



**GREATER
DANDENONG**
City of Opportunity

AGENDA

ORDINARY COUNCIL MEETING

TUESDAY, 12 MARCH 2019
Commencing at 7:00 PM

COUNCIL CHAMBERS
225 Lonsdale Street, Dandenong VIC 3175

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1 MEETING OPENING

1.1 ATTENDANCE

Apologies

1.2 OFFERING OF PRAYER

As part of Council's commitment to recognising the cultural and spiritual diversity of our community, the prayer this evening will be offered by Mr Jasbir Singh Suropada from the Sikh Community, a member of the Greater Dandenong Interfaith Network.

1.3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting of Council held 25 February 2019.

Recommendation

That the minutes of the Ordinary Meeting of Council held 25 February 2019 be confirmed.

1.4 ASSEMBLIES OF COUNCIL

The following assemblies of Council occurred in the period 18 & 21 February to 6 March 2019:

Date	Meeting Type	Councillors Attending	Councillors Absent	Topics Discussed & Disclosures of Conflict of Interest
18/02/19	Disability Advisory Committee	Angela Long	Nil.	- Disability Advisory Committee Meeting.
21/02/19	Planning Design & Amenity Service Review Presentation	Roz Blades, Youhorn Chea, Matthew Kirwan, Angela Long, Sean O'Reilly, Maria Sampey, Sophie Tan	Nil.	- Planning, Design & Amenity Service Review Presentation.

ORDINARY COUNCIL MEETING - AGENDA

1.4 ASSEMBLIES OF COUNCIL (Cont.)

21/02/19	Councillor Briefing Session Agenda Review	Roz Blades, Youhorn Chea, Matthew Kirwan, Angela Long, Sean O'Reilly, Maria Sampey, Sophie Tan	Nil.	- Councillor Briefing Session Agenda Review.
25/02/19	Pre-Council Meeting	Roz Blades, Youhorn Chea, Tim Dark (part), Matthew Kirwan, Angela Long, Zaynoun Melhem (part), Jim Memeti (part), Sean O'Reilly, Maria Sampey (part), Sophie Tan, Loi Troung	Nil.	- Success of Greaves Reserve Re-use and Recycle drop off day. - Latest developments within the Recycling industry. - Incident at Burden Park weekend Community Festival. - Upcoming Councillor Strategic weekend. - MAV Board Nominations. - Agenda items for Council Meeting of 25 February 2019.
28/02/19	Greater Dandenong Business Service Review Presentation	Youhorn Chea, Matthew Kirwan, Angela Long, Sean O'Reilly, Maria Sampey, Sophie Tan	Nil.	- Greater Dandenong Business Service Review Presentation.
2/03/19	Councillor Strategic Workshop	Roz Blades, Youhorn Chea, Tim Dark (part), Zaynoun Melhem, Matthew Kirwan, Angela Long, Sean O'Reilly, Maria Sampey, Sophie Tan	Nil.	- Councillor Strategic Workshop Weekend.

4/03/19	Councillor Briefing Session	Roz Blades, Youhorn Chea, Tim Dark (part), Matthew Kirwan, Angela Long, Zaynoun Melhem, Jim Memeti (part), Sean O'Reilly, Maria Sampey (part), Sophie Tan, Loi Troung	Nil.	<ul style="list-style-type: none">- Community Safety 2019/22 Plan.- Climate Change Strategy.- Noble Park Activity Centre Update.- Strategic Land Opportunities (Confidential).- Re-adoption of the Information Security Policy.- Re-naming ideas for The City magazine.- General works in the Dandenong Activity Centre.- 25th Anniversary Civic Historical publication for the City of Greater Dandenong.- Agenda items for Council Meeting of 12 March 2019.
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Recommendation

That the assemblies of Council listed above be noted.

1.5 DISCLOSURES OF INTEREST

Any interest that a Councillor or staff member has deemed to be significant and has disclosed as either a direct or an indirect interest is now considered to be a conflict of interest. Conflict of Interest legislation is detailed in sections 77A, 77B, 78, 78A-E & 79 of the Local Government Act 1989. This legislation can be obtained by contacting the Greater Dandenong Governance Unit on 8571 5216 or by accessing the Victorian Legislation and Parliamentary Documents website at www.legislation.vic.gov.au. If a Councillor discloses any interest in an item discussed at any Council Meeting (whether they attend or not) they must:

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

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

2 OFFICERS' REPORTS

2.1 DOCUMENTS FOR SEALING

2.1.1 Documents for Sealing

File Id:	A2683601
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 is one [1] item being presented to Council's meeting of 12 March 2019 for signing and sealing as follows:

1. A letter of recognition to Khan Ranjan, Engineering Services for 30 years of service to the City of Greater Dandenong.

Recommendation

That the listed documents be signed and sealed.

2.2 DOCUMENTS FOR TABLING

2.2.1 Documents for Tabling

File Id: qA228025
Responsible Officer: Director Corporate Services

Report Summary

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

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

Recommendation Summary

This report recommends that the listed items be received.

2.2.1 Documents for Tabling (Cont.)

List of Reports

Author	Title
Penington Institute	Annual Review 2018
Greening Australia	Year in Review 2018

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

Recommendation

That the listed items be received.

2.2.2 Petitions and Joint Letters

File Id:	qA228025
Responsible Officer:	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.

2.2.2 Petitions and Joint Letters (Cont.)

Petitions and Joint Letters Tabled

Council received one (1) new petition and no joint letters prior to the Council Meeting of 12 March 2019.

- A new petition 'Save Noble Park Velodrome before it's too late' has been recorded through the website Change.org requesting Council not to demolish or replace the Maurice Kirby Velodrome at Parkfield Reserve, Dunblane Road, Noble Park. At the time of print, 242 supporters of the petition were recorded on Change.org. *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.*

N.B: Where relevant, a summary of the progress of ongoing change.org petitions will be provided in the attachment to this report.

Recommendation

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

2.2.2 Petitions and Joint Letters (Cont.)

DOCUMENTS FOR TABLING

PETITIONS AND JOINT LETTERS

ATTACHMENT 1

PETITIONS AND JOINT LETTERS

PAGES 7 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 1000.

2.2.2 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
5/03/19	<p>• Petition Text (Prayer)</p> <p>CHANGE.ORG PETITION - From Noble Park residents Save Noble Park Velodrome before it's too late.</p> <p>After Tuesday 12 March 2019, the City of Greater Dandenong are poised to demolish the much-loved Maurice Kirby Velodrome, at Parkfield Reserve, Dunblane Road, Noble Park.</p> <p>Since early 2018, Noble Park residents have tried to make council listen to concerns about the Draft Parkfield Reserve Masterplan, which includes demolishing the velodrome. The entire reserve has been left to deteriorate for years. We agree a masterplan is step in the right direction to improve our little reserve and clean it up, but please don't remove the reason why most residents use it daily!</p> <p>Council plan to replace the velodrome with a 2.5m wide gravel or concrete path which we really don't think will be weather proof or be fit for purpose.</p> <p>On 25 February 2019, councillors voted 4:7 to fast track \$450,000 of Open Space Reserve Fund to demolish Maurice Kirby Velodrome.</p> <p>And despite being poorly maintained by City of Greater Dandenong for years and having no signage, the velodrome is highly used by Noble Park residents for walking and cycling.</p> <p>Our area wants this wonderful facility to remain, be refurbished so that children, families and everyone can ride, learn skills and importantly, have fun walking or riding a bike!</p> <p>We call upon all the councillors and local politicians this petition is directed towards, to mediate this unprecedented situation, attempt to de-escalate, cooler heads to prevail and the Parkfield Reserve Masterplan to be redesigned to reflect local concerns.</p>	242 supporters	New	<p>Tabled at CM 12 March 2019</p> <p>Director of Engineering Services</p>

If the details of the attachment are unclear, please contact Governance on 8571 1000.

ORDINARY COUNCIL MEETING - AGENDA

2.2.2 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
7/02/19	<p>Street Lighting at 13 Blaby Street, Noble Park, Vic 3174</p> <p>We, the residents of the four Units at Property No. 13 Blaby Street, Noble Park, Vic 3174 bring to your notice that the street has only one light which is situated in the middle of the street which sheds no light at all at the end of the street where our properties are situated and our entrance and even the entrances on the properties situated on the opposite side of our properties are in total darkness at night.</p> <p>As you are aware, a storm water drain runs at the end of the street and all type of undesirable characters creep through a hole in the wired fence made by them (the creepers) on to our street from the storm water drain. The wired fence had been repaired in the past, only to be cut out again by them.</p> <p>It is a scary situation for us residents here and when approaching the end of the street it is hard to tell if anyone is lurking in the dark. Considering every aspect of safety, we would greatly appreciate if a street light is installed at the end of the street as soon as possible which will alleviate our fears at night.</p> <p>Recently some hooligans broke the glass of a car parked in front of our units and we heard from the owner that some things were stolen.</p> <p>A few years ago the owner of the first unit approached the council and requested them to install a street light but no attention was paid to this request.</p> <p>We hope to receive your urgent attention in the above matter and look forward to a favourable reply at your earliest convenience.</p> <p>Thanking you in anticipation.</p>	7	In progress	<p>Tabled at CM 25 February 2019.</p> <p>Sent acknowledgement letter to head petitioner 7 February 2019.</p> <p>Assigned to Engineering Services 7 February 2019.</p> <p>RESPONSE TO HEAD PETITIONER</p> <p>15 February 2019</p> <p>[REDACTED]</p> <p>Dear Sir/Madam, RE: Street Lighting along Blaby Street, Noble Park.</p> <p>Thank you for your joint letter regarding your request for additional street lighting along Blaby Street Noble Park. We see that it has been logged in council's customer service system under Merit 1461661.</p>

If the details of the attachment are unclear, please contact Governance on 8571 1000.

ORDINARY COUNCIL MEETING - AGENDA

2.2.2 Petitions and Joint Letters (Cont.)

<p>(Response contd)</p>	<p>This request will be assessed according to our public lighting guidelines, in which the area will be subject to an initial assessment as to whether the light spacing meets the Australian Standard and whether the lighting levels are appropriate for the road environment. If it is determined that the lighting levels need to be upgraded, a consultation period will follow where all affected residents are notified, then the light is added to the list for new lights and will be installed based on budget availability and authorisation from United Energy. You will be advised on the outcome of this assessment.</p> <p>In regards to the fence to the stormwater drain (Mile Creek) we have reported this to Melbourne Water who control the maintenance of that fence and put in a request for the fence to be upgraded to one that may not be so easily cut. We will monitor the progress of this request, and advise of the result when Melbourne Water advises.</p> <p>Regards, Charles Taveira Manager Infrastructure Services and Planning</p>

If the details of the attachment are unclear, please contact Governance on 8571 1000.

2.2.2 Petitions and Joint Letters (Cont.)

Date Received	• Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
14/11/18	<p>A joint letter was received from five Springvale residents regarding safety concerns at Mary Street, Springvale.</p> <p>Many of the issues we constantly face however is due to the public access the open laneway shared with our driveway causes. This gives an easy opportunity for people to walk down and try to get into our cars and homes. Unfortunately, while most of the residents have installed safety roller doors/Crimsafe etc. crimes are still constantly occurring. The only other action that can be taken (ie. Contacting the police) are usually a reactive response and we are hoping to be proactive in reducing these incidents.</p> <p>We would therefore like to ask for the Council's permission to construct a fence at the rear of the property, which would block the traffic coming through the laneway. We have agreed that we are willing to organise this and pay the full cost to have this installed, as we appreciate this is not included in the Council's budget.</p>	5	Ongoing	<p>Latest correspondence to petitioner:</p> <p>Thank you for your letter regarding your proposal to prevent access through the laneway between Mary Street and Lascelles Street which runs past your property.</p> <p>The matter is currently being investigated. Due to the complex legal nature of formal road closures, this may take a short period to resolve. Officers will write to you once legal advice and a clear direction have been established.</p>

If the details of the attachment are unclear, please contact Governance on 8571 1000.

2.2.2 Petitions and Joint Letters (Cont.)

Date Received	• Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response

If the details of the attachment are unclear, please contact Governance on 8571 1000.

2.2.2 Petitions and Joint Letters (Cont.)

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2.3 STATUTORY PLANNING APPLICATIONS

2.3.1 Town Planning Application - No. 23/792-806 Heatherton Road, Springvale South (Planning Application No. PLN12/0277.03)

File Id:	227170
Responsible Officer:	Director City Planning, Design and Amenity
Attachments:	Submitted Plans

Application Summary

Applicant:	Aldi Stores C/- Ratio Consultants Pty Ltd
Proposal:	Amendment to Planning Permit PLN12/0277.02 to increase the area that liquor is allowed to be consumed or supplied under a licence
Zone:	Mixed Use Zone
Overlay:	No overlays applicable
Ward:	Lightwood

The application is being brought before Council as delegation policy requires that Council determine all liquor licence applications (with the exception of a liquor licence for a food and drink premises).

Planning Permit PLN12/0277 was issued on 15/08/2012 for the use of the land for the sale of packaged liquor. Plans were subsequently endorsed to the permit on 20/08/2012. Two (2) permit amendments were subsequently issued, making amendments to permit conditions and plans.

The applicant has applied for an amendment to Planning Permit PLN12/0277.02 under Section 72 of the *Planning and Environment Act 1987*. Pursuant to Section 72(1) *a person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*

Pursuant to Section 73(1) and (1)(a) an amendment to the permit is treated *as if the application were an application for a permit.* As such, all third party rights apply.

Specifically, the amendment application seeks the following:

- To amend the endorsed plans to increase the area that liquor is allowed to be consumed or supplied under a licence by 0.40sqm (21.27sqm to 21.67 sqm) and to relocate the red line area in accordance with new Aldi store standards.

2.3.1 Town Planning Application - No. 23/792-806 Heatherton Road, Springvale South (Planning Application No. PLN12/0277.03) (Cont.)**Objectors Summary**

The application was not advertised pursuant to Section 52 of the *Planning and Environment Act 1987* as the proposed amendment was not considered to result in material detriment to the surrounding area due to the minor variation of the red line area requested by 0.40sqm.

Assessment Summary

The granting of an amended permit for the minor increase in the area that liquor is allowed to be consumed or supplied is not considered to result in adverse amenity impacts on the neighbouring surrounds. The existing conditions of the permit will ensure the proposal is appropriately controlled and maintained.

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 with this report recommending that the application be supported, and that a **Permit** be granted subject to conditions as set out in the recommendation.

2.3.1 Town Planning Application - No. 23/792-806 Heatherton Road, Springvale South (Planning Application No. PLN12/0277.03) (Cont.)

Subject Site and Surrounds

Subject Site

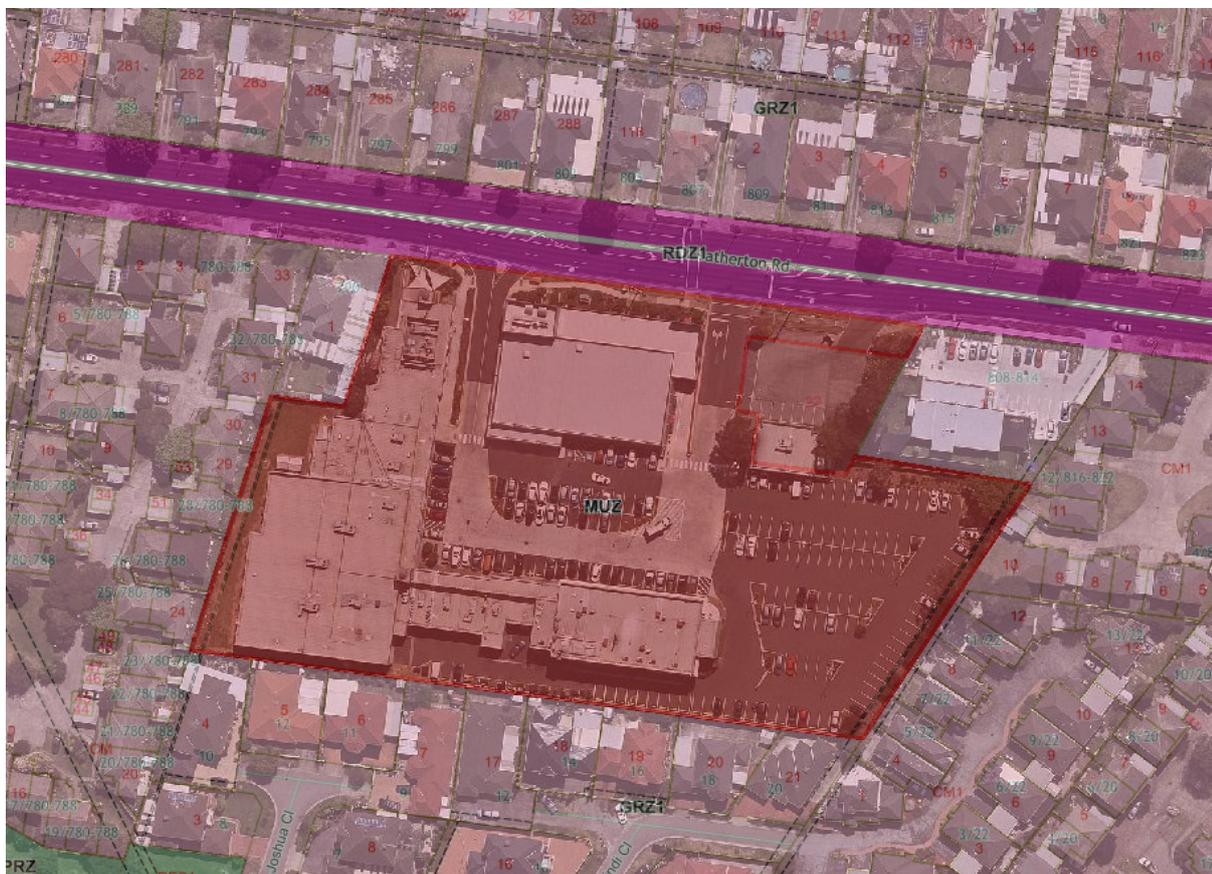
- The ALDI store is located within the Springvale Plaza neighbourhood centre.
- The shopping centre contains a range of uses, including specialty retail, food and drink premises, a place of worship, petrol station and a reception centre.
- The site is oriented to Heatherton Road with multiple access points as well as a signalised intersection.
- The sale of packaged liquor occurs internally to the Aldi store.

Surrounding Area

- Heatherton Road adjoins the subject site to the north.
- The surrounding land to the north, east, south and west is primarily residential land, characterised by a mixture of single and multi-dwelling developments.
- The land is located within the incremental change area with change development occurring incrementally over a period of time.
- The site is located within 300m of the Springvale West Primary School and Spring Park Primary School.
- The site is located within 250m of Doris Reserve and Amersham Reserve

2.3.1 Town Planning Application - No. 23/792-806 Heatherton Road, Springvale South (Planning Application No. PLN12/0277.03) (Cont.)

Locality Plan



Background

Previous Applications

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

- PLN12/0277: Planning permit for the use of the land for the sale of packaged liquor, issued 15/08/2012.
- PLN12/0277.01: Amended planning permit issued via consent order to vary the hours of operations, issued 12/03/2013.
- PLN12/0277.02: Amended planning permit issued to vary the red line area, issued 17/12/2015.

2.3.1 Town Planning Application - No. 23/792-806 Heatherton Road, Springvale South (Planning Application No. PLN12/0277.03) (Cont.)

Proposal

The application proposes to Amend Planning Permit PLN12/0277.02 under Section 72 of the Planning and Environment Act 1987, by way of the following:

- To amend the endorsed plans to increase by 0.40sqm the area that liquor is allowed to be consumed or supplied under a licence and to relocate the red line area in accordance with new Aldi store standards.
- Specifically, the amendment results in a minor increase of the red line area from 4.77m x 4.46m (21.27sqm area total) as previously approved to 4.795m x 4.52m (21.67sqm area total), a net increase of 0.40sqm.

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

Victorian Charter of Human Rights and Responsibilities

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

Financial Implications

No financial resources are impacted by this report.

Planning Scheme and Policy Frameworks

Pursuant to Clause 52.27 – Licensed Premises of the Greater Dandenong Planning Scheme, a planning permit is required:

- To use land or sell or consume liquor if the area that liquor is allowed to be consumed or supplied under a licence is to be increased (i.e. red line area).

The relevant controls and policies are as follows:

Zoning Controls

The subject site is located within the Mixed Use Zone, whilst the surrounding area is located within the General Residential Zone.

The purpose of the Mixed Use Zone outlined at Clause 32.04 is:

- *To implement the Municipal Planning Strategy Statement and the Planning Policy Framework.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

2.3.1 Town Planning Application - No. 23/792-806 Heatherton Road, Springvale South (Planning Application No. PLN12/0277.03) (Cont.)

Overlay Controls

No overlays affect the subject site or surrounding area.

Planning Policy Framework

The Planning Policy Framework has been considered within this application.

Clause 13.07-1S Land use Compatibility

Clause 11.07-1S seeks to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Clause 17.02-1S Business

Clause 17.02-1S seeks to encourage development that meets the community's need for retail, entertainment, office and other commercial services.

Local Planning Policy Framework

The Local Planning Policy Framework (LPPF) includes the Municipal Strategic Statement (MSS) and Local Policies have been considered within this application.

Clause 21.04 Land Use

Clause 21.04 outlines retail, commerce and entertainment land use objectives. Those relevant include:

- *To promote and further develop central Dandenong as the pre-eminent regional centre for retail, commercial, entertainment and community services in Melbourne's south east.*
- *To reinforce and develop the role, character and identity of activity centres outside of Central Dandenong.*
- *To encourage a mix of complimentary land uses that increase an activity centre's commercial variety without compromising its core commercial strengths.*
- *To encourage greater visitation to the activity centres.*
- *To create positive social, cultural and economic perceptions of activity centres.*
- *To protect the amenity of new residential precincts within activity centres from the adverse impact of the commercial operation of the centre in terms of noise, lighting and significant odours.*

Pursuant to Clause 21.04-2, the subject site is nominated as a neighbourhood activity centre.

Particular Provisions

Clause 52.27 Licensed Premises

This Clause needs to be considered as part of the assessment for this application. The purposes of this provision are:

- To ensure that licensed premises are situated in appropriate locations.

2.3.1 Town Planning Application - No. 23/792-806 Heatherton Road, Springvale South (Planning Application No. PLN12/0277.03) (Cont.)

- To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

These provisions apply to premises licensed, or to be licensed, under the Liquor Control Reform Act 1998. A permit is required to use land to sell or consume liquor if any of the following apply:

- *A licence is required under the Liquor Control Reform Act 1998.*
- *A different licence, or category of licence is required from that which is in force.*
- *The hours of trading allowed under a licence are to be extended.*
- *The number of patrons allowed under a licence is to be increased.*
- ***The area that liquor is allowed to be consumed or supplied under a licence is to be increased.***

This does not apply:

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

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

General Provisions

Clause 65 Decision Guidelines

Clause 65 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.

2.3.1 Town Planning Application - No. 23/792-806 Heatherton Road, Springvale South (Planning Application No. PLN12/0277.03) (Cont.)

Council Policy

Alcohol Management Policy

Council's Alcohol Management Policy has been developed to support the City's economic vitality, while enhancing safety, amenity, health and wellbeing in the City of Greater Dandenong through the effective assessment and enforcement of matters relevant to alcohol supply and use within the municipality.

The Policy is intended to apply to all new liquor licences, including those for events and activities in Council venues. The Policy creates a consistent and integrated approach across planning, regulation, enforcement and community safety activities of Council.

The Policy ensures that applicants for planning permits where a liquor licence is required, prepare an Alcohol Management Plan as part of their application. An Alcohol Management Plan must be completed in order to manage and mitigate potential risks with the provision of alcohol.

Information Guidelines have been developed to assist applicants with the preparation of Alcohol Management Plans. The draft Guidelines also provide a checklist to explain to applicants how Council planners will assess liquor licence applications and to seek to improve future applicant's understanding of the responsibilities and potential risks associated with the sale of alcohol.

This policy was adopted on 9 December 2013 and last adopted on 9 April 2018.

Note: As this application is for an amendment to the existing permit for the sale of packaged liquor, an Alcohol Management Plan is not considered to be required. All existing conditions apply.

Restrictive Covenants

No Restrictive Covenants are registered to the Certificate of Title.

Council Plan 2017-2021 – 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.

2.3.1 Town Planning Application - No. 23/792-806 Heatherton Road, Springvale South (Planning Application No. PLN12/0277.03) (Cont.)

Safe Design Guidelines

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

Referrals

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

Internal

The application was internally referred to Council's Community Services department, who raised no further concern subject to planning permit conditions requiring the provision of an Alcohol Management Plan.

Advertising

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

- The amendment is required due to recent internal layout changes approved under an amendment to PLN10/0624.
- The amendment only results in a very minor increase of the red line area from 4.77m x 4.46m (21.27sqm area total) to 4.795m x 4.52m (21.67sqm area total), a net increase of 0.40sqm.
- The overall increase will not result in material detriment to the surrounding area through antisocial behaviour or any other relevant offsite emissions.

Assessment

Before deciding on an application pursuant to Clause 52.27, the responsible authority must consider the following decision guidelines:

The Municipal Planning Strategy and the Planning Policy Framework

It is considered that the minor increase in the red line area within the ALDI store will further improve business operations, resulting in better service. This will further respond to the needs of the local community, minimising the need for residents to undertake multiple vehicle trips to other liquor outlets in the area.

The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area

As this application is only a minor increase in the red floor area – with an increase of only 0.40sqm proposed – it is considered that the impact of the proposed increase on the amenity of the surrounding area is negligible, and only required due to internal renovations and the reconfiguration of the existing Aldi floor plan.

2.3.1 Town Planning Application - No. 23/792-806 Heatherton Road, Springvale South (Planning Application No. PLN12/0277.03) (Cont.)*The impact of the hours of operation on the amenity of the surrounding area*

The hours of operations are not subject to change as part of this amendment application. Existing hours of operation are as per the VCGLR requirements, with standard conditions ensuring that liquor is not sold outside of these specified hours.

The impact of the number of patrons on the amenity of the surrounding area

As approval has already been granted for the sale of packaged liquor, no further consideration of patron numbers is required, noting that cap was initially proposed as the site was for the sale of packaged liquor only. Appropriate permit conditions are in place to ensure that the amenity of the area is not detrimentally affected by the licensed premises, as well as ensuring that alcohol is not consumed on the premises at any time.

