Dandenong. (The restaurant located on the ground floor of the Walker Street multi-deck car park).

Council is required to carry out statutory procedures in accordance with sections 190 and 223 of the *Local Government Act 1989* (LGA) in order to make a decision to lease the premises.

Recommendation Summary

This report recommends that Council gives public notice of its intention to renew the lease of the ground floor restaurant at 23-33 Walker Street, Dandenong to Baryalai Rahimi & Hayatullah Najimi, trading as Afghan Rahimi Restaurant. Further, if submissions are received, Council will establish a Special Committee to hear such submissions and if no submissions are received, Council will authorise the execution of the lease.

2.6.2 Proposal to Renew Lease of Ground Floor Restaurant at 23-33 Walker Street, Dandenong (Cont.)**Background**

Section 190 of the LGA provides a restriction on the power of Council to lease land. If the lease is to be one year or more and the rent for any period of the lease is \$50,000 or more a year, or the current rental value of the land is \$50,000 or more a year; or the lease is for 10 years or more; Council must publish a public notice of the proposed lease at least four weeks before the lease is made. The LGA also provides that a person has a right to make a submission under section 223 on the proposed lease.

Council purchased the property at 23-33 Walker Street, Dandenong for part of Council's multi-deck car park and leases the ground floor retail space for the purpose of a restaurant.

The current lease for these premises commenced on 21 December 2010 and was transferred to Baryalai Rahimi & Hayatullah Najimi (trading as Afghan Rahimi Restaurant). It expires on 5 October 2017.

Proposal

The following lease terms and conditions are proposed:

Commencement Date: 5 October 2017

Term: 4 years + option 4 years (option is for both parties)

Rental: \$48,000 pa + GST

Annual increase: CPI adjustment

The rental is considered to be current market value for a property in this location and in this condition.

Community Plan 'Imagine 2030' and Council Plan 2013-2017 – Strategic Objectives, Strategies and Plans

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

Community Plan 'Imagine 2030'**People**

- *Pride* – Best place best people

Place

- *Sense of Place* – One city many neighbourhoods
- *Safety in Streets and Places* – Feeling and being safe
- *Appearance of Places* – Places and buildings

2.6.2 Proposal to Renew Lease of Ground Floor Restaurant at 23-33 Walker Street, Dandenong (Cont.)

Opportunity

- *Jobs and Business Opportunities* – Prosperous and affordable
- *Central Dandenong* – Regional capital Dandenong

Council Plan 2013-2017

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

People

- A healthy, active and safe community
- A city that celebrates its diversity with pride

Place

- A city planned for the future

Opportunity

- A thriving and resilient economy

Related Council Policies

This report has been developed in conjunction with Council's *Leasing and Licensing of Commercial Properties Policy* which provides an equitable and consistent approach for the leasing and licensing of Council owned commercial property and aims to ensure the maximum commercial return and financial benefit to Council for its commercial assets.

Victorian Charter of Human Rights and Responsibilities

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

Financial Implications

There are no financial implications associated with this report. There will be some lease preparation fees associated with the development of the lease, however these will be absorbed into the current allocated budget. The revenues expected have been outlined above and will form part of Council's ongoing operational budgets in the future.

Consultation

A public consultation process will be commenced as required under sections 190 and 223 of the LGA. Public notice of Council's intention to renew the lease of the ground floor restaurant at 23-33 Walker Street, Dandenong will be given in local papers and interested parties will be given the opportunity to make submissions for 28 days.

2.6.2 Proposal to Renew Lease of Ground Floor Restaurant at 23-33 Walker Street, Dandenong (Cont.)

Conclusion

It is considered that the proposal to renew the lease of the ground floor restaurant at 23-33 Walker Street, Dandenong for the purpose of a restaurant for an initial term of four years (with an additional four year option for both parties) is in line with Council's strategic plans for the site.

Recommendation

That Council, being of the opinion that it is suitable to proceed with a proposal to renew the lease of the ground floor restaurant at 23-33 Walker Street to Baryalai Rahimi & Hayatullah Najimi, (trading as Afghan Rahimi Restaurant) for the permitted use as a restaurant for a term of four years (with a further four year option) resolves:

- 1. to give public notice of its intention to renew the lease of this retail premises in accordance with sections 190 and 223 of the *Local Government Act 1989*;**
- 2. that if no submissions are received, Council authorises the signing and sealing (if required) of all documentation associated with the lease; and**
- 3. if submissions are received, and any request to be heard is made, a Special Committee of Council, made up of Cr _____, Cr _____ and Cr _____ be established to hear submissions (with submitters being notified of the time and place of the Special Committee meeting).**

MINUTE 286

Moved by: Cr Matthew Kirwan

Seconded By: Cr Tim Dark

That the item be deferred to a future Ordinary meeting of Council for further consideration.

CARRIED

2.6.3 Victorian Ombudsman - Investigation into the transparency of local government decision making

File Id:

Responsible Officer:

Director Corporate Services

Attachments:

Report Summary

In December, 2016, the Victorian Ombudsman's Office released a report following an investigation into the transparency of local government decision making. The following report outlines how the City of Greater Dandenong responds to the conclusions reached in the report.

The report was initially tabled at the 10 March, 2017 Audit Advisory Committee meeting where it was requested by the Councillor representative on the committee for consideration to be given for the report to be subsequently presented to Council for broader dissemination. This report responds to that request.

Recommendation Summary

This report recommends that Council notes the outcomes of the Ombudsman report and how Council has responded to these matters.

2.6.3 Victorian Ombudsman - Investigation into the transparency of local government decision making (Cont.)

Background

The initial focus of the review by the Victorian Ombudsman stemmed from the amount of decisions that were being made by the example Council (Casey) in meetings which were closed to the public. The investigation then broadened into a range of areas related to transparency which are outlined in this report.

A copy of the full report can be found at the link below.

<https://www.ombudsman.vic.gov.au/Publications/Parliamentary-Reports/Investigation-into-the-transparency-of-local-gover>

In completing the report, the Ombudsman surveyed all 79 Victorian Councils and conducted focussed reviews on 12 selected Councils.

The report from the Ombudsman concluded that overall Councils were not engaging in widespread, deliberate, secretive behaviour. The review did note however that the current Local Government Act provides inadequate or outdated transparency requirements leaving it to local laws adopted by each Council to govern individual Council processes – and therefore leading to outcomes where transparency approaches are random across the State.

The report noted that councillor conduct has a major bearing on transparency and sought consideration of a uniform Code of Conduct to be applied in the industry with associated mandatory training for Councillors.

In respect of the various matters raised in the report, the following table highlights the key issues raised and how this Council responds to them.

Matter	Key Concerns	Greater Dandenong Response
Promotion of Council Meetings	LGA requires notice to be provided in a newspaper generally circulating in the municipality at least 7 days prior to the meeting	Like most Councils, Dandenong advertises its annual calendar of meetings once per year in the newspaper and then only advertises via these means if the schedule changes. Meetings are advertised on Council's website, Councils calendar of events (both hard copy and electronic) and via signage placed outside the Council Offices (A-frame boards)
Agenda's	How long is the public given to read the Council Agenda prior to the meeting?	Greater Dandenong releases its Agenda to the public and press at noon on Thursday –

2.6.3 Victorian Ombudsman - Investigation into the transparency of local government decision making (Cont.)

		prior to the Monday night's meeting (4 ½ days prior to the meeting)
Location (and timing) of Meetings	Are meetings geographically rotated?	All CGD meetings are held in Dandenong. The technology associated with live streaming makes moving formal Council meetings quite difficult and expensive. Meetings commence at 7pm to allow the majority of the community access to attend.
Live Streaming / broadcasting	Does Council offer this?	CGD Live streams meetings and provides an archive of past meetings for residents to view at any time.
Notices of Motion	Concern that these can be used by Councillors to circumvent transparency and allow Council to make decisions without access to proper information or to allocated funding without going a budget process	Council's meeting procedure Local Law (MPLL) prohibits Councillors from committing any greater funds than \$3,000 without first there being an Officer report responding to the NOM.
Public Participation at Council meetings	Does Council allow public question time	CGD has a public question time where questions are read by the CEO. A three month trial will commence to allow limited questions to be presented by the public directly to Council. It should be noted that Council minutes currently record all public questions and answers provided. Where a question is taken on notice, the answer provided is then tabled at the subsequent Council meeting for inclusion in the minutes.
Debate in the Chamber	Does MPLL provide for debate	The CGD MPLL allows for debate (timed) on any matter which is moved/seconded and for which opposition is noted. Further where there is no opposition and the matter is

2.6.3 Victorian Ombudsman - Investigation into the transparency of local government decision making (Cont.)

		carried, Councillors may still speak to the matter to explain why decisions have been taken.
En bloc Voting/ consent agenda	Are Councils moving matters en bloc?	CGD does not practice en-bloc voting.
Record Keeping	What records of meetings are released to the public	Detailed minutes are provided via the Council website and the archived web-stream is also available.
Councillor influence/ directing of Officer reports	Concerns expressed in a number of cases where Officer reports are being influenced by Councillors directing staff. What access do Councillors have to staff	CGD is developing a protocol to govern Councillor/staff interaction as required by the LGA.
Decisions made in closed meetings	Concerns over the amount of decisions made in closed meetings/ the reasons used to closed meetings	The CGD has only closed a Council meeting to the public to discuss CEO contractual matters. It does not close the meeting at any other point. Council has one of the lowest closed Council figures in Victoria and this would be expected to be zero in the coming years.
Decisions made outside meetings	Concerns over various mechanisms that can allow Council to reach a decision or be influenced prior to the meetings	CGD like the vast majority of Councils do hold Councillor Briefing Sessions. (first and third Mondays and immediately prior to Council meetings) The outcomes of these briefings typically fall into three categories. a) issues that will come before a future Council meeting for formal consideration b) issues that are within Officer delegation but for which guidance from Council is sought c) issues that are for information only (e.g. matters that are in early preliminary stages). Council takes an additional step

2.6.3 Victorian Ombudsman - Investigation into the transparency of local government decision making (Cont.)

		beyond that of other Councils by providing a summary report of discussions that occur at its Briefing sessions. Further all other Assemblies of Council are also noted by Council in an additional Council report. Formal decisions on matters that require Council resolutions are not determined within Briefings – albeit it can be difficult to distinguish between discussions on various positions and debate on matters.
Advisory Committees	How are decisions of advisory committees communicated	Advisory committees are treated as Assemblies of Council and topics discussed are noted and endorsed by Council via a Council report. The Audit Advisory Committee tables its full minutes (confidential attachment) to Council for adoption.
Delegated Decision Making	How transparent is delegated decision making?	The CEO has a financial delegation of up to \$500,000 which is consistent with most metropolitan Councils. It is noted that for all planning decisions which are issued under delegation a report comes before Council for noting. Procurement decisions between \$100,000 and \$500,000 are referred to EMT for consideration. One improvement opportunity being considered by Council is tabling a quarterly report to Council on all procurement decisions considered and determined by EMT.
Special Committees	Transparency of decisions of special committees	CGD operates no special committees.

2.6.3 Victorian Ombudsman - Investigation into the transparency of local government decision making (Cont.)

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In closing the Ombudsman made six recommendations of which the first five were for the consideration of Local Government Victoria. In respect of Councils, recommendation six was for Councils to periodically review their governance and MPLL to ensure consistency with the Act, to review their special committees and to maintain an up to date special committee page on their websites. (noting that CGD does not use any special committees)

On balance, the City of Greater Dandenong meets the majority of best practice outcomes discussed in the Ombudsman report in that:

1. It rarely if ever makes decisions in a closed Council meeting;
2. Agendas are made public 4 ½ days prior to the meeting;
3. Meetings are promoted via several means;
4. Council live streams its meetings and archives of previous meetings are publicly available;
5. Council's MPLL limits the inappropriate application of Notices of Motion;
6. Council has a public question time where all questions and answers are recorded in minutes and is trialling a format where attendees can personally ask questions;
7. Council does not practice 'en-bloc' voting;
8. Council has a high standard of disclosure on matters discussed in Council briefing sessions;
9. Council has no special committees and advisory committee discussion points are noted under Assemblies of Council;
10. Council decisions under delegation are similar to that of other metropolitan Councils.

As noted in the table in this report, a potential improvement opportunity is for Council to receive a quarterly report which outlines all procurement decisions that have been made by EMT within the financial parameters of \$150,000 to \$500,000.

Proposal

This report recommends that Council notes the outcomes of the Ombudsman report and how Council has responded to these matters.

Community Plan 'Imagine 2030' and Council Plan 2013-2017 – Strategic Objectives, Strategies and Plans

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

Community Plan 'Imagine 2030'**Opportunity**

- *Leadership by the Council* – The leading Council

2.6.3 Victorian Ombudsman - Investigation into the transparency of local government decision making (Cont.)

Council Plan 2013-2017

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

Opportunity

- A Council that listens and leads

Financial Implications

There are no financial implications associated with this report.

Consultation

This report was considered by the Audit Advisory Committee at its meeting held 10 March, 2017.

Conclusion

As noted in the background to this report, the City of Greater Dandenong already meets the majority of the best practice outcomes discussed in the Ombudsman's report.

Recommendation

That Council notes the outcomes of the Ombudsman report and how Council has responded to these matters.

MINUTE 287

Moved by: Cr Matthew Kirwan

Seconded by: Cr Tim Dark

That Council notes the outcomes of the Ombudsman report and how Council has responded to these matters.

CARRIED

2.6.4 Report on Matters Discussed at Councillor Briefing Sessions - 13 June 2017

File Id: fA25545

Responsible Officer: Director Corporate Services

Report Summary

As part of Council's ongoing efforts to improve transparency in Council processes, matters discussed at Councillor Briefing Sessions (other than those matters designated to be of a confidential nature) are reported on at ordinary Council meetings.

The matters listed in this report were presented to Councillor Briefing Sessions in June 2017.

Recommendation Summary

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

2.6.4 Report on Matters Discussed at Councillor Briefing Sessions - 13 June 2017 (Cont.)**Matters Presented for Discussion**

Item		Briefing Session
1	<i>Executive Updates/Discussion</i> Councillors and Council officers briefly discussed the following topics: a) Potential land development in Greater Dandenong (CONFIDENTIAL) – Councillors and Chief Executive Officer only. b) Progress report on proposed Noble Park Aquatic Centre tiling works. c) Springvale Community Precinct Hub update. d) Budget Briefing Session on Thursday 15 June 2017. c) Agenda items for the Council Meeting of 13 June 2017.	<i>13 June 2017</i>

Apologies

- Councillor Angela Long submitted an apology for the Councillor Briefing Session on 13 June 2017.

