GREATER DANDENONG
City of Opportunity

AGENDA
MONDAY 5 JUNE 2023

Commencing at 7:00 PM

COUNCIL MEETING

At the time of printing this Agenda, the Council Meeting to be held on Monday 5 June 2023, will be open to the public to attend in person but will be subject to venue seating capacity.

This will be a hybrid meeting consisting of Councillors attending in person and remotely.

If we are unable to accommodate you indoors, you will still be able to watch the webcast live on the Urban Screen in Harmony Square.

To view the webcast and stay informed of the status of Council Meetings please visit Council's website.

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

COUNCIL CHAMBERS
225 Lonsdale Street, Dandenong VIC 3175

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1 MEETING OPENING

1.1 ATTENDANCE

Apologies

1.2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS OF THE LAND

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

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

1.3 OFFERING OF PRAYER, REFLECTION OR AFFIRMATION

As part of Council's commitment to recognising the cultural and spiritual diversity of our community, the prayer, reflection or affirmation this evening will be offered by Mr Shamim Navidi from the Spiritual Assembly of the Baha'is of Greater Dandenong, a member of the Greater Dandenong Interfaith Network.

1.4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Meeting of Council held 22 May 2023.

Recommendation

That the minutes of the Meeting of Council held 22 May 2023 be confirmed.

1.5 DISCLOSURES OF INTEREST

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

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

· 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 - PART ONE

2.1 DOCUMENTS FOR SEALING

2.1.1 Documents for Sealing

File Id:	A2683601
Responsible Officer:	Manager Governance

1. 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.

2. Recommendation Summary

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

2.1.1 Documents for Sealing (Cont.)

3. Item Summary

There are four (4) items being presented to Council's meeting of 5 June 2023 for signing and sealing as follows:

1. A letter of recognition to Georgie Crowden, City Planning, Design & Amenity for 10 years of service to the Greater Dandenong City Council;

2. A letter of recognition to Tracey Macleod, Community Strengthening for 10 years of service to the Greater Dandenong City Council; and

3. An Instrument of Appointment of Authorised Officer under the provisions of the *Local Government Act 1989*, the *Local Government Act 2020*, the *Environment Protection Act 2017, the Infringements Act 2006,* the *Heritage Act 2017,* the *Lands Acquisition and Compensation Act 1986*, the *Planning and Environment Act 1987*, the *Sex Work Act 1994*, the *Subdivisions Act 1988*, the *Victorian Civil and Administrative Tribunal Act 1998* and the Regulations made under each of those Acts; the Local Laws made under the *Local Government Act 1989* and the *Local Government Act 2020;* and any other Act, Regulation or delegated legislation (including the Greater Dandenong Planning Scheme) which relates to the powers of the Council made under the provisions and enactments described. This instrument enables the following Council officer to carry out the statutory responsibilities of the above Acts and is subject to policy and delegations previously adopted by Council:

    - Qinglin Huang (known as Abbi Huang)

4. An Instrument of Appointment of Authorised Officer under the provisions of the *Local Government Act 1989*, the *Local Government Act 2020*, the *Heritage Act 2017,* the *Infringements Act 2006*, the *Land Acquisition and Compensations Act 1986*, the *Planning and Environment Act 1987*, the *Sex Work Act 1994*, the *Subdivisions Act 1988*, the *Victorian Civil and Administrative Tribunal Act 1998* and the Regulations made under each of those Acts; the Local Laws made under the *Local Government Act 1989* and the *Local Government Act 2020;* and any other Act, Regulation or delegated legislation (including the Greater Dandenong Planning Scheme) which relates to the powers of the Council made under the provisions and enactments described. This instrument enables the following Council officer to carry out the statutory responsibilities of the above Acts and is subject to policy and delegations previously adopted by Council:

    - Graca Padriack

4. Recommendation

That the listed documents be signed and sealed.

2.2 DOCUMENTS FOR TABLING

2.2.1 Petitions and Joint Letters

File Id:	qA228025
Responsible Officer:	Manager Governance
Attachments:	Petitions and Joint Letters

1. 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 Governance Rules. These are also tabled.

2. Recommendation Summary

This report recommends that the listed items in Attachment 1, and the current status of each, be received and noted.

2.2.1 Petitions and Joint Letters (Cont.)

3. Petitions and Joint Letters Tabled

Council received one (1) new petition and no joint letters prior to the Council Meeting of 5 June 2023.

- A copy of a petition (signed by 1980 people) on change.org.au that has been sent to Council that is a call for Heritage Victoria to list the Lunar Drive-In as a heritage site to ensure it cannot be demolished in future. The petition calls on Council to support this cause and to take other action to preserve the Drive-In. It has also asked Council to reduce the land tax and stop the sale of land.

  Note: the petition is not directed to Council. It is directed to Heritage Victoria. Council has no authority in relation to land tax which is administered by the State Government. Council also has no power over whether the owner wishes to sell the land.

  This petition has been referred to the appropriate Council Business unit/s for further action.

Recommendation

That this report and Attachment be received and noted.

2.2.1 Petitions and Joint Letters (Cont.)

DOCUMENTS FOR TABLING

PETITIONS AND JOINT LETTERS

ATTACHMENT 1

PETITIONS AND JOINT LETTERS

PAGES 6 (including cover)

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	• Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
23/05/23	Please see this petition that 1,933 (now 1990) members of the community have signed: https://www.change.org/p/save-the-lunar-drive-in-make-it-a-heritage-site?redirect=false The petition is a call for Heritage Victoria to list the Lunar Drive-In as a heritage site, to ensure that it cannot be demolished in the years to come. With nearly two thousand community members having signed the petition, it is clear that the Lunar Drive-In means a lot to people and I am sure everyone that has signed would be devastated to see it demolished. Additionally, I am sure there are many people that frequent the Drive-In that have not seen the petition or do not use a computer. This is an urgent plea as the site has been sold and the soon to be owner intends on bulldozing the Drive-In to build factories. The council can support the case for the Drive-In to be listed as a heritage site. Lunar Drive-In is one of three drive ins left in Victoria and Heritage Victoria should ensure to protect the site as it has historical significance. Alternatively, the Council must take other action to preserve the Drive-In. It has been stated that the Council refused the Drive-In owner's pleas to reduce the land tax, putting the owner in a difficult position financially. The Council could stop the sale of the land and reduce the land tax to enable to current owner to continue operating the Drive-In. Lunar Drive-In is a popular destination for locals, as well as people from other areas. Therefore, the Council should do everything they can to ensure the Drive-In is not closed as it draws people into the area to boost the local economy. ***The below email was received by Council from the head petitioner on 28/05/23. It was provided to Council as additional information in support of the petition:*** Firstly, I would like to point out that the petition is continuing to increase in supporters, with now 1,977 members of the community having signed it. I would also like to draw the Council's attention to the signatories comments on the petition.	**1990**	**In Progress**	Responsible Officer: Director, City Planning, Design & Amenity. Acknowledgement letter sent 26/05/2023 to the head petitioner.

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	• Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
	These are linked here: https://www.change.org/p/save-the-lunar-drive-in-make-it-a-heritage-site/c and include comments such as "My whole life, I have had good times with family and friends at this relaxed and fun venue. I am horrified to hear that the government of all people are trying to shut it down. Lunar Drive-In may be privately owned, but it belongs to the people of the Greater Dandenong area. The site should absolutely retain its place in history and achieve heritage status" and "I love this place. I quite happily take the hour and a bit drive from my house with my kids to enjoy the atmosphere and movie deals they hold. Please don't close it there's not to many places like this around anymore." These comments, and all of the other comments, clearly show the community's support of the Drive-In and the outcry to prevent the Drive-In from closing down. Further, I have reviewed the criteria for Victorian heritage listing and believe that the Lunar Drive-In could potentially satisfy two of these. The two criteria I am referring to are: Criterion B - as there is a clear association to a time period of importance in Victoria's cultural history. The Drive-In is an example for future generations to see one of the most popular destinations for families in the 1950s-1980s. It was established before television. This is evident in the physical fabric of the Drive-In as it clearly demonstrates how movies were watched during this time period. Further, the place is rare and uncommon. There are only three drive-ins remaining in Victoria (there was once 22 of them), so there are very few places like this to demonstrate the important phase in our history. They are endangered to the point of rarity due to economic pressures on such places. AND Criterion G - there is a community who share a common interest and experience who live or meet in the same locality, either for the reason to experience the culturally significant drive in or to be in a social and family environment. .It is clear from the uproar of this community (group of people) of the drive in potentially closing down that the attachment to the place is of high intensity. There is both a long time depth of attachment, as the drive in has been frequented by this community for several decades, as well as a more recent time depth of the attachment, which has been evident from the community's reaction to the closure.			