The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area

In assessing the cumulative impact of the proposal in relation to licensed premises within the area, the following licenses exist within the surrounding area:

- Goc Pho Restaurant – Restaurant and Café Licence
- Grand Diamond Receptions – On-premises License
- Hoi An Village Restaurant – BYO Permit
- Springvale Plaza Cellars – Packaged liquor license

Given the limited number of licenses within the surrounding area, and the nature of these licenses, it is considered that the minor increase to the red line area of 0.40sqm will not result in any negative cumulative amenity impacts to the surrounding area.

As required by the existing permit conditions, packaged liquor will be sold for the purpose of sale only and no consumption on the premises will be allowed. On this basis Council considers that there will be minimal detrimental amenity impacts to the nearby residential properties or businesses as a result of the proposal.

Other matters

Council planning officers have reviewed comments received by Council's Community Services department, recommending the provision of an Alcohol Management Plan (AMP). A permit condition (condition 10) will require an AMP to be submitted prior to the endorsement of plans.

Conclusion

The application has been assessed against the relevant requirements of the Greater Dandenong Planning Scheme and is considered appropriate to the site in which it is located. An amended permit should be issued, with plans endorsed.

2.3.1 Town Planning Application - No. 23/792-806 Heatherton Road, Springvale South (Planning Application No. PLN12/0277.03) (Cont.)**Recommendation**

That Council resolves to Grant an amended planning permit in respect of the land known and described as 23/792-806 Heatherton Road SPRINGVALE SOUTH VIC 3172, for the sale of packaged liquor in accordance with the plans submitted with the application subject to the following conditions:

1. Liquor must only be sold within the red line area identified on the endorsed plans.
2. Without the prior written approval of the Responsible Authority, any application to, or license obtained from, the relevant Liquor Licensing Authority must be for the on-site sale of packaged liquor only.
3. Packaged liquor may only be sold between the following hours unless otherwise authorised in writing by the Responsible Authority:

Monday to Saturday (All days except Anzac, Christmas and Good Friday): 9.00am to 11.00pm.

Sunday: 10:00am to 11:00pm.

Anzac Day: 12:00pm to 11:00pm.

No trading on Good Friday and Christmas Day.

4. The amenity of the area must not be detrimentally affected by the licensed premises, through the:
 - a. Transport of materials, goods or commodities to or from the land.
 - b. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - c. Adverse behaviour of patrons on, to or from the premises.
 - d. Presence of vermin.

All to the satisfaction of the Responsible Authority.

5. No alcohol may be consumed on the premises at any time.
6. This permit shall lapse and cease to have any forcible effect if the operator, manager or patrons are found guilty of committing any of the following offences in or associated with the use of the land:
 - a. Allowing the consumption of alcohol on the premises contrary to the *Liquor Control Reform Act 1998* (or subsequent replacement Act); or
 - b. An offence for gambling contrary to the *Lotteries, Gaming and Betting Act 1966* (or subsequent replacement Act); or

2.3.1 Town Planning Application - No. 23/792-806 Heatherton Road, Springvale South (Planning Application No. PLN12/0277.03) (Cont.)

c. For allowing the use or sale of drugs on the premises pursuant to the *Drugs, Poisons and Controlled Substances Act 1981* (or subsequent replacement Act).

7. At all times during the operation of the use, there must be present on the premises a person over the age of 18 years who is responsible for ensuring the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the responsible authority (referred to in this permit as ‘the manager’).

The manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the responsible authority and of the Victoria Police and/or of Liquor Licensing Victoria authorised under section 129 of the *Liquor Control Reform Act 1998*; and/or to take action on his/her behalf in accordance with a direction by such officer.

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

9. At no point shall liquor be sold outside the hours of operation of the ALDI supermarket to the satisfaction of the Responsible Authority.

10. Before the approved use starts, an Alcohol Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Alcohol Management Plan must outline:

- 10.1. Compliance in relation to management and staff training on Responsible Service of Alcohol standards, and changes to liquor licencing laws and practices.
- 10.2. A commitment to responsible marketing and promotion of liquor products that may otherwise encourage excessive, risky or rapid consumption of alcohol through incentives or pricing, including products targeted to appeal to minors.
- 10.3. Managerial roles and interventions for recognising and addressing emergencies, anti-social or difficult behaviours, and the refusal of service to intoxicated persons and/or minors on the premises.
- 10.4. Strategies for maximising amenity and public safety for customers and staff entering, in, and exiting the premises, eg adequate car park lighting, CCTV, security staff.
- 10.5. House Rules signage placed in Redline area, regarding customers’ responsibilities in relation to the purchase of alcohol (e.g. it is illegal to purchase alcohol for minors).

2.3.1 Town Planning Application - No. 23/792-806 Heatherton Road, Springvale South (Planning Application No. PLN12/0277.03) (Cont.)

- 10.6. Commitment to display additional signage at the entry/exit point, stating that:**
- 10.6.1. 'Alcohol is not to be consumed in any public places in the City of Greater Dandenong, such as in the car park and related areas, and up to a \$1,000 Local Laws fine applies.'**
 - 10.6.2. 'The safety and amenity of people and property in surrounding areas is to be respected upon leaving the premises.'**
- 11. This permit will expire if:**
- a. The use of the site for the sale of packaged liquor does not start within two (2) years of the date of this permit, or**
 - b. The use of the site for the sale of packaged liquor is discontinued for a period of two (2) years.**

Notes:

This Permit has been issued at the direction of the Victorian Civil and Administrative Tribunal, Order dated 5 March 2013.

2.3.1 Town Planning Application - No. 23/792-806 Heatherton Road, Springvale South (Planning Application No. PLN12/0277.03) (Cont.)

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION - NO. 23/792-806 HEATHERTON ROAD,
SPRINGVALE SOUTH (PLANNING APPLICATION NO. PLN12/0277.03)**

ATTACHMENT 1

SUBMITTED PLANS

PAGES 2 (including cover)

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

2.3.2 Town Planning Application - No. 52C Foster Street, Dandenong (Planning Application No, PLN18/0464)

File Id:	340895
Responsible Officer:	Director City Planning, Design and Amenity
Attachments:	Submitted Plans

Application Summary

Applicant:	Shanaaz Nisha
Proposal:	Use of the land for a Place of Assembly (Shisha Lounge) with a reduction of the car parking requirement
Zone:	Comprehensive Development Zone 2
Overlay:	Design Development Overlay 2 Public Acquisition Overlay Schedule 5
Ward:	Red Gum

The application proposes to use the land for a Place of Assembly (Shisha Lounge) with a reduction of the car parking requirement.

A permit is required pursuant to:

- Section 1.0 of Schedule 2 to Clause 37.02-4 to use the land for a Place of Assembly (Shisha Lounge) in a Comprehensive Development Zone.
- Clause 45.01-1 to use land for a Section 2 use in the zone, in a Public Acquisition Overlay.
- Clause 52.06-3 to reduce the car parking requirement for a Place of Assembly.

Advertising Summary

The application is exempt from the notice requirements of Section 52(1)(a), (b) and (d) of the Act pursuant to the following:

- Section 8.0 of Schedule 2 to the Comprehensive Development Zone;
- Clause 45.01-2 of the Public Acquisition Overlay.
- Clause 52.06-4 of the Car Parking Particular Provision.

Therefore no objections were received to the application.

2.3.2 Town Planning Application - No. 52C Foster Street, Dandenong (Planning Application No, PLN18/0464) (Cont.)**Assessment Summary**

An assessment of the application found that the location of the site is not suitable for a Place of Assembly (Shisha Lounge), and would not result in orderly planning of the surrounding area, contrary to the purposes of Schedule 2 of Clause 37.02 (Comprehensive Development Zone) and the decision guidelines at Clause 65 of the Greater Dandenong Planning Scheme.

Recommendation Summary

As assessed, the proposal does not meet the requirements of the Greater Dandenong Planning Scheme. It is inconsistent with and does not appropriately respond to the provisions of the Scheme as detailed in the report, and for the reasons set out in the recommendation should be **Refused**.

2.3.2 Town Planning Application - No. 52C Foster Street, Dandenong (Planning Application No, PLN18/0464) (Cont.)

Subject Site and Surrounds

Subject Site

The subject site is located on the southern side of Foster Street, Dandenong between Ruddock Street to the west and Mason Street to the east.

The subject site has a northern frontage facing Foster Street of 4.8 metres and a depth of 20.66 metres, giving the site a total area of approximately 99m².

The site is currently occupied by a retail shop for Baba Home Entertainment DVD Shop which specialises in DVDs from the Indian subcontinent.

There are two (2) car parking spaces allocated to the subject site out of twenty-one (21) car parking spaces that currently exist for the overall complex of shops at 52 Foster Street.

Surrounding Area

The subject site is located in a commercial area (within the Dandenong CAD) which is bounded by the Dandenong Railway station precinct to the west, the Dandenong to Cranbourne/Pakenham railway line to the south, Cheltenham Road to the east and Foster Street to the north. The area accommodates a variety of commercial uses.

Locality Plan



2.3.2 Town Planning Application - No. 52C Foster Street, Dandenong (Planning Application No, PLN18/0464) (Cont.)

The building to be used is shown the below diagram



Background

Previous Applications

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

Proposal

The application proposes to use the land for a Place of Assembly (Shisha Lounge) with a reduction of the car parking requirement.

Details of the proposal are as follows:

- The business would operate as a herbal shisha lounge with flavours including peach, watermelon, mint, strawberry, orange, sweet melon, guava, grape and apple. Products sold would include shisha, coffee, tea and nuts. There would be no cooking of food at the premises.
- A maximum of 2 staff would be present on site at any one time;
- A maximum of 23 patrons would be present on site at any one time;
- Proposed hours of operation will be between 4:00pm -1:00am (7 days a week);

2.3.2 Town Planning Application - No. 52C Foster Street, Dandenong (Planning Application No, PLN18/0464) (Cont.)

- There would be individual booths set up in different country themes to accommodate customers of different cultures including Afghan, Indian (Bollywood), Turkish, Arabian and Moroccan.
- There would be music played through Foxtel television screens.
- Patrons would be able to play games while they are in the venue including chess, draughts, darts, card games etc.
- Smoke exhausts would be installed on the ceiling to allow smoke to escape and help keep the interior of the premises clear of smoke and smell.
- Sofas with cushions would be set up around the floor space as shown on the floor plan.

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

Victorian Charter of Human Rights and Responsibilities

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

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

Financial Implications

No financial resources are impacted by this report.

Planning Scheme and Policy Frameworks

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

- For the use of the land for a Place of Assembly under Section 1.0 of Clause 37.02 Schedule 2.
- For the use of the land for a Section 2 use in the zone under Clause 45.01-1.
- To reduce the car parking requirement for a Place of Assembly under Clause 52.06-3.

2.3.2 Town Planning Application - No. 52C Foster Street, Dandenong (Planning Application No, PLN18/0464) (Cont.)

The relevant controls and policies are as follows:

Zoning Controls

The subject site is located in a Comprehensive Development Zone 2, as is the surrounding area to the west and east. Foster Street to the north is in a Road Zone Category 2, whilst the Dandenong to Pakenham/Cranbourne railway line to the south is in a Public Use Zone 4.

The purpose of the Comprehensive Development Zone 2 outlined at Clause 37.02 is:

- *To use and develop the land in accordance with Clause 22.07 – Central Dandenong Local Planning Policy and the following (relevant) Precinct objectives:*

Precinct A

This precinct together with Precinct B form the core street front retail precincts within the Dandenong Activity Centre and will promote a greater diversity of use including a mixture of commercial uses at ground level with offices, and accommodation above to create 24 hour activity. It forms a vital part of the spine of consolidation.

The land use objectives of this precinct are:

- *To consolidate and enhance street frontage retailing;*
- *To encourage a variety of commercial, shops, food and drink premises at ground floor level. Commercial uses may include food and drink premises, offices, shops and service industry facilities such as a postal agency which are compatible with the location;*
- *To facilitate the creation of an active, pedestrian focused 'City Street' from Lonsdale Street to Dandenong Railway Precinct, which will significantly enhance connectivity of the city centre with the main public transport interchange;*
- *To encourage high density office and residential development above the ground level;*
- *To encourage community and residentially compatible entertainment based facilities;*
- *To encourage the location of tertiary, adult and other compatible learning and educational facilities;*
- *To provide innovative design and building frontages which contribute to the aesthetics and amenity of the area;*
- *To require active frontages at street level and integration with the public realm;*
- *To develop a strong public realm and public open space network as an extension to private space; and*
- *To encourage safe and efficient pedestrian movement.*

Pursuant to Section 1.0 – Table of Uses in Clause 37.02 – Schedule 2, a permit is required for a Place of Assembly.

2.3.2 Town Planning Application - No. 52C Foster Street, Dandenong (Planning Application No, PLN18/0464) (Cont.)

Overlay Controls

The subject site is located in a Design and Development Overlay 2, as is the surrounding area to the west, north and east.

The design objectives of the Design and Development Overlay 2 outlined at Clause 43.02 are:

- *To ensure ground floor frontages are pedestrian oriented and add interest and vitality to city streets;*
- *To provide continuity of ground floor shops along streets and lanes within Area 1 (see map 1 to this schedule);*
- *To ensure ground floor frontages contribute to city safety by providing public surveillance, lighting and activity;*
- *To recognise the role of the key new street (working title City Street) being part of the Spine of Consolidation, as identified in the Revitalising Central Dandenong Urban Master Plan 2007 and C22.07 Central Dandenong Local Policy;*
- *To improve and protect the appearance of streetscapes;*
- *To protect important vistas from obtrusive and intensive advertising;*
- *To encourage signs that contribute positively to the day and night time character of the Activity Centre;*
- *To encourage signs that improve the quality of the area; and*
- *To encourage buildings with multiple tenancies to provide integrated signage plans as part of any permit application for signs.*

The subject site is also located in a Public Acquisition Overlay, as is the surrounding area to the north and east.

The purposes of the Public Acquisition Overlay outlined in Clause 45.01 are:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework;*
- *To identify land which is proposed to be acquired by a Minister, public authority or municipal council;*
- *To reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired; and*
- *To designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose.*

Clause 45.01-1 states that a permit is required to use land for any Section 1 or Section 2 use in the zone.

Clause 45.01-3 states that an application must be referred under Section 55 of the Act to the acquiring authority for the land.

Clause 45.01-7 states that an acquiring authority is the Minister, public authority or municipal council specified in the schedule to this overlay as the acquiring authority for the land.

2.3.2 Town Planning Application - No. 52C Foster Street, Dandenong (Planning Application No, PLN18/0464) (Cont.)

The Schedule to Clause 45.01 states that for PAO5 the acquiring authority is the Victorian Urban Development Authority (now known as Development Victoria) and the purpose of the acquisition is for the Revitalising Central Dandenong Project.

Planning Policy Framework

The objectives of Planning in Victoria are outlined in Section 4 of the *Planning and Environment Act 1987* as:

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

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

Clause 11 – Settlement states that planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

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

Clause 11.03-1S – Activity Centres contains the objective to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

Economic Development is outlined at Clause 17 of the Scheme. Clause 17.02-1S - '**Business**' has the following objective:

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

2.3.2 Town Planning Application - No. 52C Foster Street, Dandenong (Planning Application No, PLN18/0464) (Cont.)

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

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

Infrastructure is outlined at Clause 19 of the Scheme. Clause 19.02-3S – ‘**Cultural Facilities**’ has the following objective:

- *‘To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities’.*

Clause 19.02-4S – ‘Social and cultural infrastructure’ has the following objective:

‘To provide fairer distribution of and access to, social and cultural infrastructure’.

Local Planning Policy Framework

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

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

- *Greater Dandenong is the most culturally diverse locality in Victoria, with residents from over 150 different birthplaces including Vietnam, Cambodia, China, Italy, Greece, India, Sri Lanka, Sudan, Ethiopia and Bosnia (Clause 21.02-3 – Land Use)*

Greater Dandenong’s vision is outlined at Clause 21.03, within which the following is noted:

- *A city renowned for its inclusiveness and admired for its cosmopolitan and multicultural lifestyle; a city where a range of arts activities are promoted and different cultures are celebrated as much as tradition and history are celebrated (Clause 21.03-1 – Vision)*
- *Diverse community – Strategies that recognise and celebrate diversity as a significant strength of Greater Dandenong, strategies that promote opportunities for inclusion, participation and involvement of all citizens in the social, civic, economic life of our communities (Clause 21.03-2 – Achieving the vision)*
- *Healthy Communities – Strategies that create health promoting environments that are welcoming, inclusive and make a positive contribution to the health and wellbeing of Greater Dandenong’s diverse communities (Clause 21.03-2 – Achieving the vision)*

Land Use is outlined at Clause 21.04 of the Scheme. Clause 21.04-2 – ‘**Retail, Commerce and Entertainment**’ has the following relevant issues:

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

2.3.2 Town Planning Application - No. 52C Foster Street, Dandenong (Planning Application No, PLN18/0464) (Cont.)

The following objectives and strategies in this clause are also relevant:

4. To encourage a mix of complimentary land uses that increase an activity centre's commercial variety without compromising its core commercial strengths.

4.1 Support and promote complimentary land uses that enhance variety without compromising core commercial strengths.

5. To enhance and embrace the multi-cultural identity of the municipality, where relevant, primarily as reflected in the city's built form, signage and urban design.

5.1 Support the promotion of multi-cultural identity as reflected in the city's built form.

Clause 22.07 – Central Dandenong Local Planning Policy applies to all land within the Central Dandenong Metropolitan Activity Centre.

Clause 22.07-3 – Key issues – notes that developments which do not positively contribute towards the long term vision and outcomes envisaged by the policy will be actively discouraged, even though they provide an immediate capital investment in the area.

Particular Provisions

Clause 52.06 – Car Parking

Clause 52.06-1 (Scope) states that Clause 52.06 applies to, among other things, a new use.

Clause 52.06-2 (Provision of car parking spaces) states that, before a new use commences, the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority in, among other ways, accordance with a permit issued under Clause 52.06-3.

Clause 52.06-3 (Permit requirement) states that a permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.

Clause 52.06-5 includes a table (Table 1) which sets out the car parking requirement that applies to a use listed in the table.

Under this table, a Place of Assembly requires 0.3 car parking spaces to each patron permitted.

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

The subject site is not affected by any proposed Planning Scheme Amendments.

2.3.2 Town Planning Application - No. 52C Foster Street, Dandenong (Planning Application No, PLN18/0464) (Cont.)

Restrictive Covenants

A review of the submitted documents has indicated that there are no restrictive covenants on the title.

Council Plan 2017-2021 – Strategic Objectives, Strategies and Plans

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

Diversity (Access & Equity)

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

Community Safety

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

Safe Design Guidelines

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

Referrals

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

External Referrals	
Development Victoria	Awaiting response.

Internal

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

Internal Referrals	
Building	No objection
Health	No objection
Transport	No objection

2.3.2 Town Planning Application - No. 52C Foster Street, Dandenong (Planning Application No, PLN18/0464) (Cont.)

Advertising

The application is exempt from the notice requirements of Section 52(1)(a), (b) and (d) of the Act pursuant to the following:

- Section 8.0 of Schedule 2 to the Comprehensive Development Zone as the use of the land is exempt;
- Clause 45.01-2 of the Public Acquisition Overlay as the use of the land is exempt if it is a Section 1 or 2 use in the relevant zone.
- Clause 52.06-4 of the Car Parking Particular Provision as the application is exempt under all other permit triggers.

Therefore no objections were received to the application.

Assessment

Use

The proposal has been assessed against the relevant provisions of the Planning Policy Framework and the Local Planning Policy Framework, the zoning and overlays, relevant particular provisions, and the decision guidelines of Clause 65. The following are of particular relevance to this application:

Clause 22.07 (Central Dandenong Local Planning Policy)

- Sets the framework for future land use and development over the next thirty years

Clause 37.02 - Comprehensive Development Zone Schedule 2

- To use and develop the land in accordance with Clause 22.07 – Central Dandenong Local Planning Policy

Clause 65 – Decision Guidelines

- *The matters set out in section 60 of the Act;*
- *The purpose of the zone, overlay or other provision;*
- *The orderly planning of the area; and*

It is important to consider all of the above as a collective when considering proposals such as this. While the Table of Uses within the Comprehensive Development Zone Schedule 2 does allow for a Place of Assembly subject to a permit being issued for the use, the purpose of the Comprehensive Development Zone Schedule 2 is to use and develop land in accordance with Clause 22.07 – Central Dandenong Local Planning Policy and the following relevant Precinct objectives:

Precinct A

To consolidate and enhance street frontage retailing.

- *To encourage community and residentially compatible entertainment based facilities.*

2.3.2 Town Planning Application - No. 52C Foster Street, Dandenong (Planning Application No, PLN18/0464) (Cont.)

- *To require active frontages at street level and integration with the public realm.*
- *To encourage high density office and residential development above ground level.*

Precinct A, along with Precinct B, form the core street front retail precincts in the Dandenong Activity Centre, and as such it is important that the uses that occupy street level buildings in this location activate and enhance the street and public realm. The proposed use is not considered to achieve this, and therefore also does not meet the above objectives. The hours of operation, being 4pm to 1am will result in a building that is effectively vacant or dormant during normal business hours, and as a result would not consolidate or enhance street frontage retailing, and nor would it create an active frontage to the street and public realm.

Furthermore, the proposed Place of Assembly is not considered to be a community or residentially compatible entertainment based facility. It is considered that the proposed Place of Assembly, which would result in patrons remaining on the site for an extended period of time is a use not suitable in a location where high density residential development is encouraged and envisaged, particularly when it is proposed to operate until 1.00am, 7 days a week, which may result in adverse noise impacts from the proposed use on future residents.

The reason for the above purposes is to ensure areas are planned in an orderly manner, which is an important consideration of Clause 65 – Decision Guidelines, and planning as a whole. It is vital to ensure areas are planned in orderly manner, with appropriate uses being located in appropriate areas, to protect the viability of the primary use of a particular area. In this instance it is important to ensure that:

- future residential uses are protected;
- their uses are encouraged; and
- and that the land identified as Comprehensive Development Zone Schedule 2 is not utilised by incompatible uses.

Following the above, Clause 22.07 (Central Dandenong Local Planning Policy) states:

- *Developments which do not positively contribute towards the long term vision and outcomes envisaged by the policy will be actively discouraged, even though they provide an immediate capital investment in the area*

For the reasons listed in the discussion above, it is not considered that this proposal would positively contribute to the long term vision for the area, and therefore in accordance with this policy it is recommended that Council discourages the proposed use by refusing this planning application.

In addition, Section 60 of the *Planning and Environment Act 1987* sets out what matters a Responsible Authority must consider when assessing a planning application. Section 60 (f) outlines that the responsible authority must assess whether:

“any significant social and economic effects which the Responsible Authority considers the use or development may have”.

2.3.2 Town Planning Application - No. 52C Foster Street, Dandenong (Planning Application No, PLN18/0464) (Cont.)

Clause 71.02-3 - Integrated Decision Making, also details that:

- *Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development; and*
- *Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.*

The use of the land for a shisha lounge is not considered to meet the tests of Section 60 of the Act, or Clause 71.02-3 of the Planning Scheme. While it is acknowledged that shisha is a lawful activity, supporting the use of a shisha lounge would not ensure that Council protects the health and wellbeing of the residents of Greater Dandenong as stipulated above, and therefore it would not result in a net community benefit for present or future generations.

‘Net community benefit’ is a well-established planning principle, and has previously been supported by VCAT in cases such as the Red Dot decision of *Beretta’s Langwarrin Pty Ltd v Frankston CC [2009]*.

In addition to this, Council has previously publicly adopted a position of not supporting shisha, due to the negative health impacts associated. This position is supported through Notice of Motion 41 – Shisha Smoking Regulation (adopted by Council on 25 November 2013), and Notice of Motion 62 – Joint Advocacy to Regulate Shisha in Victoria (adopted by Council on 25 May 2015). This is further supported through Councils adopted Community Wellbeing Plan 2017-21, which aims to improve the health and wellbeing of all residents through collaborative planning.

It is considered that the proposed use is not consistent with the purposes of the Planning Policy Framework and the Local Planning Policy Framework, the decision guidelines of the Comprehensive Development Zone Schedule 2, the Operational Provisions of the Planning Scheme, and Section 60 of the *Planning and Environment Act 1987*.

Car Parking

The application requires a total of 6 car parking spaces pursuant to the parking rates outlined at Clause 52.06.5. However, only 2 car parking spaces have been proposed resulting in a reduction being sought for 4 car parking spaces.

The car parking reduction proposed is considered appropriate for the following reasons:

A Car Parking Demand Assessment was submitted with the application. Council’s traffic engineers have assessed the request for a parking reduction and advised that they have no concerns as Council manages parking in the area to cater for short term demand. The long term demand associated with the site is less than existing and lower than most other potential land uses.

The proposed use would share on street car parking spaces along Foster Street with other sites and uses.

2.3.2 Town Planning Application - No. 52C Foster Street, Dandenong (Planning Application No, PLN18/0464) (Cont.)

There are public car parks in the area. The nearest is at 14-30 Walker Street approximately 100m to the north-east of the subject site. Just beyond that is the multi-storey car park at 35-37 Walker Street. There is another open-air car park at the north-west corner of the Foster/Thomas Street/Cheltenham Road intersection approximately 150m to the east.

There is no room to provide car parking on the subject site given it is only 99m² in area and the building takes up the entire site.

The proposed reduction in car parking would not have any adverse economic impact on the Dandenong CAD or its future growth and development.

There is already a car parking deficiency associated with the existing use of the land as a Shop (99m² x 3.5 / 100 = 3.47, or 3 car spaces) as there are currently 2 car parking spaces allocated to the existing use.

The subject site is located within 100m of Dandenong Railway Station and Bus Interchange.

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

Development

No external buildings or works are proposed. Therefore the Design and Development Overlay is not relevant.

Public Acquisition Overlay

The overlay was required by the former Victorian Urban Development Authority (now Development Victoria) for the Revitalising Central Dandenong Project.

It is relevant insofar as Development Victoria is the owner of the subject site and the application was referred to them and they did not respond to express any concerns with the proposal.

Conclusion

The application has been assessed against the relevant requirements of the Greater Dandenong Planning Scheme and is considered inappropriate to the site in which it is located.

Accordingly, it is recommended that the application be refused.