Recommendation

That:

1. the information contained in this report be received and noted; and
2. the information discussed at the above listed Councillor Briefing Sessions that was declared confidential in Item 1(a) by the Chief Executive Officer under Sections 77(2)(c) and 89(2)(e) of the Local Government Act remain confidential until further advisement unless that information was the subject of a subsequent Council report.

2.6.4 Report on Matters Discussed at Councillor Briefing Sessions - 13 June 2017 (Cont.)

MINUTE 288

Moved by: Cr Tim Dark

Seconded by: Cr Sean O'Reilly

That:

1. the information contained in this report be received and noted; and
2. the information discussed at the above listed Councillor Briefing Sessions that was declared confidential in Item 1(a) by the Chief Executive Officer under Sections 77(2)(c) and 89(2)(e) of the Local Government Act remain confidential until further advisement unless that information was the subject of a subsequent Council report.

CARRIED

2.6.5 List of Registered Correspondence to Mayor and Councillors

File Id:	qA283304
Responsible Officer:	Director Corporate Services
Attachments:	Correspondence Received 12-23 June 2017

Report Summary

Subsequent to resolutions made by Council on 11 November 2013 and 25 February 2014 in relation to a listing of incoming correspondence addressed to the Mayor and Councillors, Attachment 1 provides a list of this correspondence for the period 12-23 June 2017.

Recommendation

That the listed items provided in Attachment 1 for the period 12-23 June 2017 be received and noted.

MINUTE 289

Moved by: Cr Matthew Kirwan
Seconded by: Cr Tim Dark

That the listed items provided in Attachment 1 for the period 12-23 June 2017 be received and noted.

CARRIED

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

OTHER

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

ATTACHMENT 1

**CORRESPONDENCE RECEIVED 12 – 23
JUNE 2017**

PAGES 2 (including cover)

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

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

Objective

CONNECTED. COLLABORATIVE. COMMUNITY.

Correspondences addressed to the Mayor and Councillors received between 12/06/2017 & 23/06/2017 - for officer action - total = 1

Correspondence Name	Date Created	Objective ID	User Assigned
Complaint regarding potholes on Riverend Road and other roads in Bangholme and subsequent claim made to Council.	20-Jun-17	fA126206	Mayor & Councillors Office

Objective

CONNECTED. COLLABORATIVE. COMMUNITY.

Correspondences addressed to the Mayor and Councillors received between 12/06/2017 & 23/06/2017 - for information only - total = 2

Correspondence Name	Date Created	Objective ID	User Assigned
Acknowledgement letter from the Minister for Police to Mayor's letter asking about the feasibility of a police station in Keysborough.	13-Jun-17	A4392855	Community Wellbeing
Letter from a commercial supplier regarding drug and alcohol testing programs for staff and contractors.	13-Jun-17	A4392864	Organisational Development

2.6.6 Proposal to Lease Part of Council's Land at 397 Springvale Rd Springvale (Springvale Town Hall Building) For Use as a Substation

File Id:

Responsible Officer:

Director Corporate Services

Attachments:

Locality Plan

Report Summary

This report addresses a proposal to enter into a lease with United Energy Distribution Pty Ltd (United Energy) for part of Council's land at 397 Springvale Rd Springvale for use as a substation.

In order to complete upgrade works to Springvale City Hall and the development of the future community hub at that site, a small substation, known as a kiosk, needs to be created within Council property. United Energy has requested that Council enters into a lease and an easement to allow the use of the kiosk.

Recommendation Summary

This report recommends that Council carries out the statutory procedures associated with the lease of land and creation of easement under sections 189, 190 and 223 of *the Local Government Act 1989* (LGA).

2.6.6 Proposal to Lease Part of Council's Land at 397 Springvale Rd Springvale (Springvale Town Hall Building) For Use as a Substation (Cont.)**Background**

Section 190 of the LGA provides a restriction on the power of Council to lease land. If the lease is to be one year or more and the rent for any period of the lease is \$50,000 or more a year, or the current rental value of the land is \$50,000 or more a year; or the lease is for 10 years or more; Council must publish a public notice of the proposed lease at least four weeks before the lease is made. The LGA also provides that a person has a right to make a submission under section 223 on the proposed lease.

Council owns the land at 397 Springvale Rd Springvale, the site of the old Council offices and the Springvale City Hall, indicated on the plan shown in Attachment 1. It is proposed that in order to carry out improvement works at City Hall and then Stage 2 of the development of a community hub at 397 Springvale Rd Springvale, a new electrical kiosk is to be created on the Council land.

In order to provide the electrical services for the improvement works it is necessary that a kiosk be created within the land shown on the plan.

United Energy has requested Council enters a lease for 30 years with an option for a further 20 years at a peppercorn rental and allows the creation of easements for the sub-station in order to provide electricity to the site. Council is required to carry out statutory procedures in accordance with sections 188, 190 and 223 of the LGA in order to make a decision to lease the land and create the associated easements.

Proposal

This report proposes that Council gives public notice of its intention to lease part of 397 Springvale Road for use as a kiosk and the creation of associated easements by United Energy and if no submissions are received, authorises the execution of such a lease and creation of easement documentation. If submissions are received, Council will establish a Special Committee to hear such submissions.

Community Plan 'Imagine 2030' and Council Plan 2013-2017 – Strategic Objectives, Strategies and Plans

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

Community Plan 'Imagine 2030'**Place**

- *Appearance of Places* – Places and buildings

Opportunity

- *Leadership by the Council* – The leading Council

2.6.6 Proposal to Lease Part of Council's Land at 397 Springvale Rd Springvale (Springvale Town Hall Building) For Use as a Substation (Cont.)

Council Plan 2013-2017

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

Place

- A city planned for the future

Opportunity

- A thriving and resilient economy
- A Council that listens and leads

Related Council Policies

The proposed lease is consistent with Council's past practice in entering into leases for infrastructure purposes with utilities and public entities.

Victorian Charter of Human Rights and Responsibilities

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

Financial Implications

There are no financial implications associated with this report. Council will receive no income from the lease of this property and both parties will pay their own costs associated with lease negotiations.

Consultation

A public consultation process will be commenced as required by sections 189, 190 and 223 of the LGA. Public notice of the proposal to enter into a lease and creation of easements for part of the City Hall site at 397 Springvale Rd Springvale will be given in local papers and interested parties will be given the opportunity to make submissions for a period of 28 days.

2.6.6 Proposal to Lease Part of Council's Land at 397 Springvale Rd Springvale (Springvale Town Hall Building) For Use as a Substation (Cont.)

Conclusion

It is considered appropriate for Council to enter into a lease for part of 397 Springvale Rd and create associated easements to provide electrical services to Springvale City Hall. A minimal area (approximately four square metres) is essential for the servicing of Council's operations.

Recommendation

That Council, being of the opinion that it is suitable to proceed with a proposal to lease part of 397 Springvale Road Springvale to United Energy Distribution Pty Ltd for use as an electrical kiosk for a term of 30 years with an option of a further 20 years at a peppercorn rental and the creation of associated easements, resolves:

- 1. to give public notice of its intention to lease part of 397 Springvale Rd Springvale and create the required of easements, in accordance with sections 189, 190 and 223 of the *Local Government Act 1989*;**
- 2. that if no submissions are received, Council authorises the signing and sealing (if required) of all documentation associated with the lease and creation of easements; and**
- 3. if submissions are received, and any request to be heard is made, a Special Committee of Council, made up of Cr _____, Cr _____ and Cr _____, will be established to hear submissions (with submitters being notified of the time and place of the Special Committee meeting).**

MINUTE 290

Moved by: Cr Tim Dark

Seconded by: Cr Sean O'Reilly

That Council, being of the opinion that it is suitable to proceed with a proposal to lease part of 397 Springvale Road Springvale to United Energy Distribution Pty Ltd for use as an electrical kiosk for a term of 30 years with an option of a further 20 years at a peppercorn rental and the creation of associated easements, resolves:

- 1. to give public notice of its intention to lease part of 397 Springvale Rd Springvale and create the required of easements, in accordance with sections 189, 190 and 223 of the *Local Government Act 1989*;**
- 2. that if no submissions are received, Council authorises the signing and sealing (if required) of all documentation associated with the lease and creation of easements; and**

2.6.6 Proposal to Lease Part of Council's Land at 397 Springvale Rd Springvale (Springvale Town Hall Building) For Use as a Substation (Cont.)

3. if submissions are received, and any request to be heard is made, a Special Committee of Council, made up of the Lightwood Ward Councillors - Cr Youhorn Chea, Cr Sean O'Reilly and Cr Loi Troung, will be established to hear submissions (with submitters being notified of the time and place of the Special Committee meeting).

CARRIED

2.6.6 Proposal to Lease Part of Council's Land at 397 Springvale Rd Springvale (Springvale Town Hall Building) For Use as a Substation (Cont.)

OTHER

**PROPOSAL TO LEASE PART OF COUNCIL'S LAND AT 397 SPRINGVALE
ROAD SPRINGVALE (SPRINGVALE TOWN HALL BUILDING) FOR USE AS
A SUBSTATION**

ATTACHMENT 1

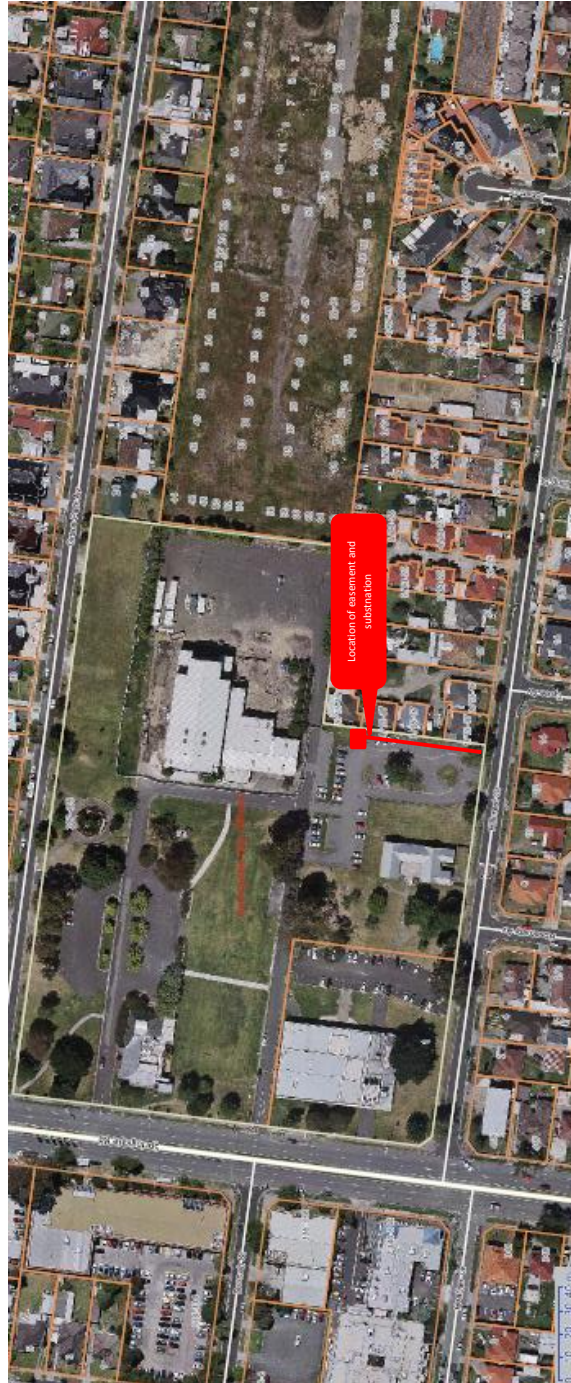
LOCALITY PLAN

PAGES 2 (including cover)

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

2.6.6 Proposal to Lease Part of Council's Land at 397 Springvale Rd Springvale (Springvale Town Hall Building) For Use as a Substation (Cont.)

Proposal to Lease Part of Council's Land at 397 Springvale Rd Springvale (Springvale Town Hall Building) For Use as a Substation
Attachment Locality Plan



3 NOTICES OF MOTION

3.1 Notice of Rescission Motion No. 24 - Town Planning Application - No. 84 Harwood Road, Bangholme (Planning Application No. PLN16/0072)

Responsible Officer: Director City Planning Design & Amenity

Author: Cr Matthew Kirwan

That Council rescinds the following motion made at its Council Meeting of 27 June 2017 (Minute Number 261):

That Council resolves to issue a Notice of Decision to grant a permit in respect of the land known and described as 84 Harwood Road, Bangholme, for the purpose of the use and development of the land for a market and rural industry, car parking reduction and alteration of access to a road in a RDZ1 in accordance with the plans submitted with the application, subject to the following conditions:

- 1. Before the development starts, two (2) copies of amended plans drawn to scale and dimensioned must be submitted to the Responsible Authority for approval. No buildings or works must be commenced until the plans have been approved and endorsed by the Responsible Authority. The endorsed copy of the plans forms part of this permit. The plans must be in accordance with the plans submitted with the application, but modified to show:**
 - 1.1. A pedestrian path network for the entire proposal that clearly delineates the pedestrian connections between buildings and car park zones to facilitate a safer and easier pedestrian connection from the middle or southern end of the car parks to the proposed sheds.**
 - 1.2. A roof/ shade structure or awing to be provided at the main building entry to be connected to the pedestrian path network.**
 - 1.3. The incorporation of native species, shade trees throughout the car park zones (minimum of one canopy tree within a plant island per 10 spaces); the periphery of the internal road network as well as the main accessway and property interfaces.**
 - 1.4. A minimum of twenty (20) bicycle spaces including nine (9) secure employee bays, plus two associated bicycle shower facilities must be provided.**
 - 1.5. Contour lines of the proposed property at minimum 200mm intervals to AHD.**
 - 1.6. Surface level of the proposed service road and car park to AHD.**

3.1 Notice of Rescission Motion No. 24 - Town Planning Application - No. 84 Harwood Road, Bangholme (Planning Application No. PLN16/0072) (Cont.)

1.7. The minimum finished floor level of the proposed buildings.

1.8. All requirements as outlined at conditions 2, 3, 4, 36 and 37.

All to the satisfaction of the Responsible Authority.