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	• Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
	The place is under threat so the attachment has become more prominent in the community. There is social value at the state level, which is evidenced by the community of people attached to the Drive-In not merely located in the local area, but also from all over Victoria. The drive in is associated with Victoria's identity due to its cultural significance but also because it is emerging in recent years as a popular destination for the younger generations. Many members of the community that are attached to this place would consider it part of Victoria's identity. I have also looked at the nomination process for Victorian heritage listing and am unsure as to how I am to provide some of the supporting documentation required, for example the title search. This would, I believe, require a fee to obtain. Therefore, I am hoping to gain some assistance in completing the submission. I am also requesting the Council to support the application. I have checked the current Victorian heritage listing database and have noticed that Dromana Drive-In is listed. The reasons provided for heritage listing of the Dromana Drive-In are all equally applicable to the Lunar Drive-In. Therefore, I see no reason as to why the application would be rejected. However, I am in need of assistance to ensure a timely submission of the application and I am sure the local Council's support would assist in the process. Alternatively, I am aware that places are able to be listed as local heritage, which is the responsibility of the local council to oversee. In addition to applying for the Lunar Drive-In to be listed on the Victorian heritage database, I would like the Council to consider listing the Lunar Drive-In as local heritage. I understand that places with heritage significance to a local area can be protected by a Heritage Overlay, which I believe should be done for the Lunar Drive-In. The reasons the Lunar Drive-In could satisfy the Victoria Heritage criteria are also reasons for satisfying the local heritage criteria. Additionally, I would like to provide the social media post that the Lunar Drive-In made recently announcing their closure as further support of the need to act. This can be found here: https://www.facebook.com/photo/?fbid=637023651791674&set=a.556216816539025 and include comments from members of the community such as "it's so sad there is an offical closing date now. This was how I manages to see movies with my kids. The cinema is way too expensive. We will miss this place" and "I am so sad and blessed that I've had the opportunity to experience the Lunar drive in for the last 40 years" and "This absolutely breaks my heart.			

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	• Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
	Have been taking my children here since they were little. Still in disbelief that you're closing down. Once again government greed takes over." It is abundantly clear that members of the Greater Dandenong City Council rely on the Lunar Drive-In as a social and family outing that is within their price range and will be devastated if it is closed. Also, as pointed out by other commenters, it is one of the few options available for many people with disabilities to go out and enjoy themselves in a public environment where they can be comfortable. In my personal experience, I am on the autism spectrum and do not feel comfortable going to the cinemas but frequently go to the Lunar Drive-In as it is a much different environment. I have seen comments from other members of the community on the petition and on the Drive-In's facebook posts that are identical to my scenario. A further option for the Council would be to assist the current owner in exiting the contract for the sale of land and offering the current owner a land tax reduction or exemption so that operating the Drive-In is financially sustainable. In my view, this should have happened long ago, and should be essentially a simple fix to this issue. The local Council has the duty to represent the members of the local community, to listen to them, and to act in their best interests. I believe for the Council to satisfy this duty, it must act to ensure the Drive-In remains open and is protected for generations to come. There are several reasons for this, including the Drive-In's historical significance and the importance it evidently has to the community. The view of the local community in this situation is not ambiguous - every comment on any post, petition or article is expressing the same thing in essence - that we want the Lunar Drive-In to remain open and be protected for everyone to enjoy. With all of my research on this issue I have not come across any alternative view or wish from the community. The local community is asking its Council representatives to truly represent us and act on our behalf in keeping the Lunar Drive-In open.			

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

2.2.1 Petitions and Joint Letters (Cont.)

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

2.3 STATUTORY PLANNING APPLICATIONS

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176)

File Id:	A9370361
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Submitted Amended Plans Location of Objectors

Application Summary

Applicant:	Curtis Superinvest Pty Ltd C/- Urban Planning Collective
Proposal:	Use and staged development of the land for a child care centre and convenience restaurant, display of internally illuminated business identification signage and pole signage, and creation and alteration of access to roads in a Transport Zone 2
Zone:	General Residential Zone – Schedule 1
Overlay:	Design and Development Overlay – Schedule 3
Ward:	Dandenong North

This application has been brought to a Council meeting as it has received thirteen (13) objections.

The application proposes the use and staged development of the land for a child care centre and convenience restaurant, display of internally illuminated business identification signage and pole signage, and creation and alteration of access to roads in a Transport Zone 2.

The applicant has lodged an application for review with the Victoria Civil and Administrative Tribunal (VCAT), under Section 79 of the *Planning and Environment Act 1987*, for Council's failure to issue the decision within the prescribed 60 statutory day timeframe. A hearing date is set for 27, 28 & 29 June 2023. This report seeks to establish Council's position on the application for the upcoming VCAT hearing, rather than issuing a decision on the application.

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

It should be noted that on 29 March 2023, Council issued a letter to all parties stating that

had Council been able to issue a decision, it would have resolved to refuse to grant a planning permit. The applicant has since formally amended the plans under the VCAT provisions. The amended plans were the result of negotiations between the applicant and Council officer's at a VCAT Compulsory Conference which was chaired by a member of the Tribunal. The amended plans will form the discussion plans at the hearing.

This report finds that the amended plans have resolved Council officer's earlier concerns and recommends that Council support the amended proposal at the upcoming hearing.

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

- Clause 32.08-2 (General Residential Zone) - A planning permit is required for the use of the land as a child care centre and convenience restaurant;
- Clause 32.08-9 (General Residential Zone) - A planning permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2 (convenience restaurant and child care centre);
- Clause 52.05-13 (Signs) - A planning permit is required to display internally illuminated business identification signage and pole signage;
- Clause 52.29-2 (Land adjacent to the Principal Road Network) – A planning permit is required to create and alter access to roads in a Transport Zone 2.

Objectors Summary

The original application was advertised to the surrounding area through the display of three (3) notices on-site and the mailing of notices to adjoining and surrounding owners and occupiers. Thirteen (13) objections were received to the application. Issues raised generally relate to matters of:

- Increased traffic; and
- Commercial competition.

Since the application was advertised, the applicant has formally amended the plans under the VCAT processes. The applicant has circulated notification of the amended plans to neighbouring owners and occupiers and all original objectors, as directed by VCAT. Council has not received notification of any further objections and none of the objectors have sought to become a party to the proceedings.

Assessment Summary

The subject site is well suited for the use and development of the land for non-residential purposes given the subject site is located on a prominent corner that intersects Stud Road and Heatherton Road and immediately adjoins other non-residential uses.

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

The development, as shown in the amended plans, is considered to be respectful of the preferred neighbourhood character subject to conditions by way of siting, design, mass and bulk. Sufficient parking has been provided on site and the buildings sit well within the context of the adjoining commercial and surrounding residential land uses. The proposal has retained five (5) established native trees, which form an important aspect of the existing neighbourhood character and key gateway location in the municipality.

The use of varying building materials and finishes to the external walls provides a level of articulation when viewed from the streetscape and adjoining residential properties.

Conditions would be included on any permit to be granted to protect the amenity of the area from noise, odour, lighting and rubbish.

Recommendation Summary

As assessed, officers consider this proposal to be generally compliant with all of the relevant provisions of the Greater Dandenong Planning Scheme. All grounds of objection have been considered, and Council officers are of the view that on balance, the proposal's degree of compliance with the Planning Scheme justifies that the application should be supported.

Therefore, it is recommended that Council supports the proposal, based on the amended plans, at the upcoming hearing, subject to conditions set out in this recommendation.

It is the officer's view that it is highly likely that VCAT would issue a planning permit for this proposal.

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

Subject Site and Surrounds

Subject Site

- The subject site is a corner allotment situated on the east side of Stud Road and the north side of Heatherton Road.
- The land is irregular in shape, with a combined frontage of 80.93 metres along Stud Road, a sideage of 38.7 metres along Heatherton Road, and a splay of 16.75 metres at the corner of Stud Road and Heatherton Road. The total land area is 5,133 square metres.
- The subject site has a north-south orientation and has a rise of 7.5 metres from north to south.
- Two (2) gas and fuel easements of 1.56 metres and 3.08 metres in width are located across the northwest corner of the site.
- The site is currently vacant and was formerly used as a service station, with vehicle access provided along Heatherton Road and Stud Road.
- Existing vegetation on site is limited to eight (8) medium to large native trees located along the north and east boundaries.