2.3.2 Town Planning Application - No. 52C Foster Street, Dandenong (Planning Application No, PLN18/0464) (Cont.)

Recommendation

That Council resolves to Refuse to grant a planning permit in respect of the land known and described as 52C Foster Street, Dandenong for the use of the land for a Place of Assembly (Shisha Lounge) with a reduction of the car parking requirement for the following reasons:

- 1. The location of the site is not suitable for a Place of Assembly (Shisha Lounge), and would not result in orderly planning of the surrounding area, contrary to the purposes of Schedule 2 of Clause 37.02 (Comprehensive Development Zone), Clause 22.07 (Central Dandenong Local Planning Policy) and the decision guidelines of Clause 65 of the Greater Dandenong Planning Scheme.**
- 2. The proposed use would not provide a net community benefit in relation to the health and wellbeing of the residents of the municipality as required under Clause 71.02-3 of the Greater Dandenong Planning Scheme, and therefore does not satisfy the considerations of Section 60 of the *Planning and Environment Act 1987*.**

2.3.2 Town Planning Application - No. 52C Foster Street, Dandenong (Planning Application No, PLN18/0464) (Cont.)

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION – NO. 52C FOSTER STREET,
DANDENONG (PLANNING APPLICATION PLN18/0464)**

ATTACHMENT 1

SUBMITTED PLANS

PAGES 3 (including cover)

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

2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546)

File Id:	161310
Responsible Officer:	Director City Planning, Design and Amenity
Attachments:	Submitted Plans Location of Objectors

Application Summary

Applicant:	Zaly Pty Ltd
Proposal:	The use and development of the land for a funeral parlour
Zone:	General Residential Zone – Schedule 1
Overlay:	No overlays applicable
Ward:	Lightwood

This application has been brought before the Council because it has received thirty (30) objections during the notification process.

The application proposes the use and development of the land for a funeral parlour. A permit is required pursuant to:

- Clause 32.08-2 (General Residential Zone) for the use of the land for a funeral parlour; and
- Clause 32.08-9 (General Residential Zone) to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.

Objectors Summary

The application was advertised to the surrounding area through the erection of an onsite notice and the mailing of notices to adjoining and surrounding owners and occupiers. Thirty (30) objections were received to the application. Issues raised generally relate to matters of:

- Traffic and congestion;
- Road safety;
- Car parking;
- Noise and disturbances;
- Property values;
- Religious belief; and

2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)

- Mental health.

Assessment Summary

The key issue in relation to this application is the appropriateness of allowing a funeral parlour, being a non-residential land use, within the core of a residential zone. The site and building is currently vacant and was previously used as a place of worship, with approval also previously granted for a medical centre on 31 January 2018.

Council officers consider that the proposed non-residential land use to be appropriate for the site, noting the previous uses established and approved on the site, and the potential benefit to the local and broader community. The applicant has identified that the subject site will only be utilised for funeral services. The proposed use will not include any preparation embalming or long term storage of deceased persons. Appropriate permit conditions can be placed on any permit to be issued to limit such functions

Whilst thirty (30) of objections have been received, primarily relating to traffic, congestion and car parking, Council officers find that car parking has been provided in accordance with Clause 52.06-5 of the Greater Dandenong Planning Scheme, with the use not resulting in significant offsite traffic impacts.

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 outlined within Clause 21.04 for land use as well as the overall Planning Policy Framework with this report recommending that the application be supported and a **Notice of Decision to Grant a Permit** (which provides appeal rights to objectors) be issued containing the conditions as set out in the recommendation.

2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)**Subject Site and Surrounds****Subject Site**

- The subject site is a large, rectangular double width residential site, with a north-south orientation. The site has a frontage of 30.48 metres, a depth of 44.69 metres, yielding a site area of 1,362 square metres.
- The site accommodates an existing single storey non-residential building, previously used as a place of worship for Jehovah's Witnesses, but is now currently vacant.
- The existing building is located to the eastern side of the site, with a front setback of approximately 6.2 metres, a side eastern setback of approximately 3.7 metres and a rear setback of 17 metres.
- The existing building comprises of a stage, chapel, library, staff room and amenities with a garden located to the eastern side boundary.
- The existing car park is located to the western and northern side of the site, including a total of twenty five (25) spaces, inclusive of one (1) disabled space and shared accessway.
- The existing site includes a number of small trees and shrubbery around the site frontage, side and rear boundary.
- The site incorporates a 1.6 metre steel picket fence and gate across the frontage.

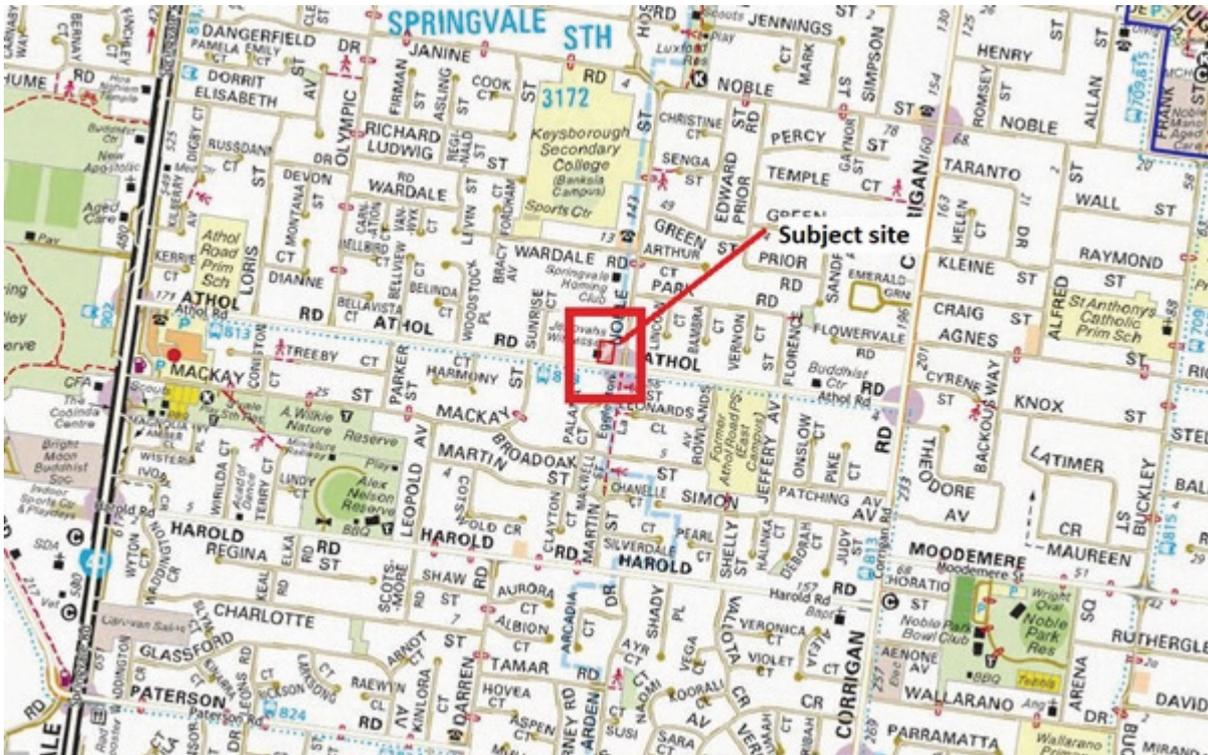
Surrounding Area

- The subject area is characterised by core residential land, with numerous single and multi-dwelling developments in the immediate and surrounding area.
- The subject area is located within the incremental change area, with the area experiencing a medium level of change over a period of time.
- Each site boundary interfaces with residential development.
- Athol Road Primary School and Athol Road Primary School (east campus) are located approximately 775m to the west and 230m to the east respectively.
- The Springvale South reserve is located approximately 450m to the south-west of the site and includes an oval and facilities and additional walking areas.
- A neighbourhood shopping centre is located approximately 820m to the west of the site and includes a number of retail premises, shops and restaurants.
- Athol Road is considered to be a collector road, distributing traffic between Corrigan Road (RDZ2) and Springvale Road (RDZ1).
- The intersection of Athol Road and Noble Street is signalised.

ORDINARY COUNCIL MEETING - AGENDA

2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)

Locality Plan



2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)

Aerial Plan



Background

Previous Applications

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

- Planning Application 192/91: Planning permit issued for a place of worship.
- Planning Application 88/92: Planning permit issued for an extension to a church, amenities and carparking on 29/09/1992.
- Planning Application 2001/0214: Planning permit issued on 12 June 2001 for buildings and works (alterations to existing building).
- Planning application PLN17/0622: Planning permit issued on 31 January 2018 for the use and development of the land for a Medical Centre and display of internally-illuminated business identification signs.

Importantly, it is noted that the medical centre use allowed the provision of eight (8) practitioners, resulting in a car parking demand of 26 car parking spaces, two (2) more than the proposed funeral parlour use.

2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)**Proposal**

The application proposes the use and development of the land for a funeral parlour. Details are as follows:

Development

The application proposes minor alterations to the exterior of the existing building as well as the internal refurbishment of the building. It is only the external works that require a planning permit. Details of the development area as follows:

The external works proposed include:

- The provision of two (2) shallow ponds within the sites frontage, adjacent to the front entry.
- The paving and reconfiguration of the pedestrian walkway.
- The addition of glazing and the relocation of a door to the north-western corner of the building.

The internal works proposed include:

- The reconfiguration of the building interior, and the provision of a reception, chapel, arrangement room, selection room, tea room, amenities and storage area.
- The internal works proposed are exempt from planning approval pursuant to Clause 62.02-2 as the gross floor area of the building is not increasing in square metre area.

Use

The application proposes the use of the land for a funeral parlour. Details of the use are as follows:

- The proposed funeral parlour seeks to cater for a maximum 80 persons at any given time.
- The proposed funeral parlour seeks to utilise the site for one (1) service per day, lasting about two (2) hours. The time of the service will typically depend on the opening hours of the individual cemetery chosen for burial by the family.
- The proposed funeral parlour seeks to operate between the hours of 8:30am and 9:00pm each day. Later hours proposed are for families to discuss funeral arrangements.
- The proposed funeral parlour seeks the provision of two (2) staff members on site.
- The proposed funeral parlour will not include the storage and preparation of deceased persons on the premises, with these operations being undertaken offsite at a mortuary facility. The applicant has indicated that for Buddhist funerals, the body will be taken to the funeral parlour one (1) hour before viewing time. The already prepared deceased person will be laid in the casket inside the chapel overnight as is customary.

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

Victorian Charter of Human Rights and Responsibilities

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

2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)

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 pursuant to:

- Clause 32.08-2 (General Residential Zone) for the use of the land for a funeral parlour; and
- Clause 32.08-9 (General Residential Zone) to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.

The relevant controls and policies are as follows:

Zoning Controls

The subject site is located within the General Residential Zone, as is the surrounding area.

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

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

Pursuant to:

- Clause 32.08-2 for the use of the land for a funeral parlour; and
- Clause 32.08-9 to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.

Overlay Controls

No overlays affect the subject site or surrounding area.

Planning Policy Framework

Clause 13.05-1S Noise Abatement seeks to assist in the control of noise effects on sensitive land uses by ensuring that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques and appropriate to the land use functions and character of the area.

Clause 13.07-1S Land Use Compatibility seeks to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects. This can be achieved by ensuring the compatibility of a use as appropriate to the land use functions and character of the area by directing land uses to appropriate locations.

2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)

Clause 15.01-2S Building Design seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Clause 17.02-1S Business seeks to encourage development that meets the community's need for retail, entertainment, office and other commercial services. This can be achieved by planning an adequate supply of commercial land in appropriate locations; ensuring commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure; and locate commercial facilities in existing and planned activity centres.

Clause 17.02-2S Out-of-Centre Development

seeks to manage out-of-centre development. This can be achieved by ensuring that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

Clause 19.02-4S Social and Cultural Infrastructure seeks to provide distribution of and access to, social and cultural infrastructure. This can be achieved by ensuring social infrastructure is designed to be accessible; and to encourage the location of social and cultural infrastructure in activity centres.

Local Planning Policy Framework

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

Clause 21.04 Land Use covers the objectives, strategies and implementation for land use issues under the themes of:

- Housing and community
- Retail, commerce and entertainment
- Industrial

The relevant objective and strategy at **Clause 21.04-1 (Housing and Community)** include:

- *To protect the amenity of residential areas adjacent to particular uses and protect sensitive particular uses from residential development.*
 - *Discourage non-residential uses except along main roads or collector roads or on corner sites.*

Clause 21.05 Built Form seeks to ensure that development responds to the relevant policy direction with regard to building typology and design elements sought within the specified character area, ensuring that new development facilitates an attractive built form outcome within the private and public realms.

The following objectives and strategies are relevant:

2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)

- *To facilitate high quality building design and architecture.*
 - *Encourage high standards of building design and architecture, which allows for flexibility and adoption in use.*
 - *Encourage innovative architecture and building design.*
- *To facilitate high quality development, which has regard for the surrounding environment and built form.*
 - *Promote views of high quality landscapes and pleasing vistas from both the private and public realm.*
 - *Promote all aspects of character – physical, environmental, social and cultural.*
- *To protect and improve streetscapes.*

Particular Provisions

Clause 52.06 Car Parking needs to be considered. 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.*

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

The required spaces are identified in the table to Clause 52.06-5. Clause 52.06-3 further notes that a permit may be granted to reduce or waive the number of car spaces required by the table, with the decision guidelines for such considerations also at that Clause.

A Funeral Parlour requires the provision of 0.3 car parking spaces per patron permitted. Car parking is to be designed and constructed in accordance with the requirements of Clauses 52.06-9 of the Scheme.

2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)

General Provisions

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

Restrictive Covenants

No Agreements or Covenants are registered to the Certificate of Title.

Council Plan 2017-2021 – 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

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

Internal

The application was internally referred to Council's Transport Planning department for their consideration. Council's Transport Planning department did not raise concern with the application, suggesting a permit could be granted subject to permit 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.

2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)

- Placing a sign on site facing Athol Road

The notification has been carried out correctly and a statutory declaration was received on 03/11/2018.

Council has received thirty (30) objections to date.

The location of the objectors is shown in Attachment 2.

Consultation

A consultative meeting was held on 28/11/2018, with the applicant, owners, 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 Objections

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

- **Traffic and congestion**

Traffic and congestion has been raised numerous times through objectors concerns. Council officers acknowledge these issues, with the Transport Planning Department stating that at the number of patrons proposed (eighty [80]), traffic and congestion to Athol Road is unlikely to be of detriment, and that this collector road has been designed to accommodate the additional level of traffic. It is noted that a permit condition will cap the maximum number of patrons at 80 (requiring 24 car parking spaces) to limit excess in private vehicles to and from the site. In addition, the proposed car parking area is designed in accordance with Clause 52.06-9, ensuring that vehicles can access and exit the site in an orderly manner without resulting in offsite traffic impacts.

- **Road safety**

Road safety has been raised numerous times through objectors concerns. Council officers acknowledge these issues, with the Transport Planning Department stating that at the number of patrons proposed, road and safety impacts are unlikely to be of detriment. In addition, the proposed car parking area is designed in accordance with Clause 52.06-9, ensuring that vehicles can exit the site in a forward direction, thus limiting any impact road safety impacts to Athol Road.

- **Car parking**

Car parking availability has been raised numerous times through objectors concerns. Council officers note that the proposal provides car parking in accordance with Clause 52.06-5 of the Planning Scheme, with a total of twenty seven (27) car parking spaces provided on site (inclusive of one disabled space), exceeding the total of twenty four (24) required.

- **Noise and disturbances**

Noise and disturbance has been raised numerous times through objector concerns. Council officers recommend that permit conditions are applied to ensure compliance with the relevant State Environment Protection Policy for Noise (N-1 for commerce, industry and trade).

2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)

- **Property values**

Whilst Council officers acknowledge the concerns of the objections, the impact of a proposed use on property values is not a planning consideration and will not be further considered in this assessment.

- **Religious belief**

Whilst Council officers acknowledge the concerns of the objections, the impact of a proposed use on religious beliefs is not a planning consideration and will not be further considered in this assessment.

- **Mental health**

Whilst Council officers acknowledge the concerns of the objections, the impact of a proposed use on mental health and the like is not a planning consideration and will not be further considered in this assessment.

Assessment

The proposed use and development has been assessed against the relevant Decision Guidelines of the General Residential Zone, specifically **Clause 32.08-13** for **general and non-residential use and development**, as well as **Clause 21.04-1 Land Use**.

In addition, the provisions of **Clause 71.02-3 Integrated Decision Making** have been considered. Society has various needs and expectation such as land for settlement, protection of the environment, economic wellbeing and various other social needs. Planning aims to meet these needs by integrating a range of planning policies relevant to the issues to be determined to balance conflicting objectives in favour of net community benefit and the orderly planning of a region.

With respect to this proposal, Council officers have considered the objections at hand, against the relevant Planning Policy Framework and Local Planning Policy Framework and have determined that the proposal is acceptable for the site and within the core of the General Residential Zone, as it provides a relevant service to the local community, without the consequence of any unacceptable offsite amenity impacts such as noise, traffic or the like. Overall, it is considered that the proposal - upon establishment – will result in a net community benefit to the surrounding area.

Use

The proposal is generally consistent with the PPF and LPPF of the Greater Dandenong Planning Scheme. Whilst the proposed non-residential use is seeking approval within a residential zone, it is considered that Athol Road is an appropriate location for this use, noting a number of other non-residential uses have established, including:

- A shopping centre is located at the corner of Springvale Road and Athol Road, approximately 815m to the west.
- Athol Road Primary School is located on Athol Road approximately 770m to the west.
- A Medical Centre is located at 175 Athol Road, approximately 875m to the west.

2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)

Although Athol Road is not a Road Zone, it is a collector/ main road, and therefore not considered a typical residential street, noting that the width is greater than that of a standard subdivisional road, and the road carries the 813 bus route.

In addition, Athol Road connects traffic between Springvale Road to the west and Corrigan Road to the east. Athol Road provides access to the shopping centre on the corner of Springvale Road as well as both Athol Road Primary Schools.

The proposed funeral parlour is considered to be appropriate and compatible within in a residential zone, where firstly it can serve the needs of the local community and secondly it is not impacted by the typical offsite effects of industrial or commercial areas (i.e. noise, air emissions and the like). As evident by other areas of the municipality, funeral parlours are typically located within residential areas.

The proposed use will serve the local community needs, similar to that of a place of worship. Funerals are an aspect of human life, and perform necessary services that seek to assist the community long term.

In addition, the use is considered to be of a lower order of intensity, with a maximum patronage proposed of eighty (80) persons, and only one (1) service maximum per day. A condition of permit (Condition 9) will require that services are only held between the hours of 9:30am to 3:30pm, which is outside of typical peak traffic hours, reducing impact to the road network through traffic and congestion. With the required conditions, the use is therefore not considered to result in significant offsite impacts from noise, air emissions, traffic or the like.

Having considered the above, in addition to the site previously being used for a non-residential use (place of worship) and the subsequent permit issued for a Medical Centre in 2018, it is considered that the location of the site is acceptable for a non-residential use and that the proposal is consistent with objective and strategy of Clause 21.04 (Land Use), as well as the purpose and objectives within the General Residential Zone.

Development

The existing building is being retained as part of this application with some minor additions to the exterior façade. The proposed works seek to modernise the frontage and provide a “calming” element with the addition of ponds adjacent the front entryway.

The development is of a minor scale and is unlikely to result in detriment to the established streetscape character of the area noting that the proposed alterations only seek to improve the existing built form, revitalising the established building.

The proposed works will therefore not affect the amenity of the streetscape or surrounding residential dwellings through visual bulk, height and massing, overshadowing or the like. However, a condition of permit (Condition 1.1) will require a minor adjustment to the additional roof form, ensuring that it is of a non-reflective nature so as to not result in glare to the road network or beyond.

2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)

The existing landscaping will be maintained across the site frontage, side and rear. The front setback landscaping presents as a formal garden area and has been well maintained to soften any built form of hard paving to the site frontage.

Waste and refuse disposal is to be to the satisfaction of the Responsible Authority with standard conditions recommended. A condition of permit (condition 1.2) will require the provision of a designated loading/unloading area for deceased persons, ensuring that when funeral services are held, there is sufficient space on the site for hearse vehicles to park, manoeuvre and relocate the deceased on the site without conflict with private vehicles.

Car Parking

Pursuant to Clause 52.06-5, a Funeral Parlour requires the provision of 0.3 car parking spaces per patron permitted. The applicant seeks approval for a maximum of eighty (80) persons on the site, thus requiring a total of 24 car parking spaces:

- 80 x 0.3 = 24 car parking spaces.

As a total of twenty seven (27) car parking spaces are provided within the car parking area, the proposal meets the provisions of Clause 52.06-5, with an excess of three (3) additional spaces available.

In assessing potential traffic impacts, it is noted that the intensity of the proposed use is at a scale that is compatible with an established residential area. As the use seeks approval for a maximum of eighty (80) patrons, the likelihood of traffic impacts is negligible, with an excess of three (3) car parking spaces provided on the site, and a well-designed car parking area to ensure cars can exit the site in a forwards direction from the site.

This assessment is further reinforced by Council's Transport Planning department who have not raised any concern with the number of persons proposed or the current configuration of the car parking space. A condition of permit will require that services are only held between 9:30am and 3:30pm, which is generally outside of peak traffic movement times.

In addition, the proposal meets the minimum requirements of the relevant design standards outlined at Clause 52.06-9, thus ensuring that the car park has been designed for efficient movement and safety.

Aboriginal Cultural Heritage Sensitivity

The subject site is located within an area of cultural sensitivity. However, as the site has previously undergone significant ground disturbance as defined by Regulation 5 of the *Aboriginal Heritage Regulations 2018*, the preparation of a CHMP is not required.

2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)**Conclusion**

The application has been assessed against the relevant sections of the Greater Dandenong Planning Scheme, including the Planning Policy Framework 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 for approval by Council officers.

Recommendation

That Council resolves to issue a Notice of Decision to Grant a Permit in respect of the land known and described as 69-71 Athol Road SPRINGVALE SOUTH VIC 3171 for the use and development of the land for a funeral parlour in accordance with the plans submitted with the application subject to the following conditions:

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:**
 - 1.1. The proposed glazed roofing is to be of a non-reflective nature.**
 - 1.2. The location of a designated loading/unloading area for hearse vehicles.**
- 2. The use and development as shown on the endorsed plans must not be altered without the further written consent of the Responsible Authority.**
- 3. Once the development has started, it must be continued and completed all to the satisfaction of the Responsible Authority.**
- 4. Except with the prior written consent of the Responsible Authority, the approved use must not commence and the land must not be occupied until all buildings and works and conditions of this permit have been complied with.**
- 5. Once the use is commenced, the land may only be used for the permitted use and the use must be conducted to the satisfaction of the Responsible Authority**
- 6. Goods, materials, equipment and the like associated with the use of the land must not be displayed or stored outside the building, without the further written consent of the Responsible Authority.**
- 7. Except with the prior written consent of the Responsible Authority, no more than eighty (80) patrons may be present on the premises at any one time.**
- 8. The approved use must only operate between the following hours (services may only be held in accordance with Condition 9):**
 - 8.1. Monday to Sunday: 8:30am to 9:00pm.**

2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)

All to the satisfaction of the Responsible Authority.

- 9. The approved use may only hold services between the following hours:**

9.1. Monday to Sunday: 9:30am to 3:30pm. Only one (1) service may be held per day.

All to the satisfaction of the Responsible Authority.

- 10. Before the development starts, an Operation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved the Responsible Authority. The Operation Management Plan must set out the measures to be implemented to assist in the orderly management of funeral services and to limit any impacts of the use on the amenity of the area. The Operation Management Plan must include the following:**

10.1. Management of patron entrance and exit from the premises.

10.2. Management of funeral processions entering and exiting the premises and travelling along Athol Road to minimise traffic impacts.

10.3. Management of excess patronage outside of the approved limit.

10.4. Details of any measures to work with neighbours or other residents in the immediate area to address complaints and general operational issues.

10.5. Details of security arrangements for the overnight housing of deceased persons.

10.6. Any other measures to be undertaken to ensure minimal amenity impacts from the premises.

- 11. The storage, preparation and embalming of deceased persons (or any like) process must not occur on the premises at any time.**

- 12. Before the occupation of the building hereby approved, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:**

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

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

12.3. Surfaced with an all-weather sealcoat.

12.4. Drained to the legal point of discharge.

12.5. Line-marked to indicate each car space and all access lanes.

2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)

Parking areas and access lanes must be kept available for these purposes at all times.

All to the satisfaction of the Responsible Authority.

- 13. The carparking 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, all to the satisfaction of the Responsible Authority.**
- 14. The operator under this permit must make all reasonable attempts to ensure that no vehicle under the operators control, or the operator's staff, are parked in the streets nearby, all to the satisfaction of the Responsible Authority.**
- 15. The carparking provided on the land must always be available for use by persons employed on or visiting the subject premises, and no measures may be taken to restrict access to the carpark by such persons, all to the satisfaction of the Responsible Authority.**
- 16. The car parking space for disabled persons designated on the endorsed plan/s must be clearly set aside for such a purpose and must not be used for any other purpose.**
- 17. Car spaces, access lanes and driveways must be maintained (including line marking) and kept available for these purposes at all times.**
- 18. All vehicles entering and exiting the site must do so in a forward direction, all to the satisfaction of the Responsible Authority.**
- 19. 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 Clause 52.06-9 of the Greater Dandenong Planning Scheme.**
- 20. 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.**
- 21. The amenity of the area must not be detrimentally effected by the use or development on the land, through the:**
 - 21.1. Transportation of materials, goods or commodities to or from the land**
 - 21.2. Appearance of any building, works or materials**
 - 21.3. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, girt or oil**
 - 21.4. Presence of vermin**

2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)

21.5. Adverse behaviour of patrons to or from the land; or

21.6. In any other way.

All to the satisfaction of the Responsible Authority.

- 22. Provision must be made for the drainage of the land including landscaped and pavement areas, to the satisfaction of the Responsible Authority.**
- 23. 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.**
- 24. The land must be kept in a neat and tidy condition at all times, to the satisfaction of the Responsible Authority.**
- 25. This permit will expire if:**
- 25.1. the development or any stage of it does not start within two (2) years of the date of this permit, or**
 - 25.2. The development or any stage of it is not completed within four (4) years of the date of this permit, or**
 - 25.3. The use does not start within one (1) year of the completion of the development, or**
 - 25.4. 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.