- 2. Prior to the endorsement of plans under condition 1, an acoustic assessment detailing how the proposed uses will comply with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 must be submitted and approved by the Responsible Authority.**
- 3. Prior to the endorsement of plans under condition 1, a stormwater drainage plan as to how the stormwater runoff from the site is to be accommodated must be submitted to the Responsible Authority for approval. This stormwater drainage plan will have to be supported with drainage calculations to the satisfaction of Council. The applicant is also requested to demonstrate that flood risk to the site and adjoining properties is not increased by the proposed development.**
- 4. Prior to the endorsement of plans under Condition 1, a landscape plan must be submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of the permit.**

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

- 4.1. The site at a scale of 1:100/200, including site boundaries, existing and proposed buildings, neighbouring buildings; car parking; access and exit points; indicative topography and spot levels at the site corners; existing and proposed vegetation; nature strip trees; easements; and landscape setbacks.**
- 4.2. Details of the proposed layout type and height of any fencing.**
- 4.3. All screening; structures; loading bays and refuse collection locations.**
- 4.4. Legend of all plant types, surface, materials and landscape items to be used including the total areas of garden and lawn.**
- 4.5. A plant schedule giving a description of botanical name; common name; mature height and spread; pot size; purchase height (if a tree) and individual plant quantities.**
- 4.6 All landscaping must be native species and the proposed screening to the north east must encourage habitat connectivity.**

3.1 Notice of Rescission Motion No. 24 - Town Planning Application - No. 84 Harwood Road, Bangholme (Planning Application No. PLN16/0072) (Cont.)

- 4.7 All landscaping within the southern setback of the lot must include the planting of trees and other vegetation that will grow in height to suitably screen the ten (10) metre high buildings from Harwood Road.**

All to the satisfaction of the Responsible Authority.

- 5. Prior to the endorsement of plans under condition 1, the submission of a comprehensive Sustainability Management Plan (SMP), prepared by a suitably qualified professional to the satisfaction of the responsible authority. This applies to the overall site and all proposed buildings within the subject site.**

The SMP is to provide a detailed assessment of the proposed design. This includes information about proposed design features in relation to their application, specification (where confirmed) and overall benefit to the environment and occupants.

The SMP is to address the 10 key sustainable building categories including:

Energy Efficiency

Indoor Environmental Quality

Water Resources

Stormwater Management

Transport

Construction Materials

Waste Management

Urban Ecology

Ongoing Building and Site Management

Innovation

The SMP must also:

Identify relevant sustainability targets or performance standards;

Document the means by which the appropriate target or performance will be achieved;

Identify the different areas of responsibility and provide a schedule for implementation, ongoing management, maintenance and monitoring; and

Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.

3.1 Notice of Rescission Motion No. 24 - Town Planning Application - No. 84 Harwood Road, Bangholme (Planning Application No. PLN16/0072) (Cont.)

All to the satisfaction of the Responsible Authority.

- 6. Prior to the commencement of the development hereby approved, the owner must submit a Construction Management Plan to the Responsible Authority for approval. When approved, the Plan will be endorsed and then form part of the Permit.**

The Construction Management Plan must include details on how the construction will be undertaken so it has minimal impact on the environment and surrounding area. Details to be provided in the Plan must include (but not limited to):

- 6.1. Details pertaining to the access and parking of staff, visitors and construction workers to the site, with the provision of a drop-off zone and emergency service access to the site;**
- 6.2. Details as to how traffic and pedestrian safety and amenity will be controlled within the vicinity of the site and its surrounds;**
- 6.3. Measures to minimise and control noise, vibrations and dust from construction works;**
- 6.4. Measures to minimise the impact of construction vehicles arriving at and departing from the land; and**
- 6.5. Measures to minimise the creation of conditions likely to be a nuisance.**

All to the satisfaction of the Responsible Authority.

- 7. Prior to the occupation of the approved development, the owner/ permit holder must prepare and have approved in writing by the Responsible Authority a Waste Management Plan (WMP) for the site with respect to the collection and disposal of waste and recyclables associated with the proposed uses on the site to the satisfaction of the Responsible Authority. The WMP must provide for the following:**

- 7.1. The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority. Commercial waste bins being placed or allow to remain not in view of the public, and receptacles not emitting any adverse odours.**
- 7.2. Designation of methods of collection including the need to provide for private services or utilisation of council services.**
- 7.3. Appropriate areas of bin storage on site and areas of waste bin storage on collection days.**

3.1 Notice of Rescission Motion No. 24 - Town Planning Application - No. 84 Harwood Road, Bangholme (Planning Application No. PLN16/0072) (Cont.)

7.4. Details of best practice waste management once operating.

Once approved the WMP must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

8. Prior to the use commencing the full length of Harwood Road must be upgraded to a "Rural Road" in accordance with the Council Standard SD 014 to the satisfaction of the Responsible Authority.
9. The intersection of Frankston-Dandenong & Harwood Roads must to be constructed in accordance with the requirement of Vic Roads Condition 35 and meeting or exceeding the requirements of the intersection design as detailed by the Dandenong South Industrial Area Extension – Development Contributions Plan to the satisfaction of the Responsible Authority and Vic Roads.
10. The use of the market must only operate between the hours of:

4am to 4pm 5 days per week

Unless with the written consent of the Responsible Authority.
11. No more than 700 persons may be on the site at any one time, unless with the written consent of the Responsible Authority.
12. The market must be used for wholesale purposes only and must not be open or accessible to the general public to the satisfaction of the Responsible Authority.
13. The use and development approved must be carried out and constructed in accordance with the recommendations of the approved Acoustic Assessment, to the satisfaction of the Responsible Authority.
14. The connection of the internal drainage infrastructure to the Local Point of Discharge (LPD) must be to the satisfaction of the Responsible Authority, prior to the issue of land upgrade Approval.

Collected stormwater must be retained onsite and discharged into the drainage system at pre development peak discharge rates as stated in the LPD approval letter. Approval of drainage plan including any retention system within the property boundary is required.
15. Access to the site and any associated roadwork must be constructed, prior to the commencement of use all to the satisfaction of the Responsible Authority.

Note all existing vehicle crossings will need to be removed and reinstate with kerb in accordance with Council Standards.

3.1 Notice of Rescission Motion No. 24 - Town Planning Application - No. 84 Harwood Road, Bangholme (Planning Application No. PLN16/0072) (Cont.)

- 16. Prior to the occupation of the building approved by this permit, an appropriate stormwater discharge arrangement from the site must be designed and constructed to the satisfaction of the Responsible Authority. When required, fees for plan checking and supervision must be paid to the Responsible Authority.**
- 17. The layout of the site and size, design, location and use of the buildings and works permitted must always be in accordance with the endorsed plans, unless with the written consent of the Responsible Authority.**
- 18. Once the development has started, it must be continued and completed in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.**
- 19. Once the use has commenced the continued use of the premises for the permitted purpose must be to the satisfaction of the Responsible Authority.**
- 20. The use as shown on the endorsed plan/s must not be altered unless with the written consent of the Responsible Authority.**
- 21. The building hereby approved must not be occupied until all buildings and works and the conditions of this permit have been complied with, unless with the written consent of the Responsible Authority.**
- 22. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay(s) and must not disrupt the circulation and parking of vehicles on the land.**
- 23. The use hereby approved must not commence and the subject site must not be occupied for that use until all buildings and works and conditions of this permit have been complied with, unless with the written consent of the Responsible Authority.**
- 24. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar.**
- 25. The car parking area must be lit if in use during hours of darkness, and all lights must be designed, fitted with suitable baffles and located to prevent any adverse effect on adjoining land and must not be considered excessive for the area, all to the satisfaction of the Responsible Authority.**
- 26. Before the occupation of the building hereby approved, the area(s) set-aside for the parking of vehicles, and access lanes, as shown on the endorsed plans must be:**
 - 26.1. Constructed in accordance with the endorsed plan/s and in accordance with Clause 52.06.**
 - 26.2. Properly formed to such levels that they can be used in accordance with the plans.**
 - 26.3. Surfaced with an all-weather sealcoat.**

3.1 Notice of Rescission Motion No. 24 - Town Planning Application - No. 84 Harwood Road, Bangholme (Planning Application No. PLN16/0072) (Cont.)

26.4. Drained to the legal point of discharge.

26.5. Line-marked to indicate each car space and all access lanes.

26.6. Provided with wheel stops to the front of each car parking space designed to meet Australian Standards AS2890.1 – 2004, Parking facilities, Part 1: Off-street car parking.

To the satisfaction of the Responsible Authority.

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

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

29. Noise emitted from the premises must not exceed the permissible noise levels determined in accordance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.

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

29.1. Transport of materials, goods or commodities to or from the land;

30.2. Appearance of any buildings, works or materials;

30.3. Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;

30.4. Presence of vermin;

30.5. Adverse behaviour of patrons to or from the premises.

To the satisfaction of the responsible authority.

31. Bins or other receptacles for any form of rubbish or refuse may not be placed or allowed to remain in the view of the public, and no odour shall be emitted from any such receptacle to the satisfaction of the Responsible Authority.

32. All wastes must be disposed of to the satisfaction of the Responsible Authority and no liquid waste or polluted waters shall be discharged into a sewer or stormwater drainage system.

33. Waste storage and collection must be carried out in accordance with the approved Waste Management Plan.

34. The site shall be kept in a neat and tidy condition at all times, to the satisfaction of the Responsible Authority.

3.1 Notice of Rescission Motion No. 24 - Town Planning Application - No. 84 Harwood Road, Bangholme (Planning Application No. PLN16/0072) (Cont.)

Vic Roads:

- 35. Unless otherwise agreed in writing by VicRoads, before the commencement of the permitted use, the following roadworks must be completed, at no costs to and to the satisfaction of the Roads Corporation (VicRoads):**
- 35.1. Intersection upgrade including the installation of traffic signals at the Frankston Dandenong Road – Hardwood Road – Glasscocks Road intersection, generally in accordance with ‘3T8’ prepared functional layout plan Z2251, Issue E dated 30.03.17.**
- 36. Unless otherwise agreed in writing by VicRoads, prior to the commencement of road works, the permit applicant is to submit to VicRoads, a public lighting plan and Traffic Signal Layout Plan that is consistent with the approved functional layout plan for the upgraded Frankston Dandenong Road – Hardwood Road – Glasscocks Road intersection. The public lighting plan and Traffic Signal layout Plan are to be to the satisfaction of VicRoads and the Responsible Authority.**
- 37. Before the commencement of the permitted use, land determined to be vested as road or reserve in accordance with the approved detailed design plans for which the Roads Corporation is to be responsible, must be vested in the name of the ROADS CORPORATION.**

Melbourne Water

- 38. Prior to the development plans being endorsed and the commencement of works, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's condition relating to the drainage strategy. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).**
- 39. Prior to the development plans being endorsed and the commencement of works, a drainage strategy must be prepared, detailing how the development will safely convey overland flows, and demonstrating that the buildings meet Melbourne Water's minimum floor level requirements. The drainage strategy will be subject to Melbourne Water review and approval.**
- 40. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.**
- 41. This permit will expire if:**
- 41.1. The development does not start within two (2) years of the date of this permit, or**
- 41.2. The development is not completed within four (4) years of the date of this permit.**

3.1 Notice of Rescission Motion No. 24 - Town Planning Application - No. 84 Harwood Road, Bangholme (Planning Application No. PLN16/0072) (Cont.)

41.3. The use does not start within one (1) year of the completion of the development, or

41.4. The use is discontinued for a period of two (2) years.

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

Notes:

- **A Building Approval is required prior to the commencement of the approved development. This planning permit does not constitute any building approval.**
- **A Vehicle Crossing Permit must be obtained from Council for all vehicular crossings prior to construction of the crossings. You may be required to apply for a Asset Protection Permit from Council's engineering services. Queries regarding engineering requirements can be directed to Council's general phone number on 8571 1000.**
- **Approval of any retention system within the property boundary is required by the relevant building surveyor.**
- **Before commencement of the development occurs, the applicant should contact the City of Greater Dandenong's Civil Development and Design Unit regarding legal point of discharge, new crossings, building over easements, etc.**
- **No buildings or works shall be constructed over any easement without the written consent of the relevant authorities.**
- **Any works undertaken within the road reservation and easements will require the developer to obtain a Civil Works Permit from Council.**
- **This permit has been granted on the basis that consent to build over any easement will be obtained from the relevant authority. If consent is not able to be obtained, the development plan will be required to be amended.**
- **All food storage, preparation and handling areas to be constructed to the Australian Standards for fit out of Class 1 food premises and to permit registration under the Food Act.**
- **Except where no permit is required under the provisions of the Planning Scheme, no sign, flashing or intermittent lights, bunting or advertising device may be erected or displayed on the land without the permission of the Responsible Authority.**
- **Prior to the erection of any additional advertising signs on the land, consultation should be made with officers of the Town Planning Department to determine the relevant Planning Scheme Controls and required approvals sought. (NB: Places Victoria may need to be consulted in regard to proposed future signage for the site).**

3.1 Notice of Rescission Motion No. 24 - Town Planning Application - No. 84 Harwood Road, Bangholme (Planning Application No. PLN16/0072) (Cont.)

- The property is identified to be subject to flooding in major rain events. An application for Report and Consent for Flooding is required. Infrastructure Planning is to be contacted to confirm the minimum finished floor level (FFL) of the proposed development.
- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 134847.
- The preparation of the detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements – Externally Funded Projects" and any other requirements considered necessary depending on the nature of the work.
- It should be noted that functional layout plans may need to be amended to accommodate changes that arise during the detailed design stage; in response to the road safety audit; in relation to services and their relocation; vegetation; drainage; treatment of hazards within clear zones and other matters.
- No work must be commenced in, on, under or over the road reserve without having first obtained all necessary approvals under the Road management Act 2004, the Road Safety Act 1986 and any other relevant acts or regulations created under those Acts.

ALTERNATE MOTION

That Council resolves to Refuse to grant a planning permit in respect of the land known as and described as 84 Harwood Road, Bangholme for the use and development of the land for a market, rural industry, alteration to access to a road in a Road Zone Category 1 and a reduction in car parking, on the following grounds:

1. The proposal is contrary to the purposes and decision guidelines of Clause 35.04 – Green Wedge Zone of the Greater Dandenong Planning Scheme;
2. The proposal is contrary to the seriously entertained Planning Scheme Amendment C143 – Green Wedge Management Plan;
3. The proposed use of part of the land for a warehouse is prohibited under Clause 35.04 – Green Wedge Zone of the Greater Dandenong Planning Scheme;
4. The proposal does not provide sufficient onsite car parking for the proposed uses, contrary to Clause 52.06 – Car Parking of the Greater Dandenong Planning Scheme;
5. The proposed siting, height and design of buildings and works would adversely impact on the environmental and landscape values of the Green Wedge, and would not meet the height guidelines in the Green Wedge Management Plan;

3.1 Notice of Rescission Motion No. 24 - Town Planning Application - No. 84 Harwood Road, Bangholme (Planning Application No. PLN16/0072) (Cont.)