Surrounding Area

- The subject site and surrounding land are located is within the General Residential Zone – Schedule 1. Stud Road and Heatherton Road to the west and south respectively, are zoned Transport Zone 2.
- The site is bound by:
    - A restaurant, gaming centre and bowls club to the east and associated car park to the north;
    - A service station, convenience restaurant and residential dwellings to the west;
    - A convenience restaurant to the southwest; and
    - A service station, convenience restaurant and residential dwellings to the south.
- Surrounding development is predominantly single and double storey in height with the exception of panel signage associated with the service stations and convenience restaurants that are approximately 7 metres in height.
- The Monash Freeway is located approximately 1.1 kilometres to the north and east metres, whilst the Eastlink Highway is located approximately 1.2 kilometres to the west.
- Multiple bus routes run along Stud Road and Heatherton Road, with the closest bus stop located 120 metres to the south of the site.

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

Locality Plan

Subject Site North

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

Background

Previous Applications

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

- Planning Permit 567 for a Petrol Filling Station was granted on 19 April 1974 for buildings and works erected thereon in accordance with the attached endorsed plans and to be used for the purpose of a Petro Filling Station. A plan was endorsed under this Permit on 12 September 1974.

- Planning Permit 794 was granted on 23 March 1976 for to have buildings and works erected thereon in accordance with the attached endorsed plans and to be used for the purposes of a Petrol Filling Station. No plans were endorsed under this Permit.

- Planning Permit 794A was granted on 23 March 1976 for buildings and works erected thereon in accordance with the attached endorsed plans and to be used for the purpose of erection of five (5) signs. Plans were endorsed under this Permit on the same date the permit was issued.

- Planning Permit A418 was granted on 11 March 1986 for to carry out works thereon in accordance with the attached endorsed plans to be used for the purpose of displaying an internally illuminated business sign. No plans were endorsed under the Permit.

- Planning Permit A457 was granted on 27 July 1987 for to consolidate the existing signage and replace the existing price signs and pole mounted identity sign and Business and Directional Signs. Plans were endorsed under this Permit but were not dated.

- Planning Application PLN03/0039 was refused on 15 July 2003 for to erect and display a promotional sign.

- Planning Permit PLN13/0314 was granted on 19 July 2013 for the display of business identification signage.

Subject Application

Proposal

The application proposes the use and staged development of the land for the purpose of a child care centre and convenience restaurant, display associated internally illuminated business identification signage and pole signage, and alteration of access to roads in a Transport Zone 2 (Stud and Heatherton Roads).

The development is proposed to be constructed in stages:

- Stage 1 will include the convenience restaurant and all car parking and accessways associated with the convenience restaurant.
- Stage 2 will include the child care centre and all car parking and accessways associated with the child care centre.

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

Child Care Centre

The proposed child care centre is centrally located with car parking and landscaping located to the north of the site. The child care centre building is to be double storey and would have a total floor area of 1,062 square metres plus 873 square metres of dedicated outdoor play area.

The premises consists of seven (7) children's rooms, two (2) child play areas, four (4) children's WC and preparation/ store, kitchen, staff rooms, planning/admin room, bathroom facilities, bin store and a waste/ loading collection. The application also proposes 26 car parking spaces (1 accessible, 25 standard).

The proposed child care centre will have a maximum of one hundred and twenty two (122) children at any one time.

The proposed hours of operation are:

- 6.30am-6.30pm Monday to Friday
- Closed on Saturday and Sunday

The proposed building would be double storey. The building would reach a maximum height of 9.93 metres. The proposal would include the provision of two (2) outdoor play areas incorporating learning/play activities such as a produce area with garden beds/boxes and synthetic turf as indicated on the landscape plan.

Convenience restaurant

The proposed convenience restaurant is located on the southern portion of the site fronting Heatherton Road. The building is single storey and would have a total floor area of 248 square metres.

The building will provide a total of twenty-two (22) internal seats and seven (7) external seats. Kitchen and staff areas are provided along with bathroom facilities for both staff and patrons. The restaurant also proposes a drive thru ordering/ collection service sleeved behind the building to the north/ east. Twenty-two (22) car parking spaces are proposed.

The proposed hours of operation are:

- 24 hours/ 7 days a week

The building will be single storey. The building would reach a maximum height of 7.2 metres.

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

Signage

Signage associated with the child care centre is proposed in the form of two (2) internally illuminated signs affixed to the west and south elevations, respectively.

Signage associated with the convenience restaurant is proposed in the form of 2.3 metre high illuminated double-sided totems and a proposed 7 metre high digital display illuminated pylon sign for the convenience restaurant adjacent to the Heatherton Road site entry.

Car parking and vehicle access

Twenty-six (26) car spaces would be provided for the child care centre, including one (1) accessible car space and twenty-two (22) car spaces would be provided for the convenience restaurant including one (1) assessable car space, making an overall total of forty-eight (48) car spaces throughout the site.

Access to the site would be provided via crossovers from Stud Road and Heatherton Road, providing both shared entry and exit points for the buildings from both crossovers.

Trees

Eight (8) trees (Trees 3 to 10 of the submitted Arboricultural Report) are currently located within the site. There are two (2) trees within the adjoining property to the east (Tree 1 and 2).

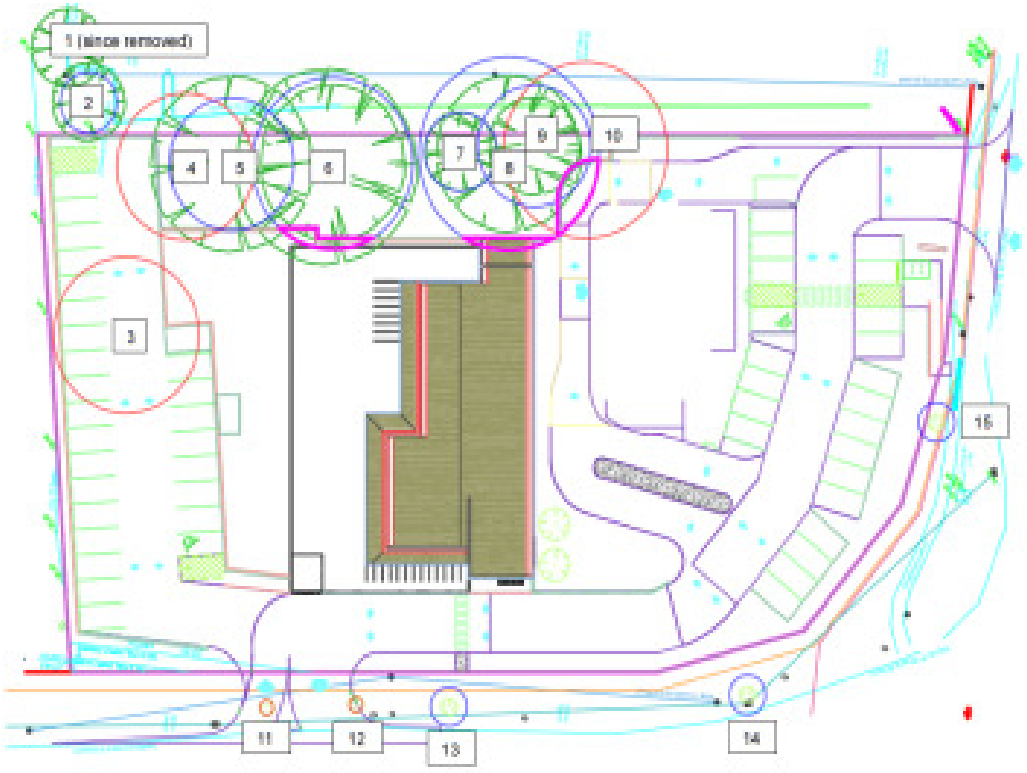
Of the trees on the subject site, three (3) trees (Tree 3, 4 and 10) are of medium to low retention value, and are proposed to be removed, with the remaining trees (Trees 5, 6, 7, 8 and 9), also of medium to low retention value, to be retained. The trees are not remnant species, and do not require a planning permit for removal. This is further discussed in the Assessment section below.

Two (2) trees on the neighbouring eastern adjoining property are within close proximity to the shared boundary of the subject site and are proposed to be retained.

Two (2) small trees located on the road reserve adjoining Stud Road are proposed to be removed to create the crossover.

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

An Arborist Report and landscape plan have been provided from the applicant. The trees are shown in the image below:



A copy of the submitted amended 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 under the following provisions:

- Pursuant to the Greater Dandenong Planning Scheme, a planning permit is required under the following provisions:

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

- Clause 32.08-2 (General Residential Zone) A planning permit is required for the use of the land as a child care centre and convenience restaurant;
- Clause 32.08-9 (General Residential Zone) - A planning permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2 (convenience restaurant and child care centre);
- Clause 52.05-13 (Signs) - A planning permit is required to display internally illuminated business identification signage and pole signage;
- Clause 52.29-2 (Land adjacent to the Principal Road Network) – A planning permit is required to create and alter access to roads in a Transport Zone 2.