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

A building approval may be required prior to the commencement of the approved works

2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)

Except where no permit is required under the provisions of the Planning Scheme, no sign, flashing or intermittent lights, bunting or advertising device may be erected or displayed on the land without the permission of the Responsible Authority.

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

2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION - NO. 69-71 ATHOL ROAD, SPRINGVALE
SOUTH (PLANNING APPLICATION NO. PLN18/0546)**

ATTACHMENT 1

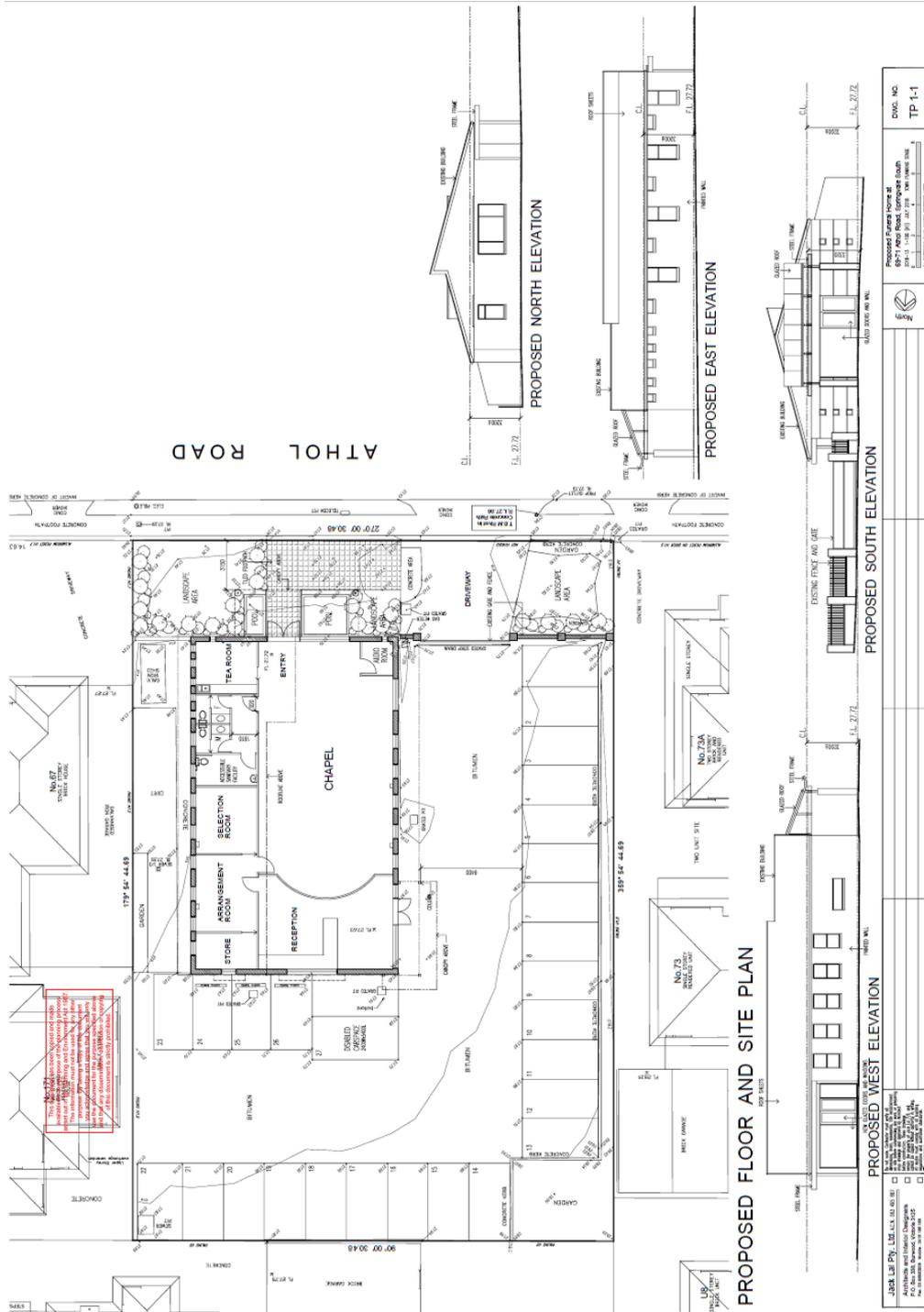
SUBMITTED PLANS

PAGES 3 (including cover)

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

ORDINARY COUNCIL MEETING - AGENDA

2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)



2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)

STATUTORY PLANNING APPLICATION

**TOWN PLANNING APPLICATION - NO. 69-71 ATHOL, SPRINGVALE
SOUTH (PLANNING APPLICATION NO. PLN18/0546)**

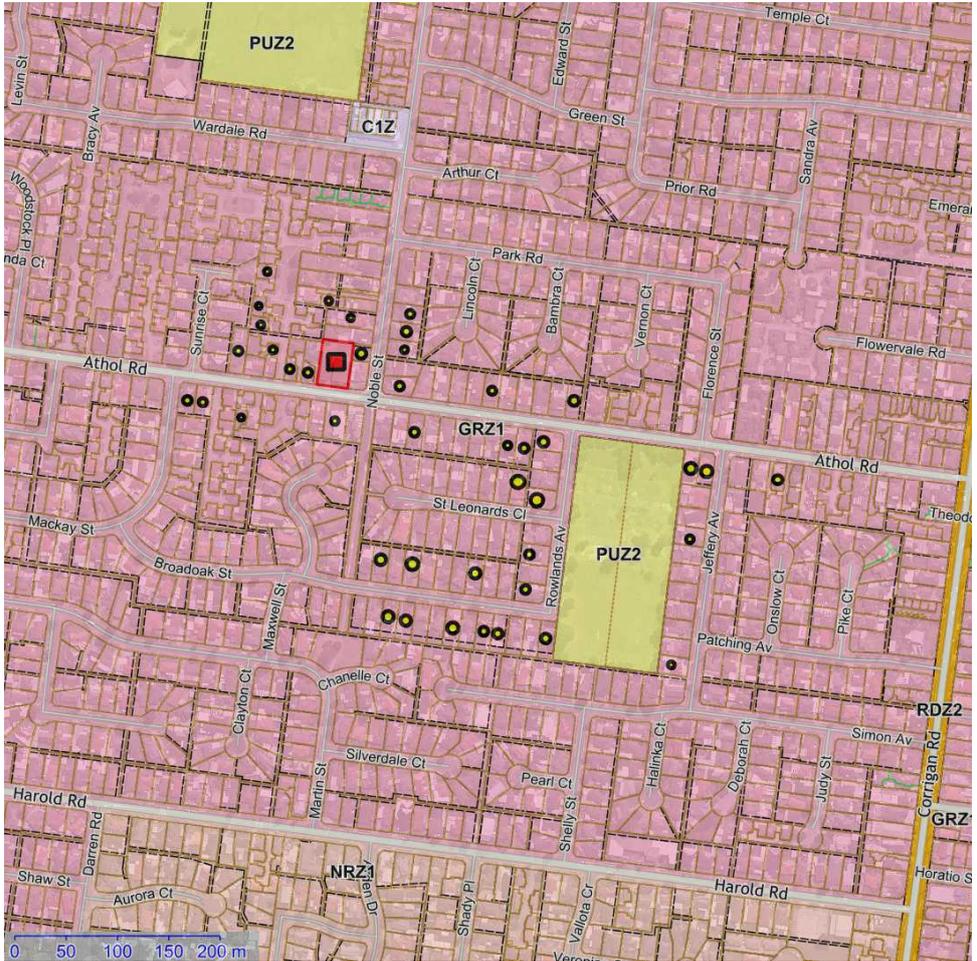
ATTACHMENT 2

LOCATION OF OBJECTORS

PAGES 2 (including cover)

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

2.3.3 Town Planning Application - No. 69-71 Athol Road, Springvale South (Planning Application No. PLN18/0546) (Cont.)



Subject site 

Objectors 

2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716)

File Id:	296825
Responsible Officer:	Director City Planning, Design and Amenity
Attachments:	Assessed plans

Application Summary

Applicant:	Juliette Lovett (Urbis)
Proposal:	Buildings and works to an existing RSL and to use land to sell or consume liquor (to increase the area liquor is allowed to be consumed or supplied).
Zone:	Comprehensive Development Zone Schedule 2
Overlay:	None
Ward:	Red Gum

The application proposes buildings and works to an existing RSL and to use land to sell or consume liquor (to increase the area liquor is allowed to be consumed or supplied).

A planning permit is required pursuant to Clause 37.02-4 (Comprehensive Development Zone) of the Greater Dandenong Planning Scheme, to construct a building or construct or carry out works.

A planning permit is required pursuant to Clause 52.27 (licensed premises) of the Greater Dandenong Planning Scheme, to use land to sell or consume liquor where the area that liquor is allowed to be consumed or supplied under a licence is to be increased.

This application is brought before the Council as all applications for a liquor licence (where they are not associated with a convenience restaurant, restaurant or take away food premises) must be determined at a Council meeting.

Assessment Summary

The application is for the buildings and works to an existing RSL and to use land to sell or consume liquor (to increase the area liquor is allowed to be consumed or supplied).

The RSL has been existing on the site and operating under existing liquor licences for a significant amount of time.

2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716) (Cont.)

The proposal is a minor extension to the existing RSL (increase of 44.22m²) and subsequent increase in the red line area to accommodate this extension. The extension is a small extension to the store room (38.4m²) on the southern side of the existing building and a small extension to the gaming room smoking area (5.82m²).

The proposal also involves some minor internal works/rearrangement including:

- New banquette seating to the bistro
- Upgraded bar
- Conversion of the function lounge to a snooker room
- Alteration of the TAB lounge to create a second alfresco
- Upgraded back of house/kitchen area.

The proposal has been assessed against the relevant decision guidelines and is considered appropriate for the area and is not considered to result in adverse amenity impacts, subject to permit conditions. In addition, the proposal complies with the car parking requirements of Clause 52.06 of the Greater Dandenong Planning Scheme.

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 the State and Local policy as well as the purposes of the zone which applies to the subject site. This report recommends that the application be supported, and that a **Permit be granted** subject to conditions as set out in the recommendation.

**2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716)
(Cont.)**

Subject Site and Surrounds

Subject Site

- The subject site is located on the corner of Stud Road and Clow Street.
- The site is irregular in shape, with an overall area of 8870 m².
- The site has a frontage to Clow Street of approximately 100 metres and a frontage to Stud Road of approximately 120 metres.
- The site is generally flat, however, there is a large retaining wall and garden embankment on the northern and western boundaries to Stud Road and Clow Street intersection. The site is set down lower than the finished level of the intersection of Stud Road and Clow Street.
- The site is currently accessed using the car parking and access for the Plaza Shopping Centre.
- The site contains an existing RSL building and associated car parking area, which has been existing on the site for a significant amount of time. The RSL includes a bistro, members lounge, electronic gaming machines and other ancillary components.
- There is a two (2) metre wide Melbourne Water sewerage easement running through the site, however, the proposed buildings and works do not cover this easement.

Surrounding Area

- The subject site is located within and on the north eastern corner of the Central Dandenong Activity Centre.
- To the south and west is the Dandenong Plaza shopping centre and car park within the Comprehensive Development Zone Schedule 2 of Central Dandenong.
- To the east is Stud Road. Further east are single storey residential dwellings in a Residential Growth Zone Schedule 1. Access to these properties is off Foster street East and Clow Street (not Stud Road). A high timber fence along the western boundary of these properties faces the subject site.
- To the north is Clow Street. Further north are single and double storey residential dwellings, a four storey apartment building and a petrol station all in a Residential Growth Zone Schedule 1. Access to these properties is off Clow Street.
- Diagonally across the intersection of Clow Street and Stud Road is a Hungry Jacks convenience restaurant.

2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716) (Cont.)

Locality Plan



Background

Previous Applications

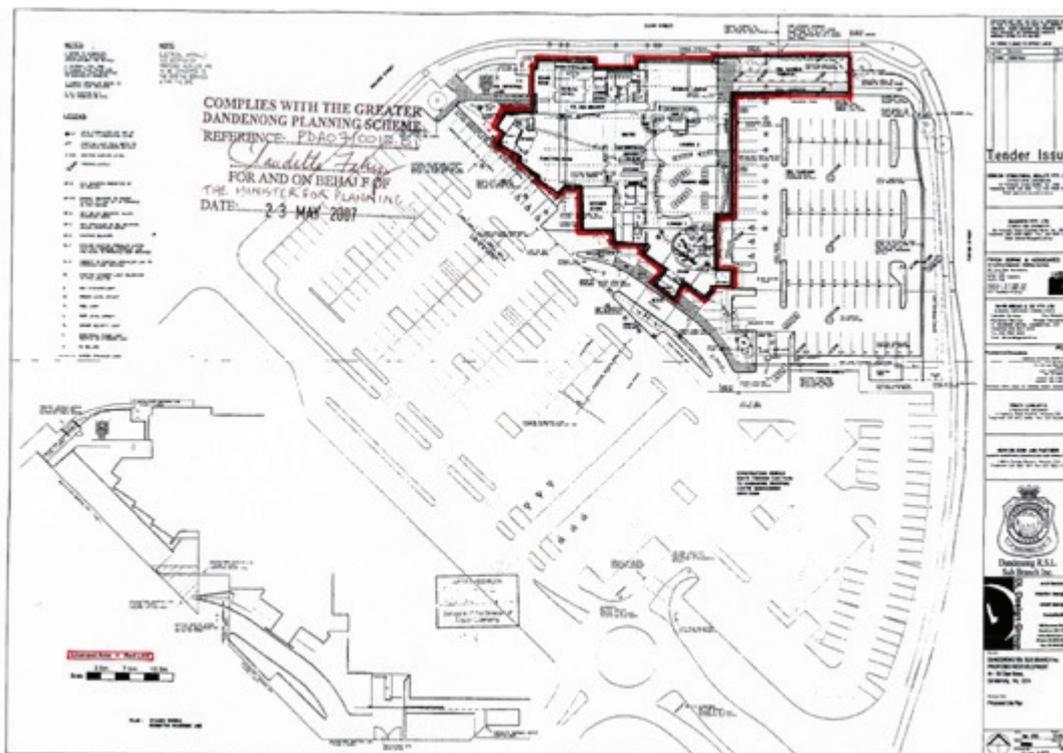
A search of Council records revealed that Council has previously considered the following planning applications for the site:

- The RSL was constructed as part of Planning Scheme Amendment L24 which included the rezoning of land in the vicinity of Walker Street, Clow Street, Stud Road extension and Foster Street, the closing of Rudduck Street, along with the development of the site currently known as the Dandenong Plaza.

ORDINARY COUNCIL MEETING - AGENDA

2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716) (Cont.)

- Planning Permit No. 99/496 was issued by the City of Greater Dandenong on 14 March 2000 for *additions and alterations to the existing RSL premises, including the construction of a two level car park area above the existing bowling green on the corner of Clow Street and Stud Road*. This permit was not acted upon.
- Planning Permit PLN01/0779 issued on 11 June 2002. This Permit was issued for *buildings and works, including alterations and additions to the existing Returned Services League (RSL) premises, with associated car parking and landscaping*. This Permit required a minimum of 140 spaces to be provided on the site within the former bowling green area and within the designated shared parking area (shared with the Dandenong Plaza), though 90 of these spaces were to be for the sole use of RSL patrons (on the former bowling green). An amended plan, endorsed on 25 July 2002, allowed the 90 spaces for the sole use of RSL patrons to be reduced to 85.
- PLN05/0626 was issued in 2005 for *'buildings and works comprising an extension to the existing building and a reduction in car parking'*
- PDA07/0010 was a request to amend planning permit PLN05/0626 to include *'extension of the red line area'* in the permit preamble. The amendment was never issued. Instead, the Minister issued a letter stating that the licensed area did not contravene the Greater Dandenong Planning Scheme. The letter (dated 23 May 2007) was accompanied by a plan that stated that the red line area did not contravene the Greater Dandenong Planning Scheme. See image below:



2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716) (Cont.)

Proposal

The application proposes a small extension to an existing RSL and minor internal rearrangements/upgrades. Subsequently, the application also proposes to increase the area that liquor is allowed to be consumed or supplied (the red line area).

The RSL has been existing on the site and operating under existing liquor licences for a significant amount of time.

The extension is a small extension to the store room (38.4m²) on the southern side of the existing building and a small extension to the gaming room smoking area (5.82m²).

The proposal also involves some minor internal works/rearrangement including:

- new banquette seating to the bistro
- upgraded bar
- conversion of the function lounge to a snooker room
- removing TAB lounge to create a second alfresco
- upgraded back of house/kitchen area.

The proposed red line area includes the proposed extensions to the store room and gaming room smoking area. It also now excludes the toilets, main entrance and member's entry. An Alcohol Management Plan has also been submitted.

The application does not propose to relocate the gaming room or increase the number of gaming machines within the venue.

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

Victorian Charter of Human Rights and Responsibilities

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

Financial Implications

No financial resources are impacted by this report.

Planning Scheme and Policy Frameworks

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

- Clause 37.02-4 (Comprehensive Development Zone): A planning permit is required to construct a building or construct or carry out works.
- Clause 52.27 (Licensed Premises): A planning permit is required to use land to sell or consume liquor if the area that liquor is allowed to be consumed or supplied under a licence is to be increased.

2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716) (Cont.)

The relevant controls and policies are as follows:

Zoning Controls

The subject site is located in a Comprehensive Development Zone.

The purpose of the Comprehensive Development Zone outlined at Clause 37.02 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.*

Pursuant to Clause 32.02-4, a permit is required to construct a building or construct or carry out works.

The Central Dandenong Comprehensive Development Plan, August 2010 applies. The site is located within precinct D, where the use and development objectives are:

- *To create a mix of business and employment uses such as enclosed retail at ground level.*
- *To encourage high density residential and office development above the ground floor level.*
- *To require enclosed retail to integrate with the public realm at the ground floor level.*
- *To better integrate existing enclosed shopping centres with the surrounding land and streetscapes.*
- *To encourage residential development at upper storey levels.*

Overlay Controls

No overlays affect the subject site or surrounding area.

Planning Policy Framework (PPF)

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

- To provide for the fair, orderly, economic and sustainable use, and development of land.*
- To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
- 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.*
- To protect public utilities and other facilities for the benefit of the community.*

2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716) (Cont.)

(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 Planning Policy Framework that need to be considered under this application.

Clause 17 – Economic Development

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

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

Local Planning Policy Framework

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

The MSS is contained within Clause 21 of the Scheme. The MSS at **Clause 21.02** focuses on the **Municipal Profile**.

A **Vision for Greater Dandenong** is outlined at **Clause 21.03**. One of the key focus areas and strategic directions is to *showcase central Dandenong as a preferred destination for high quality government services, housing, commercial, retail and **entertainment activities***.

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 21.04-2 (Retail, commerce and entertainment) and 21.05-1 (Urban design, character, streetscapes and landscapes).

Clause 21.04 – Land Use

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

2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716) (Cont.)

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

Particular Provisions

Clause 52.06 – Car Parking

The purposes of this provision are:

- *To ensure that car parking is provided in accordance with the Planning Policy Framework and Local Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demands 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 before the floor area of an existing use is increased, the number of car parking spaces required under Clause 52.06-5 must be provided on the land.

The required spaces are identified in the table to Clause 52.06-5.

The table at Clause 52.06-5 specifies that the following car parking rate is required for the use of the land for hotel and tavern:

- 3.5 spaces to each 100 square metres of leasable floor area.

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.

The required number of car parking spaces is provided on the land, therefore, the applicant is not seeking a reduction in the car parking required. This will be further discussed below.

Clause 52.27 – Licensed Premises

The purposes of this provision are:

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

2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716) (Cont.)

A planning permit is required to use land to sell or consume liquor if the area that liquor is allowed to be consumed or supplied under a licence is to be increased. This will be further discussed below.

Clause 52.34 – Bicycle Facilities

The purposes of this provision are:

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

Clause 52.34-1 notes that 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 required facilities are identified in the table to Clause 52.34-3.

The table at Clause 52.34-3 specifies that the following bicycle facilities are required for the use of the land for hotel:

- For employees: 1 to each 25 square metres of bar floor area available to the public, plus 1 to each 100 square metres of lounge floor area available to the public
- For visitors: 1 to each 25 square metres of bar floor area available to the public, plus 1 to each 100 square meters of lounge floor area available to the public

The design of bicycle spaces should be designed in accordance with the requirements of Clause 52.34-4 of the Scheme.

No changes is proposed to the bar floor area available to the public. No change is proposed to the lounge floor area available to the public. Therefore, the applicant is not seeking a reduction in the bicycle facilities required.

General Provisions

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

Council Policy

Alcohol Management Policy

Council's Alcohol Management Policy has been developed to support the City's economic vitality, while enhancing safety, amenity, health and wellbeing in the City of Greater Dandenong through the effective assessment and enforcement of matters relevant to alcohol supply and use within the municipality.

2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716) (Cont.)

The Policy is intended to apply to all new liquor licences, including those for events and activities in Council venues. The Policy creates a consistent and integrated approach across planning, regulation, enforcement and community safety activities of Council.

The Policy ensures that applicants for planning permits where a liquor licence is required, prepare an Alcohol Management Plan as part of their application. An Alcohol Management Plan must be completed in order to manage and mitigate potential risks with the provision of alcohol.

Information Guidelines have been developed to assist applicants with the preparation of Alcohol Management Plans. The draft Guidelines also provide a checklist to explain to applicants how Council planners will assess liquor licence applications and to seek to improve future applicant's understanding of the responsibilities and potential risks associated with the sale of alcohol.

This policy was adopted on 9 December 2013 and re-adopted on 9 April 2018.

Restrictive Covenants

Agreement U579599S- refers to the car park for the RSL being kept open and accessible, fencing common boundary when the site is no longer used as an RSL, management of the car park, and requires any redevelopment to comply with the provisions of the scheme and car parking to be provided in accordance with the scheme.

The proposal will not breach the agreement. No changes are proposed to the existing car parking spaces. The proposed buildings and works do not require any additional car parking spaces to be provided. The site is in compliance with the requirements of CL52.06 for car parking.

Council Plan 2017-2021 – Strategic Objectives, Strategies and Plans

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

Diversity (Access & Equity)

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

Community Safety

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

Safe Design Guidelines

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

2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716) (Cont.)

Referrals

Pursuant to Section 55 of the *Planning and Environment Act 1987*, the application was externally referred to Development Victoria (VicUrban). Development Victoria did not object to the proposal.

Internal

The application was internally referred to Council's Community Services Department for their consideration. Council's Community Services Department did not object to the proposal.

Advertising

Pursuant to Clause 37.02-4 of the Greater Dandenong Planning Scheme, an application for buildings and works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if it is generally consistent with the comprehensive development plan. It is considered that the proposal is generally consistent with the comprehensive development plan. This will be further discussed in the assessment section below.

Notice of the application to extend the area where liquor is allowed to be consumed or supplied under a licence is not required to be given under Section 52 of the *Planning and Environment Act 1987* as it is considered that the proposal will not result in material detriment to any person for the following reasons:

- No change is proposed to the total number of patrons allowed on site.
- No change is proposed to the existing hours of operation.
- There is no change to the existing car parking numbers or layout.
- The small increase in floor area does not require any additional car parking to be provided.
- The small change to the red line area is to accommodate the expansion of the storage room and gaming room smoking area. The addition to the storage room is only 38.4m², is enclosed and is located in the south west corner of the site facing the shopping centre. The small addition to the existing gaming room smoking area is only 5.82m² in area and is located on the east, adjacent to the existing car parking area and well setback from the property boundaries.

Assessment

Development

The proposed development is a small increase in the existing floor area. The store room will be extended by 38.4sqm and the gaming room smoking area will be extended by 5.82sqm.

The proposal also involves some minor internal works/rearrangement including:

- new banquette seating to the bistro
- upgraded bar
- conversion of the function lounge to a snooker room
- removing TAB lounge to create a second alfresco

2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716) (Cont.)

- upgraded back of house/kitchen area.

It is considered that the proposed buildings and works are in accordance with the requirements of the Central Dandenong Comprehensive Development Plan (August 2010). The proposed building and works are in keeping with the existing development on the site, are well articulated where facing the street frontage and do not impede on any pedestrian connections. The Comprehensive Development Plan states that the role of this precinct (precinct D) is to build upon the existing commercial base. It is considered that the proposal is building upon the existing commercial base. The proposal is an upgrade and small extension to the existing RSL.

It is considered that the proposal will provide adequate car parking on site in accordance with the requirements of Clause 52.06 of the Greater Dandenong Planning Scheme (see car parking assessment below) and no change is proposed to the existing access arrangements. In addition, no change is proposed to the existing maximum patron numbers or hours of operation. Therefore, it is considered that the effect of traffic to be generated on roads by this proposal will be negligible.

Signage

No signage is included as part of this proposal.

Car Parking

Clause 52.06 of the Greater Dandenong Planning Scheme requires car parking to be provided at a specified rate for each use.

Clause 52.06-2 notes that before the floor area of an existing use is increased, the number of car parking spaces required under Clause 52.06-5 must be provided on the land.

Clause 52.06-5 states that where an existing use is increased by the measure specified in Column C of Table 1 for that use, the car parking requirement only applies to the increase, provided the existing number of car parking spaces currently being provided on connection with the existing use is not reduced.

The table at Clause 52.06-5 specifies that the following car parking rate is required for the use of the land for hotel and tavern:

- 3.5 spaces to each 100m² of leasable floor area.

The additional floor area is 44.22m². The existing number of car parking spaces is not being reduced.

$44.22/100 \times 3.5 = 1.5$ spaces. Rounded down, 1 space required for the increase in floor area.

However, it is noted that the site contains more car parking spaces than is required by the current planning scheme.

VC149 introduced the Principal Public Transport Network (PPTN) area and the site is now subject to the requirements of 'column B' in the table to Clause 52.06, meaning that the car parking requirement is now based on floor area, not patron numbers (as was the case prior to VC149).

2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716) (Cont.)

The total floor area of the site (with the proposed extension) is approximately 2440 m². Therefore, 85 spaces are required. 127 spaces are existing on the site.

The site (with the proposed extension) complies with the car parking requirements of Clause 52.06.

The existing car parking is designed and constructed in accordance with the requirements of Clause 52.06-8 and 52.06-10 of the Scheme.