6. The location, size and visual dominance of the built form is unacceptable and out of character with the Green Wedge, and is contrary to the vision of the Green Wedge Management Plan;
7. The proposal will have a substantial impact on the amenity of the surrounding area;
8. Insufficient information has been provided to ensure the proposal complies with EPA Regulation 1518;
9. Insufficient information has been provided to ensure the flood risk can be satisfactorily addressed, despite the site being in a flood prone, low lying area as described in the Green Wedge Management Plan

RESCISSION MOTION

Moved by: Cr Matthew Kirwan

Seconded by: Cr Maria Sampey

That Council rescinds the following motion made at its Council Meeting of 27 June 2017 (Minute Number 261):

That Council resolves to issue a Notice of Decision to grant a permit in respect of the land known and described as 84 Harwood Road, Bangholme, for the purpose of the use and development of the land for a market and rural industry, car parking reduction and alteration of access to a road in a RDZ1 in accordance with the plans submitted with the application, subject to the following conditions:

1. Before the development starts, two (2) copies of amended plans drawn to scale and dimensioned must be submitted to the Responsible Authority for approval. No buildings or works must be commenced until the plans have been approved and endorsed by the Responsible Authority. The endorsed copy of the plans forms part of this permit. The plans must be in accordance with the plans submitted with the application, but modified to show:
 - 1.1. A pedestrian path network for the entire proposal that clearly delineates the pedestrian connections between buildings and car park zones to facilitate a safer and easier pedestrian connection from the middle or southern end of the car parks to the proposed sheds.
 - 1.2. A roof/ shade structure or awing to be provided at the main building entry to be connected to the pedestrian path network.
 - 1.3. The incorporation of native species, shade trees throughout the car park zones (minimum of one canopy tree within a plant island per 10 spaces); the periphery of the internal road network as well as the main accessway and property interfaces.

3.1 Notice of Rescission Motion No. 24 - Town Planning Application - No. 84 Harwood Road, Bangholme (Planning Application No. PLN16/0072) (Cont.)

- 1.4. A minimum of twenty (20) bicycle spaces including nine (9) secure employee bays, plus two associated bicycle shower facilities must be provided.**
- 1.5. Contour lines of the proposed property at minimum 200mm intervals to AHD.**
- 1.6. Surface level of the proposed service road and car park to AHD.**
- 1.7. The minimum finished floor level of the proposed buildings.**
- 1.8. All requirements as outlined at conditions 2, 3, 4, 36 and 37.**

All to the satisfaction of the Responsible Authority.

- 2. Prior to the endorsement of plans under condition 1, an acoustic assessment detailing how the proposed uses will comply with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 must be submitted and approved by the Responsible Authority.**
- 3. Prior to the endorsement of plans under condition 1, a stormwater drainage plan as to how the stormwater runoff from the site is to be accommodated must be submitted to the Responsible Authority for approval. This stormwater drainage plan will have to be supported with drainage calculations to the satisfaction of Council. The applicant is also requested to demonstrate that flood risk to the site and adjoining properties is not increased by the proposed development.**
- 4. Prior to the endorsement of plans under Condition 1, a landscape plan must be submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of the permit.**

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

- 4.1. The site at a scale of 1:100/200, including site boundaries, existing and proposed buildings, neighbouring buildings; car parking; access and exit points; indicative topography and spot levels at the site corners; existing and proposed vegetation; nature strip trees; easements; and landscape setbacks.**
- 4.2. Details of the proposed layout type and height of any fencing.**
- 4.3. All screening; structures; loading bays and refuse collection locations.**
- 4.4. Legend of all plant types, surface, materials and landscape items to be used including the total areas of garden and lawn.**
- 4.5. A plant schedule giving a description of botanical name; common name; mature height and spread; pot size; purchase height (if a tree) and individual plant quantities.**

3.1 Notice of Rescission Motion No. 24 - Town Planning Application - No. 84 Harwood Road, Bangholme (Planning Application No. PLN16/0072) (Cont.)

4.6 All landscaping must be native species and the proposed screening to the north east must encourage habitat connectivity.

4.7 All landscaping within the southern setback of the lot must include the planting of trees and other vegetation that will grow in height to suitably screen the ten (10) metre high buildings from Harwood Road.

All to the satisfaction of the Responsible Authority.

- 5. Prior to the endorsement of plans under condition 1, the submission of a comprehensive Sustainability Management Plan (SMP), prepared by a suitably qualified professional to the satisfaction of the responsible authority. This applies to the overall site and all proposed buildings within the subject site.**

The SMP is to provide a detailed assessment of the proposed design. This includes information about proposed design features in relation to their application, specification (where confirmed) and overall benefit to the environment and occupants.

The SMP is to address the 10 key sustainable building categories including:

Energy Efficiency

Indoor Environmental Quality

Water Resources

Stormwater Management

Transport

Construction Materials

Waste Management

Urban Ecology

Ongoing Building and Site Management

Innovation

The SMP must also:

Identify relevant sustainability targets or performance standards;

Document the means by which the appropriate target or performance will be achieved;

Identify the different areas of responsibility and provide a schedule for implementation, ongoing management, maintenance and monitoring; and

3.1 Notice of Rescission Motion No. 24 - Town Planning Application - No. 84 Harwood Road, Bangholme (Planning Application No. PLN16/0072) (Cont.)

Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.

All to the satisfaction of the Responsible Authority.

- 6. Prior to the commencement of the development hereby approved, the owner must submit a Construction Management Plan to the Responsible Authority for approval. When approved, the Plan will be endorsed and then form part of the Permit.**

The Construction Management Plan must include details on how the construction will be undertaken so it has minimal impact on the environment and surrounding area. Details to be provided in the Plan must include (but not limited to):

- 6.1. Details pertaining to the access and parking of staff, visitors and construction workers to the site, with the provision of a drop-off zone and emergency service access to the site;**
- 6.2. Details as to how traffic and pedestrian safety and amenity will be controlled within the vicinity of the site and its surrounds;**
- 6.3. Measures to minimise and control noise, vibrations and dust from construction works;**
- 6.4. Measures to minimise the impact of construction vehicles arriving at and departing from the land; and**
- 6.5. Measures to minimise the creation of conditions likely to be a nuisance.**

All to the satisfaction of the Responsible Authority.

- 7. Prior to the occupation of the approved development, the owner/ permit holder must prepare and have approved in writing by the Responsible Authority a Waste Management Plan (WMP) for the site with respect to the collection and disposal of waste and recyclables associated with the proposed uses on the site to the satisfaction of the Responsible Authority. The WMP must provide for the following:**

- 7.1. The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority. Commercial waste bins being placed or allow to remain not in view of the public, and receptacles not emitting any adverse odours.**
- 7.2. Designation of methods of collection including the need to provide for private services or utilisation of council services.**

3.1 Notice of Rescission Motion No. 24 - Town Planning Application - No. 84 Harwood Road, Bangholme (Planning Application No. PLN16/0072) (Cont.)

7.3. Appropriate areas of bin storage on site and areas of waste bin storage on collection days.

7.4. Details of best practice waste management once operating.

Once approved the WMP must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

- 8. Prior to the use commencing the full length of Harwood Road must be upgraded to a "Rural Road" in accordance with the Council Standard SD 014 to the satisfaction of the Responsible Authority.**
- 9. The intersection of Frankston-Dandenong & Harwood Roads must to be constructed in accordance with the requirement of Vic Roads Condition 35 and meeting or exceeding the requirements of the intersection design as detailed by the Dandenong South Industrial Area Extension – Development Contributions Plan to the satisfaction of the Responsible Authority and Vic Roads.**
- 10. The use of the market must only operate between the hours of:**
4am to 4pm 5 days per week
Unless with the written consent of the Responsible Authority.
- 11. No more than 700 persons may be on the site at any one time, unless with the written consent of the Responsible Authority.**
- 12. The market must be used for wholesale purposes only and must not be open or accessible to the general public to the satisfaction of the Responsible Authority.**
- 13. The use and development approved must be carried out and constructed in accordance with the recommendations of the approved Acoustic Assessment, to the satisfaction of the Responsible Authority.**
- 14. The connection of the internal drainage infrastructure to the Local Point of Discharge (LPD) must be to the satisfaction of the Responsible Authority, prior to the issue of land upgrade Approval.**
Collected stormwater must be retained onsite and discharged into the drainage system at pre development peak discharge rates as stated in the LPD approval letter. Approval of drainage plan including any retention system within the property boundary is required.
- 15. Access to the site and any associated roadwork must be constructed, prior to the commencement of use all to the satisfaction of the Responsible Authority.**

3.1 Notice of Rescission Motion No. 24 - Town Planning Application - No. 84 Harwood Road, Bangholme (Planning Application No. PLN16/0072) (Cont.)

Note all existing vehicle crossings will need to be removed and reinstate with kerb in accordance with Council Standards.

- 16. Prior to the occupation of the building approved by this permit, an appropriate stormwater discharge arrangement from the site must be designed and constructed to the satisfaction of the Responsible Authority. When required, fees for plan checking and supervision must be paid to the Responsible Authority.**
- 17. The layout of the site and size, design, location and use of the buildings and works permitted must always be in accordance with the endorsed plans, unless with the written consent of the Responsible Authority.**
- 18. Once the development has started, it must be continued and completed in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.**
- 19. Once the use has commenced the continued use of the premises for the permitted purpose must be to the satisfaction of the Responsible Authority.**
- 20. The use as shown on the endorsed plan/s must not be altered unless with the written consent of the Responsible Authority.**
- 21. The building hereby approved must not be occupied until all buildings and works and the conditions of this permit have been complied with, unless with the written consent of the Responsible Authority.**
- 22. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay(s) and must not disrupt the circulation and parking of vehicles on the land.**
- 23. The use hereby approved must not commence and the subject site must not be occupied for that use until all buildings and works and conditions of this permit have been complied with, unless with the written consent of the Responsible Authority.**
- 24. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar.**
- 25. The car parking area must be lit if in use during hours of darkness, and all lights must be designed, fitted with suitable baffles and located to prevent any adverse effect on adjoining land and must not be considered excessive for the area, all to the satisfaction of the Responsible Authority.**
- 26. Before the occupation of the building hereby approved, the area(s) set-aside for the parking of vehicles, and access lanes, as shown on the endorsed plans must be:**
 - 26.1. Constructed in accordance with the endorsed plan/s and in accordance with Clause 52.06.**

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- 26.2. Properly formed to such levels that they can be used in accordance with the plans.**
- 26.3. Surfaced with an all-weather sealcoat.**
- 26.4. Drained to the legal point of discharge.**
- 26.5. Line-marked to indicate each car space and all access lanes.**
- 26.6. Provided with wheel stops to the front of each car parking space designed to meet Australian Standards AS2890.1 – 2004, Parking facilities, Part 1: Off-street car parking.**

To the satisfaction of the Responsible Authority.

- 27. Car spaces, access lanes and driveways must be maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.**
- 28. Prior to the occupation of the buildings hereby permitted, all landscaping as shown on the endorsed plans, including trees, shrubs and lawn, shall be planted and thereafter maintained, to the satisfaction of the Responsible Authority.**
- 29. Noise emitted from the premises must not exceed the permissible noise levels determined in accordance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.**
- 30. The amenity of the area must not be detrimentally effected by the use or development on the land, through the:**
 - 29.1. Transport of materials, goods or commodities to or from the land;**
 - 30.2. Appearance of any buildings, works or materials;**
 - 30.3. Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
 - 30.4. Presence of vermin;**
 - 30.5. Adverse behaviour of patrons to or from the premises.**

To the satisfaction of the responsible authority.

- 31. Bins or other receptacles for any form of rubbish or refuse may not be placed or allowed to remain in the view of the public, and no odour shall be emitted from any such receptacle to the satisfaction of the Responsible Authority.**
- 32. All wastes must be disposed of to the satisfaction of the Responsible Authority and no liquid waste or polluted waters shall be discharged into a sewer or stormwater drainage system.**

3.1 Notice of Rescission Motion No. 24 - Town Planning Application - No. 84 Harwood Road, Bangholme (Planning Application No. PLN16/0072) (Cont.)

- 33. Waste storage and collection must be carried out in accordance with the approved Waste Management Plan.**
- 34. The site shall be kept in a neat and tidy condition at all times, to the satisfaction of the Responsible Authority.**

Vic Roads:

- 35. Unless otherwise agreed in writing by VicRoads, before the commencement of the permitted use, the following roadworks must be completed, at no costs to and to the satisfaction of the Roads Corporation (VicRoads):**
 - 35.1. Intersection upgrade including the installation of traffic signals at the Frankston Dandenong Road – Hardwood Road – Glasscocks Road intersection, generally in accordance with ‘3T8’ prepared functional layout plan Z2251, Issue E dated 30.03.17.**
- 36. Unless otherwise agreed in writing by VicRoads, prior to the commencement of road works, the permit applicant is to submit to VicRoads, a public lighting plan and Traffic Signal Layout Plan that is consistent with the approved functional layout plan for the upgraded Frankston Dandenong Road – Hardwood Road – Glasscocks Road intersection. The public lighting plan and Traffic Signal layout Plan are to be to the satisfaction of VicRoads and the Responsible Authority.**
- 37. Before the commencement of the permitted use, land determined to be vested as road or reserve in accordance with the approved detailed design plans for which the Roads Corporation is to be responsible, must be vested in the name of the ROADS CORPORATION.**

Melbourne Water

- 38. Prior to the development plans being endorsed and the commencement of works, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's condition relating to the drainage strategy. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).**
- 39. Prior to the development plans being endorsed and the commencement of works, a drainage strategy must be prepared, detailing how the development will safely convey overland flows, and demonstrating that the buildings meet Melbourne Water's minimum floor level requirements. The drainage strategy will be subject to Melbourne Water review and approval.**
- 40. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.**
- 41. This permit will expire if:**

3.1 Notice of Rescission Motion No. 24 - Town Planning Application - No. 84 Harwood Road, Bangholme (Planning Application No. PLN16/0072) (Cont.)