The relevant controls and policies are as follows:

Zoning Controls

The subject site is located in a General Residential Zone – Schedule 1, as is the surrounding land to the north and east. The adjoining land to the south and west is within a Transport Zone 2 (Stud and Heatherton Roads).

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, a permit is required to use the land for a child care centre and convenience restaurant. A permit is also required under 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

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

The design objectives of DDO3 are:

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

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

The proposed development has an overall building height of 9.93 metres and is well under 62.9 metres AHD. As such, a permit is not required under DDO3.

Planning Policy Framework

The **Operation of the Planning Policy Framework** outlined at Clause 71.02 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.

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

Clause 11 Settlement

Clause 11 (Settlement) encourages planning to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services. It also encourages planning to contribute towards diversity of choice, energy efficiency, a high standard of urban design and amenity, and land use and transport integration.

Further guidance is provided by **Clause 11.01-1S (Settlement),** which seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. It includes strategies to develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services and ensure retail, office-based employment, community facilities and services are concentrated in central locations.

Clause 13 Environmental Risks and Amenity

Clause 13.04-1S Contaminated and potentially contaminated land is relevant to the site. The purpose of this Clause is to ensure contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the commencement of any use or development and to protect a sensitive use (residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school from the effects of contamination.

Clause 13.05-1S Noise abatement is relevant to the proposal**.** The strategy of this policy is **'**Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area'.

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

Clause 13.07-1S Land Use compatibility is relevant to the proposal to ensure that the proposed use and development is appropriate to the character of the area through use of building design.

Clause 15 Built Environment and Heritage

Clause 15 (Built Environment and Heritage) states that planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

It adds that planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context. Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.

According to the clause, planning should promote excellence in the built environment and create places that:

- *Are enjoyable, engaging and comfortable to be in.*
- *Accommodate people of abilities, ages and cultures.*
- *Contribute positively to local character and sense of place.*
- *Reflect the particular characteristics and cultural identity of the community.*
- *Enhance the function, amenity and safety of the public realm.*

These overall objectives are reinforced by a number of sub-clauses, including **Clause 15.01-1S (Urban design)** and **Clause 15.01-1R (Urban design – Metropolitan Melbourne)**, which seek to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Clause 15.01-2S (Building design) aims to achieve building design outcomes that contribute positively to the local context and enhance the public realm, while **Clause 15.01-5S (Neighbourhood character)** has an objective to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Clause 15.01-4S (Healthy neighbourhoods) has an objective to achieve neighbourhoods that foster healthy and active living and community wellbeing. **Clause 15.01-4R (Healthy neighbourhoods - Metropolitan Melbourne)** reinforces this, with a strategy 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.

Clause 18 Transport

Clause 18.01-1S (Land use and transport planning) has a strategy to plan urban development to make jobs and community services more accessible by ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

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.

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

- A municipality where central Dandenong functions as the sustainable economic heart of the City for retail, commercial and residential development complemented by a number of activity, where a range of high quality, appropriate, well-designed affordable high to medium density housing exists in harmony with a thriving retail and commercial sector and where sustainable modes of transport are highly accessible resulting in significantly less journeys by car.

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

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

- Housing and community;
- Retail, commerce and entertainment;
- Industrial; and
- Green Wedge

With relevance to the proposal, Clause 21.04-1 (Housing and community) includes the following objective and strategies:

5. To protect the amenity of residential areas adjacent to particular uses and protect sensitive particular uses from residential development.

2. Encourage incorporation of acoustic attenuation measures in new residential developments within Mixed Use Zones and Commercial Zones to protect occupants from external noise.

3. Discourage non-residential uses except along main roads or collector roads or on corner sites.

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

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

1. *To facilitate high quality building design and architecture.*

    1. *Ensure building design is consistent with the identified future character of an area and fully integrates with surrounding environment.*
    2. *Encourage high standards of building design and architecture, which allows for flexibility and adaptation in use.*
    3. *Encourage innovative architecture and building design.*
    4. *Encourage development to incorporate sustainable design elements that enhance occupant comfort and environmental performance.*

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

    1. *Promote views of high-quality landscapes and pleasing vistas from both the public and private realm.*
    2. *Promote all aspects of character – physical, environmental, social and cultural.*
    3. *Encourage planting and landscape themes, which complement and improve the environment.*
    4. *Encourage developments to provide for canopy trees.*

6. *To ensure that design of the public and private environment supports accessibility and healthy living.*

    1. *Encourage new developments to provide for well-connected cycle and pedestrian paths.*
    2. *Encourage new developments to provide for safe environments.*
    3. *Ensure that all new developments accord with and embrace universal design principles outlined in Council's 'Access and Inclusion Strategy for people with Disabilities 2004-2008'.*

7. *To protect and improve streetscapes.*

    1. *Ensure that new developments improve streetscapes through generous landscape setbacks and canopy tree planting.*
    2. *Ensure landscaping within private property that complements and improves the streetscapes and landscaping of public areas.*
    3. *Ensure that signs do not detract from the streetscape.*

8. To ensure landscaping that enhances the built environment.

1. Encourage new developments to establish a landscape setting, which reflects the local and wider landscape character.
2. Encourage landscaping that integrates canopy trees and an appropriate mix of shrubs and ground covers and complements and integrates with existing or proposed landscaping in public areas.

9. To ensure a co-ordinated approach to sign design and placements, in commercial, industrial, residential areas and along road corridors.

1. Ensure that the design and placement of new signs considers the cumulative impact of existing signs on the host building, adjoining buildings and the streetscape.
2. Encourage signs in appropriate areas to include English and one other language reflecting the cultural aspect of the locality.
3. Ensure major promotion and sky signs along road corridors are appropriately spaced so as not to dominate the overall setting and to minimise impact on viewing corridors/major view lines.
4. Ensure signs in residential areas do not dominate the building, the site and the streetscape.

Particular Provisions

Clause 52.05 Signs

The purposes of this provision are:

- *To regulate the display of signs and associated structures.*
- *To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*

Category 3 – High Amenity Signage. A permit is required to construct and display business identification signage, internally illuminated signage and pole signage.

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

Clause 52.06 Car parking

The purpose of this provision are:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the 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.*

The table to Clause 52.06-5 (Car parking – Number of car parking spaces required under Table 1) contains car parking ratios for different uses. The subject site is within the Principle Public Transport Network map area. Therefore, Column B of Clause 52.06-5 is applicable.

A Child Care Centre requires 0.22 car parking spaces to each child. There are 122 children proposed, thereby requiring 26 car spaces. Twenty-six (26) car parking spaces are provided on site.

A convenience restaurant requires 3.5 car parking spaces to each 100 square metres of leasable floor area. The total leasable floor area proposed is 248 square metres, thereby requiring eight (8) car spaces. Twenty-two (22) car parking spaces are provided on site, providing a surplus of 14 spaces.

The proposal complies with the number of car parking required in Clause 52.06-5, and does not seek planning permission for a reduction in car parking.

Clause 52.29 Land Adjacent to the Principal Road Network

The purpose of this provision are;

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

A permit is required to:

- to alter access to roads in a Transport Zone 2 (Stud and Heatherton Roads)

The proposal includes the removal of the existing crossover on Stud Road and reinstatement of the kerb and channel.

An application to create or alter access to, among other things, must be referred to the Roads Corporation under Section 55 of the *Planning and Environment Act 1987*.

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (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.

Proposed Planning Scheme Amendments

There is no Planning Scheme Amendment relevant to this application

Restrictive Covenants

There are no restrictive covenants or Section 173 Agreements applicable to the site.

Community Vision 2040 and Council Plan 2021-25 – 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.

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

Referrals

External

The application was externally referred to the following authorities:

Authority	**Referral type under the *Planning and Environment Act 1987*;**	**Response**
Head, Transport for Victoria	Section 55	No objection, subject to conditions

Internal

The application was internally referred to the following Council departments for their consideration. The comments provided have been considered in the assessment of the application.

Internal Referrals	
Civil Development	No objections, subject to conditions on permit.
Asset Planning	No objections, subject to conditions on permit.
Transport Planning	No objections, subject to conditions on permit.
ESD	No objections, subject to conditions on permit
Urban Design	Preliminary concerns, which have now been resolved via the amended plans.
Bushland & Garden (Arborist)	No objections, subject to conditions on permit

Advertising

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

- Sending notices to the owners and occupiers of adjoining land.
- Placing two (2) signs on site facing Stud Road and one (1) sign facing Heatherton Road.

The notification has been carried out correctly.

Council has received thirteen (13) objections to date.

The location of the objectors is shown in Attachment 2.

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

Since the application was advertised, the applicant has formally amended the plans under the VCAT processes. The applicant has circulated notification of the amended plans to neighbouring owners and occupiers and all original objectors, as directed by VCAT. Council has not received notification of any further objections and none of the objectors have sought to become a party to the proceedings.