Loading and Unloading

The loading and delivery area is located to the south of the existing building, adjacent to the proposed store room extension. The loading area will remain. A small change is proposed to the location of the roller shutter door used for deliveries, however, the loading area remains unchanged.

Bicycle Facilities

Clause 52.34-1 notes that 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 required facilities are identified in the table to Clause 52.34-3.

The table at Clause 52.34-3 specifies that the following bicycle facilities are required for the use of the land for hotel:

- For employees: 1 to each 25 m² of bar floor area available to the public, plus 1 to each 100 m² of lounge floor area available to the public
- For visitors: 1 to each 25 m² of bar floor area available to the public, plus 1 to each 100 m² of lounge floor area available to the public

The design of bicycle spaces should be designed in accordance with the requirements of Clause 52.34-4 of the Scheme.

No changes are proposed to the bar floor area available to the public. No change is proposed to the lounge floor area available to the public. Therefore, the applicant is not seeking a reduction in the bicycle facilities required.

Vegetation & Tree Impact (Site & Surrounds)

The proposal will not impact on any existing native vegetation.

Aboriginal Cultural Heritage Sensitivity

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

2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716) (Cont.)**Extension to the liquor licence area (red line area)**

The RSL has been operating under existing liquor licences for a significant amount of time (current liquor licence 3215034). In addition, the Minister for Planning issued a letter dated 23 May 2007 stating that the existing red line area did not contravene the requirements of the Greater Dandenong Planning Scheme.

The proposal to extend the red line area is to accommodate the proposed addition to the store room and gaming room smoking area.

The applicant has submitted an updated red line plan for endorsement, together with an Alcohol Management Plan to outline their commitments to harm reduction within the City of Greater Dandenong.

No change is proposed to the existing hours of operation. Current hours of operation (as detailed in the proposed Alcohol Management Plan) are:

- Monday to Wednesday 9am to 12 midnight
- Thursday 9am to 1am the following day
- Friday 9am to 1.30am the following day
- Saturday 10am to 1am the following day
- Sunday 10am to 12 midnight
- Christmas day closed
- Good Friday 12 noon to 12 midnight
- ANZAC Day 12 noon to 11.30pm

No change is proposed to the existing maximum patron numbers. The existing liquor licence allows up to 1220 patrons.

It is considered that the small increase in the red line area will not result in amenity impacts to the surrounding area. The addition to the storage room is only 38.4 m², is enclosed and is located in the south west corner of the site facing the shopping centre. The small addition to the existing gaming room smoking area is only 5.82 m² in area and is located on the east, adjacent to the existing car parking area and well setback from the property boundaries.

It is considered that the small increase in red line area will not result in a negative cumulative impact of existing licenced premises in the area as the proposal is only a small extension to an existing licenced premises.

Conclusion

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

Overall it is considered that the proposed buildings and works and extension to the liquor licence area (red line area) are appropriate having regard to the existing use and development on the site and the site's location within a Comprehensive Development Zone.

2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716) (Cont.)

Recommendation

That Council resolves to Grant a planning permit in respect of the land known and described as No. 44 Clow Street, Dandenong, for the purpose of buildings and works to an existing RSL and to use land to sell or consume liquor (to increase the area the liquor is allowed to be consumed or supplied) in accordance with the plans submitted with the application subject to the following conditions:

- 1. The development as shown on the endorsed plans must not be altered without the further written consent of the Responsible Authority.**
- 2. Once the development has started, it must be continued and completed in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.**
- 3. Wheel stops must be installed within the car parking spaces adjacent to the gaming room smoking area extension, in accordance with the relevant Australian Standards.**
- 4. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:**
 - 4.1. Monday to Wednesday 9am to 12 midnight*;
Thursday 9am to 1am the following day*;
Friday 9am to 1.30am the following day*;
Saturday 10am to 1am the following day*;
Sunday 10am to 12 midnight*;
*Except Good Friday and ANZAC Day**
 - 4.2. Good Friday between 12 noon and 12 midnight**
 - 4.3. ANZAC Day between 12 noon and 11.30pm.**
- 5. The sale and consumption of liquor must comply with the endorsed Alcohol Management Plan at all times.**
- 6. Noise emitted from the premises must not exceed the permissible noise levels determined in accordance with the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.**
- 7. The operator or security staff of the premises must take reasonable steps to ensure that patrons leaving the premises act in an orderly manner and to the extent reasonably practicable must discourage patrons from loitering within the vicinity of surrounding residences.**

2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716) (Cont.)

- 8. At all times when the approved use is operating, a person over the age of 18 years (Manager) must be present at the premises. The Manager must ensure that activities on the land and the conduct of persons entering, leaving and present on the land do not have a detrimental impact on the amenity of the area to the satisfaction of the Responsible Authority.**

The operator must authorise the Manager on behalf of the operator to make statements at any time to any officer of the Responsible Authority, the Victoria Police or an authorised person defined under the *Liquor Control Reform Act 1998* and to take action in accordance with a direction by such officer.

- 9. 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.**

- 10. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view (except when collection is to occur the following morning).**

- 11. This permit will expire if one of the following circumstances applies:**

- 11.1. the development or any stage of it does not start within two (2) years of the date of this permit, or**
- 11.2. The development or any stage of it is not completed within four (4) years of the date of this permit.**
- 11.3. the use does not start within one (1) year of the completion of the development, or**
- 11.4. 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.

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:

**2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716)
(Cont.)**

- 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.**

Permit notes:

- **A building approval may be required prior to the commencement of the approved works.**
- **The operator must obtain the relevant licence from the Victorian Commission for Gambling and Liquor Regulation prior to the sale and/or consumption of liquor from the premises.**

**2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716)
(Cont.)**

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION - NO 44 CLOW STREET, DANDENONG (PLANNING
APPLICATION NO. PLN18/0716)**

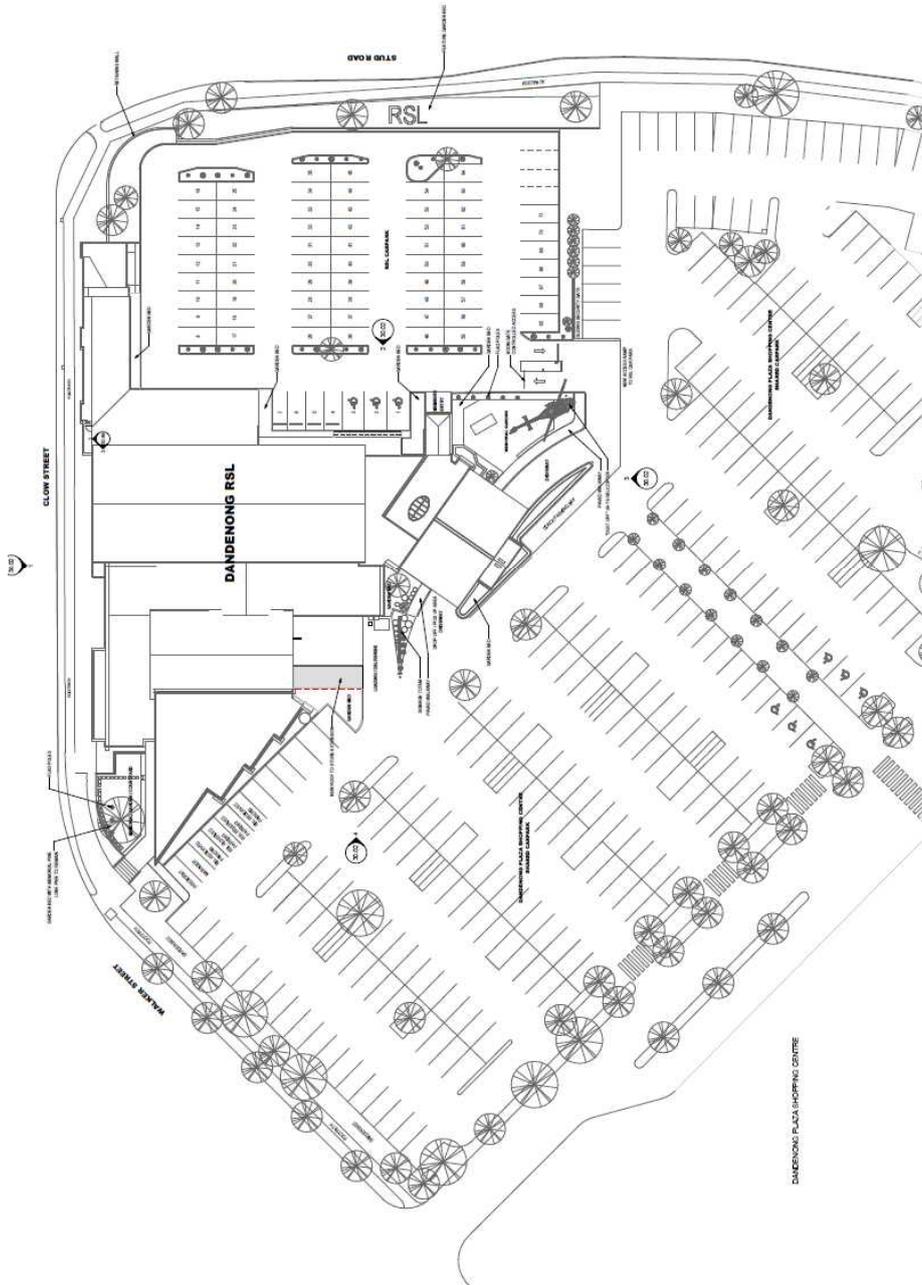
ATTACHMENT 1

ASSESSED PLANS

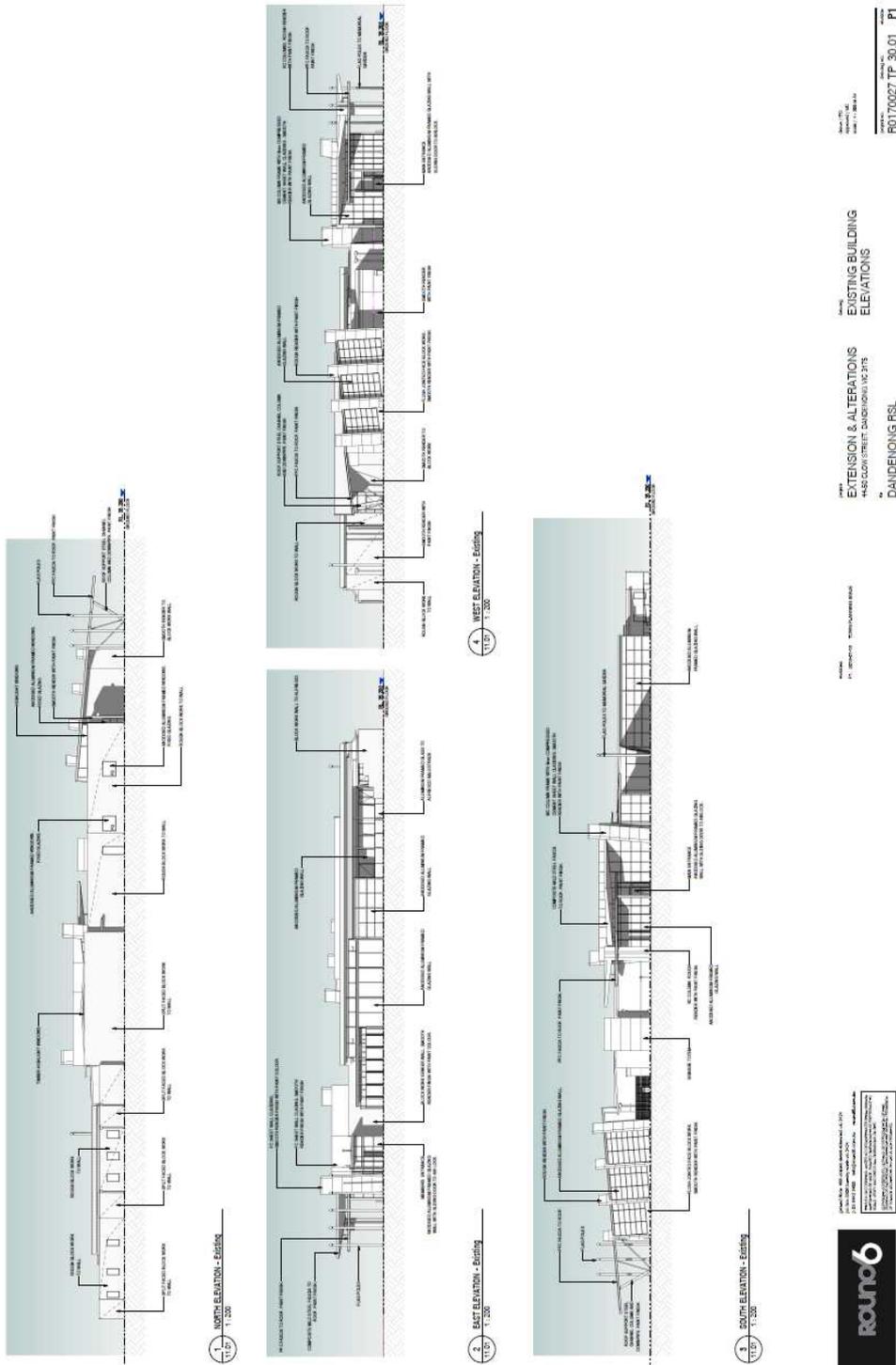
PAGES 11 (including cover)

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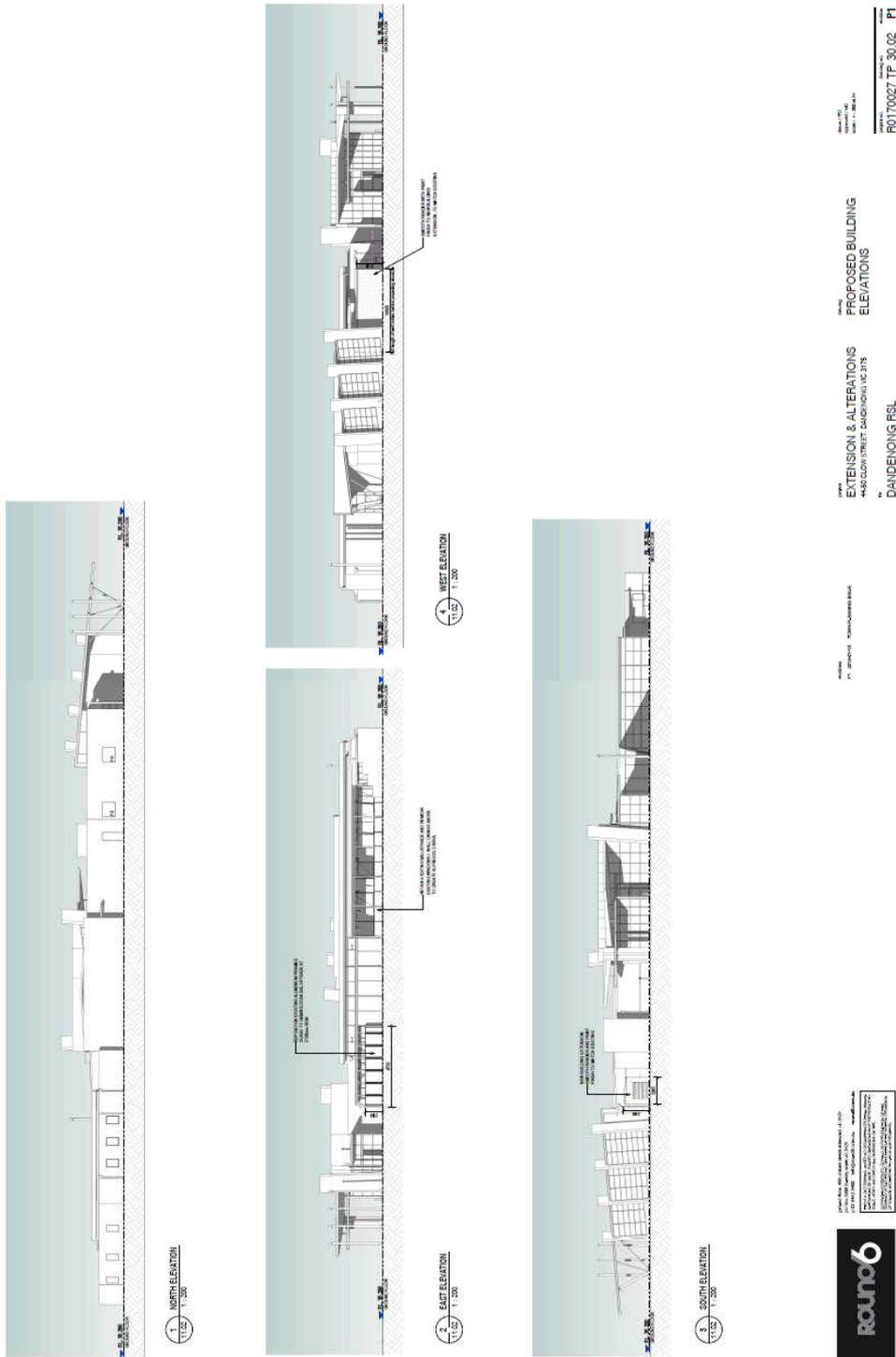
**2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716)
(Cont.)**



2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716) (Cont.)



2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716) (Cont.)



**2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716)
(Cont.)**



44 - 50 Clow Street
Dandenong VIC 3175
PO Box 8038
Dandenong VIC 3175
Ph: 03 9792 1535
IAN: A0052918V
ABN: 76 148 970 198
PRESIDENT: John C Wells OAM
SECRETARY: Barry Rogers
GENERAL MANAGER: Greg Betros

ALCOHOL MANAGEMENT PLAN
Introduction and Context

Dandenong RSL has always provided and will continue to provide strict adherence to all RSA guidelines.
Dandenong RSL has always been a proud member of the Dandenong Liquor Accord being a signatory of the original accord the 19th of December 2005.

Liquor Licence
The current liquor license is a FULL CLUB LICENCE Licence which authorises the sale of liquor for consumption on the premises including the sale of take away liquor to financial RSL Club members.
The predominant activity carried out on the premises is gaming, entertainment, wagering and bars, will be accompanied by the preparation and serving of meals to be consumed on the licensed premises.
The current premises are within a shopping precinct zone and the hours of operation are:

CLUB Operating hours are 9am – 12 midnight Monday to Wednesday
 9am – 1am Thursday, Friday 9am – 1.30am
 10am – 1am Saturday, 10am – 12 midnight Sunday

Bar Operating Hours: 10am -11pm Sunday to Wednesday
 10am – 12.30 am Thursday and Saturday, 10am – 1.00am Friday

Bar Sale of Liquor: 11am-10 pm Monday to Sunday

Christmas Day closed, Good Friday 12 noon till 12 midnight and ANZAC Day 12 noon and 11.30pm

The premises are located within a Comprehensive Development Zone and is situated 30 metres from the nearest residential area. Therefore, the license is not likely to impact on residential amenity.
The current premises are not within a cluster and would not contribute to cumulative impact should amplified or live music be played. The music would be restricted to between the hours of 7pm and 11.30pm on Saturday's and 7pm -10pm Sunday's
As a fully licenced RSL Club, on-site security is provided from 3pm Saturday – Monday and 5pm Tuesday - Friday
Live music has been and will be played at background level only.

**2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716)
(Cont.)**



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Policies and Strategies to Reduce Risk

Compliance Risks

Dandenong RSL will continue to comply with the standards of the Department of Justice and Regulation's 'Design Guidelines for Licensed Premises' 2009 and VCGLR's 'Safe Function Guidelines' 2018.

As part of compliance risk minimisation, Dandenong RSL will continue to work with all relevant bodies complying with regulations and permit conditions, be aware of the recommended practices adhered to by members of the Greater Dandenong Liquor Forum and continue to participate where appropriate.

The following strategies will be employed in order to comply with Victorian State law regarding the sale and consumption of liquor within the Red Line area in accordance with the *Liquor Control Reform Act 1998* and the *Planning and Environment Act 1987*.

At all times Dandenong RSL has a Club Supervisor rostered on duty as a minimum along with a full time Operations Manager and a full time General Manager ensuring that the Dandenong RSL is complying with its AMP.

Responsible Service of Alcohol

The Dandenong RSL has a minimum standard that all staff are appropriately trained for the Responsible Service of Alcohol (RSA) by a Registered Training Organisation to ensure that they have the skills and knowledge necessary to contribute to a safe environment in and surrounding licensed premises.

The operator is able to provide easily accessible RSA records of new entrant training, that the operator and all staff are appropriately trained, undertake refresher courses and remain up-to-date throughout their employment.

The operator and staff will be capable of the following:

- Serving alcohol and monitoring its consumption according to the requirements of the Liquor Control Reform Act.
- Providing accurate information to customers on alcoholic beverages and standard drinks
- Preparing and serving standard drinks according to industry requirements
- Recognising and monitoring drinking behaviour to prevent possible intoxication
- Identifying changes in behaviour, observing emotional and physical state of customers for indications of intoxication
- Requesting and obtaining proof-of-age before sale or service of alcohol
- Refusing sale or service of alcohol where a customer may be intoxicated or a minor
- Ensuring minors on the premises do not consume alcohol through secondary service
- Educating patrons, particularly young people, about potential harms associated with alcohol use
- Identifying and diffusing, through appropriate communication and conflict resolution skills, difficult situations relating to the refusal of service of alcohol.

Behavioural Risks

**2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716)
(Cont.)**



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House Policies and strategies will be developed to ensure the wellbeing and safety of all patrons and staff in accordance with recommendations by the VCGLR and City of Greater Dandenong.

Signage at Entry/Exit Points and Toilet Facilities

Signage placed in key strategic locations will detail House Policies to assist patrons to understand expected behavioural standards, such as:

- A map of the venue with the Red Line clearly visible with a short description of its purpose
- A Code of Practice that discourages drinking promotions resulting in rapid alcohol consumption
- Signage that outlines appropriate behaviour by patrons, particularly that:
 - Alcohol is not to be consumed in any public places in the municipality, such as in the car park and related areas, and that up to a \$1,000 Local Laws fine applies
 - That the safety and amenity of people and property in surrounding areas is to be respected upon leaving the premises.

Health and Safety Strategies

To optimise the health, safety and wellbeing of all those on the premises, the operator and staff will:

- Undergo RSA training and regular updates to ensure all those working in the premises are equipped with the skills and knowledge to minimise risks associated with behaviour and alcohol consumption
- Develop and apply strategies that minimise the potential for negative patron behaviour, including the use of safe queuing and dispersal practices
- Develop and apply strategies that maximise amenity and safety for patrons and staff entering and exiting the premises, such as adequate car park lighting, latest CCTV digital cameras, security staff, adequate staff/patron ratios at peak service times
- A Safe Transport Strategy regarding how people can get home safely (including availability of taxis)
- Addressing incidents of broken glass quickly by the operator or staff to ensure injury minimisation
- Providing access to free water at all Bars and food service areas.

Amenity Risks

External amenity impacts will be avoided through adopting the recommended principles in the Department of Justice and Regulation's 'Design Guidelines for Licensed Premises' 2009. Methods for minimising amenity impacts on surrounding uses will include:

- Leading by example by maintaining welcoming and orderly indoor and outdoor areas
- Using fencing, and/or signage and outdoor areas to indicate transitional spaces between car parks and entry/exit points to the premises
- Maintaining clear sightlines and maximising opportunities for passive surveillance to and from the premises of outdoor areas, e.g., ensuring landscaping is kept neat and cut low
- Ensuring outdoor areas in and around the premises are well lit and have an active staff presence

**2.3.4 Town Planning Application – No. 44 Clow Street, Dandenong (Planning Application No. PLN18/0716)
(Cont.)**



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- Ensuring regular cleaning of indoor and outdoor areas, e.g., providing accessible bins with lids to prevent windblown rubbish
- Providing ashtrays in smoking designated areas where allowed, to prevent littering
- Encouraging a quiet exit from patrons leaving into the surrounding areas by providing mints, lollipops or other treats and an active staff presence at payment/registration counter and exit points.

Conclusion

This Alcohol Management Plan aims satisfy the requirements of the City of Greater Dandenong Alcohol Management Policy and Alcohol Management Plan Information Guidelines last adopted on 9 April 2018.

This report addresses the requirements outlined in Council's policy, with a focus on reducing risks to compliance, behaviour and amenity, by:

- Ensuring the operator and staff are well trained and up-to-date with their RSA requirements
- Application of principles and recommendations of the VCGLR and Department of Justice and Regulation
- Strategies to reduce the likelihood of alcohol-related anti-social behaviour, violence and/or vandalism
- Maintaining a welcoming, orderly and supportive environment with a focus on food, refreshments, and encouraging responsible service and consumption of alcohol.

2.4 POLICY AND STRATEGY

2.4.1 Recreation Reserve Advertising, Promotional and Club Signage Policy

File Id:

Responsible Officer:

Director Community Services

Attachments:

Draft Recreation Reserve Advertising,
Promotional and Club Signage Policy

Report Summary

The Recreation Reserve Advertising, Promotional and Club Signage Policy establishes a framework for the approval and installation of advertising, promotional and club signage by tenant clubs on Council's Sporting Reserves. The draft policy is in keeping with all signage which complies with the Greater Dandenong Planning Scheme as per clause 52.05-10 'Signs not requiring a permit'.

Recommendation Summary

This report recommends that the Recreation Reserve Advertising, Promotional and Club Signage Policy be approved by Council.

2.4.1 Recreation Reserve Advertising, Promotional and Club Signage Policy (Cont.)

Background

There is currently a wide variety of signage erected on Council recreation reserves a number of which do not comply with the Greater Dandenong Planning Scheme. In the past, Council has been approached by clubs enquiring about the process to erect signage on reserves, however there has not been a consistent response as no department is specifically responsible for this.

Proposal

The Recreation Reserve Advertising, Promotional and Club Signage Policy acknowledges that sponsorship agreements incorporating advertising signage provides sports clubs with an important source of income that helps support the provision of sporting activities and opportunities for the local community.

Benchmarking has been conducted with other municipalities including City of Greater Geelong, City of Casey and Monash City Council in regard to how they manage advertising, promotional and club signage on recreation reserves.

Many existing pavilions have a variety of club signage on the interior walls recognising their members and club history. As Council redevelops and builds new pavilions it should be recognised these facilities will be shared by multiple tenants and the community, potentially at the same time.

Following the adoption of this policy, Council intends to develop a 'Signage Style Guide' for recreation reserves to provide guidance on Council developed signage.