- 41.1. The development does not start within two (2) years of the date of this permit,
or**
- 41.2. The development is not completed within four (4) years of the date of this permit.**
- 41.3. The use does not start within one (1) year of the completion of the development,
or**
- 41.4. The use is discontinued for a period of two (2) years.**

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

Notes:

- A Building Approval is required prior to the commencement of the approved development. This planning permit does not constitute any building approval.**
- A Vehicle Crossing Permit must be obtained from Council for all vehicular crossings prior to construction of the crossings. You may be required to apply for a Asset Protection Permit from Council's engineering services. Queries regarding engineering requirements can be directed to Council's general phone number on 8571 1000.**
- Approval of any retention system within the property boundary is required by the relevant building surveyor.**
- Before commencement of the development occurs, the applicant should contact the City of Greater Dandenong's Civil Development and Design Unit regarding legal point of discharge, new crossings, building over easements, etc.**
- No buildings or works shall be constructed over any easement without the written consent of the relevant authorities.**
- Any works undertaken within the road reservation and easements will require the developer to obtain a Civil Works Permit from Council.**
- This permit has been granted on the basis that consent to build over any easement will be obtained from the relevant authority. If consent is not able to be obtained, the development plan will be required to be amended.**
- All food storage, preparation and handling areas to be constructed to the Australian Standards for fit out of Class 1 food premises and to permit registration under the Food Act.**
- Except where no permit is required under the provisions of the Planning Scheme, no sign, flashing or intermittent lights, bunting or advertising device may be erected or displayed on the land without the permission of the Responsible Authority.**

3.1 Notice of Rescission Motion No. 24 - Town Planning Application - No. 84 Harwood Road, Bangholme (Planning Application No. PLN16/0072) (Cont.)

- Prior to the erection of any additional advertising signs on the land, consultation should be made with officers of the Town Planning Department to determine the relevant Planning Scheme Controls and required approvals sought. (NB: Places Victoria may need to be consulted in regard to proposed future signage for the site).
- The property is identified to be subject to flooding in major rain events. An application for Report and Consent for Flooding is required. Infrastructure Planning is to be contacted to confirm the minimum finished floor level (FFL) of the proposed development.
- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 134847.
- The preparation of the detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements – Externally Funded Projects" and any other requirements considered necessary depending on the nature of the work.
- It should be noted that functional layout plans may need to be amended to accommodate changes that arise during the detailed design stage; in response to the road safety audit; in relation to services and their relocation; vegetation; drainage; treatment of hazards within clear zones and other matters.
- No work must be commenced in, on, under or over the road reserve without having first obtained all necessary approvals under the Road management Act 2004, the Road Safety Act 1986 and any other relevant acts or regulations created under those Acts.

MINUTE 291

Moved by: Cr Maria Sampey
Seconded by: Cr Youhorn Chea

That Cr Matthew Kirwan be granted an extension of time of two minutes to speak in support of the rescission motion.

CARRIED

MINUTE 292

Moved by: Cr Heang Tak
Seconded by: Cr Youhorn Chea

That Cr Sean O'Reilly be granted an extension of time of two minutes to speak against the rescission motion.

CARRIED

3.1 Notice of Rescission Motion No. 24 - Town Planning Application - No. 84 Harwood Road, Bangholme (Planning Application No. PLN16/0072) (Cont.)

MINUTE 293

Moved by: Cr Matthew Kirwan

Seconded by: Cr Sean O'Reilly

That Cr Tim Dark be granted an extension of time of two minutes to speak against the rescission motion.

CARRIED

LOST (Refers to Rescission Motion No. 24)

For the Motion: Cr Matthew Kirwan (called for the Division), Cr Maria Sampey

Against the Motion: Cr Youhorn Chea, Cr Tim Dark, Cr Jim Memeti, Cr Sean O'Reilly, Cr Heang Tak

3.2 Notice of Motion No. 25 - Greater Dandenong Council taking a role reducing soft plastics pollution

Responsible Officer:

Director Community Services

Author:

Cr Matthew Kirwan

Preamble

1. Pollution caused by single use soft plastics – an issue relevant to Greater Dandenong

There has been regular local media coverage in the last few years regarding plastic litter pollution on the banks of Mile Creek that runs through Springvale, Noble Park and Keysborough. Similar problems however can be found in Yarraman Creek and Dandenong Creek and, in general, single use soft plastics, such as plastic bags, are the culprit.

Australians dump 7,150 plastic bags into landfills every minute, or 429,000 bags every hour. Plastic bags are the fifth most littered item in Victoria, and the average plastic bag is used for just 12 minutes yet may last in our ecosystems for around 1000 years. According to Clean Up Australia, plastics made up 38%, with plastic bags alone comprising 13 per cent, of rubbish removed by Clean Up Australia Day volunteers in Victoria in 2016.

Estimates put between 50-180 million bags entering the Australian litter stream every year, with the Australian Bureau of Statistics (ABS) reporting plastic bags as making up 2% of the litter stream at most surveyed sites in 2006. In Greater Dandenong's own waste stream it is worse - 9.8% of our waste stream was plastic according to a Household Recycling Stream Audit conducted in November 2013.

Even correctly disposed of, plastic bags can end up being blown away from disposal facilities into the natural environment so it is impossible to conclusively state exactly how many bags escape into trees, rivers and oceans.

Currently, only 3% per cent of plastic bags used in Australia are recycled, mainly due to the difficulty of recycling soft plastics but also the sheer amount of them.

Even biodegradable plastics just turn in to smaller pieces of plastic, releasing dangerous chemicals as they break apart.

But as the water in our creeks ends up in Port Phillip Bay, and then onto the sea, this then affects marine life. Nearly all marine life, including half the world's turtles and almost all sea birds, have ingested plastic waste. Often this waste is plastic shopping bags. There is frequent evidence of this on the Victorian Coast.

2. The Situation elsewhere in Australia

South Australia, Tasmania, the Northern Territory and the ACT have already banned single use plastic bags. In 2008, the Victorian Government, in partnership with the Australian National Retailers Association, Coles, Safeway and IGA, held a trial ban on plastic bags in Warrnambool, Wangaratta and the Fountain Gate area. The trial resulted in a dramatic 79% cut in plastic bag use.

3.2 Notice of Motion No. 25 - Greater Dandenong Council taking a role reducing soft plastics pollution (Cont.)

Increasing numbers of Councils in Victoria are advocating for the banning of plastic bags statewide as well as initiating action to ban or reduce plastic bags and the use of other soft plastics in areas where they can either control (Council operations) or influence (events and activities on Council land and in Council buildings).

These include Darebin, Frankston, Hobsons's Bay, Monash, Moreland and Surf Coast Councils.

3. Plastic Bag Free Australia and other campaigns

Plastic Bag Free Victoria is a non-partisan advocacy group lobbying state government to ban plastic bags in Victoria and New South Wales. This follows in the footsteps of South Australia, Tasmania, Northern Territory and Canberra, where bans have been implemented.

Plastic Bag Free Victoria recently submitted a petition with 11,600 signatures to the Victorian Government in August 2016 for the Victorian Government to follow in the footsteps of other states.

Recently, Channel Ten's television program "The Project" launched a campaign with Clean Up Australia to ban plastic bags in New South Wales, Victoria and Western Australia. Their online petition currently has over 161,000 signatures.

4. How eliminating single use plastic bags and reducing soft plastic use aligns with our Council strategic direction

Reducing the amount of litter, including entering local waterways is a key goal of both of our Greater Dandenong Waste and Litter Strategy and our Greater Dandenong Sustainability Strategy. Pollution was a key issue identified by residents during the consultation into the Greater Dandenong Sustainability Strategy.

5. What we can do

As well as advocate for a ban on single use plastic bags in Victoria we could eliminate single use plastic bags and other soft plastics from our own Council operations and discourage use of single use plastic bags and other soft plastics from community events held on Council land or in Council events. Eliminating or reducing single use plastic at events may result in minor additional expense to event stallholders, but would potentially result in savings to Council in managing waste and litter on site and in the community.

Council stallholders would need to be advised on sustainable alternatives like reusable bags, particularly cloth or recycled paper bags.

Corn starch/cellulose plastic is problematic because it takes wildly varying times to break down depending on thickness of the plastic. It requires optimal conditions to break down including the right microbes and without these conditions it is as likely to enter the waterways as a polymer plastic bag where any saline will considerably slow the degradation of the plastic so it will pose the same entanglement/choking hazard as any plastic film product. If cellulose plastic bags are disposed of in plastic bag recycling facilities they end up gumming up/contaminating recycling processes causing all of the recycled plastic bags involved in the contamination to be dumped in landfill

3.2 Notice of Motion No. 25 - Greater Dandenong Council taking a role reducing soft plastics pollution (Cont.)

The Dandenong Market is more challenging given the nature of the business hence why this Notice of Motion excludes the operations of the Dandenong Market. However as the values and strategic intention of the Dandenong Market Pty Ltd is to be a sustainable market, this Notice of Motion references seeking input from the Dandenong Market Pty Ltd, with their agreement, as to their longer term strategic direction to remove or significantly reduce the use of soft plastics in the operation of the Dandenong Market.

6. Some definitions:

Soft plastics: Soft or flexible plastics are any plastics that can be easily scrunched into a ball or broken when crushed by hand and include, among others, single use plastic bags, corn starch/cellulose plastic multi-use shopping bags, straws, some types of food packaging and balloons.

Single use plastic bags: Plastic bags, such as the ones available at supermarkets, that were designed for using only once and are made of soft plastics.

3.2 Notice of Motion No. 25 - Greater Dandenong Council taking a role reducing soft plastics pollution (Cont.)

Motion

That Council:

- 1. Officers prepare a report to come to Council by the end of 2017 considering the potential benefits, any disadvantages, options for Council (including any costs if applicable) and a recommended way forward regarding:**
 - a) Council potentially committing to eliminating the use of single use soft plastic bags across Council managed operations and discouraging, where possible, usage levels of other soft plastic items by informing staff of alternatives;**
 - b) Council potentially discouraging the use of single use plastic bags and other soft plastic items and encouraging the use of alternatives for community events on Council land (excluding the Dandenong Market Pty Ltd) including any policies, guidelines or informational material that would need to be developed to implement this;**
 - c) seeking further information from Dandenong Market Pty Ltd on any longer term strategic direction to potentially remove or significantly reduce the use of soft plastics in the operation of the Dandenong Market;**
 - d) the potential benefits or disadvantages of advocating to the State Government to follow the lead of other states and territories to ban single use plastic bags and the potential next steps to do so; and**
 - e) any other related matters to potentially reducing plastic use at officer's discretion.**

MINUTE 294

Moved by: Cr Matthew Kirwan

Seconded by: Cr Sean O'Reilly

That Council:

- 1. Officers prepare a report to come to Council by the end of 2017 considering the potential benefits, any disadvantages, options for Council (including any costs if applicable) and a recommended way forward regarding:**
 - a) Council potentially committing to eliminating the use of single use soft plastic bags across Council managed operations and discouraging, where possible, usage levels of other soft plastic items by informing staff of alternatives;**

3.2 Notice of Motion No. 25 - Greater Dandenong Council taking a role reducing soft plastics pollution (Cont.)

- b) Council potentially discouraging the use of single use plastic bags and other soft plastic items and encouraging the use of alternatives for community events on Council land (excluding the Dandenong Market Pty Ltd) including any policies, guidelines or informational material that would need to developed to implement this;**
- c) seeking further information from Dandenong Market Pty Ltd on any longer term strategic direction to potentially remove or significantly reduce the use of soft plastics in the operation of the Dandenong Market;**
- d) the potential benefits or disadvantages of advocating to the State Government to follow the lead of other states and territories to ban single use plastic bags and the potential next steps to do so; and**
- e) any other related matters to potentially reducing plastic use at officer's discretion.**

CARRIED

3.3 Notice of Motion No. 26 - Working with community organisations in Greater Dandenong to further gambling reform

Responsible Officer:

Director Community Services

Author:

Cr Matthew Kirwan

Preamble

In 2014 this Council was a leading member of the City of Monash led multi-Council *Enough Pokies* campaign leading up to the State Election. One of the actions undertaken was emailing all community organisations in the municipality to ask them to join the *Enough Pokies* campaign and be prepared to be listed on the Greater Dandenong website as having done so and committing to supporting the platform. A number of different local community organisations signed up, many of them having experienced first-hand the impact of problem gambling. With the support of these organisations and the Enough Pokies campaign a community forum was held in Dandenong about the issue of problem gambling and the need for gambling reform.

One of the challenges then was the time taken for the Boards of community organisations to decide whether to join and also the fact that our engagement with these community organisations and the engagement of the Enough Pokies campaign in general was limited due to this being done so soon prior to the 2014 State Election.

As the report endorsed by Council on the 13th June, 2017 noted, supporting the Alliance to meet the challenges of the 2018 State election presents an important opportunity to secure legislative changes to benefit all Councils and their communities.

This notice of motion initiates similar contact with community organisations that occurred in 2014 but this time much earlier to allow for much more effective engagement and potential collaboration.

3.3 Notice of Motion No. 26 - Working with community organisations in Greater Dandenong to further gambling reform (Cont.)

Motion

That Council:

1. considers how it can engage with community organisations, clubs, schools and churches in Greater Dandenong to inform them of both Council's and the Alliance's gambling reform positions, and partner with them on advocacy about gambling and gambling reform through the use of its existing contacts database (within the boundaries set by privacy legislation) and social media platforms, and completes this action prior to 30 September 2017;
2. progressively updates the existing Gambling sub-site on the Greater Dandenong website with community organisations, clubs, schools and churches as they sign up; and
3. officers prepare a report to Council by February 2018 at the latest in relation to options for Council to best work with these local community partners, the Alliance for Gambling Reform itself and options for our gambling advocacy approach in general (including recommendations) leading up to the 2018 State election.

MINUTE 295

Moved by: Cr Matthew Kirwan

Seconded by: Cr Sean O'Reilly

That Council:

1. considers how it can engage with community organisations, clubs, schools and churches in Greater Dandenong to inform them of both Council's and the Alliance's gambling reform positions, and partner with them on advocacy about gambling and gambling reform through the use of its existing contacts database (within the boundaries set by privacy legislation) and social media platforms, and completes this action prior to 30 September 2017.
2. progressively updates the existing Gambling sub-site on the Greater Dandenong website with community organisations, clubs, schools and churches as they sign up.
3. officers prepare a report to Council by February 2018 at the latest in relation to options for Council to best work with these local community partners, the Alliance for Gambling Reform itself and options for our gambling advocacy approach in general (including recommendations) leading up to the 2018 State election; and
4. notes that all content on the City of Greater Dandenong's website or through any other of its other intermediaries is provided with the intention that it not be used for political party purposes.