Summary of Grounds of Submissions/Objections

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

- **Increased Traffic**

  The subject site is a corner allotment that is and will continue to be serviced by two (2) crossovers which provide both ingress and egress from both Stud Road and Heatherton Road.

  The applicant has provided a Traffic Report prepared by a qualified traffic engineer. The report summaries that the proposed uses will only marginally increase traffic along Stud and Heatherton Roads during peak periods and will not adversely affect any passing traffic on these roads.

  The application was referred to Councils Transport Planning Department and to The Department of Transport and Planning with no concerns raised in relation to alterations to access, traffic volumes or car parking (subject to conditions).

- **Commercial competition**

  Whilst it is acknowledged that there are already a number of existing child care centres and convenience restaurants within the immediate area, commercial competition is not a valid planning consideration when assessing the application.

Assessment

Amended Plans

On 29 March 2023, Council issued a letter to all parties stating that had Council been in a position to issue a decision, it would have resolved to refuse to grant a planning permit. The applicant has since formally amended the plans under the VCAT provisions. The amended plans were the result of negotiations between the applicant and Council officer's at a VCAT Compulsory Conference which was chaired by a member of the Tribunal.

Key changes to the proposal since the Compulsory Conference are as follows:

- Deletion of the development for future Stage 3;
- Retention of five (5) existing trees (from removal of all eight (8) trees);
- Reconfiguration of the child care centre to the centre of the site and integrated and car parking relocated to the north;

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

- Deletion of a 5.5m high central retaining wall and reduction in the levels of earthworks and height of retaining walls along the side and rear boundaries; and
- Additional landscape setbacks along all boundaries and reduction in hard paving around the convenience restaurant.

An excerpt of the initial proposed site plan and amended site plan is provided as follows:

Initial Proposed Plans	Amended Plans

The amendments address Council officer's initial concerns relating to the removal of all existing trees on site, the extent of earthworks including the height and extent of retaining walls, stormwater management and urban design. The amended proposal is considered to be acceptable and will allow for the facilitation of built form outcome that is appropriate for this key gateway location, and will allow for the acceptable protection of the existing trees on site which offer a significant contribution to the landscape and neighbourhood character.

Accordingly, it is recommended that Council adopt a position of supporting the amended proposal at the upcoming hearing.

Consistency with Planning Policies, MSS & Local Planning Policies

The subject site is a corner lot with suitable access from both Stud Road and Heatherton Road for the proposed uses given its corner position with dual frontages. The location of the lot provides an easily identifiable site with convenient access for potential users of the buildings.

The development has been designed to achieve a high standard of amenity and sustainability whilst contributing to a cohesive community. The site is well-located in relation to infrastructure, services, facilities, and public transport options and will provides an overall positive contribution to the local economy.

Development of increased scale and density should have appropriate regard to the established and preferred neighbourhood character of the surrounding area and it is considered that the proposed development is appropriate having regard to the surrounding mix of commercial use and development and the wider residential context. Existing vegetation has been retained on site where possible ensuring that there are minimal environmental impacts from the proposed development.

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

Uses

The proposed non-residential uses on a site with direct access to main roads is supported as the proposal has sought to ensure that nearby residential amenity is protected through appropriate hours of operation and potential off-site amenity impacts associated with such a use.

The non-residential nature of the uses are consistent with the existing uses within the immediate surrounding area, of which comprise two (2) service stations, three (3) convenience restaurants, as well as the Dandenong Club and its associated car park. In addition, the proposal is situated on land which was formerly utilised as a service station.

The proposal for the child care centre on the subject site is considered appropriate in terms of the proposed hours of operation which are generally consistent with normal business hours this ensures that the amenity of the surrounding residential neighbourhood is not adversely affected by the proposed business. Whilst the proposed convenience restaurant is to operate on a 24 hour/ seven (7) days a week basis, due to the location of the site on a corner lot adjoining two main roads, the use is considered reasonable.

Whilst the application proposes non-residential uses on residentially zoned land, applications require a balance of sometimes competing policies to achieve a desirable outcome that is one of net community benefit.

The buildings are sufficiently setback from boundaries and conditions can be placed on any permit issued in relation to restrictions in terms of hours of operation, number of staff and number of children to ensure the amenity of the surrounding residential area is maintained.

Development

It is considered that the application has taken into account the site conditions and existing development in the area in formulating a design response. The proposal seeks to preserve and enhance the valued aspects of urban character and amenity within the streetscape.

The child care building is double storey and the convenience restaurant is single storey which is consistent with the existing neighbourhood character, being one of single and double storey commercial and residential development. The design of the buildings maintain a consistent building height which is in scale with the existing residential development nearby. The buildings are well articulated through use of varying building materials.

The development is of a contemporary design reflective of the intended uses of the site whilst also being mindful of the surrounding residential built form. The buildings have been designed with a mixture of external finishes and colours providing an appropriate degree of visual interest whilst also providing elements of articulation which minimize the perception of bulk and provide a level of visual interest to the street interfaces. The retaining wall located between the car parking area and child care stage associated with stage 2 of the development will be visually apparent when travelling south along Stud Road. It is important to ensure the low retaining wall is treated to prevent graffiti and vandalism. This matter can be resolved through further detailed design of the wall requested via permit condition 1.1.

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The design and built form of the development is sustainable, appropriately responding to the character of its location whilst also provoking a sense of community.

Signage

With the exception of the pole sign located in the southeast corner of the site, all other signage is affixed to the building, and all signage is considered to be commensurate to the proposed built form.

The proposed signage on the building is considered respectful of the surrounding signage character of the area, noting that when compared to the overall scale of the building, the signage is modest in presentation and not overly dominant or excess on the façade. In addition, the signage is positioned on the building similarly to that on other buildings in the immediate area and maintains similar spacing across the elevations.

The 7-metre-high freestanding pole sign is considered appropriate in the context adjacent to a road in a Transport Zone 2, and will allow appropriate identification of the site. The pole sign is consistent in scale, height and content with the existing signage character of the area. Existing signs generally consist of internally illuminated pole signs and electronic pylon signs up to maximum 7m in height, and internally illuminated signs affixed to the buildings.

The proposed signage does not dominate the skyline or impact on any significant views or vistas. The signs are well setback from the property boundaries so as to not obstruct a drivers line of sight.

Permit conditions can ensure that signage illumination does not dazzle or distract drivers or cause adverse amenity impacts to the surrounding area (see condition 35).

Tree Retention

An Arboriculture Assessment accompanies the application and identifies the overall quality of trees within the site to be generally low to medium. Many trees exhibit reduced health and/or structural classification often as a result of crowded planting, therefore shortening life expectancy.

The trees on site are not identified as being indigenous or remnant, however are native to Australia. As such, the removal of the trees are exempt from requiring a planning permit for removal under Clause 52.17-7, as they were planted. Despite the exemption and through extensive negotiation with the applicant at a recent Compulsory Conference the proposal has been redesigned to retain the majority of the trees (Trees 5 to 9) that are located along the eastern side setback, as they provide significant contribution to the environment and landscape character.

In addition to the retention of these mature native trees, the proposed landscaping plan includes a significant amount of new trees and shrubs throughout the site, which will assist in softening the appearance of built form when viewed from the streetscape whilst contributing to the landscape qualities of the site and surrounding area.

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

Furthermore, the proposal has demonstrated that it would maximise the retention of existing vegetation where possible. The retention of these trees align with Council's actions and associated strategies to address the impacts of climate change, which includes measures to address on-going loss of vegetation and canopy cover. These strategies include the *Climate Emergency Strategy 2020-2030, Urban Forest Strategy 2021-28, Greening Our City: Urban Tree Strategy* and *Greening Our Neighbourhoods Strategy 2021-28*.

The landscape plan submitted with the application and overall design of the buildings facilitates an open, spacious and well landscaped presentation to Stud and Heatherton Roads. The landscape plan demonstrates proposed planting that will increase the existing canopy cover of the site by proposing additional trees where there were no previous trees planted. There is an inconsistency whereby Tree 4 is identified to be of low retention value and therefore removed as shown on the site plan and Arboricultural Assessment. This differs on the landscape plan which identifies Tree 4 as retained. This inconsistency can be rectified via permit condition to show Tree 4 as removed if a permit is issued (see condition 2).

Car Parking

In relation to car parking and vehicle access, the requirements of Clause 52.06 of the scheme apply. The proposal would satisfy and exceed the car parking requirement under Clause 52.06-5. The car parking requirements are demonstrated in the table below;

Use	Size	Scheme requirement	Required	Provided
Convenience restaurant	248sqm	3.5 space per 100sqm of leasable floor area	8	22
Child care centre	122 children	0.22 spaces per child	26	26
Total			34	**48 (14 SURPLUS)**

The proposal provides in excess of the required number of car parking spaces on site.