Community Plan 'Imagine 2030' and Council Plan 2017-21 – 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

- *Cultural Diversity* – Model multicultural community
- *Outdoor Activity and Sports* – Recreation for everyone

Place

- *Sense of Place* – One city many neighbourhoods
- *Safety in Streets and Places* – Feeling and being safe
- *Appearance of Places* – Places and buildings

Opportunity

- *Education, Learning and Information* – Knowledge

2.4.1 Recreation Reserve Advertising, Promotional and Club Signage Policy (Cont.)

- *Jobs and Business Opportunities* – Prosperous and affordable
- *Tourism and visitors* – Diverse and interesting experiences

Council Plan 2017-21

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 vibrant, connected and safe community
- A creative city that respects and embraces diversity

Place

- A healthy, liveable and sustainable city
- A city planned for the future

Opportunity

- A diverse and growing economy
- An open and effective Council

The strategies and plans that contribute to these outcomes are as follows:

- Greater Dandenong Planning Scheme - Clause 52.05-10: Signs not requiring a planning permit

Related Council Policies

- Greater Dandenong City Council: Municipal Places Local Law No. 4 of 4 (2011)
- Sports Pavilion Management Policy 2017

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.

Consultation

Consultation was conducted with a random sample of 27 City of Greater Dandenong sporting clubs who were invited to provide feedback. Five (5) clubs provided feedback which was considered as part of the development of the policy.

Consultation was also conducted with numerous departments within City of Greater Dandenong.

2.4.1 Recreation Reserve Advertising, Promotional and Club Signage Policy (Cont.)

Council officers will work with Greater Dandenong Sporting Clubs over the next 12 months on the implementation of the Policy.

Conclusion

The Recreation Reserve Advertising, Promotional and Club Signage Policy establishes a framework for the approval and installation of advertising, promotional and club signage by tenant clubs on Council's recreation reserves.

Recommendation

That the Recreation Reserve Advertising, Promotional and Club Signage Policy be approved by Council.

2.4.1 Recreation Reserve Advertising, Promotional and Club Signage Policy (Cont.)

POLICY AND STRATEGY

**RECREATION RESERVE ADVERTISING, PROMOTIONAL AND CLUB
SIGNAGE POLICY**

ATTACHMENT 1

**RECREATION RESERVE ADVERTISING,
PROMOTIONAL AND CLUB SIGNAGE
POLICY**

PAGES 12 (including cover)

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

2.4.1 Recreation Reserve Advertising, Promotional and Club Signage Policy (Cont.)



Greater Dandenong Policy

Recreation Reserve Advertising, Promotional and Club Signage Policy

Policy Endorsement:	Endorsement required by Council		
Directorate:	Community Services		
Responsible Officer:	Manager Community Wellbeing		
Policy Type:	Discretionary		
File Number:	A5168992	Version No:	01
1 st Adopted by Council	Minute No.	Last Adopted by Council:	Minute No.
Review Period:		Next Review:	

1. Purpose

To establish a framework for the approval and installation of advertising, promotional and club signage by tenant clubs on Council's Sporting Reserves to ensure:

- signage installation is of an acceptable and safe standard.
- consistency in approvals to community groups displaying their sponsors advertising signs and to use interior walls of Council owned/managed buildings for club interior wall signage.
- clubs are not denied the opportunity to derive a reasonable income from reserve signage.
- facilities continue to be accessible and safe for use by all sectors of the community.
- the visual amenity of sporting reserves and open space is maintained.

2. Background

The City of Greater Dandenong currently has 26 recreation reserves containing active sporting facilities, in addition to five school sites.

Some reserves have additional "real estate" signage at the entrance to the reserve promoting the club, its activities and contact details. These signs usually contain advertising or promotional material of the agent sponsoring the club.

2.4.1 Recreation Reserve Advertising, Promotional and Club Signage Policy (Cont.)



Greater Dandenong Policy

Some reserves also have advertising and promotional signage around field boundary fencing and signage affixed to infrastructure such as pavilions, scoreboards and coaches boxes.

Many reserves now have electronic scoreboards with the capacity to display advertising electronically during match times.

This policy acknowledges that sponsorship agreements incorporating advertising signage provides sporting clubs with an important source of income that helps support the provision of sporting activities and opportunities for the local community. The implementation of this policy will continue to support the fundraising efforts of clubs, whilst maintaining the visual amenity and aesthetics of Council's reserves.

Many existing pavilions have a variety of club signage on the interior walls of pavilions to recognise their members and the clubs' history. As Council redevelop and build new pavilions we need to be conscious that facilities will be shared by multiple tenants and the community, potentially at the same time.

3. Scope

This policy relates to all Council owned and managed recreation reserves with active playing /sporting surfaces and associated facilities located on those reserves, including sports grounds/fields/structures, pavilions, toilets, buildings and other infrastructure (e.g. scoreboards, coaches boxes, shelters and fencing etc.) and used on a formally allocated basis through a seasonal allocation/tenancy agreement, lease or license.

This policy excludes passive recreation reserves with no active sporting facilities and all sporting reserves located on department of Education Land unless otherwise specified in use agreement.

Sporting reserves located in Police Paddocks are required to abide by City of Casey signage requirements.

This policy does not cover naming rights for facilities.

Only tenant clubs located within the City of Greater Dandenong are eligible to apply to erect advertising, promotional and club signage.

This policy does not relate to Leisure Facilities.

Policy applies to signage which are exempt from the need for a planning permit as per clause 52.05-10 (Signs not requiring a planning permit) of the Greater Dandenong Planning Scheme.

2.4.1 Recreation Reserve Advertising, Promotional and Club Signage Policy (Cont.)



Greater Dandenong Policy

Any sign which does not meet these exemptions will be required to obtain a planning permit.

To find out if a planning permit is required - applicants can contact Councils statutory planning team via the general customer service phone number.

4. Human Rights and Responsibilities Charter - Compatibility Statement

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

5. References

- Greater Dandenong Planning Scheme - Clause 52.05-10: Signs not requiring a planning permit
- Australian Association of National Advertisers' (AANA) Code for Marketing & Advertising Communications to Children
- Australian Association of National Advertisers' (AANA) Food & Beverages: Advertising & Marketing Communications Code

6. Definitions

Advertising and promotion signage means all permanent, seasonal and temporary board, notice, structure, banner or similar device containing advertising and promotional information of a commercial nature.

Way finding and information signage refers to signage that conveys location and direction to users of open space including vehicles and pedestrians into and within a reserve.

Political advertising signage refers to the advertisement of political parties, political candidates or political issues.

Club interior wall signage refers to honour boards, plaques, photos, jerseys, sponsorship signage, etc.

7. Council Policy

The City of Greater Dandenong has the responsibility to ensure there is a consistent approach to signage and all signage is safely erected, maintained and does not detract from the visual amenity of the reserve. Advertising and promotional signage will be

2.4.1 Recreation Reserve Advertising, Promotional and Club Signage Policy (Cont.)



Greater Dandenong Policy

permitted on Council's sporting reserves provided it conforms to the criteria set out in this policy and the City of Greater Dandenong Planning Scheme.

7.1 Policy Principles

The following principles underpin this policy:

- To allow opportunities, where appropriate, for sporting clubs to generate income that supports their activities.
- To discourage advertising and promotional signage that is visible from beyond the recreation reserve sites other than for identification purposes.
- To ensure that any interior signage is coordinated and maintained in an appropriate manner.
- To ensure signs are in keeping with the character of the recreation reserve.
- To encourage a coordinated approach to advertising where there are multiple user groups of recreational reserves and pavilions.
- To maintain a high level of coordination and public safety for signs on road reserves and within sporting recreation reserves.

7.2 Types of Signs

This policy recognises that signs which are erected on sporting recreation reserves owned or managed by Council generally fit within one of the following categories:

- **Permanent** - reserve identification signs, identification of sporting club signs, sports ground identification signs and way finding signs permanently erected at either the entrance to the recreation reserve or at sports grounds within the reserve or on a main building servicing that reserve or sports ground.
- **Seasonal** - advertising or promotional signage around field perimeter fencing, on coaches' boxes or scoreboards. Signage is to face inwards towards the playing surface. Signs may be erected on the outside of the fencing if facing the pavilion only. Signs are to be removed at the end of the playing season or tenancy, unless agreement is made between tenant clubs as per 7.3.3.

Also included is interior wall club signage, including photos, trophies, honour boards, sponsorship signage, unless agreement is made between tenant clubs as per 7.3.2.

- **Temporary Seasonal** - advertising or promotional signage or club identification signage erected or displayed on game days throughout the season and removed after the game/tournament including banners, A-frame signs and corflute signs.

2.4.1 Recreation Reserve Advertising, Promotional and Club Signage Policy (Cont.)



Greater Dandenong Policy

- Temporary Event - advertising of 'one off' community events e.g. membership drivers, fundraising activities etc. in designated areas around the municipality or at the entrance to the reserve.
- Electronic Scoreboards - advertising on electronic scoreboards can consist of promoting club and/or community events and activities. In addition advertising or promotion of sponsors on the electronic scoreboard can occur. All advertising and promotion of sponsors will require approval prior, including consultation with the Planning department. Audible sound from the scoreboards is not authorized without a planning permit.
- Electronic Signage - advertising or promotional electronic signage (except for scoreboards) is not authorized and will required a planning permit.

7.3 Criteria for Advertising and Promotional Signage

7.3.1 General Criteria:

- Written permission is to be received from Council's Sport and Recreation Department for the installation of any form of signage at a Council owned or managed reserve or pavilion.
- A copy of the layout (including colour scheme and size) and the wording of the proposed advertising sign is to be submitted as part of the approval process.
- A copy of the layout (including colour scheme and size) and the wording of the proposed club interior wall signage is to be submitted as part of the approval process.
- Political advertising signage will not be permitted.
- The signs must be appropriate for a public reserve and not in any way be offensive or discriminate on grounds of race, gender, sexual orientation or religion.
- Signage must not contain direct product advertisements for alcohol and tobacco products, political parties, adult entertainment, gambling or fast food products, suppliers and restaurants. Council reserves the right to remove or disallow any advertising it deems inappropriate.
- Signage must adhere to the Australian Association of National Advertisers' (AANA) Code for Marketing & Advertising Communications to Children and the Australian Association of National Advertisers' (AANA) Food & Beverages: Advertising & Marketing Communications Code
- The club must ensure that all signage is covered by its own insurance policy to the level prescribed in the club's seasonal tenancy agreement, license or lease agreement. The club must indemnify Council against any claims that may arise out of or are in any way related to the signage.

2.4.1 Recreation Reserve Advertising, Promotional and Club Signage Policy (Cont.)



Greater Dandenong Policy

- Should damage to a Council asset occur as a result of the installation, maintenance or removal of any signage, the club will be responsible for the full cost of any rectification works carried out by Council.
- Signage is prohibited from being attached to any other fixtures or structures within a reserve including storage sheds, trees, safety rails, public toilets, retaining walls, on fences sited alongside or above retaining walls, seating, bollards, ticket boxes, reserve perimeter fences behind goals, the roof of any facility, building or structure on the reserve.

7.3.2 Permanent Signs:

Reserve Identification Signs - a system for reserve identification signage (at the entrance to reserves or on the nearest main road) has been developed and is implemented by Council to ensure consistency and an appropriate quality of Council signage for open space. Tenant clubs are provided with an opportunity to display their name on the sign. No advertising/promotion of club contact details will be permitted on these signs. These signs are provided and maintained by Council.

Way Finding and Information Signs - a system to direct vehicles and pedestrians to various locations within a recreation reserve implemented by Council to ensure consistency and an appropriate quality of Council signage for open space. No advertising/promotion of club contact details will be permitted on these signs. These signs are provided and maintained by Council.

Club Identification Signs - these signs may be erected on the reserve identification sign (sign provided by Council), main pavilion servicing the club (sign provided by Club), to identify the name of the tenant sporting club. No advertising/promotion of club contact details will be permitted on these signs.

Club Identification with Future Fixture Match Signs - One permanent sign per Club promoting future fixture matches may be placed at one entrance to a reserve. This sign must be no more than three metres squared (3m²) in size. The location of any future fixture match signage must be approved by Council officers.

Club's can choose to promote via a Club Identification sign (not including Council provided Club Identification Signs) or a combined Club Identification and future fixtures match sign.

Fenced Court Facilities (e.g. Tennis and Lawn Bowls) Signs - Signage should face inwards towards the playing area to ensure it cannot be seen from outside of the fenced facility. Signage should be installed so that the top edge

2.4.1 Recreation Reserve Advertising, Promotional and Club Signage Policy (Cont.)



Greater Dandenong Policy

of the signage is less than 1.8 metres off the court surface. Signage on tennis court fencing is limited to two (2) signs per court being no greater than one (1) metre x one (1) metre per sign. Consideration must be given to the fence footings as signage increases the wind loading on the fencing.

Club Interior Wall Signs - Where multiple tenants are located at the same pavilion, agreement needs to be made with all tenants as to the location and quantity of signage prior to application. In these cases the available space is to be split evenly across all tenant clubs, no matter to what level they wish to have this signage.

Naming of Minor Infrastructure - Where a club wishes to name minor infrastructure (i.e. coaches' boxes or dugouts) after a current or former member of the club, the proposed name, location and size of the sign needs to be approved by Council officers.

7.3.3 Seasonal Signs:

Tenant club may erect advertising signage on sporting reserves subject to the following:

- For sports ovals and pitches signage is to be placed on perimeter fencing and must not cover more than 50 per cent of the internal circumference and must have a three (3) metre gap every twenty (20) metres to allow access to the oval by passive users of the reserve. Signage on the external perimeter of the fence will only be allowed directly in front of the pavilion and must not be visible beyond the reserve.
- Signage on coaches' boxes or player shelters will be permitted provided it does not cover more than 25 per cent of the internal surface of the shelter and must not be visible beyond the reserve. Signage must face the playing surface.
- All seasonal advertising and promotional signs will be removed within seven (7) days of the end of the seasonal allocation unless an agreement is made with the opposing season tenant club to display the signage during their season and approved by Council, in writing.
- Sponsorship signage agreements between clubs and their sponsors must be for the playing season only. This is to allow the seasonal user prime siting of their sponsor's signage.
- Clubs must be able to remove all signs on request to deliver a clean venue for Council managed or controlled events.
- Signs must not be painted directly onto walls or the roof of any facility, building or structure on the reserve.
- Signage on scoreboards will be permitted provided it does not detract from the main purpose of the structure nor cover more than 25 per cent of the surface of the scoreboard and must not be visible beyond the reserve.

2.4.1 Recreation Reserve Advertising, Promotional and Club Signage Policy (Cont.)



Greater Dandenong Policy

- Signage on cricket practice nets is limited to two (2) signs per net being no greater than one (1) metre x one (1) metre per sign. Consideration must be given to the practice net footings as signage increases the wind loading on the fencing.

7.3.4 Temporary Signs:

Tenant clubs may erect advertising signage on sporting reserves subject to the following:

- Club identification, or advertising and promotional signage may be erected or displayed on game days, training sessions and clubs events throughout the season, and removed within two (2) hours of the event or session ending, including banners, A-frame signs, corflute signs and electronic score board signage.
- When erecting temporary signage:
 - The location of the signage needs to be considered to ensure that it is not blocking egress/access for the public.
 - The weather conditions are considered to for public safety. i.e. in high winds.
- Electronic signage on scoreboards will be permitted to be displayed during game days, training sessions and clubs events and up to one hour prior and one hour after the completion of the event.

7.3.5 Temporary Club Event Signs at the Club Home Venues Only:

Temporary signs (e.g. "real estate" signs) promoting an upcoming, one-off sporting event or activity relating to your Club at a home venue only (i.e. registration day, come and try day, players wanted etc.) run by a reserve tenant will be permitted in accordance with the following:

- One temporary sign per club per season can be erected at the entrance to the reserve at any one time.
- The sign must not be an animated or internally illuminated sign.
- Signs must not exceed five metres square (5m²) (2.5m wide by 2.5m high).
- Approval for all temporary signage must be sought from Council prior to erection. Approval can be sought by contacting the Sport and Recreation Department.
- Signage must not be displayed for longer than 14 days after the event is held or for more than three months, whichever is sooner.
- A minimum of three (3) weeks' notice is required before the sign/s are to be erected for approval by Council.
- Commercial sponsorship/advertising on the sign is not to exceed 20 per cent of the total sign area.
- The sign must not refer to a commercial event.

2.4.1 Recreation Reserve Advertising, Promotional and Club Signage Policy (Cont.)



Greater Dandenong Policy

7.4 Installation, Materials and Construction Criteria

- Advertising and promotional signage must not be principally aimed at people beyond the reserve, namely passing traffic.
- All signage must be securely fixed or displayed to ensure the possibility of injury to any person or damage to any Council asset is avoided.
- The finishes and materials used in the construction of all signage must have no sharp or exposed edges and all fixing (i.e. nails and screws) are to be recessed or countersunk.
- It is preferred that all signage be made out of corflute material as the material is more forgiving if hit.
- To ensure the proposed signage does not have adverse impacts in relation to the overall amenity of the reserve, all signage must be professionally produced to a high standard.
- To ensure structural integrity of the proposed signage during extreme weather events, an engineering assessment may be required for freestanding signage and signage attached to court fencing and practice nets. Where required, the full cost of any assessment is the responsibility of the club.
- Freestanding signs must be installed by a qualified contractor.

7.5 Maintenance

- Signs are considered assets of the club and must be maintained and inspected by the club on a regular basis to ensure that they are fit for a public reserve and represent no danger to the public.
- Clubs are expected to maintain all advertising, promotional and signage in an acceptable and safe condition at all times and at their cost. This includes the immediate removal of graffiti, damaged and broken signs. If a club fails to do this and Council considers the sign unsafe, they will be removed at the club's cost and will be informed by Council.

7.6 Existing Advertising Signage

- Clubs are expected to meet the conditions outlined in this policy for all signage installed after the date of adoption.
- Following the date of adoption, Council will conduct a signage audit of all reserves and advise clubs where examples of non-conforming signage exists.
- Clubs will be provided with a period of one (1) year from receiving this notice, unless the sign is unsafe, to ensure that all existing advertising signage complies with the conditions outlined in this policy. After one year, Council will commence removing any existing advertising signage that does not meet the conditions outlined in this policy.

2.4.1 Recreation Reserve Advertising, Promotional and Club Signage Policy (Cont.)



Greater Dandenong Policy

- Unless signage is deemed by Council to be dangerous and does not comply with the conditions of this policy, the club will be permitted to retain existing advertising signage.
- Existing advertising signage may be removed immediately by Council where the signage is deemed by Council to be dangerous or a planning permit is required and has not been obtained.
- Any costs associated with the removal or reinstatement of existing advertising signage will be the responsibility of the club.

7.7 Approval of Signage

Clubs are advised to contact Council prior to installing any form of advertising or promotion signage at a Council owned or managed sporting recreation reserve to ensure that the proposed sign meets the conditions outlined in this policy.

Applications are made to the Sport and Recreation Department of the City of Greater Dandenong.

All non-approved signage will be removed and impounded by Council, charges may apply.

Approval to install advertising signage will be granted providing:

- The club has a seasonal tenancy agreement, lease or license agreement for the sporting recreation reserve for which the application is being made. Where there is shared occupancy of a sporting recreation reserve as a home venue, an agreement to install the signage must be reached between all occupants.
- The club is financial and has no financial debts with Council or has a current payment plan in place.
- Council reserves the right to arrange the removal of any signage at any time should the club not meet the conditions outlined in this policy.
- The proposed signage does not have adverse impacts in relation to amenity and public safety.
- The proposed signage meets the criteria outlined in this policy.
- That the above policy has been adhered to.

Approval will be granted for seasonal and/or temporary signage for the club's playing season only (i.e. a six (6) or twelve (12) month period commencing from the first day of the sporting club's season) and will be limited to the term of the seasonal tenancy or club's license or lease agreement for the sporting reserve. Approval to display the signage outside of the club's playing season may be granted provided:

- An agreement is reached between all the tenants of the reserve
- The club ensures that all signage is covered by its own insurance policy. The club must also indemnify Council against any claims that may arise out of, or are in any way related to, the signage.

2.4.1 Recreation Reserve Advertising, Promotional and Club Signage Policy (Cont.)



Greater Dandenong Policy

8. Related Documents

- Greater Dandenong City Council: Municipal Places Local Law No. 4 of 4 (2011)
- Sports Pavilion Management Policy 2017
- Planning and Environment Act 1987 (Victoria)
- Community Wellbeing Plan 2017-21

DRAFT

2.4.2 Planning Scheme Amendment C207 – Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale – Consideration of Submissions and Planning Panel

File Id:

Responsible Officer:

Director City Planning, Design and Amenity

Attachments:

Greater Dandenong Planning Scheme
Amendment C207 – Explanatory Report

Report Summary

Planning Scheme Amendment C207 proposes to rezone two Council owned properties from General Residential Zone 1 to Public Park and Recreation Zone.

The Amendment will:

- Rezone 90 Gove Street, Springvale from General Residential Zone 1 to Public Park and Recreation Zone.
- Rezone 6-8 Fifth Avenue, Dandenong from General Residential Zone 1 to Public Park and Recreation Zone.
- Amend Planning Scheme Map 1 and 5.

The report considers the three (3) submissions received during the statutory exhibition of Greater Dandenong Planning Scheme Amendment C207. This report includes Council officer consideration and response to the submissions.

This report seeks a Council resolution to note the above and refer the unresolved submissions to an independent Planning Panel Hearing.

Recommendation Summary

This report recommends that Council receives the submissions in relation to Amendment C207 and resolve to continue the statutory process of the Amendment by requesting the Minister for Planning to appoint an independent Planning Panel and refer the unresolved submissions to a Planning Panel Hearing.

2.4.2 Planning Scheme Amendment C207 – Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale – Consideration of Submissions and Planning Panel (Cont.)**Background**

6-8 Fifth Avenue, Dandenong (Lot 17 and 18 on LP14377) is owned by Council and was the site of the former Dandenong West Kindergarten which is now co-located with the Dandenong West Primary School. The site is approximately 1,241m² with access from Fifth Avenue, and is enclosed by residential fencing on 3 sides (including the north, west and southern boundaries). The property is across the road from, and thus, within walking distance (approx. 20 metres) to the 'Fifth Avenue Day Care Centre'.

90 Gove Street, Springvale (Lot RES 1 on PS446123) is owned by Council and was the site of the former Sandown Park Kindergarten which is now co-located with the Springvale Rise Primary School (Heights Campus). The site is approximately 914m² and is located on a corner, offering access from Gove Street (north-western boundary) and Garnsworthy Street (north-eastern boundary). The site is across the road, thus within walking distance (approx. 50 metres) to Garnsworthy Street local shops. Garnsworthy Street Centre is zoned Mixed Use Zone.

Both lots were considered surplus to Council requirements by officers and were recommended for sale, however at its meeting on 27th August 2018, Council recommended:

That Council (minute 768):

1. *Does not proceed with the sale of 6-8 Fifth Avenue, Dandenong on the basis of the land being retained by Council for the purposes of open space; and*
2. *Commences a rezoning of the subject land to designate the land as 'Public Park and Recreation Zone'.*

And;

That Council (minute 772):

3. *Does not proceed with the sale of 90 Gove Street, Springvale on the basis of the land being retained by Council for the purposes of open space; and*
4. *Commences a rezoning of the subject land to designate the land as 'Public Park and Recreation Zone'.*

The retention of the two sites offer Council an opportunity to provide two 'Local Passive Parks' for passive recreation and relaxation, whilst contributing to the amenity of the localities for nearby residents. Given the size of the lots and their proximity to local shops (Garnsworthy Street) and a day care facility (Fifth Avenue Child Care Centre) it is expected these parks will mostly provide benefits to local residents.

2.4.2 Planning Scheme Amendment C207 – Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale – Consideration of Submissions and Planning Panel (Cont.)

Submissions

A total of three (3) submissions were received during the exhibition period in relation to the amendment.

On analysis, the submissions can be broken down as follows:

90 Gove Street, Springvale:

- 1 submission supported the amendment;
- 1 submission objected to the amendment.

In relation to 90 Gove Street, Springvale one submission supported the rezoning, however expressed concern of anti-social behaviour occurring in the park. To mitigate this the submission requested the provision of a higher fence to adjoining properties if the amendment was approved.

The second submission expressed concerns that the amendment is inconsistent with objectives of the Local and State Planning Policy Framework, and contradicts the Council's Open Space Strategy and Asset Management Vision. The submission also raised concerns that the site is inappropriate in size, shape and location for a local passive park and that funding has not yet been allocated to the project.

6-8 Fifth Avenue, Dandenong:

- 1 submission objected to the amendment.

In relation to 6-8 Fifth Avenue, Dandenong the submission expressed concerns of anti-social behaviour occurring in the park. To mitigate this the submission requested the provision of a range of design measures including higher fencing, CCTV and lighting if the amendment was approved.

Further details of the submissions received have been summarised in Table 1 below.

No.	Response	Summary of Submission	Officer Response
1	Object	<p>Submission relates to 6-8 Fifth Avenue, Dandenong</p> <p>Development of a park will impact the value and attractiveness of the adjoining property.</p> <p>Submitter raised concerns regarding anti-social behaviour including loitering, possible fires and robbery, and the impact on the child care centre given its close proximity.</p>	<p>Submission noted.</p> <p>Council considers this to be an appropriate location for additional open space for the local community, and to assist in addressing the shortage of open space across the municipality.</p> <p>Issues regarding facilities and design, including means to address any potential anti-social behaviour are outside the considerations of this</p>

ORDINARY COUNCIL MEETING - AGENDA

2.4.2 Planning Scheme Amendment C207 – Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale – Consideration of Submissions and Planning Panel (Cont.)