3.3 Notice of Motion No. 26 - Working with community organisations in Greater Dandenong to further gambling reform (Cont.)

CARRIED

3.4 Notice of Motion No. 27 - Establishing a consistent and transparent process for providing Councillors with the basis of officer recommendations for the membership of community based advisory/reference committees and boards.

Responsible Officer:

Director Community Services

Author:

Cr Matthew Kirwan

Preamble

In the next couple of months there are at least four community based advisory/reference committees coming to Council for endorsement of their membership, including ones from both Community Services and Planning, Design and Amenity directorates. More will come as other committees membership's terms expire.

Earlier this year there were a large amount of applicants for the new Multicultural Advisory Committee. Advice to Councillors as to who the officers selected was clear and transparent as individual applicants scores against each selection criteria, the total score for each applicant and explanatory comments for the scoring of each applicant were provided in-confidence to Councillors.

It would be beneficial if this approach was standardised for all community based advisory/reference committees (excluding the Audit Advisory Committee) for both consistency and transparency particularly with the number of advisory/reference committees so imminently coming up for renewal, even if this was just an interim approach until the Community Engagement Framework was reviewed at some point in the future.

It is not proposed that this NOM extend to appointments to the Audit Advisory Committee which are based on an interview process of professional candidates with a recommendation made to Council on the preferred candidate/s. For this advisory committee the Council report will outline the reasons for the support of the recommended candidate/s and Council can seek by way of confidential briefing further information in respect of any non-preferred candidates. It is also not proposed that this NOM be extended to boards of companies owned by the Council such as the Dandenong Market Board but it would include boards such as the Arts Advisory Board that are significantly community based.

Motion

That Council, in cases where there are more applicants than positions, adopts a standardised approach to providing Councillors with the officer recommendations for selections for community based advisory/reference committees and boards (excluding the Audit Advisory Committee and the Dandenong Market Pty Ltd) by providing Councillors in-confidence with the individual applicants scores against each selection criteria, the total score and explanatory comments for the scoring of each applicant and any other factors affecting their selection.

3.4 Notice of Motion No. 27 - Establishing a consistent and transparent process for providing Councillors with the basis of officer recommendations for the membership of community based advisory/reference committees and boards. (Cont.)

MINUTE 296

Moved by: Cr Matthew Kirwan

Seconded by: Cr Tim Dark

That Council, in cases where there are more applicants than positions, adopts a standardised approach to providing Councillors with the officer recommendations for selections for community based advisory/reference committees and boards (excluding the Audit Advisory Committee and the Dandenong Market Pty Ltd) by providing Councillors in-confidence with the individual applicants scores against each selection criteria, the total score and explanatory comments for the scoring of each applicant and any other factors affecting their selection.

CARRIED

3.5 Notice of Motion No. 28 - Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017

Responsible Officer:

Director Corporate Services

Author:

Cr Heang Tak

Preamble

This council presides over citizenship ceremonies on behalf of the Department of Immigration and Border Protection and welcomes up to 3000 new citizens every year. These ceremonies are occasions where new citizens make commitments to Australia's laws and values. Council has an interest in and is committed to Australia's citizenship laws continuing to be open to people who want to pledge their allegiance to Australia.

Greater Dandenong is one of the most culturally diverse communities in Australia and is home to over 156 cultures. It has a long and proud history of welcoming new and emerging communities and its cultural diversity and range of support services makes it one of the most desirable areas for settlement by new Australians and refugees.

Council believes everyone living in Australia should sign up to our laws and our values and has heard concerns expressed by the community regarding the Government's proposed citizenship changes in the *Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017*. Councillors believe that some of the measures proposed may serve to alienate sections of Australian society.

Councillors are concerned that the citizenship changes to delay prospective citizens pledging allegiance to Australia through extended residency requirements will only further isolate individuals from Australian society. The existing requirement is four years and there is no advantage for Australia in delaying people making a commitment of allegiance to Australia.

Council notes that the existing citizenship test is already in English, and supports any assistance to immigrants attaining English language levels which allows them to take full advantage of the opportunities and benefits available to all members of the Australian community. However, requiring 'university level' English may send a message to every single Australian who doesn't have university entrance qualifications that the Australian Government, if given the choice, would prefer those Australians were not here.

The proposed changes in the legislation and the unsubstantiated claims that this is driven by national security have caused me to seek Council to request the Australian Government withdraws this Bill.

3.5 Notice of Motion No. 28 - Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017 (Cont.)

Motion

That Council:

1. notes concerns expressed by the community regarding the Government's proposed citizenship changes in the *Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017* that some of the measures proposed will serve to alienate sections of Australian society;
2. opposes the citizenship changes to delay prospective citizens pledging allegiance to Australia through extended residency requirements as it only further isolates individuals from Australian society;
3. notes that the existing citizenship test is already in English, and supports any assistance to immigrants attaining English language levels which allows them to take full advantage of the opportunities and benefits available to all members of the Australian community; and
4. writes to the Federal Minister for Immigration and Border Protection strongly opposing the changes in the *Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017*, and in particular noting the impacts of the changes to residency requirements and the English language test.

MINUTE 297

Moved by: Cr Heang Tak

Seconded by: Cr Youhorn Chea

That Council:

1. notes concerns expressed by the community regarding the Government's proposed citizenship changes in the *Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017* that some of the measures proposed will serve to alienate sections of Australian society;
2. opposes the citizenship changes to delay prospective citizens pledging allegiance to Australia through extended residency requirements as it only further isolates individuals from Australian society;
3. notes that the existing citizenship test is already in English, and supports any assistance to immigrants attaining English language levels which allows them to take full advantage of the opportunities and benefits available to all members of the Australian community; and

3.5 Notice of Motion No. 28 - Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017 (Cont.)

4. writes to the Federal Minister for Immigration and Border Protection strongly opposing the changes in the *Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017*, and in particular noting the impacts of the changes to residency requirements and the English language test.

CARRIED (One abstention)

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS

Comment

Cr Tim Dark

It has been a very busy few weeks. Whilst recovering from the flu which I do apologise in advance for as I believe I have given Councillor Sampey the flu also.

On Wednesday 28 June 2017, I attended the Lightwood Ward Community Safety Forum. It was great to see a good turnout from the community, particularly from some retailers to discuss issues they are experiencing. There was also a great turnout by my Councillor colleagues, Victoria Police and Council staff.

On Friday 30 June 2017, I attended my first Albanian event Al Pazar Live, at Menzies Hall in Dandenong North which was very exciting. There has been much hype about the event and it has been discussed quite a few times. Councillor Memeti was waiting for the next Albanian event and if my Google searches worked out correctly, there was a television show where they have lots of comedians who come up which was good to see. While it was good, the best part was that I did pick the best spot next to Councillor Memeti who interpreted for me everything that was said. It was great to have a really, really good turnout at that event as well and good to see the Albanian community getting together for what was a great function and they only had two shows I believe in Melbourne. One at Menzies Hall and the other in The Manor on High venue which is a large reception centre in Epping.

On Wednesday 5 July 2017, I attended the citizenship ceremony at the Dandenong Civic Centre.

On Friday 7 July 2017, I attended the National Aborigines and Islanders Day Observance Committee (NAIDOC) Eastern Region Ball held in Croydon, along with Councillor Kirwan. This has been held for quite a few years and the City of Greater Dandenong has taken quite a strong approach in terms of sponsoring it. Staff members from the City of Greater Dandenong assisted with the set up and it was a magnificent night with lots of entertainment and a large attendance.

On Saturday 1 July 2017, I attended the Anglo-Indian Australasian Association of Victoria's Christmas in July dance at St Anthony's hall in Noble Park. Once again there was a fantastic turnout with people attending from all across the region from the City of Casey, the City of Greater Dandenong and the City of Frankston. It was good for them to attend and be able to see and converge and be able to have a conversation about changes and ensuring that they keep up with their ancestral history. It was also good to see a really good turnout particularly with lots of children also attending and enjoying the night.

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS (Cont.)**Comment****Cr Heang Tak**

On Wednesday 28 June 2017, I attended the Lightwood Ward Community Safety Forum. Congratulations to the Mayor and the Ward Councillors. It was interesting to hear what the retailers and residents in Springvale have to say about safety issues. Most importantly it is more about the perception rather than the actual things that happen in Springvale. It is also great to hear that the crimes rate especially postcode 3171, has reduced rather than increased

On Monday 3 July 2017, I attended the launch of National Aborigines and Islanders Day Observance Committee (NAIDOC) Week celebrations at the Drum Theatre, Dandenong. This event was very interesting and many Aboriginal and Torres Strait Islanders participated in this special event.

This week and for the next three months, it is the start of what we call the Buddhist rainy season, a retreat, so there will be a lot of celebrations every week at the Buddhist headquarters.

Comment**Cr Maria Sampey**

On Friday 30 June 2017, I attended my first Albanian Al Pazar Live event at Menzies Hall, Dandenong North. I did not understand anything but it was really a great night and the message was translated for us at the table by using sign language.

Question**Cr Maria Sampey**

Council spent \$100,000 on the architectural plans for relocation of the Dandenong Oasis pool to the Dandenong Market and then I lodged a notice of motion for community consultation and feedback from the residents. I have received numerous letters from residents giving me their opinions with regards to the location of the Oasis Pool but I am just wondering what has happened. Is there going to be consultation with regards to the residents having a say or has the relocation of the pool ceased or is it going to be renovated? Residents want to know what is going on. I have not had any feedback so I would like an update.

Response**Paul Kearsley, Group Manager Greater Dandenong Business**

I believe I updated Council on this matter about two months ago. After advising Councillors of the need to go through a further work process, including Councillor Sampey's Notice of Motion, Council put an application in to the State Government to assist with funds for a feasibility project. This project would investigate essentially three locations but I believe the last time I mentioned the briefing, Councillor Kirwan indicated that it would be a good idea to open it up further to allow further consultation to really canvass all possibilities. Council has received funding from the State Government and unfortunately it was delayed about six to eight weeks in terms of being notified that Council was successful. I can clarify this in an email during the week but I believe the tender period for the project to appoint a consultant to then undertake the community consultation closed last week and the tender process will go through a submission review process. I can bring forward some further information

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS (Cont.)

to Council at the next Councillor Briefing Session. The process is underway and a consultant needs to be appointed and that consultant, on behalf of Council, will undertake the consultation which has previously been identified and discussed.

Comment

Cr Matthew Kirwan

These are some of my activities since the last Council meeting.

On Tuesday 27 June 2017, I attended the Springvale Major Projects Advisory Group to discuss the details and decide on the new Springvale Community Hub along with other Councillors.

On Thursday 29 June 2017, I attended the Noor Foundation 2017 Annual Stakeholder event held in these Chambers. Noor Foundation is a non-governmental and not for profit organisation formed by young people in the south-east from migrant and refugee backgrounds for the purpose of enriching community and society through young people. All of their programs are free and are designed to fit into service gaps of local Councils and other organisations while addressing the specific needs of their community. Their main focus is getting young people positively involved in the community, providing services to marginalised and disadvantaged groups, promoting education within newly-arrived migrant and refugee groups and helping newly-arrived migrants and refugee centres better integrate into the wider Australian society. It was a great night to talk about all their programs and what future programs they planned to do. It also had some great speakers including the founder of a well-known organisation, the Centre for Multicultural Youth.

On Friday 30 June 2017, as a number of Councillors have mentioned, I attended the Al Pazar event at Menzies Hall, Dandenong North. I attended this comedy performance with Councillor Memeti, Councillor Dark, Councillor Sampey and Councillor Melhem.

On Friday 7 July 2017, I attended the NAIDOC Eastern Region Ball held in Croydon along with Councillor Dark. It was a great night as Councillor Dark mentioned and very well attended. Councillor Dark and I received a very friendly welcome. The event celebrated achievements of indigenous individuals and community groups in the eastern Melbourne area. I have been negligent and not brought our certificate that we received, but they wanted me to pass on the appreciation of the sponsorship support that Council offered for that event. There were a number of people there from the indigenous community of the south-east and there is enthusiasm from local organisations of having a similar event in the south-east region in coming years.

Question

Cr Matthew Kirwan

My first question for tonight relates to an industrial facility that is being built behind homes in Clarendon Drive, Keysborough. Residents want to know:

(a) Why was it built so high when it is visible above two storey homes and dominates the skyline as you drive along Somerfield Drive North into the heart of that residential area?

(b) If the actual heights of buildings meet permit conditions and if so why was it allowed to be that high?

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS (Cont.)

(c) If it was going to be built so high, why was it not built further back to mitigate the effect on the skyline for residences?

(d) Why it was not better screened by large trees to mitigate some of the effect on the skyline?

Response

John Prendergast, Acting Director City Planning, Design and Amenity

As Councillors know, all that land through that area was zoned farmland. In 2008 the western portion of the area was rezoned residential and after that it was rezoned to commercial. The Somerset Estate was the residential part. In 2009 the eastern part was rezoned for the commercial part of that development. It went through all the relevant planning forums and was approved. The interface between the industrial and residential land was considered and as a result, a 30 metre buffer was put in. That 30 metre open wide space sets aside between the two zones. With regards to the open space, the initial landscaping plan that was developed to the area, Council officers are currently seeking to progress this work however the timeframe for the work is yet to be confirmed. There is an acoustic wall to be built, some seven metres high. That is at the edge of the 30 metre buffer and that screen will be going up, it is an actual proper acoustic screen at seven metres high. In answer to Councillor Kirwan's question the actual factories are standard height factories. The scheme does not control the height of the industrial type buildings in that precinct. There are no building height requirements on the permits for the warehouses. The 30 metre wide landscape corridor is provided between the two zones as I stated and that went through the scrutiny and amendment process when the land was being rezoned.

Question

Cr Matthew Kirwan

I would like to thank the Acting Director City Planning, Design and Amenity for that information but I do not see and I am interested in further information regarding how a seven metre acoustic wall is going to help with a factory which I would be guessing is probably 15 metres tall at least. In terms of the landscaping buffer, how high is that vegetation going to be and is it the view of officers that, that is going to solve the problem of mitigating what really is blight? Driving up Somerfield North, at least the houses themselves block that factory to a certain degree but there is a narrow strip of vegetation that has no houses which is why the factory is so obvious to anyone driving past.

Response

John Prendergast, Acting Director City Planning, Design and Amenity

I am not too sure about the actual height of the proposed landscaping but I can take that on notice and get back to Councillor Kirwan. Work has been done with consultants and I presume that the landscaping itself will soften that 30 metre buffer.