Access to the site would be provided via crossovers from Stud Road and Heatherton Road. Providing both shared entry and exit points for the buildings from both crossovers.

Overall, the extent of traffic generated from the proposed development is predicted to be within the capacity of the existing local traffic network and it is not considered that the development will generate any adverse impacts on the safe and efficient operation of the surrounding road network.

The car parking is considered to satisfy the needs of the users without detriment to the local amenity.

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Environmentally Sustainable Development

A review of the Sustainability Management Plan and town planning drawings submitted for the application finds that in the context of this development, further detailed assessment of stormwater management measures via condition 3, is required to satisfy councils expectations for environmental sustainability. This is a result of the steep slope of the land and the amended proposal as described above.

BESS Information Summary **Dwelling Type: Non-residential**	**Project Overall Score: 51%**		
	Fail	**Best Practice**	**Design Excellence**
	(<49%)	**(50-69%)**	**(>70%)**

BESS Category	**Score**	**Initiatives – requires updated**
Management	0%	
		■ Metering of all individual commercial tenancies ■ Building user guide commitment
Water	66%	
		■ Rainwater tank capacity specified to each development including 10,000L for the childcare, 3,000 for food premises to:
		Landscape irrigation, Toilet flushing
		■ High WELS star rated water fittings, fixtures and appliances
		■ Potable water consumption reduced by 34% compared to same building following minimum standards.
Energy	50%	Requires update
		■ Preliminary energy efficiency modelling to be undertaken at a later date. ■ Heating and cooling systems to be within 1 star of the most efficient product available or contain a COP/EER 80% better than the most efficient equivalent capacity unit available. ■ Gas storage system with 6-star rating to be selected ■ Solar PV system of at least 3kW to the food premises and 5kW to the childcare centre.

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		▪ Estimated greenhouse gas emissions reduced is unconfirmed due to no modelling undertaken.
Stormwater	100%	
		▪ Stormwater design meets industry best practice requirements though incorporation of rainwater collection and re-use proprietary treatment systems (however this requires confirmation).
Indoor Env. Quality	60%	
		▪ Design promotes cross ventilation to the occupied spaces ▪ Daylight meets best practice standards with over 40% of spaces exceeding a daylight factor of 1.
Transport	33%	
		▪ Electric vehicle connection point to the car park area.
Waste	50%	
		▪ Child care centre includes organic waste collection facilities on site.
Urban Ecology	37%	Requires update
		▪ 10% of the site is permeable and landscapable ▪ Food gardening facilities are available at the child care centre.

Potentially contaminated land

The site was previously used as a petrol station, which indicates a high potential for land contamination. Given that the proposed child care centre is a sensitive use, Council must ensure that the effects of the environment on the proposal are considered, and that potentially contaminated land is suitable for its proposed use. The applicant has provided a report from an Environment Consultant, which concludes that the risk to human health and the environment on the site is low and acceptable.

Recommended permit conditions 38-41 require the submission of a Preliminary Risk Screen Assessment and, if required Environmental Audit, to ensure that the land is suitable for the proposed use.

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

Conclusion

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

Overall, it is considered that the proposal is appropriate having regard to the site's location being adjacent to a Transport Zone 2 within a General Residential Zone Schedule 1 and Design and Development Overlay Schedule 3, the proposed built form, and overall compliance with the Greater Dandenong Planning Scheme.

Recommendation

That Council resolves to adopt the following position for the upcoming Victorian Civil Administrative Tribunal (VCAT) for planning permit application PLN22/0176:

That Council supports the proposal, as shown in plans prepared by The Ellis Group Architects plans no. TP006- TP009, TP100-102, TP110, TP200, TP210-211, TP300, TP500-501, TP510-511, TP520, TP530 , revision A1 dated 21/04/2023 in Planning Application PLN22/0176 in respect of the land known and described as 166 Stud Road DANDENONG NORTH VIC 3175 (Lot 3 LP 115018 Vol 9107 Fol 828), for the purpose of use and staged development of the land for a child care centre and convenience restaurant, display of internally illuminated business identification signage and pole signage, and creation and alteration of access to roads in a Transport Zone 2, in accordance with the endorsed plans, subject to the following conditions:

1. Before the development or use starts, amended plans must be submitted to the Responsible Authority for approval. No buildings or works must be commenced until the plan/s have been approved and endorsed by the Responsible Authority. The endorsed copy of the plan/s forms part of this permit.

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

1.1 A section of the retaining walls between the car parking area and the childcare centre associated with Stage 2, and treatments to prevent vandalism and graffiti;

1.2 Details of each proposed sign associated with proposal as follows:

1.2.1 accurate depictions of all written and graphic content (in actual colours proposed, if applicable);

1.2.2 accurate dimensions included on all relevant drawing documentation (elevations) including lengths, heights and maximum heights above ground level;

1.2.3 the illumination of the signs either internally (light box) or by external floodlighting. If proposed to be illuminated, details of the intensity of the lighting must be provided (lux levels) as well as proposed times of illumination.

1.3 Initiatives contained within the revised Sustainability Management Plan in accordance with Condition 3.

All to the satisfaction of the Responsible Authority.

2. Concurrent with the endorsement of plans pursuant to Condition 1, an amended landscape plan must be submitted to and approved by the Responsible Authority. The amended landscape plan must be generally in accordance with the landscape plan (Prepared by Hansen Partnership, Revision P1 dated 24 April 2023), but modified to include:

2.1 Plans to accord with condition 1 above, including Tree 4 shown as removed.

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

3. Concurrent with the submission of amended plans in accordance with Condition 1 of this Permit, the applicant is to submit a revised Sustainability Management Plan (SMP) to the satisfaction of the responsible authority. The revised SMP must be generally in accordance with the SMP (Prepared by Frater, Version 1 issued on 04 April 2022) but modified to include:

3.1 Changes to accord with condition 1;

3.2 Specification of a rainwater tank of at least 15,000L to service the childcare centre. To maximise roof area collection and reducing pipe runs, the applicant is encouraged to incorporate 2 rainwater tanks of equal capacity at either end of the development;

3.3 The restaurant to maximise a rainwater tank capacity to 5,000L;

3.4 A revised stormwater section that assesses site stormwater management through the use of natural stormwater treatment measures to determine their ability meet current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999*), all to the satisfaction of the Responsible Authority. This includes the use of rainwater tanks, raingardens or other bioretention, swales and permeable concrete or paving;

3.5 A revised stormwater section that assesses site stormwater management through the use of natural stormwater treatment measures to determine their ability meet current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999*), all to the satisfaction of the Responsible Authority. This includes the use of rainwater tanks, raingardens or other bioretention, swales and permeable concrete or paving;

3.6 Specification of the solar PV panels to the childcare centre roof and restaurant roof, increased as follows:

- **Restaurant: 5kW**
- **Childcare centre: 8-10kW**

3.7 The proposed gas hot water system be removed and replaced with a domestic heat-pump style hot water system, and the kitchen to specify an electric oven and cooktop.

3.8 Town Planning Drawings, to show:

3.8.1 Rainwater tanks to the childcare centre and restaurant must be physically depicted (to scale) and specify the intended connection points

3.8.2 Specification of the solar PV panels to the childcare centre roof and restaurant roof. Refer to the comments below on the revised solar PV specifications to be reflected in a revised SMP.

3.8.3 Specification of all relevant windows to the childcare centre as operable to facilitate natural cross ventilation to the children's rooms and corridor areas.

3.8.4 Incorporation of relevant Water Sensitive Urban Design (WSUD) measures to support the site meet Best Practice Environmental Management Guidelines for Stormwater. Refer to the additional information on stormwater management under the preliminary concerns commentary.

3.8.5 Specification of an electric vehicle charging space and/or infrastructure (circuitry and conduit) to service the restaurant parking space as a minimum.

3.8.6 Depiction of heating and cooling systems (or indicative services room space) to support an all-electric childcare centre.

3.8.7 Incorporation of shading to all large windows along the northern elevation of the childcare centre.

The provisions, recommendations and requirements of the endorsed SMP must be complied with from design to construction. No alterations to the endorsed SMP can occur without prior written consent from the Responsible Authority

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

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

6. The use of land for a child care centre must only operate during the following hours:

6.1 Monday to Friday: 6.30am-6.30pm

7. The number of children on the site within the child care centre at any one (1) time must not exceed one hundred and twenty-two (122) unless with the written consent of the Responsible Authority.