		<p>Requested if the proposal was to progress, that Council provide high noise proof fencing, security lighting and cameras.</p>	<p>planning scheme amendment, and are to be addressed at a later appropriate time (should this amendment be approved).</p> <p>Impact on property value is not a planning matter and cannot be considered as part of the planning scheme amendment process in accordance with the Planning and Environment Act 1987.</p>
2	Object	<p>Submission relates to 90 Gove Street, Springvale</p> <p>Amendment is inconsistent with the LPPF, SPPF and Planning and Environment Act 1987.</p> <p>Seeking to retain land surplus to council requirements contradicts Council's Asset Management Vision.</p> <p>Property is not required to deliver Council services.</p> <p>Additional expenditure will be required to rehabilitate and embellish the land to make it suitable for use as Public Open Space (POS).</p> <p>Funding does not appear to have been allocated in the Capital Works Program.</p> <p>Proposal is contradictory to advice and objectives outlined in the current Open Space Strategy (OSS) which classifies parks under 1000m² as 'Local Passive Parks' and recommends no additional facilities within residential areas of standard density.</p> <p>Information provided in the previous Council minutes of 27 August 2018 contradicts the current proposal.</p>	<p>Submission noted.</p> <p>Council is seeking to retain this lot as a 'Local Passive Park' to increase the variety of public open space available within a 400-500 metre walking distance. Furthermore, the subject lot has the capacity to provide space for passive recreation and relaxation.</p> <p>In terms of the potential oversupply of open space, there is a shortage of open space across the municipality based on the current targets, and this site will assist in addressing this shortage.</p> <p>With regard to funding, it is acknowledged that this has not been allocated to date, however in accordance with standard practice, any required funding will be subject to a future budget bid at the relevant time. This matter sits outside of the considerations of this planning scheme amendment.</p>

2.4.2 Planning Scheme Amendment C207 – Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale – Consideration of Submissions and Planning Panel (Cont.)

		<p>Site is not fit for purpose – lacks passive surveillance, creates an entrapment point to the south, too small to accommodate circulation path as per OSS design principles, too small to cater for a range of recreational pursuits.</p> <p>Residents in this catchment area do not fall within a gap area of open space as they are already serviced by Warner Reserve (Neighbourhood Passive Park) and Springvale Rise Primary School which are within 500m walking distance.</p> <p>The amendment will create an oversupply of POS in the area resulting in further inequity of distribution and funding.</p> <p>Property adjoins a Mixed Use Zone which is not a destination shopping/retail strip and does not provide complimentary amenity to the proposed POS.</p> <p>Sandown Racecourse Redevelopment likely to create sufficient open space for future communities.</p>	
3	Support	<p>Submission relates to 90 Gove Street, Springvale</p> <p>Supports the proposal, but has concerns about safety and design of the park. To alleviate these concerns the submitter requested Council extend the height of the fence to deter anti-social behaviour.</p> <p>Suggested a simple playground and sitting area that incorporates the existing mature tree on the site.</p>	<p>Submission noted.</p> <p>Issues regarding facilities and design, including means to address safety and the development of a potential playground are outside the scope of this planning scheme amendment, and are to be addressed at a later appropriate time (should this amendment be approved).</p>

Proposal

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

After considering the submissions, the planning authority (Council) has the following options:

2.4.2 Planning Scheme Amendment C207 – Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale – Consideration of Submissions and Planning Panel (Cont.)

1. Ask the Minister for Planning to appoint an independent panel to review the submissions, conduct a public hearing, consider the amendment, and prepare an independent report with recommendations about the amendment for Council to consider; or
2. Abandon the amendment.

As discussed in the background to this report, Planning Scheme Amendment C207 is proposing to rezone two properties owned by Council, these being 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale, from General Residential Zone 1 to Public Park and Recreation Zone. This amendment considers the strategic justification for the rezoning of the properties in response to the submissions received during exhibition.

The amendment proposes to retain Council land to establish two new ‘Local Passive Parks’ which will deliver space for passive recreational activities in an established residential area. Having access to a variety of open space has significant benefits on the mental health and wellbeing of residents, as well as localised environmental benefits leading to a more sustainable urban environment. Based on the Officers Findings below, it is recommended that Council proceed with Option 1.

Officers Findings

The following comments are made in response to the submissions detailed above.

The amendment gives effect to the following objectives of planning in Victoria as in Section 4(1) of the *Planning and Environment Act 1987*:

- *To provide for the fair, orderly, economic and sustainable use, and of [development](#) of [land](#);*
- *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- *To balance the present and future interests of all Victorians;*
- *To protect public utilities and other facilities for the benefit of the community; and*
- *To facilitate development in accordance with the above objectives.*

The amendment achieves this by responding to the shortage of public open space in Springvale and Dandenong, the benefits open space provides to people and the environment, a lack of variety in the type of open space available in these suburbs, and considers the long-term ability for the properties to provide land for Council services and to encourage development in the surrounding areas.

The amendment supports and assists in implementing the *State Planning Policy* and *Local Planning Policy Frameworks* which aim to ‘*strengthen the integrated metropolitan open space network*’ and ‘*to create a city of 20minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home*’. *Plan Melbourne*, Melbourne’s Metropolitan Planning Strategy sets the direction to ‘*deliver local parks and green neighbourhoods in collaboration with communities*’ (Direction 5.4). The location of 90 Gove Street, Springvale has the potential to provide public open space for the future development of Garnsworthy Street Centre as a local retail and residential centre.

2.4.2 Planning Scheme Amendment C207 – Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale – Consideration of Submissions and Planning Panel (Cont.)

Whilst open space exists within 400-500 metres walking distance of both properties, this is of a larger scale (Neighbourhood (Warner Reserve) and District (Hemmings Reserve)) delivering space for active recreation activities, casual sports, and informal activities including walking, cycling and play.

The provision of two 'Local Passive Parks' which deliver space for relaxation and passive leisure activities is consistent with Clause 22.01-2 which recognises the '*different concepts of leisure and recreation and provide[s] for equitable access to both passive and active recreational pursuits*'.

The *Open Space Strategy (2009)* (OSS), which is currently under review, classifies parks under 1000m² as 'Local Passive Parks', or 'pocket parks' and recognises the opportunities these provide through passive recreation, relaxation or play for local residents. Whilst the OSS does not recommend further facilities, Council has the opportunity to take advantage of land it already owns to deliver a wider variety of open space.

Whilst the properties are considered surplus to Council needs in terms of their use as kindergartens, an opportunity exists to retain a Council asset which would provide additional open space for local residents in an established residential area, and to encourage development of Garnsworthy Street Centre.

If the amendment is approved by the Minister for Planning, Council will conduct further work to develop the concept design for each park. During this process Council will consider the individual design aspects of the parks to create a functional and inclusive space for all users.

Based on the considerations outlined above, officers recommend Council refer the unresolved submissions to Amendment C207 to a Planning Panel and hence, officers recommend option 1. This option and process provides further opportunity for submitters to be heard on the matter.

Community Plan 'Imagine 2030' and Council Plan 2017-21 – 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
- *Outdoor Activity and Sports* – Recreation for everyone
- *Lifecycle and Social Support* – The generations supported

Place

- *Sense of Place* – One city many neighbourhoods
- *Safety in Streets and Places* – Feeling and being safe
- *Appearance of Places* – Places and buildings

2.4.2 Planning Scheme Amendment C207 – Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale – Consideration of Submissions and Planning Panel (Cont.)

Opportunity

- *Tourism and visitors* – Diverse and interesting experiences
- *Leadership by the Council* – The leading Council

Council Plan 2017-21

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 vibrant, connected and safe community

Place

- A healthy, liveable and sustainable city
- A city planned for the future

Opportunity

- An open and effective Council

The strategies and plans that contribute to these outcomes are as follows:

- Open Space Strategy 2009 (currently under review)
- Asset Management Strategy

Related Council Policies

- Asset Management Policy

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

It is envisaged that the processing of Planning Scheme Amendment C207 will have an impact on the resources and administrative costs of the responsible authority, however these can be absorbed within existing resource allocations. The proposed rezoning should result in a reduction in officer workload required for the assessment of future planning permit applications.

Any potential future Council works within these areas will be subject to future budget bid processes.

2.4.2 Planning Scheme Amendment C207 – Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale – Consideration of Submissions and Planning Panel (Cont.)

Notwithstanding that the land is in Council ownership, it is considered appropriate that the value of these sites be paid into Council's Major Projects Reserve Fund from the Open Space Reserve Fund, consistent with Council purchasing any other land for the purpose of providing open space and funding it that from the Fund. There are two matters to appreciate under the financial implications in this regard:

- i. By not selling these two sites Council will be foregoing the opportunity to generate that income to its Major Projects Reserve Fund. That opportunity is not lost if drawn against the Open Space Reserve Fund.
- ii. The Open Space Reserve Fund is a financial repository funded by the contributions from developers under the provisions of the Subdivision Act 1988, for the specific purpose of providing Open Space within the municipality and is thus a legitimate use of that Fund for that purpose.

Consultation

Notification of the Amendment was given in accordance with the requirements of the Planning and Environment Act 1987.

Amendment C207 was formally exhibited and submissions sought from the public for a period of four weeks from 22nd November to 21st December 2018.

Letters were sent to owners and occupiers as well as referral authorities, prescribed Ministers and other stakeholders who may have an interest in the Amendment.

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

- Formal notice in the local newspapers (Dandenong Journal and Dandenong Leader) and Government Gazette;
- Notice on Council's website; and
- Explanatory folders at all Council Customer Service Centres.

Should Council determine to refer the unresolved submissions to a Panel, submitters will be invited to participate in the Panel Hearing process.

Conclusion

Amendment C207 proposes to rezone two properties, 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale from General Residential Zone 1 to Public Parks and Recreation Zone.

Planning Scheme Amendment C207 was publicly exhibited from 22nd November to 21st December 2018, during which 3 submissions were received. A total of 2 submissions were unable to be resolved. It is now considered appropriate to request the Minister for Planning to appoint an independent Planning Panel and refer the unresolved submissions to a Planning Panel Hearing.

2.4.2 Planning Scheme Amendment C207 – Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale – Consideration of Submissions and Planning Panel (Cont.)

Recommendation

That Council:

- 1. receives all submissions made in response to the statutory exhibition of ‘Amendment C207 Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale’ to the Greater Dandenong Planning Scheme;**
- 2. adopts the position on the submissions, as set out in this report, with no change to the amendment;**
- 3. requests the Minister for Planning appoint a Panel pursuant to Section 153 of the Planning and Environment Act 1987 to consider the submissions received in response to exhibition of Amendment C207; and**
- 4. advises all submitters accordingly.**

2.4.2 Planning Scheme Amendment C207 – Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale – Consideration of Submissions and Planning Panel (Cont.)

POLICY AND STRATEGY

**PLANNING SCHEME AMENDMENT C207 – REZONE 6-8 FIFTH AVENUE,
DANDENONG AND 90 GOVE STREET, SPRINGVALE – CONSIDERATION
OF SUBMISSIONS AND PLANNING PANEL**

ATTACHMENT 1

**GREATER DANDENONG PLANNING SCHEME
AMENDMENT C207
EXPLANATORY REPORT**

PAGES 6 (including cover)

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

2.4.2 Planning Scheme Amendment C207 – Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale – Consideration of Submissions and Planning Panel (Cont.)

Planning and Environment Act 1987

GREATER DANDENONG PLANNING SCHEME AMENDMENT C207 EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of the City of Greater Dandenong.

Land affected by the Amendment

The amendment applies to two properties within the City of Greater Dandenong. These are:

- Lot RES 1 on PS446123 (90 Gove Street, Springvale)
- Lot 17 and 18 on LP14377 (6-8 Fifth Avenue, Dandenong)

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

What the amendment does

The amendment rezones land in Springvale and Dandenong in accordance with the recommendations supported at Council meeting 27 August 2018.

The amendment will:

- Rezone 90 Gove Street, Springvale from General Residential Zone 1 to Public Park and Recreation Zone.
- Rezone 6-8 Fifth Avenue, Dandenong from General Residential Zone 1 to Public Park and Recreation Zone.
- Amend Planning Scheme Map 1 and 5.

Strategic assessment of the Amendment

Why is the Amendment required?

6-8 Fifth Avenue, Dandenong is owned by Council and was the site of the former Dandenong West Kindergarten which is now co-located with the Dandenong West Primary School. The site is approximately 1,241m² with access from Fifth Avenue, and is enclosed by residential fencing on the northern, western and southern boundaries. The property is within walking distance (approx. 20 metres) to the 'Fifth Avenue Day Care Centre'.

90 Gove Street, Springvale is owned by Council and was the site of the former Sandown Park Kindergarten which is now co-located with the Springvale Heights Primary School. The site is approximately 914m² and is located on a corner, offering access from Gove Street (north-western boundary) and Gamsworthy Street (north-eastern boundary). The site is within walking distance (approx. 50 metres) to local shops.

Both lots are considered surplus to Council requirements and were recommended for sale, however at its meeting on 27th August 2018, Council recommended:

That Council (minute 768):

ORDINARY COUNCIL MEETING - AGENDA

2.4.2 Planning Scheme Amendment C207 – Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale – Consideration of Submissions and Planning Panel (Cont.)

1. *Does not proceed with the sale of 6-8 Fifth Avenue, Dandenong on the basis of the land being retained by Council for the purposes of open space; and*
2. *Commences a rezoning of the subject land to designate the land as 'Public Park and Recreation Zone'.*

And;

That, being of the opinion that 90 Gove Street, Springvale is surplus to Council requirements (minute 772):

1. *Does not proceed with the sale of 90 Gove Street, Springvale on the basis of the land being retained by Council for the purposes of open space; and*
2. *Commences a rezoning of the subject land to designate the land as 'Public Park and Recreation Zone'.*

As per these recommendations, Council is now proceeding with the proposed rezoning of the subject sites, for the future redesign and development as a park. This will provide benefit to the community through the provision of open space.

How does the Amendment implement the objectives of planning in Victoria?

The amendment gives effect to the following objectives of planning in Victoria as identified in Section 4(1) of the *Planning and Environment Act 1987*:

- To provide for the fair, orderly, economic and sustainable use, and development of land;
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- To balance the present and future interests of all Victorians;
- To protect public utilities and other facilities for the benefit of the community; and
- To facilitate development in accordance with the above objectives.

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

The amendment adequately addresses the environmental, social and economic effects to provide a net community benefit. The retention of the sites for open space will provide green space for recreation and leisure, contributing to the amenity of the locality for nearby residents.

Given the proximity to local shops and a day care facility it is expected these parks will mostly provide benefits to the local residents.

To further improve the safety and design of the parks in future, Council will encourage the lots abutting the sites to provide surveillance on to the parks through lot design and transparent fencing if redeveloped.

Does the Amendment address relevant bushfire risk?

There is no bushfire risk identified for the subject land and it is considered that these provisions are not relevant to this amendment.

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

The amendment is consistent with *Ministerial Direction 11 – Strategic Assessment of Amendments*, *Ministerial Direction: The Form and Content of Planning Schemes* and *Ministerial Direction No.9: Metropolitan Planning Strategy* which requires amendments to have regard to *Plan Melbourne: Metropolitan Planning Strategy*.

The amendment is also consistent with *Ministerial Direction No.15: The Planning Scheme Amendment Process*.

ORDINARY COUNCIL MEETING - AGENDA

2.4.2 Planning Scheme Amendment C207 – Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale – Consideration of Submissions and Planning Panel (Cont.)**How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The Amendment supports and will assist in implementing the following objectives and strategies of the *State Planning Policy Framework*:

- *Clause 19.02-6R Open Space – Metropolitan Melbourne* to strengthen the integrated metropolitan open space network.
- *Clause 15.01-4R Healthy Neighbourhoods – Metropolitan Melbourne* to create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.

The amendment supports the direction of *Plan Melbourne* which aims to position Melbourne as a 'city of inclusive, vibrant and healthy neighbourhoods' and as a 'sustainable and resilient city'.

Plan Melbourne, Melbourne's Metropolitan Planning Strategy sets the direction to 'deliver local parks and green neighbourhoods in collaboration with communities' (Direction 5.4) and to 'protect and restore natural habitats' (Direction 6.5).

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

The amendment supports and will assist in implementing the following objectives and strategies of the *Local Planning Policy Framework* and specifically the *Metropolitan Strategic Statement*:

- *Clause 21.03-2 A Vision for Greater Dandenong*
- *Clause 21.06-1 Open Space* to provide high quality open spaces and recreation facilities and to ensure equitable provision and access to open space.
- *Clause 22.01-2 Chain of Parks* to recognise different concepts of leisure and recreation and provide for equitable access to both passive and active recreational pursuits not widely accessible elsewhere.

Does the Amendment make proper use of the Victoria Planning Provisions?

The amendment has been prepared in accordance with State Government *Practice Note – Strategic Assessment Guidelines: for planning scheme amendments* and is consistent with the form and structure of the Victorian Planning Provisions (VPPs). There are no changes proposed to the VPPs.

How does the Amendment address the views of any relevant agency?

The views of relevant agencies will be sought as part of the exhibition to this amendment.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is not affected by the *Transport Integration Act 2010*.

Resource and administrative costs

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

It is not envisaged that the amendment will have an impact on the resources and administrative costs of the responsible authority as the zoning is proposed to change from 'General Residential Zone 1' to 'Public Park and Recreation Zone'. The proposed rezoning should result in a reduction in officer time required for the assessment of future planning permit applications.

The future development of the parks will need to be considered by Council for the relevant budget and resource allocation. Overall this is not expected to result in a significant impact on the resource and administrative costs to the Council.

ORDINARY COUNCIL MEETING - AGENDA

2.4.2 Planning Scheme Amendment C207 – Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale – Consideration of Submissions and Planning Panel (Cont.)

Where you may inspect this Amendment

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

- City of Greater Dandenong Customer Service located at 225 Lonsdale Street, Dandenong.
- City of Greater Dandenong, Springvale Customer Service located at 397-405 Springvale road, Springvale.
- Keysborough Customer Service Centre, located at Shop A7, Parkmore Shopping Centre, Cheltenham Road, Keysborough.
- Paddy O'Donoghue Centre, 18-34 Buckley Street, Noble Park.

The Amendment can also be inspected free of charge at the:

- City of Greater Dandenong website at www.greaterdandenong.com
- Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by Friday, 21st December 2018.

A submission must be sent to:

council@cgd.vic.gov.au

Or

Strategic Planning Amendment C207
City of Greater Dandenong
PO Box 200
DANDENONG VIC 3175

Panel hearing dates

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

- directions hearing: week of 11th March, 2019
- panel hearing: week of 8th April, 2019

ORDINARY COUNCIL MEETING - AGENDA

2.4.2 Planning Scheme Amendment C207 – Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale – Consideration of Submissions and Planning Panel (Cont.)

[Delete this section if not applicable]

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Dandenong	6-8 Fifth Avenue, Dandenong	Greater Dandenong Authorisation 001znMap05
Springvale	90 Gove Street, Springvale	Greater Dandenong Authorisation 002znMap01

2.5 OTHER

2.5.1 List of Registered Correspondence to Mayor and Councillors

File Id:	qA283304
Responsible Officer:	Director Corporate Services
Attachments:	Correspondence Received 4 February - 15 February 2019

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 4 February 2019-15 February 2019.

Recommendation

That the listed items provided in Attachment 1 for the period 4 February 2019-15 February 2019 be received and noted.

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

OTHER

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

ATTACHMENT 1

**CORRESPONDENCE RECEIVED
4 FEBRUARY 2019 – 15 FEBRUARY 2019**

PAGES 2 (including cover)

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

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



Correspondences addressed to the Mayor and Councillors received between 4/02/2019 & 15/02/2019 - for information - total = 6

Correspondence Name	Date Created	Objective ID	User Assigned
A letter of appreciation from City of Greater Dandenong to Cr Heang Tak in appreciation of his service.	04-Feb-19	A5561641	Mayor & Councillors Office
A letter of recognition from City of Greater Dandenong to Cr Loi Troung in appreciation of ten years of service.	04-Feb-19	A5561642	Mayor & Councillors Office
A letter from Hepatitis Victoria regarding the release of a resource package entitled "Little HepB Hero" to support children and families living with Hepatitis B.	07-Feb-19	A5572723	Mayor & Councillors Office
2018 Annual Report from the Alliance for Gambling Reform	12-Feb-19	A5579806	Mayor & Councillors Office
A request to complete a survey for the Public Interest Journalism Initiative	12-Feb-19	A5579307	Mayor & Councillors Office
A letter requesting a meeting with the Mayor from the ALH Group.	12-Feb-19	A5579570	Mayor & Councillors Office

Correspondences addressed to the Mayor and Councillors received between 04/02/2019 & 15/02/2019 - for action - total = 2

Correspondence Name	Date Created	Objective ID	User Assigned
A letter of concern regarding the Golden Plaza Shopping Centre, Springvale	04-Feb-19	fA157525	City Planning, Design and Amenity
Request for lighting at Effie Court Reserve, Springvale	05-Feb-19	fA157571	Engineering Services

2.5.2 Minutes of the Joint Meeting of Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee - 29 November 2018

File Id:	A5449016
Responsible Officer:	Director Community Services
Attachments:	Minutes of the Joint Meeting of the Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee on 29 November 2018

Report Summary

At the Council meeting held 23 April 2018, Council resolved in part to *invite Advisory Committees and Reference Groups to submit meeting minutes for Council endorsement*. This resolution was in relation to allowing interested Councillors (and those that attend these Committees and Reference Groups) to speak to the meeting about items discussed at these meetings.

Recommendation Summary

This report recommends that the minutes of the joint meeting of the Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee meeting provided in Attachment 1 to this report be noted and endorsed by Council.

2.5.2 Minutes of the Joint Meeting of Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee - 29 November 2018 (Cont.)

Background

Greater Dandenong Council is represented on a wide range of Committees, Reference Groups and Advisory Groups which frequently reflect the interests of individual Councillors in serving the broader community in their role. A full listing of these appointments is confirmed each November at Council's Statutory Meeting and is available via Council's website.

The resolution of Council made on 23 April 2018 provides for minutes of meetings held by Advisory Committees and Reference Groups to be submitted to Council for noting and endorsing.

As such, the minutes are provided as Attachment 1 to this report.

Proposal

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

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

Community Plan 'Imagine 2030'

People

- *Pride* – Best place best people
- *Cultural Diversity* – Model multicultural community
- *Lifecycle and Social Support* – The generations supported

Opportunity

- *Education, Learning and Information* – Knowledge
- *Leadership by the Council* – The leading Council

Council Plan 2017-2021

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

People

- A creative city that respects and embraces diversity

Opportunity

- An open and effective Council

2.5.2 Minutes of the Joint Meeting of Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee - 29 November 2018 (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

There are no financial implications associated with this report.

Consultation

Advisory Committees and Reference Groups have been advised of the need to submit minutes of meetings to Council for noting and endorsement.

Recommendation

That Council notes the minutes of the joint meeting of the Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee as provided in Attachment 1 to this report.

2.5.2 Minutes of the Joint Meeting of Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee - 29 November 2018 (Cont.)

OTHER

**MINUTES OF THE ASYLUM SEEKER AND REFUGEE ADVISORY
COMMITTEE AND MULTICULTURAL ADVISORY COMMITTEE
JOINT MEETING – 29 NOVEMBER 2018**

ATTACHMENT 1

**ASYLUM SEEKER AND REFUGEE
ADVISORY COMMITTEE AND
MULTICULTURAL ADVISORY
COMMITTEE JOINT MEETING ON
29 NOVEMBER 2018**

PAGES 3 (including cover)

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

ORDINARY COUNCIL MEETING - AGENDA

2.5.2 Minutes of the Joint Meeting of Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee - 29 November 2018 (Cont.)

Advisory Committee or Reference Group Name:	<i>Asylum Seeker and Refugee Advisory Committee (ASRAC) and Multicultural Advisory Committee (MAC)</i>
Date of Meeting:	<i>29 November 2018</i>
Time of Meeting:	<i>10.00am-12.00pm</i>
Meeting Location:	<i>Dandenong Civic Centre</i>

Attendees:

Cr Matthew Kirwan (CGD), Jinny McGrath (South East Community Links), Helen Heath (Interfaith Network), Katina Nomikoudis (Life Without Barriers), Mitchell Bowden (Enliven), Sri Samy (Friends of Refugees), Community Development Team Leader (CGD), Community Development Advocacy Officer (CGD), Community Funding Team Leader (CGD), Coordinator Community Development (CGD and Chair).

Apologies:

Mayor, Cr Roz Blades AM (CGD), Nazir Yousafi (Community Member), Sophie Cavanagh (Red Cross), Vikki Home (Dandenong West Primary School).

Minutes:

Community Development Business Support Officer (CGD).

Item No.	Item	Action	Action By
1.	Welcome and Apologies Welcome from the Chair, apologies were noted.		
2.	Name of New Committee Several suggestions were made and a name will be confirmed after the purpose statement and objectives are formulated.	To be discussed at next meeting.	Council
3.	Evaluation of the Existing Groups MAC challenges include: <ul style="list-style-type: none"> • Low attendance • Objectives not achieved • Service provider heavy • Lack of community backing. MAC successes include: <ul style="list-style-type: none"> • Council's referral to the committee for its input to the Notice of Motion 40 - Improving the recognition of, inclusion of and understanding of our Lesbian Gay Bisexual Transgender Intersex (LGBTI) community within Greater Dandenong. ASRAC challenges include: <ul style="list-style-type: none"> • Low attendance. ASRAC successes include: <ul style="list-style-type: none"> • Action plan included committee recommendations and working groups formed had a clear purpose • Good engagement from working groups reporting back to committee • Employment group highly successful. 		

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

ORDINARY COUNCIL MEETING - AGENDA

2.5.2 Minutes of the Joint Meeting of Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee - 29 November 2018 (Cont.)

4.	Terms of Reference Purpose and objectives statements were discussed and draft ideas noted for further discussion on Monday 17 December.	Notes of discussion and both committees' Terms of Reference to be sent to committee members for comparison.	Council
5.	Drafting of New Action Plan	Deferred until completion of Terms of Reference.	Council
6.	Formation of Working Groups	Deferred until completion of Terms of Reference.	Council
7.	Scheduling of Meetings	Deferred until completion of Terms of Reference.	Council
8.	Additional Presentation – Community Funding Consultation CGD Community Funding Team Leader, presented on and invited participation by members in the consultation for the Community Funding Review. Key points include: <ul style="list-style-type: none"> • Feedback sought on funding program. • Invitation to attend the final (and additional) Community Partnership Funding and Sponsorship Roundtable on Tuesday 4 December 6-7.30pm at Dandenong Civic Centre. • Members advised they can also complete the online survey and contact the Team Leader to provide one-to-one feedback. 		
	Next Meeting Monday 17 December 1.30-3pm Dandenong Civic Centre Room 2-NW		

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

2.5.3 Minutes of the Joint Meeting of Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee - 17 December 2018

File Id:	A5544741
Responsible Officer:	Director Community Services
Attachments:	Minutes of the Joint Meeting of Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee Meeting – 17 December 2018 Multicultural and People Seeking Asylum Advisory Committee Terms of Reference

Report Summary

At the Council meeting held 23 April 2018, Council resolved in part to *invite Advisory Committees and Reference Groups to submit meeting minutes for Council endorsement*. This resolution was in relation to allowing interested Councillors (and those that attend these Committees and Reference Groups) to speak to the meeting about items discussed at these meetings.