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS (Cont.)

Question

Cr Matthew Kirwan

Can the questions regarding the actual height of that landscaping buffer and the height of the buildings and the proposed plan to mitigate it be taken on notice?

Response

John Prendergast, Acting Director City Planning, Design and Amenity

Yes.

Question

Cr Matthew Kirwan

My next question is regarding the planned footpath along Chapel Road, Keysborough between Homeleigh Road and the new shopping centre. The estimated completion time mentioned at the Council meeting of 13 June 2017 in response to a public question was two to three months, indicating that this path would be complete by somewhere between mid-August and mid-September. My question is how is this tracking? Will it be built by between mid-August and mid-September? I have received enquiries from residents if Council is currently in breach of Disability Discrimination Act by this footpath being missing, stopping access for residents to that shopping centre?

Response

Craig Cinquegrana, Acting Director Engineering Services

With regards to progress to the path, officers are seeking quotes and timelines from contractors that are suited to this sort of work. Being a particularly busy time of year with the end of financial year, officers are still awaiting that response but do not anticipate there will be any problems with completing the path within the period promised, between August and September 2017 and are still confident of meeting that timeline. With regards to the breach of the Disability Discrimination Act from my understanding, that only impacts on what Council delivers, not what is not yet in place. When the path is built it will need to comply and ensure that it is all ability access compliant.

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS (Cont.)

Comment

Cr Matthew Kirwan

I would like that question taken on notice and clarified as residents believe otherwise.

Question

Cr Matthew Kirwan

My next question is regarding the issue of extensive littering and rubbish dumping along the parkland and waterway that runs parallel between Tyers Lane and Westwood Boulevard, Keysborough has raised its head again. This is referring to an earlier Notice of Motion. This is a waterway where during flood times it flows into the Creek system. One of the issues is that at non flood time the litter gathers quite badly. I have been asked questions about how frequently a compliance officer is patrolling the area? How often are fines issued and what is the plan to eliminate or greatly reduce this problem?

Response

John Prendergast, Acting Director City Planning, Design and Amenity

The Regulatory Services Unit received no complaints regarding that particular area in the month of June which was interesting. Investigations in conjunction with a cleansing unit identified nine customer requests for dumping and littering of rubbish during 2017. So that also has not indicated a lot of dumping going on. Residential officers conduct regular proactive patrols. They patrol regularly because of the building work and they are concerned about the roads and the mud on the roads so whilst in attendance they also can fill their role for litter. Proactive inspections resulted in eight litter abatement notices being issued on properties surrounding the Tyers Lane and Westwood Boulevard and that resulted in three infringements out of those eight abatement notices. Basically, Council officers are working closely with Melbourne Water in that area to maintain the maintenance of the waterways including the litter controls and the required attention. Officers will continue to proactively patrol and monitor the locality.

Question

Cr Matthew Kirwan

If I can clarify that, is John Prendergast, Acting Director City Planning, Design and Amenity saying that officers are not finding much littering? I certainly went down there today and saw probably only littering before I asked this question. Are they fining people for building up rubbish?

Response

John Prendergast, Acting Director City Planning, Design and Amenity

Yes, basically what they are finding is minor windborne rubbish from building sites, but officers are down there quite often and keep an eye on the builders and are quite diligent.

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS (Cont.)

Question

Cr Matthew Kirwan

Last year at a Council meeting, Council approved the completion of a park on Westwood Boulevard, informally known at the moment as the Sarah Lands Park. I have received questions on when is the expected completion date for that park. What can I advise residents?

Response

Craig Cinquegrana, Acting Director Engineering Services

At the park located at Westwood Boulevard and Stanley Road, the focus to date has been on the civil works. Officers have recently completed a network of paths throughout that area. With regards to the next stage of the park development I will take that question on notice.

Comment

Cr Matthew Kirwan

Maybe to help Craig Cinquegrana, Acting Director Engineering Services with taking that question on notice, the queries have been primarily around the barbecue area, the playground and when the oval is going to be a defined oval and when are the soccer goals going to be put in place.

Question

Cr Matthew Kirwan

My next question relates to speeding in Perry Road, Keysborough between Dandenong Bypass and Greens Road.

(a) Can Council conduct a speed test along that stretch? There are particular concerns about speeding along that stretch, particularly by trucks.

(b) Can Council advocate for weight type behaviour restrictions on trucks travelling down Perry Road, as one of the concerns of young families is speeding trucks and the general feeling is that those trucks are avoiding EastLink because it has tolls, so they are using Perry Road as a free shortcut, which once would have been appropriate years ago but now it is a residential area?

(c) Can the plants along the roundabouts on this stretch be trimmed to aid visibility when pedestrians cross and also when cars are making turns?

Response

Craig Cinquegrana, Acting Director Engineering Services

With regards to traffic counts on Perry Road, the Engineering Directorate recently undertook counts as recently as February this year. It is considered that those counts are still current and that there is no need to take additional counts. The results of those counts were that the traffic volumes were in the range of 15,000-16,000 vehicles per day. The speeds are from an 85th percentile point of view range from 57 kilometres an hour to 62 kilometres an hour, which was not considered excessive for that class of road. At the moment officers do not recommend taking additional counts on that road. With regards to truck control, putting in No Truck signs requires VicRoads support. Council's traffic

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS (Cont.)

engineers have assessed that and think that that would not be effective because a truck that has business in the area is not constrained by that sign. Most of the trucks travelling through the area are dealing with the residential development in the vicinity. Officers believe that it would not be worth revisiting that until all that development had been completed. With regards to the plantation growth on the roundabouts, officers will complete an inspection this week and determine whether they need to be trimmed to improve visibility.

Question

Cr Matthew Kirwan

Are those volumes considered normal or excessive for that type of road?

Response

Craig Cinquegrana, Acting Director Engineering Services

Those volumes are considered high for a residential street but are about what would be expected for that sort of a collector class of road.

Question

Cr Matthew Kirwan

My next question is regarding feedback from residents of South Dandenong. They have asked if more planting of mature trees and better landscaping in general would be possible along the south side of Dandenong Creek between Dawn Avenue and Hammond Road. They have commented that the appearance of the south side of the creek looks poor in comparison to the planting of mature trees and general landscaping along the north side, next to the Metro 3175 Estate.

Response

Craig Cinquegrana, Acting Director Engineering Services

The majority of the land on the south side of Dandenong Creek is Melbourne Water land. There is a bike path running through that which forms the boundary and officers mow on both sides of that path for the purpose of maintaining the path. Officers however undertake to investigate whether there is an opportunity to plant more trees in this location.

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS (Cont.)

Question

Cr Matthew Kirwan

My next question relates to the earlier item, Review of the Procurement Policy. Given the new weighting for local industry and social procurement including sustainable procurement in the revised procurement policy, how will the existence of this new policy be promoted to potential beneficiaries in local industry and in non-profit organisations?

Response

Mick Jaensch, Director Corporate Services

It is intended to promote the revised Policy on Council's website. In addition, Council would also use its social media channels to make the community more aware of its existence and content. Council would also plan a future article in the Stakeholder magazine to make its local businesses more aware of the Policy. Any business; social or sustainable or local that gets a copy of Council's tender documents in the future, the changes will be very apparent as well.

Question

Cr Matthew Kirwan

Would it be possible to use the e-newsletters that Council has for non-profit organisations for example when we promote community events and our community grants and any other newsletters that belong to Greater Dandenong business? Could we promote the new policy and the opportunities it presents through those as well?

Response

Mick Jaensch, Director Corporate Services

We can review those opportunities as they arise.

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS (Cont.)**Question****Cr Matthew Kirwan**

I emailed some information to the Engineering Services directorate last Thursday night. It was some very concerning photographs taken by a resident showing cracking and rust on the George Street Bridge, Dandenong only built about ten years ago. They were taken on the railway side, walking towards the Australian Tax Office. Has there been any investigation of this yet and if so what is the outcome?

Response**Craig Cinquegrana, Acting Director Engineering Services**

All of Council's bridges are subject to a regular inspection program and this particular bridge has been inspected every six months. These issues of cracking and staining were observed in that inspection. A next level inspection was then ordered and it was found that the cracking that is visible is not substantial. It does not affect the structural integrity of the bridge and is more of a cosmetic aesthetic issue. It does not mean it is not going to be addressed. Officers are looking at the best process to address the cracking and the staining but as I said that will not affect the integrity of the bridge.

Question**Cr Sean O'Reilly**

I wanted to talk about the fact that it is fairly cold in Springvale at the moment but pretty soon it will get a lot colder because we are going to be dumping several tonnes of Mt Buller snow in the streets of Springvale for the hugely successful Springvale Snow Fest, now in its fourth year. The attendance is doubling each year. I have noticed even though the number of snow pits has increased from one to two, last year there were long queues of families waiting to get into the snow pits and queued up because they were popular. I noticed that several people were quite cold while waiting in the queues. I have suggested in the past if we could have a more efficient system of allocating time in the snow pits so that people are not knocking their knees in queues and shivering. That would be a good idea and everyone would be much happier. My question to Paul Kearsley, Group Manager Greater Dandenong Business is, what is the system that we propose to use for allocating time in the snow pits in Springvale Snow Fest this year?

Response**Paul Kearsley, Group Manager Greater Dandenong Business**

I believe Councillor O'Reilly has probably raised this matter just after the last event so I am advised that extensive post-event evaluation and assessment has taken place with a consultation with stakeholders, traders and previous participants. As a result of that evaluation, a decision has been made for this year for the play areas where the snow is located to be free of charge, which means that people will only be required to queue once. In previous years they had to queue for the token and then go back and queue to gain access. So we are going to see how that goes for this year and then of course will undertake a further evaluation after this particular event in 2017 to see whether or not that particular method also works and what issues there may be with that as well. Again we

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS (Cont.)

will just have to see what happens. Reducing the queues by one has to be a good thing. We hope that the queues itself are a sign of good attendance but are hoping that only having to queue once for a free event is better than what happened last year.

Comment**Cr Youhorn Chea**

On Tuesday 27 June 2017, I attended the Springvale Major Project Advisory Group meeting to discuss the Springvale Library.

On Wednesday 28 June 2017, I attended the Lightwood Ward Community Safety Forum. It was great that we had the Hon. Martin Pakula, Hong Lim, Inga Peulich and also the Mayor, attending as well as the three Lightwood Ward Councillors, Councillor O'Reilly, Councillor Truong and myself, along with Councillor Tak and Councillor Dark. I sensed the community was quite happy on that night because of the response from Victoria Police and they explained very well what is going on.

On Saturday 1 July 2017, I attended the Cambodian Australian Network of Students. They gathered in Springvale because they have new overseas students who recently arrived to study in Australia.

On Sunday 9 July 2017, we observed the first year anniversary of the memory of Dr Kem Ley who was killed. Several politicians attended: Mark Griffiths, Clare O'Neil, Martin Pakula, Hong Lim and also a Member of Parliament from Cambodia, Son Chhay. Representatives from the United States of America and two Cambodians from Phnom Penh also attended. Over 1,000 Cambodian people attended from New South Wales and from Canberra as well. That is very good as after the religious function we discussed with the Cambodian community the Cambodian election in July 2018.

Question**Cr Youhorn Chea**

During the community safety forum we discussed requests to install barriers in front of shops in Springvale. When will this occur?

Response**Paul Kearsley, Group Manager Greater Dandenong Business**

As Councillor Chea would probably know, Council officers are currently consulting with the community with regards to the Springvale Boulevard Project and I believe that those sorts of issues will be placed in front of the Consultants to address. The use of some of the planting crates as those in Lonsdale Street has also been undertaken. We are now placing those in strategic places around Springvale. The issue that we need to look at though is the accessibility of people through the footpath. Whilst we understand that a particular trader may have a safety issue or security issue regarding vehicles, we also have to weigh up accessibility along the pavement as well. That is something that I can take on board with the particular trader and we can get our consultants to have a chat to him about it as well.

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS (Cont.)

Question

Cr Youhorn Chea

Yes, I think perhaps if Paul Kearsley, Group Manager Greater Dandenong Business can go and have a look at the Springvale area, we can walk together and have a look what is going on and make improvements.

Question

Cr Youhorn Chea

If a builder breaks a neighbour's window during construction where can the owner go to complain? He complained to the builder but he does not appear to have listened.

Response

John Prendergast, Acting Director City Planning, Design and Amenity

If the damage happened due to building work at the time then certainly they should go to the builder. If the builder does not do anything then the Victorian Building Authority is the place to go. All builders are practitioners and required to comply with all the good character rules and therefore they should do the right thing. If they do not get any comfort from the builder then the Victorian Building Authority certainly will follow some of those items up. It is a Civil Matter also so they could go to Victoria Police.

Question

Mayor, Cr Jim Memeti

Maybe Mr Prendergast can email the Victorian Building Authority number to Councillor Chea and Councillor Chea can pass it onto the resident?

Response

John Prendergast, Acting Director City Planning, Design and Amenity

Yes.

Comment

Mayor, Cr Jim Memeti

On Tuesday 27 June 2017, we officially launched the Operation Bounce Back at the Dandenong Market with Victoria Police to reduce car theft. Approximately 75 percent of vehicles are stolen from peoples' own homes or around where they live. That is due to people leaving keys either in their cars or in the area where people can actually get to them. Council and Victoria Police have joined forces to launch the Operation Bounce Back campaign at the Dandenong Market. Later that day I attended the Wooranna Park Primary School presentation to school leaders. Normally I attend primary schools and award badges to Grade 6 students or when they have their graduation. This was a good initiative by the Wooranna Park Primary School who had leaders in Grade 2. It is the first time they have done it so these Grade 2s are now in responsible positions so it is not only Grade 6s at these primary schools that have these responsibilities. It is good to see that they are taking this initiative and having school leavers in Grade 2.

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS (Cont.)

On Wednesday 28 June 2017, I attended the Lightwood Ward Community Safety Forum, which was the first one held in Lightwood Ward after having two in Red Gum Ward. There was a good turnout and representation from business community and also residents and I think it was successful and will probably occur on an annual basis. It was good to hear that the crime figures from Victoria Police for postcode 3171 were down, which is good because other areas within Victoria are actually going up. It was good to see that the figures in 3171 are down. I had a meeting with Michael Lynch who is the Sports Editor at The Age newspaper regarding Team 11, which was a fantastic article in the Saturday Age last week regarding Team 11 and the progress of how we are going. Later that day we had a meeting with a Steering Committee regarding Team 11 as well, so that is progressing very well.