8. Concurrent with the submission of amended plans in accordance with Condition 1 of this Permit, drainage drawings to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The drainage drawings must show:

8.1 All drainage (including surface drainage) directed to a suitable location on the land;

8.2 Detail of the required outfall drain connection to stormwater infrastructure;

8.3 Cross sections including details of retaining walls;

8.4 Measures to ensure the discharge of water from the property is controlled around its limits to prevent any discharge onto any adjacent property;

8.5 All retaining walls built with durable materials.

All to the satisfaction of the Responsible Authority.

9. Before any works commence, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Construction Management Plan must address, but is not limited to:

9.1 Hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints;

9.2 All Traffic Management Plans for the site demolition, excavation, deliveries and other construction related activities that will affect vehicle and pedestrian traffic;

9.3 The location of all areas on-site and off-site to be used for construction staff parking;

9.4 A Parking Management Plan for all associated construction vehicles;

9.5 All site sheds, portable toilet, storage and materials, etc. must be confined to the land;

9.6 The covering and maintenance of all roads/storage areas/external stockpiles/or vacant areas to avoid dust nuisance to any residential and commercial premises;

9.7 A truck wheel-wash must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways;

9.8 No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the land;

9.9 All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;

9.10 The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the land; and

9.11 No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system.

9.12 The detailed description of the measures to be implemented to protect the existing trees to be retained during construction works, and the person/s responsible for implementation and compliance. These measures must include the erection of a tree protection fence around all trees to be retained on site, to the satisfaction of the responsible authority including the tree protection zones of all trees to be retained. All tree protection zones must comply with AS 4970-2009 Protection of Trees on Development Sites, to the satisfaction of the responsible authority.

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

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

10. Concurrent with the submission of amended plans in accordance with Condition 1 of this Permit and prior to any demolition or site works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the Permit

The TMP must set out recommendations and requirements in relation to the management and maintenance of trees to be retained and all trees on adjoining land where any part of the tree protection zone falls within the land, make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained on the land and on adjoining land remain healthy and viable during construction:

10.1 a Tree Protection Plan drawn to scale that shows:

10.1.1 tree protection zones and structural root zones of all trees to be retained including those on neighbouring land where any part of the tree protection zone falls within the land;

10.1.2 details of tree protection fencing and identification of areas to be fenced and areas where ground protection systems will be used;

10.1.3 restrictions on activities within any tree protection zones;

10.1.4 type of works within any tree protection zone with minimal excavation within 3 metres of the tree base;

10.1.5 any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and

10.1.6 a notation to refer to the TMP for specific detail on what actions are required within the tree protection zones;

10.2 details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist;

10.3 the extent of earthworks proposed for the site and written advice that the protection measures proposed will provide adequate protection of the trees to be retained.

10.4 supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the Responsible Authority; and

10.5 any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur,

All to the satisfaction of the Responsible Authority.

The recommendations contained in the approved Tree Management Plan must be implemented to the satisfaction of the Responsible Authority

11. Prior to the occupation of the development, a Waste Management Plan (WMP) must be submitted and approved to satisfaction of the responsible authority. The WMP must include:

11.1 Plans in accordance with Condition 1;

11.2 The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority;

11.3 Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours;

11.4 Designation of methods of collection including the need to provide for private services;

11.5 Appropriate areas of bin storage on site and areas of waste bin storage on collection days;

11.6 Details for best practice waste management once operating;

11.7 Collection times designated outside of peak pick up and drop off times.

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

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

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

12.1 Transport of materials, goods or commodities to or from the land.

12.2 Appearance of any building, works or materials.

12.3 Adverse behaviour of patrons on, to or from the premises.

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

12.5 Presence of vermin.

All to the satisfaction of the Responsible Authority.

13. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

14. Noise levels emanating from the land must not exceed the permissible noise levels stipulated in the Environment Protection Regulations under the Environment Protection Act 2017 and the Incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) as may be amended from time to time to the satisfaction of the Responsible Authority.

15. The site shall be kept in a neat and tidy condition at all times, all to the satisfaction of the Responsible Authority.

16. All rubbish from the premises must be immediately collected and disposed of in an appropriate receptacle to the satisfaction of the Responsible Authority.

17. Bins or other receptacles for any form of rubbish or refuse may not be placed or allowed to remain in the view of the public, and no adverse odour shall be emitted from any such receptacle.

18. 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.

19. Provision must be made for the drainage for proposed development including landscaped and paved areas, all to the satisfaction of the Responsible Authority.

20. The connection of the internal drainage infrastructure to the legal point of discharge must be to the satisfaction of the Responsible Authority.

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

22. Access to the site and any associated roadwork must be constructed, all to the satisfaction of the Responsible Authority.

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

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

24. Prior to the use commencing in each stage, all parking areas and accessways for that stage must be:

24.1 constructed and available for use in accordance with the plan approved by the responsible authority;

24.2 formed to such levels and drained so that they can be used in accordance with the plan; and

24.3 line-marked or provided with some other adequate means of showing the car parking spaces.

25. Car spaces, access lanes, loading bays and driveways must be maintained (including line marking) and kept available for these purposes at all times.

26. The car parking provided on the land must always be kept available for its intended purpose at all times. No measures must be taken to restrict access to the car park.

27. The car parking area must be lit if in use during the hours of darkness and all lights must be designed and fitted with suitable baffles. The lighting must be positioned to prevent any adverse effect on adjoining land and must not be considered excessive for the area, all to the satisfaction of the Responsible Authority.

28. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land.

29. No buildings or works may be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority without the prior written consent of the relevant authority and the Responsible Authority.

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

31. The intensity of the light in the signage must be limited so as not to cause glare or distraction to motorists or other persons or loss of amenity in the surrounding area, to the satisfaction of the Responsible Authority.

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

32. The location and details of the sign/s, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.

33. Bunting, streamers, flags, windvanes or similar material must not be displayed except with

the prior written consent of the Responsible Authority.

34. The approved sign(s) must not be animated in part or whole and flashing, intermittent or moving light/s must not be displayed.

35. The approved sign(s) must be illuminated in such a way or provided with baffles so that no light is emitted outside the boundaries of the land to the satisfaction of the Responsible Authority.

36. The approved sign(s) must be wholly located within the boundaries of the land.

37. The sign/s and any related panel and supporting structure must be constructed and maintained to the satisfaction of the Responsible Authority.

38. Prior to the commencement of works, either:

38.1 A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use and development; or

38.2 An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use and development.

39. Where a Statement of Environmental Audit is issued for the land pursuant to Condition 38.2 above, the use and development of the land must comply with all directions and conditions contained within the Statement.

40. Where a Statement of Environmental Audit is issued for the land pursuant to Condition 38.2 above, prior to the occupation of the development, a letter prepared by a suitably qualified environmental consultant or other suitable person acceptable to the responsible authority, must be submitted to the Responsible Authority to verify that the directions and conditions contained within the Statement have been satisfied. Compliance sign off must be in accordance with any requirements in the environmental audit statement recommendations regarding verification of works.

41. Where a Statement of Environmental Audit is issued for the land pursuant to Condition 38.2 above, and any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the owner must enter into an Agreement with Council pursuant to Section 173 of the Planning and Environment Act 1987. Where a Section 173 Agreement is required, the Agreement must be executed prior to the occupation of the development and prior to Statement of Compliance of the Plan of Subdivision. All expenses involved in drafting, negotiating, lodging, registering, executing and enforcing the Agreement, including those incurred by the Responsible Authority, must be met by the owner.

Head, Transport for Victoria Conditions:

42. Prior to commencement of occupation, the two crossovers and driveways must be constructed at no cost to the Head, Transport for Victoria and to the satisfaction of the Responsible Authority.

43. Prior to commencement of occupation, any disused or redundant vehicle crossing must be removed, and the area reinstated to the kerb and channel, at no cost to the Head, Transport for Victoria and to the satisfaction of the Responsible Authority.

44. Vehicles must always enter and exit the site in a forward direction

Expiry

45. This permit will expire if:

45.1 The development does not start within two (2) years of the date of this permit; or

45.2 The development is not completed within four (4) years of the date of this permit; or

45.3 The use does not start within one (1) year of the completion of the development; or

45.4 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.**

46. This permit expires fifteen (15) years from the date of this permit for the approved signage. Before this permit expires, the approved sign(s) and any supporting structure must be removed and the land and/or building surface made good to the satisfaction of the Responsible Authority.