Recommendation Summary

This report recommends that the Minutes of joint meeting of the Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee meeting minutes provided in Attachment 1 and the Multicultural and People Seeking Asylum Advisory Committee Terms of Reference provided in Attachment 2 to this report be noted and endorsed by Council.

2.5.3 Minutes of the Joint Meeting of Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee - 17 December 2018 (Cont.)

Background

Greater Dandenong Council is represented on a wide range of Committees, Reference Groups and Advisory Groups which frequently reflect the interests of individual Councillors in serving the broader community in their role. A full listing of these appointments is confirmed each November at Council's Statutory Meeting and is available via Council's website.

The resolution of Council made on 23 April 2018 provides for minutes of meetings held by Advisory Committees and Reference Groups to be submitted to Council for noting and endorsing.

As such, the minutes are provided as Attachment 1 to this report.

Proposal

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

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

Community Plan 'Imagine 2030'

People

- *Pride* – Best place best people
- *Cultural Diversity* – Model multicultural community
- *Outdoor Activity and Sports* – Recreation for everyone
- *Lifecycle and Social Support* – The generations supported

Opportunity

- *Education, Learning and Information* – Knowledge
- *Jobs and Business Opportunities* – Prosperous and affordable
- *Tourism and visitors* – Diverse and interesting experiences
- *Leadership by the Council* – The leading Council

Council Plan 2017-2021

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

People

- A vibrant, connected and safe community
- A creative city that respects and embraces diversity

2.5.3 Minutes of the Joint Meeting of Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee - 17 December 2018 (Cont.)

Opportunity

- A diverse and growing economy
- An open and effective Council

Related Council Policies

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.

Consultation

Advisory Committees and Reference Groups have been advised of the need to submit minutes of meetings to Council for noting and endorsement.

Recommendation

That Council:

1. **notes the Minutes of the joint meeting of the Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee as provided in Attachment 1 to this report; and**
2. **endorses the Multicultural and People Seeking Asylum Advisory Committee Terms of Reference as provided in Attachment 2 to this report.**

2.5.3 Minutes of the Joint Meeting of Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee - 17 December 2018 (Cont.)

OTHER

**MINUTES OF THE JOINT MEETING OF THE ASYLUM SEEKER
AND REFUGEE ADVISORY COMMITTEE AND MULTICULTURAL
ADVISORY COMMITTEE – 17 DECEMBER 2018**

ATTACHMENT 1

**ASYLUM SEEKER AND REFUGEE
ADVISORY COMMITTEE AND
MULTICULTURAL ADVISORY
COMMITTEE JOINT MEETING ON 17
DECEMBER 2018**

PAGES 2 (including cover)

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

ORDINARY COUNCIL MEETING - AGENDA

2.5.3 Minutes of the Joint Meeting of Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee - 17 December 2018 (Cont.)

Advisory Committee or Reference Group Name:	<i>Asylum Seeker and Refugee Advisory Committee (ASRAC) and Multicultural Advisory Committee (MAC)</i>
Date of Meeting:	<i>17 December 2018</i>
Time of Meeting:	<i>1.30-3.00pm</i>
Meeting Location:	<i>Dandenong Civic Centre</i>

Attendees:

Cr Matthew Kirwan (CGD), Nazir Yousafi (Community Member), Jinny McGrath (South East Community Links), Sri Samy (Friends of Refugees), Sophie Cavanagh (Monash Legal), Kylie Reid (Chisholm), Mitchell Bowden (Enliven), Helen Heath (Interfaith Network), Katina Nomikoudis (Life Without Barriers), Community Development Coordinator (CGD and Chair).

Apologies:

Mayor, Cr Roz Blades AM (CGD), Vikki Home (Dandenong West Primary School).

Minutes:

Community Development Business Support Officer (CGD).

Item No.	Item	Action	Action By
1.	Welcome and Introductions Welcome from the Chair and apologies were noted.		
2.	Workshop Terms of Reference (TOR) including Name of Committee Terms of Reference were revised. It was agreed to change the name of the joint committees to Multicultural and People Seeking Asylum Advisory Committee.	Reviewed TOR to be endorsed at Council meeting in early 2019.	Council
3.	Membership It was agreed by attending members to extend the term of membership by six months until 30 June 2019.	Seek confirmation from all members if they are prepared to extend their personal membership until 30 June 2019.	Council
4.	Scheduling of Meetings Carried forward to next meeting.	Include on next meeting's agenda.	Council
5.	Formation of Working Groups Carried forward to next meeting.	Include on next meeting's agenda.	Council
6.	Drafting on New Action Plan Carried forward to next meeting.	Include on next meeting's agenda.	Council

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

2.5.3 Minutes of the Joint Meeting of Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee - 17 December 2018 (Cont.)

OTHER

**MINUTES OF THE JOINT MEETING OF THE ASYLUM
SEEKER AND REFUGEE ADVISORY COMMITTEE AND
MULTICULTURAL ADVISORY COMMITTEE – 17
DECEMBER 2018**

ATTACHMENT 2

**MULTICULTURAL AND PEOPLE
SEEKING ASYLUM ADVISORY
COMMITTEE
TERMS OF REFERENCE**

PAGES 7 (including cover)

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

2.5.3 Minutes of the Joint Meeting of Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee - 17 December 2018 (Cont.)



**Multicultural and People Seeking Asylum Advisory Committee
Terms of Reference**

PURPOSE

The Multicultural and People Seeking Asylum Advisory Committee has been established to provide advice to Council on policies, plans and services that impact our multicultural communities. It will add value to other forms of community engagement used by Council to consult with and engage on issues relating to people seeking asylum, refugees and the broader multicultural communities. In fulfilling its purpose, the Advisory Committee will exercise a collaborative approach, seeking to engage and understand the experiences of existing and emerging groups.

OBJECTIVES

The objectives of the Multicultural and People Seeking Asylum Advisory Committee are to:

1. Consider and provide advice on the impact of key government initiatives, issues and programs, so Council can review services, plans, strategies and policies and advocate to all levels of government.
2. Seek to address issues impacting people seeking asylum, refugees and the broader multicultural communities.
3. Identify, and where appropriate, implement, effective ways to support engagement, interaction and capacity-building with the Greater Dandenong community.
4. Offer advice and support to Council on implementation of the 'People Seeking Asylum and Refugees Action Plan (PSARAP) 2018-2021' and relevant plans.
5. Create a broader multicultural set of priorities and key actions.
6. Celebrate and promote the achievements of people seeking asylum, refugees and the broader multicultural communities and residents of culturally and linguistically diverse backgrounds, and the work of the Advisory Committee.
7. Develop strategic partnerships in the community, strengthening advocacy efforts for improved or new services.
8. Act in a primary partnership role with Council and the community, endeavouring to increase the understanding across the wider community of the challenges and opportunities for people seeking asylum, refugees and the broader multicultural communities.
9. Seek funding to further the objectives of this committee and support collaborative approaches.

REPORTING REQUIREMENT

In accordance with Council's statutory reporting, an annual report (July – June) will be provided to Council at a public Council meeting. The nominated Councillor/s will have the opportunity to speak to the report on behalf of the Advisory Committee. Committee advice

ORDINARY COUNCIL MEETING - AGENDA

2.5.3 Minutes of the Joint Meeting of Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee - 17 December 2018 (Cont.)

may also be provided to Council through InfoSums to Councillors or a scheduled Councillor Briefing Session.

TERM OF APPOINTMENT

The Multicultural and People Seeking Asylum Advisory Committee will be appointed until 30 June 2022. Should there be a need for the Multicultural and People Seeking Asylum 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.

MEMBERSHIP

The Multicultural and People Seeking Asylum Advisory Committee will consist of no more than 15 voting members and will include representatives from the following:

- Up to five community members
- Up to ten members from relevant community groups and organisations

And also as ex officio members:

- Up to two co-opted members from State Government departments
- A senior officer from the Community Services Directorate
- Up to three Councillors, appointed annually in accord with a statutory process

Council staff will provide administrative support and service expertise to the Advisory Committee. At all times Council officers and staff will act in accordance with the Staff Code of Conduct.

Membership of the Advisory Committee is voluntary and all members must be over 18 years of age.

Members of Advisory Committee may resign at any time. Vacancies which arise due to resignation or inability to attend the minimum number of meetings shall be addressed through the formation of the Selection Panel and the Selection Process.

A request received by Council for membership in addition to the appointed members 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 end of the term, 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 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 Multicultural and People Seeking Asylum Advisory Committee, the Councillor will:

- Be in an ex officio capacity.
- Be appointed by Council in accordance with the annual statutory Council appointments.
- Act as a link between Council and the Advisory Committee.
- At all times act in accordance with the Code of Conduct – Councillors.

ORDINARY COUNCIL MEETING - AGENDA

2.5.3 Minutes of the Joint Meeting of Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee - 17 December 2018 (Cont.)**ROLES AND RESPONSIBILITIES OF MEMBERS**

- Committee members will be expected to demonstrate their commitment and due diligence by the preparation for, attendance at, and active participation in, meetings and other activities of the committee.
- It is required that each member of the Multicultural and People Seeking Asylum Advisory Committee will attend a minimum of three meetings per financial year. Inability to attend the minimum number of meetings per year will result in a vacancy to be filled in accordance with the selection process outlined in this Terms of Reference.
- At all times, act in the best interests of Council and the community.
- Act with integrity, confidentiality, and objectivity.
- No members will disseminate, disclose or share confidential or personal information that is discussed at the Multicultural and People Seeking Asylum Advisory Committee.
- No members should make public comments regarding what is discussed at the Multicultural and People Seeking Asylum Advisory Committee. As per Council's Media Policy, the Mayor and the CEO are the official spokespeople on behalf of Council and any public comment that the Advisory Committee wishes to make should be discussed with Council's Media and Communications Unit in the first instance.

SELECTION PROCESS

Membership of the Multicultural and People Seeking Asylum 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 MULTICULTURAL AND PEOPLE SEEKING ASYLUM ADVISORY COMMITTEE

Nominees for membership of an Advisory Committee must be able to demonstrate:

- Current engagement with the community on issues relating to multicultural, refugee and people seeking asylum communities.
- Endorsement by their own organisation, if appropriate.
- 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.
- A sound knowledge and understanding of local issues that is relevant to the interest area.
- 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 issues experienced by people seeking asylum, refugees and the broader multicultural community.
- A capacity to commit to the Advisory Committee and actively contribute for the required duration.

ORDINARY COUNCIL MEETING - AGENDA

2.5.3 Minutes of the Joint Meeting of Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee - 17 December 2018 (Cont.)**SELECTION PANEL**

When the appointment of members of the Multicultural and People Seeking Asylum Advisory Committee is required and nominations are received, the following selection panel shall convene:

- A senior member of Council (Director – or delegated officer).
- A Council staff member from the specific service area that is relevant to the Committee.
- A representative from a local organisation, agency, or government department (provided the organisation has not nominated a representative for membership on the Advisory Committee).

All nominations will be assessed by the selection panel against the selection criteria.

A recommendation about the membership of the Advisory Committee will then be made for the consideration and endorsement of Council.

It is noted that once the Advisory Committee has been appointed, the selection panel will be disbanded.

MEETINGS OF THE MULTICULTURAL AND PEOPLE SEEKING ASYLUM ADVISORY COMMITTEE

Meetings will be held bi-monthly for a maximum duration of two hours. A schedule of meetings will be developed and agreed to annually.

Under special circumstances, a meeting may be cancelled or re-scheduled.

All meetings shall be held in a Council venue to be decided by the Advisory Committee.

The 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 the addressing issues of relevance to people seeking asylum, refugees and the broader multicultural communities.

WORKING GROUPS/NETWORKS

Working Groups/Networks may be developed to implement particular actions or roles of the Advisory Committee and be established at its discretion. 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, retaining the authority to conclude a working group or the group's formal relationship with the Advisory Committee at its discretion or upon the achievement of its objectives.

While Working Group membership may be open to non-Advisory Group members, the Chair of any Working Group/Network shall be a member of the Advisory Committee and will report on the progress of the group to the Advisory Committee.

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. 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 Advisory Committee and will ensure the timely preparation and distribution of agendas and minutes.

2.5.3 Minutes of the Joint Meeting of Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee - 17 December 2018 (Cont.)

CHAIRPERSON

The Chairperson will be selected from the voting membership of the Multicultural and People Seeking Asylum Advisory Committee by its members. The term of the chair is one year and aligned with the term of the Advisory Committee.

The appointed Chairperson is responsible for the conduct of meetings, and ensuring fair and equitable opportunities for views to be discussed by the Advisory Committee.

QUORUM AND VOTING

A quorum for the advisory committee is five voting members. Decisions require more than half of the voting membership in attendance at the meeting.

It is preferable that decisions of the 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.

2.5.3 Minutes of the Joint Meeting of Asylum Seeker and Refugee Advisory Committee and Multicultural Advisory Committee - 17 December 2018 (Cont.)



**Code of Conduct for Members of the
Multicultural and People Seeking Asylum 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 on issues impacting people seeking asylum, refugees and the broader multicultural communities.
- 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 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.
- At all times act in accordance with the Agreed Meeting Etiquette.
- No members will disseminate, disclose or share confidential or personal information that is discussed at the Multicultural and People Seeking Asylum Advisory Committee.
- No members should make public comments regarding what is discussed at the Multicultural and People Seeking Asylum Advisory Committee. As per Council's Media Policy, the Mayor and the CEO are the official spokespeople on behalf of Council and any public comment that the Advisory Committee wishes to make should be discussed with Council's Media and Communications Unit in the first instance.

Signed:

Name:

Date:

Advisory Committee:

2.5.4 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 11 & 21 February 2019

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 & Pre-Council Meetings (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 & Pre-Council Meetings in February 2019.

Recommendation Summary

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

2.5.4 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 11 & 21 February 2019 (Cont.)

Matters Presented for Discussion

Item		Briefing Session
1	<i>General Discussion</i> Councillors and Council officers briefly discussed the following topics: a) Community Partnership and Sponsorship Review consultation findings revisited. b) Councillor bus tour of aquatic facilities. c) Recent federal government Aged Care funding boost announcement. d) Agenda items for the Council Meeting of 11 February 2019.	<i>11 February 2019</i>
2	<i>General Discussion</i> Councillors and Council officers briefly discussed the following topics: a) Agenda items for the Council Meeting of 25 February 2019.	<i>21 February 2019</i>

Apologies

- Councillor Sophie Tan submitted an apology for the Pre-Council Meeting on 11 February 2019.
- Councillor Zaynoun Melhem and Councillor Loi Troung did not attend the Pre-Council Meeting on 11 February 2019.
- Councillor Tim Dark, Councillor Zaynoun Melhem, Councillor Memeti and Councillor Loi Troung did not attend the Councillor Briefing Session on 21 February 2019.

Recommendation

That the information contained in this report be received and noted.

2.5.5 Notice of Motion for the National General Assembly of the Australia Local Government Association

File Id: A5588924
Responsible Officer: Director Community Services

Report Summary

The City of Greater Dandenong Council is undertaking significant advocacy and leadership to reverse the eligibility changes to the Australian government's Status Resolution Support Services (SRSS) program.

These changes have impacted many people who are seeking asylum both locally in Greater Dandenong and nationally.

People seeking asylum who have been exited from the program and have no source of income, or other supports.

The recommended Notice of Motion calls upon the Australian Local Government Association (ALGA) to facilitate a meeting with the Minister of Immigration to discuss restoration of previous program eligibility criteria and timeframes when this could occur.

Recommendation Summary

This report recommends that Council endorses the wording of the Notice of Motion provided in the Recommendation of this report and that this motion is submitted for consideration at the 2019 National General Assembly (NGA) of the ALGA.

2.5.5 Notice of Motion for the National General Assembly of the Australia Local Government Association (Cont.)

Background

The SRSS program provides vital support to individuals and families living in the Australian community while they wait for their refugee status to be finalised. It provides help with the basics of life including housing, food, clothing, medical services and the costs of putting children through kindergarten and school. It also provides access to counselling and mental health support.

In June 2018 changes to the SRSS program meant thousands of people seeking asylum would no longer fit the eligibility criteria and progressively be exited from the program. At the end of December 2018 approximately 2,000 single people and couples without children had been exited nationally. Assessments for couples with children were scheduled to take place from early 2019. Those exited have no income and allied supports and are at extreme risk of destitution and homelessness. Community services, voluntary organisations and charities in municipalities where people reside are not coping with the increased demand.

According to the Refugee Council of Australia, based on late 2018 data from the Department of Home Affairs, 13,299 people are at risk of losing support, 4,059 of those are children. Within Victoria alone, the number at risk is 5,863.

This motion is in alignment with the motion passed by The Municipal Association of Victoria and is supported by The Victorian Local Governance Association. This motion is in agreement with objectives of The Local Government Mayoral Taskforce Supporting People Seeking Asylum, a national coalition of councils seeking to have the SRSS program reinstated in full for all people seeking asylum who have need.

The proposed motion meets the ALGA's six criteria for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA.

Proposal

This report proposes that the wording of the attached Notice of Motion be submitted for consideration at the 2019 National General Assembly (NGA) of the Australian Local Government Association.

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

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

Community Plan 'Imagine 2030'

People

- *Pride* – Best place best people
- *Cultural Diversity* – Model multicultural community
- *Lifecycle and Social Support* – The generations supported

2.5.5 Notice of Motion for the National General Assembly of the Australia Local Government Association (Cont.)

Place

- *Sense of Place* – One city many neighbourhoods
- *Safety in Streets and Places* – Feeling and being safe

Opportunity

- *Jobs and Business Opportunities* – Prosperous and affordable
- *Leadership by the Council* – The leading Council

Council Plan 2017-2021

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

People

- A vibrant, connected and safe community
- A creative city that respects and embraces diversity

Place

- A healthy, liveable and sustainable city

Opportunity

- A diverse and growing economy
- An open and effective Council

The strategies and plans that contribute to these outcomes are as follows:

- Community Wellbeing Plan 2017-21
- Greater Dandenong People Seeking Asylum and Refugees Action Plan 2018-21

Related Council Policies

- Diversity, Access and Equity Policy 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 report and are consistent with the standards set by the Charter.

Financial Implications

There are no financial implications associated with this report.

2.5.5 Notice of Motion for the National General Assembly of the Australia Local Government Association (Cont.)

Consultation

Consultation has occurred with other executive member council representatives at the 13 February 2019 meeting of the Local Government Mayoral Taskforce Supporting People Seeking Asylum.

Conclusion

This report recommends that Council endorses the wording of the attached Notice of Motion and that this motion is submitted for consideration at the 2019 National General Assembly (NGA) of the Australian Local Government Association (ALGA).

Recommendation

That Council submits the Notice of Motion for consideration at the 2019 National General Assembly (NGA) of the Australian Local Government Association (ALGA):

Motion:

In light of the burden placed on local governments across Australia to respond to the needs and challenges of people seeking asylum living in our communities who have been cut off from any income, case management and counselling support, the National General Assembly calls on the Australian Local Government Association (ALGA) to facilitate a meeting between the ALGA National President, a representative of the Mayoral Taskforce and the Minister of Immigration, to discuss the necessity and potential next steps and timeframes of how to restore full Status Resolution Support Services (SRSS) benefits to those that have been exited from the program and also those that would have been previously eligible from the program who continue to be in need.

Objective — Why is this a national issue and why should this be debated at the NGA?

The Australian Government has a moral responsibility to provide support to people until they receive the outcome of their asylum claims and can move forward with their lives in a positive way. The Australian Government's operational decision has effectively transferred the burden of care and support for people seeking asylum to the local government level.

People seeking asylum reside in approximately 362 municipalities, representing over half (57%) of the 633 municipal districts across Australia. A substantial number of these will be affected by the changes. This is a national issue.

Key Arguments – Background information and supporting arguments.

The SRSS program provides vital support to individuals and families living in the Australian community while they wait for their refugee status to be finalised. It provides help with the basics of life including housing, food, clothing, medical services and the costs of putting children through kindergarten and school. It also provides access to counselling and mental health support.

2.5.5 Notice of Motion for the National General Assembly of the Australia Local Government Association (Cont.)

In June 2018 changes to the SRSS program meant thousands of people seeking asylum would no longer fit the eligibility criteria and progressively be exited from the program. At the end of December 2018 approximately 2000 single people and couples without children had been exited nationally. Assessments for couples with children were scheduled to take place from early 2019. Those exited have no income and allied supports and are at extreme risk of destitution and homelessness. Community services, voluntary organisations and charities in municipalities where people are resident are not coping with the increased demand.

According to the Refugee Council of Australia, based on late 2018 data from the Department of Home Affairs, 13,299 people are at risk of losing support, 4059 of those are children. Within Victoria alone, the number at risk is 5863.

This motion is in alignment with the motion passed by The Municipal Association of Victoria and is supported by The Victorian Local Governance Association. This motion is in agreement with objectives of The Local Government Mayoral Taskforce Supporting People Seeking Asylum, a national coalition of councils seeking to have the SRSS program reinstated in full for all people seeking asylum who have need.

Councils supportive of this motion are:

1. **City of Whittlesea**
2. **Darebin City Council**
3. **Yarra Ranges Shire**
4. **City of Greater Geelong**
5. **City of Wagga Wagga**
6. **Maribyrnong City Council.**

3 NOTICES OF MOTION

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

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

3.1 Notice of Motion No. 65 (Rescission Motion) Parkfield Reserve Master Plan, Noble Park - Allocation of Budget

File Id:

Responsible Officer:

Director Engineering Services

Author:

Cr Matthew Kirwan

Motion

That Council rescinds the following motion made at its Council Meeting of 25 February 2019 (Minute Number 959):

“That Council allocates an additional \$450,000 in addition to the remaining annual budget allocation of approximately \$50,000 (total \$500,000 in the 2018/19 financial year) in order to implement stage 1 implementation works of the Parkfield Reserve Masterplan with funding to be sourced from Councils Open Space Development Reserve Fund.”

3.2 Notice of Motion No. 66 - Parkfield Reserve Master Plan, Noble Park - Allocation of Budget

File Id:

Responsible Officer:

Director Engineering Services

Author:

Cr Matthew Kirwan

Motion

That Council follows normal budget processes and allocates no additional funds to the implementation of the Parkfield Reserve Masterplan this financial year and leaves further allocations for the Council deliberations on the 2019/20 budget.

3.3 Notice of Motion No. 67 - To acquire 38-48 Dalgety St, Dandenong from Melbourne Water

File Id:

Responsible Officer:

Director City Planning Design & Amenity

Author:

Cr Jim Memeti

Preamble

The land at 38 – 48 Dalgety Street, Dandenong has historically formed an effective and indistinguishable part of the open space network along Dandenong Creek. This land together with a combination of land owned by either the City of Greater Dandenong or Melbourne Water has been improved with a shared user path for cyclists and pedestrians, and is an integral part of the public open space in the area. It is Public Park and Recreation Zone (PPRZ) and should remain so within the Greater Dandenong Planning Scheme.

As the residential as well as the commercial populations in the area continue to increase and densify, it is considered vital that the provision of existing open space areas are not reduced. There is no doubt that the existing residents on both the northern and southern areas of the creek see and use this land as part of the local amenity, and it is also an important part of a wider regional open space network extending along Dandenong Creek.

Council has over the years maintained this approximately 3000m² portion of land as part of its open space maintenance regime, and to all intents and purposes it is in every way an element of the surrounding public open space.

Melbourne Water is in the process of considering the disposal of this land at 38 – 48 Dalgety Street, deeming it to be surplus to its needs. It is most certainly not surplus though to the community's needs. Removal of the land from the PPRZ/ public open space provisions and its subsequent development for any other purpose, including residential would be an unacceptable intrusion of development into open space environment. It would also place an increased pressure on what would be a reduced public amenity currently provided to the community and long maintained by the Council for that purpose.

With the above in mind it is proposed that Council writes to the Minister for Water, the Hon Lisa Neville MP; the Hon Gabrielle Williams MP, Member for Dandenong, as well as to the Ministers listed below in advocating for the gifting of the land at 38 – 48 Dalgety Street, Dandenong to the City of Greater Dandenong in order that it can be retained in the surrounding open space for the continued community benefit.

Alternatively, it is proposed that the land be made available to the City of Greater Dandenong and its community on a long-term lease, at a nominal rental.

3.3 Notice of Motion No. 67 - To acquire 38-48 Dalgety St, Dandenong from Melbourne Water (Cont.)

In advancing the above advocacy Council should in addition to writing to the Minister for Water, the Hon Lisa Neville MP and to the Hon Gabrielle Williams MP Member for Dandenong, Council also write to the following Ministers for their support in this matter:

- Minister for Planning, The Hon Richard Wynne MP
- Minister for Local Government, The Hon Adem Somyurek MLC

Motion

That Council:

1. **endorses the community expectation that the land at 38 – 48 Dalgety Street, Dandenong is integral to the open space provision for the City, and in particular to the surrounding area;**
2. **in principle opposes the disposal by Melbourne Water of the land at 38 – 48 Dalgety Street, Dandenong for the purpose of redevelopment for any use other than for that consistent with a Public Park and Recreation Zone;**
3. **urgently Writes to the Minister for Water, the Hon Lisa Neville MP requesting that the land at 38 – 48 Dalgety Street, Dandenong be gifted to the City of Greater Dandenong, or;**
 - 3.1 **alternatively be leased to the City of Greater Dandenong on a long-term lease at a nominal rate;**

for the retention of the land in the open space provisions of the City as has historically been the case.
4. **urgently Writes to the following Ministers for their support in this matter:**
 - **Hon Gabrielle Williams MP, Member for Dandenong**
 - **Minister for Planning, The Hon Richard Wynne MP**
 - **Minister for Local Government, The Hon Adem Somyurek MLC**
 - **Minister for Energy, Environment and Climate Change, The Hon Lily D’Ambrosio MP**

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS

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

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

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

5 QUESTION TIME - PUBLIC

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

Questions from the Gallery

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

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

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

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

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

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

6 URGENT BUSINESS

No business may be admitted as urgent business unless it:

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