On Friday 30 June 2017, I also attended the Albanian function Al Pazar Live event with many of my colleagues. It was very funny because they were comedians. It was very difficult for me to try and explain what they were saying but I think they were laughing more at me than the actual comedians but it was a good night anyway.

On Sunday 2 July 2017, I attended the Chand Raat Eid Festival which was its fourth annual event at Springers Leisure Centre in Keysborough and many thousands of people attended that function. Later that day, I attended the end of Ramadan function at the Hazara Association.

On Monday 3 July 2017, I attended the National Aboriginal and Islanders Day Observance Committee (NAIDOC) Week celebrations at the Drum Theatre with Councillor Tak. It was fantastic to see local Aborigines doing the dance and playing the didgeridoo and it was good to see many people at the Drum Theatre enjoying and learning more about the Aboriginal culture.

On Wednesday 5 July 2017, I attended a meeting with the Ian Street traders regarding the Level Crossing Removal Project. It was good to hear from the Ian Street traders on how things are progressing in Noble Park. They shared a few concerns so we are working with them. They know it is going to be a lot better when the project is finished so in the meantime Council is working with them to iron out some of their problems. Later that day, I attended two Citizenship ceremonies of 150 new citizens. Like I always say it gives me great pleasure when I hand over their Citizenship certificate and they all are very happy to become Australian citizens. I can just see on their faces and their smile and their laugh and sometimes you get some tears. That is always a pleasure for me to do.

On Thursday 6 July 2017, I attended the Multicultural Advisory Committee meeting which was our second one with Councillor Tak.

They are just some of the places and events I attended over the last fortnight.

Jody Bosman, Acting Chief Executive Officer tabled a listing of responses to questions taken on notice at the previous Council meeting. A copy of the responses is provided as an attachment.

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS (Cont.)

COUNCILLOR QUESTIONS TAKEN ON NOTICE

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Response	Summary of Response
26/06/17 CQT21	Cr Maria Sampey	Assistance to Facilities Users to clarify licence agreements There have been about 13 groups, elderly citizens groups that meet during the day and they have signed a licence agreement. It was a 20 page agreement and they did not understand all of it. Part of that agreement states that they need to pay for the electricity and other things and maintain the gardens and the like. I really think that that agreement is supposed to be for the hire of the sports facilities. How are the Council officers going to implement it when there are so many groups using the community centre during the day, and how can anyone work out what part of electricity gets paid by one group and what part of electricity gets paid by the other group? It would be very hard to do and I do not think much thought has been put into it. The community groups signed the agreement without realising what they had signed as it was not explained to them and that is the situation that they are at.	Chief Executive Officer/ Director Community Services	30/06/17	The Licence Agreement refers to payment or reimbursement of rates and utilities within 14 days of being given notice by Council. This agreement covers a range of Council facilities including Council Community Centres and standalone Senior centres used by Senior Citizens Groups. The agreement is drafted in a way that it can be used across a range of facilities and to date seniors groups using Council facilities have not been sent any notice to pay rates or utilities. The Agreements expire in December 2017. We are about to commence a review the agreement for the 2018 period and will request legal advice with recommendations regarding the removal of any clauses which are seen as irrelevant.
26/06/17 CQT20	Cr Maria Sampey	Community Facilities Fees/Charges for Users Councillor Kirwan and I met with the former Director of Community Services with regards to a community group that	Chief Executive Officer/ Director Community	30/06/17	The Community Facilities Management Policy defines a Community Group as: 1: "Not-for-profit or voluntary groups that receive minimal or no funding to

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Response	Summary of Response
		<p>was using the Jan Wilson Centre, Halton Road in Noble Park North. Mr Doubleday advised us at the time the group did not meet the criteria and that they were a social group. For those in the Gallery tonight, the groups that use Council's community centres during the day such as elderly citizens group use the community facilities free of charge. Community groups who use the facilities at night time (which is primetime) are charged community rates sometimes. This particular group was given a lease for 38 free hours on a Thursday night throughout the year, and then 24 hours for a Saturday which is primetime.</p> <p>(a) Has Council written a letter or met with them to discuss why they were given the free hours for the hire of the facility allocations for dance functions and the meeting rooms?</p> <p>(b) How does this arrangement compare with other social groups that meet in our community centres on a Saturday night or during the week? If this group gets free usage, and they have been given a lease, then what happens to other groups?</p> <p>(c) When and how are the special lease arrangements received by the Guard of Honour group going to be ended? Why is a social group being given a lease to</p>	Services		<p>run group activities or programs, include groups deemed to be providing services and activities to the local community, such as sporting and hobby clubs, cultural and social clubs."</p> <p>The intention of the Community Facilities Management Policy was to establish a consistent fee system for all users of community facilities managed by Council recognising these fees do not cover the full cost of operating the facilities and represent a substantial subsidy for community groups and agencies. The Policy also recognised that some groups, such as senior citizen groups were to be allowed free use for social activities within reasonable terms to encourage participation.</p> <p>2: "Organisations and/or programs that Council supports through (part or whole) subsidy. This support could be in lieu of a Council grant for facility hire, must be a 'core business' of Council and/or must be consistent with an approved plan, strategy or policy."</p> <p>Under Council's "Ageing is About Living Strategy and Action Plan" there are a range of actions council commit to undertake in relation to maximising social participation opportunities for older people with one objective being</p>

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Response	Summary of Response
		use the Jan Wilson Centre with so many hours free of charge? This group has been given a lease to use the facility on a Saturday night and during the week while other groups have to pay.			<p>to "increase opportunities for a range of older people to participate in social support programs." The Guards of Honour align with this strategy and action plan and are granted the use of the Jan Wilson Centre on this basis.</p> <p>In relation to the groups use on a Saturday for their dinner dance function. The intention of the Policy was not to provide free use for functions that involve a fee for door entry where the cost of the function is intended to be covered by the entry fee.</p> <p>On this basis and as outlined in the letter to the Guards of Honour they are required to pay a fee from their Saturday function.</p>
26/06/17 CQT19	Cr Maria Sampey	<p>Petition – Keep Clear Zone at Balfour Place, Noble Park</p> <p>I have been given a petition from a resident who lives in Balfour Place at Noble Park North, opposite Waverley Gardens Shopping Centre towards the Springvale Cemetery. The petitioners want a Keep Clear Zone because it is very hard to do a right hand turn into Police Road. Given that part of Police Road comes into the City of Monash and partly this Council, I was wondering whether a meeting could take place because it has been a problem for</p>	Director Corporate Services	27/06/17	<p>The Petition has been received and noted by Governance.</p> <p>An acknowledgement letter was sent to the head petitioner on 27 June 2017 and is listed in the Agenda for Council meeting 10 July 2017.</p> <p>The documentation for the petition has been forwarded to Council's Engineering Services for consideration and followup with the appropriate action.</p>

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Response	Summary of Response
		years and there have been accidents there so something needs to happen. Drivers who try to do a right turn result in holding up traffic at Balfour Place. I am wondering whether it could be resolved. I will hand this Petition to the relevant officer.			
26/06/17 CQT18	Cr Maria Sampey	Meditation and Wellness Sessions to De-stress in Greater Dandenong Dr Ian Gawler OAM, an Australian author and a prominent advocate for the therapeutic application of mind-body medicine and meditation, also attended. He is my hero so I was very overwhelmed to meet him once again. It was an all-day event with yoga practice. The speakers spoke about how yoga and meditation can help improve your health and make you well, if you are going through cancer and chemotherapy. Dr Ian Gawler's organisation presented some wellness sessions in this City so I asked him whether they would want to run the sessions again, and what this Council could do to help because I think there is a need for people to attend some of these sessions to de-stress themselves.	Director Community Services	30/06/17	Wellness sessions including yoga, Pilates and tai chi classes are available for the public at the Jan Wilson Community Centre and at the YMCA Leisure Centres (Springers, NPAC and Dandenong Oasis). These sessions are promoted via Council's Online Events Calendar and in the What's On e-newsletter.
26/06/17 CQT17	Cr Zaynoun Melhem	Homelessness in Greater Dandenong Two or three residents contacted me last month in regards to the increasing visible status of homeless residents in	Director Community Services	30/06/17	There is a significant collaborative effort amongst stakeholders in dealing with homelessness in Greater Dandenong. A number of local service agencies

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Response	Summary of Response
26/06/17 CQT1	Cr Sean O'Reilly	the City of Greater Dandenong Central Business District, especially around the Dandenong Plaza area. Has the City of Greater Dandenong thought about how Council can assist these people and what is Council doing in order to potentially curb the trend that has been seen in recent times?	Director Corporate Services	4/07/17	<p>such as WAYSS, YSAS, and the Salvation Army have programs that support homeless people and work towards reducing the number of people sleeping rough.</p> <p>The Community Change Alliance South East (previously known as the Rooming House Alliance) works to address homelessness issues and Council is represented on the Alliance.</p> <p>Victoria Police report that they "regularly do tasking and foot patrols in response to identified issues". Homeless people are encouraged to move on, and Police try to find solutions for accommodation through engaging with local service providers. Currently there is a Police Portfolio that specifically looks after the Dandenong Plaza precinct.</p> <p>We have been doing paid Facebook advertising since 2015, primarily to promote Council festivals and events. Promotions have included Snow Fest, New Year's Eve in Harmony Square, Chinese New Year celebrations, Sunset Cinema, Australia Day, Autumn Fest, the sports awards, creative classes, consultation activities and Drum Theatre shows among others.</p>

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Response	Summary of Response
		Council's Facebook but may be interested?			<p>To date we have an estimated reach of almost 40,000 people via these advertisements and consider it to be a very cost effective means of reaching large numbers of people.</p> <p>For more information, contact Media and Communications on 8571 1000.</p>

At the Ordinary meeting of Council on Monday, 24 March 2014, Council resolved to change the way Councillors and Public questions taken on notice are answered and recorded from 14 April 2014 meeting of Council onwards.

5 QUESTION TIME - PUBLIC

Question

John Kakavas, Noble Park

This question was paraphrased by Jody Bosman, Acting Chief Executive Officer.

The question of unanswered questions put to Council at meetings regarding flash flooding issues in Gell Court, Noble Park and related issues regarding the development at 7 Gell Court and refers to an attached document.

Response

Craig Cinquegrana, Acting Director Engineering Services

When Mr Kakavas first brought these issues to our attention, we allocated a drainage engineer to undertake the investigation and work through the process. I will arrange for that drainage engineer to make sure that Mr Kakavas is updated on how that investigation is proceeding.

Question

Roslyn Lees, Bonbeach

This question was paraphrased by Jody Bosman, Acting Chief Executive Officer.

This question refers to child safety outside Dandenong West Primary School and public liability potential. Whilst the walking to school program is highly commendable, likewise the 40 kilometre speed signs and the fact that Benga Avenue is the chosen pick up and drop off point, more needs to be done starting with painting the 40 kilometre on the road surface and marking the parking spaces in front of houses. "It is not unusual at pick up time to have my driveway partially blocked".

Response

Craig Cinquegrana, Acting Director Engineering Services

Council's traffic engineers have been in regular communication with Ms Lees and this letter contains some further suggestions that she has provided as part of that ongoing communication. Council's traffic engineers will respond directly to her with the response to their suggestions.

5 QUESTION TIME - PUBLIC (Cont.)**Question****Con Tzitzivakos, Springvale**

This question was paraphrased by Jody Bosman, Acting Chief Executive Officer.

The questioner has asked to have confirmed the setback of 200 millimetres so that: "As a garage wall is not sitting flush on the fence line, this will prevent light from entering both bedrooms, increase electricity consumption and will overshadow the garden from the south side". Standards V17 and 18 which are standards within clause 55 stipulate that anything at 3.5 metres needs a setback of 200 millimetres from the boundary. It was apparent that Mr Tzitzivakos is referring to Item 2.4.2 on the Agenda, 23 Sullivan Street, which was disposed of during the course of the meeting tonight, but I might ask Mr Prendergast to comment on whether or not the standards have been met.

Response**John Prendergast, Acting Director City Planning, Design and Amenity**

The building code and the planning scheme are both the same here and I am on the Building Regulations Advisory Committee who recently changed the side boundary set back from either on the boundary to 200 off the boundary. Previously it was 150 millimetres off the boundary. The reason for that was if you tried to build at 150 millimetres off the boundary and put a gutter and a fascia on the boundary, you then had part of your building over the neighbours' boundary. A couple of years ago we managed to get through both the planning scheme amendments and the building to 200 millimetres. Although you do have that 200 millimetres space which is in a bit of no man's land, that was a deliberate amendment so the 200 millimetres could be provided that the gutter would comply. If they put a box gutter on top of the wall then you can build directly on the boundary. As to the side setback, the side setback is actually 3.6 metres at a maximum, so 3.6 metres high you have to be one metre off the boundary, so that is the difference between those so it complies.

Question**Charlie Mastrogiovanni, Dandenong**

This question was paraphrased by Jody Bosman, Acting Chief Executive Officer.

The question reads why has the Planning Department recommended the building five storeys, 66 dwellings at 176-180 Stud Road, Dandenong North when they supported Amendment C182? I think again this refers to an item that was on the Agenda earlier this evening. The item has been disposed of in the course of the meeting and the resolution of Council was to refuse the application.

6 URGENT BUSINESS

MINUTE 298

Moved by: Cr Tim Dark

Seconded by: Cr Youhorn Chea

That Council resolves to accept an item of Urgent Business, in relation to a donation to the Sri Lankan Flood Relief Assistance Program.

CARRIED

Cr Jim Memeti disclosed a Conflict of Interest (Indirect interest due to receipt of an applicable gift) in Item No. 6 Urgent Business, as he was recently a guest of the Sri Lankan Government in Sri Lanka. Cr Jim Memeti called for a temporary Chairperson to hear this item.

MINUTE 299

Moved by: Cr Sean O'Reilly

Seconded by: Cr Youhorn Chea

That Cr Heang Tak be elected temporary Chair to consider Item 6 Urgent Business.

CARRIED

Cr Jim Memeti vacated the Chair and left the Chamber at 9.21pm.

6.1 Donation to the Sri Lankan Flood Relief Assistance Program

MINUTE 300

Moved by: Cr Tim Dark

Seconded by: Cr Youhorn Chea

That the City of Greater Dandenong donates \$10,000 to the Sri Lankan Flood Relief Assistance Program for which the Sri Lankan High Commissioner in Australia is accepting donations to.

CARRIED

Cr Jim Memeti returned to the Chamber and resumed the Chair at 9:23pm.

The meeting closed at 9.23PM.

Confirmed: / /

CHAIRPERSON