Permit Notes

- **A Building Approval is required prior to the commencement of the approved development. This planning permit does not constitute any building approval.**
- **A flood dispensation is to be obtained prior to issue of Building Permit.**
- **Any works undertaken within the road reservation and easements will require the developer to obtain a Civil Works Permit from Council.**
- **Prior to works commencing the developer will need to obtain an Asset Protection Permit from Council.**
- **Prior to the drainage plans being approved, a drainage approval fee will need to be paid to Council.**
- **Approval of any retention system within the property boundary is required by the relevant building surveyor.**
- **Before commencement of the development occurs, the applicant should contact the City of Greater Dandenong's Civil Development and Design Unit regarding legal point of discharge, new crossings, building over easements, etc.**

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

- **As this is an established site, the proposed internal drainage should be connected to the existing legal point of discharge. The applicant may apply for local drainage information, if available; otherwise on site verification should be undertaken by the applicant.**

- **A Vehicle Crossing Permit must be obtained from Council for all vehicular crossings prior to construction of the crossings.**

- **Department of Transport Notes**

  The proposed development requires roadworks within the road reserve. Separate approval under the *Road Management Act 2004* for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

STATUTORY PLANNING APPLICATIONS

TOWN PLANNING APPLICATION – NO. 166 STUD ROAD, DANDENONG NORTH (PLANNING APPLICATION PLN22/0176)

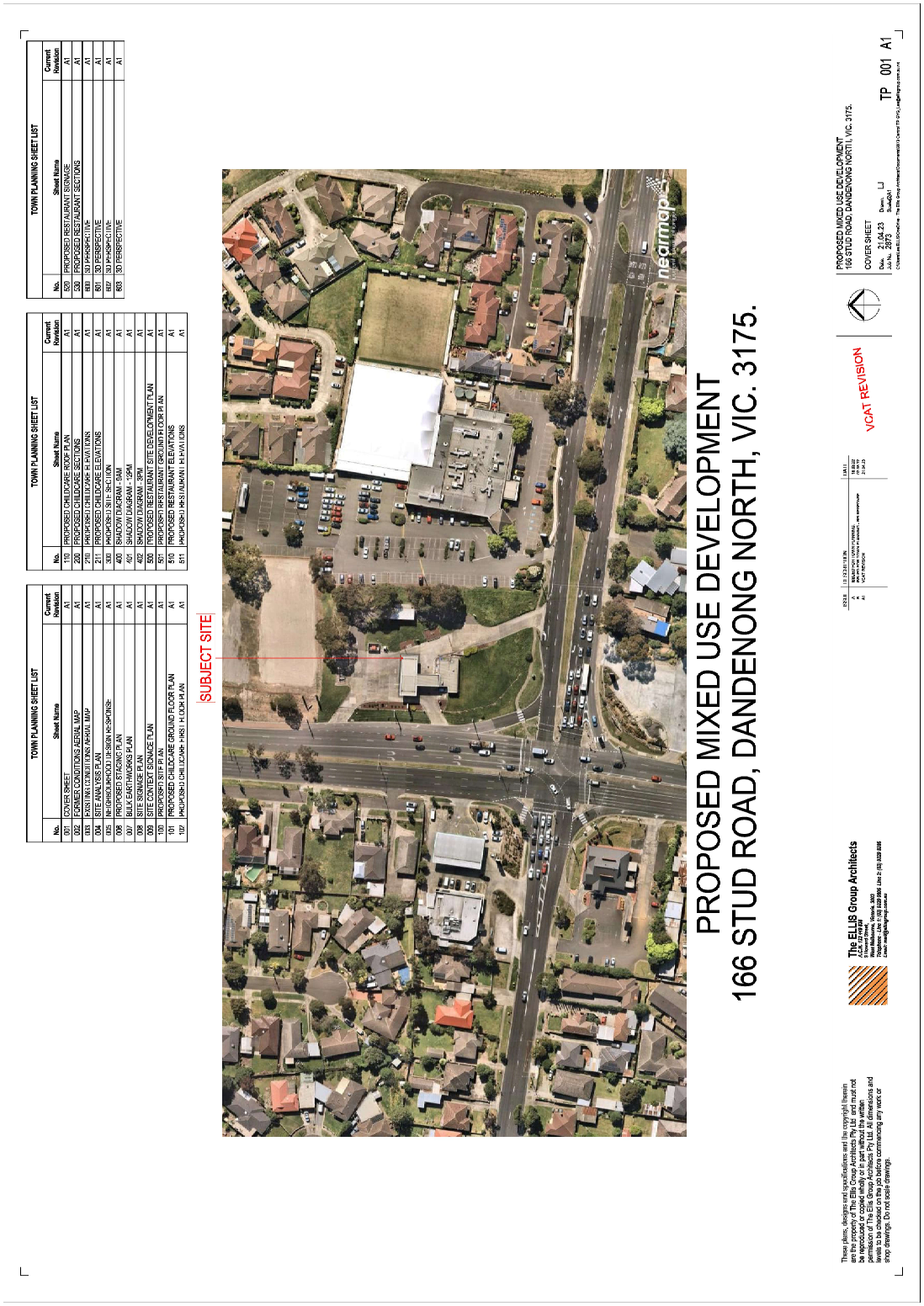
ATTACHMENT 1

ASSESSED PLANS

PAGES 34 (including cover)

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

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)



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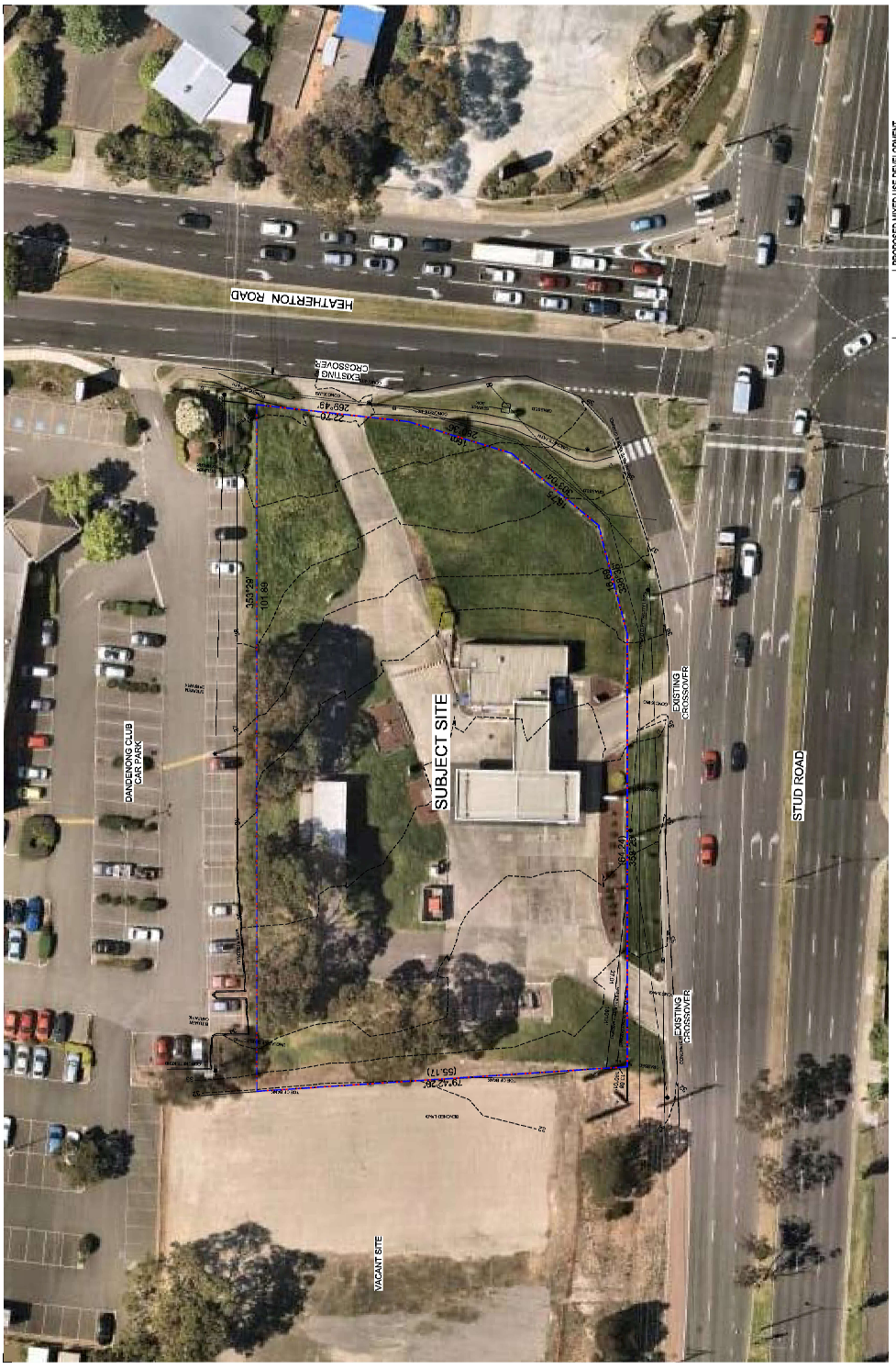

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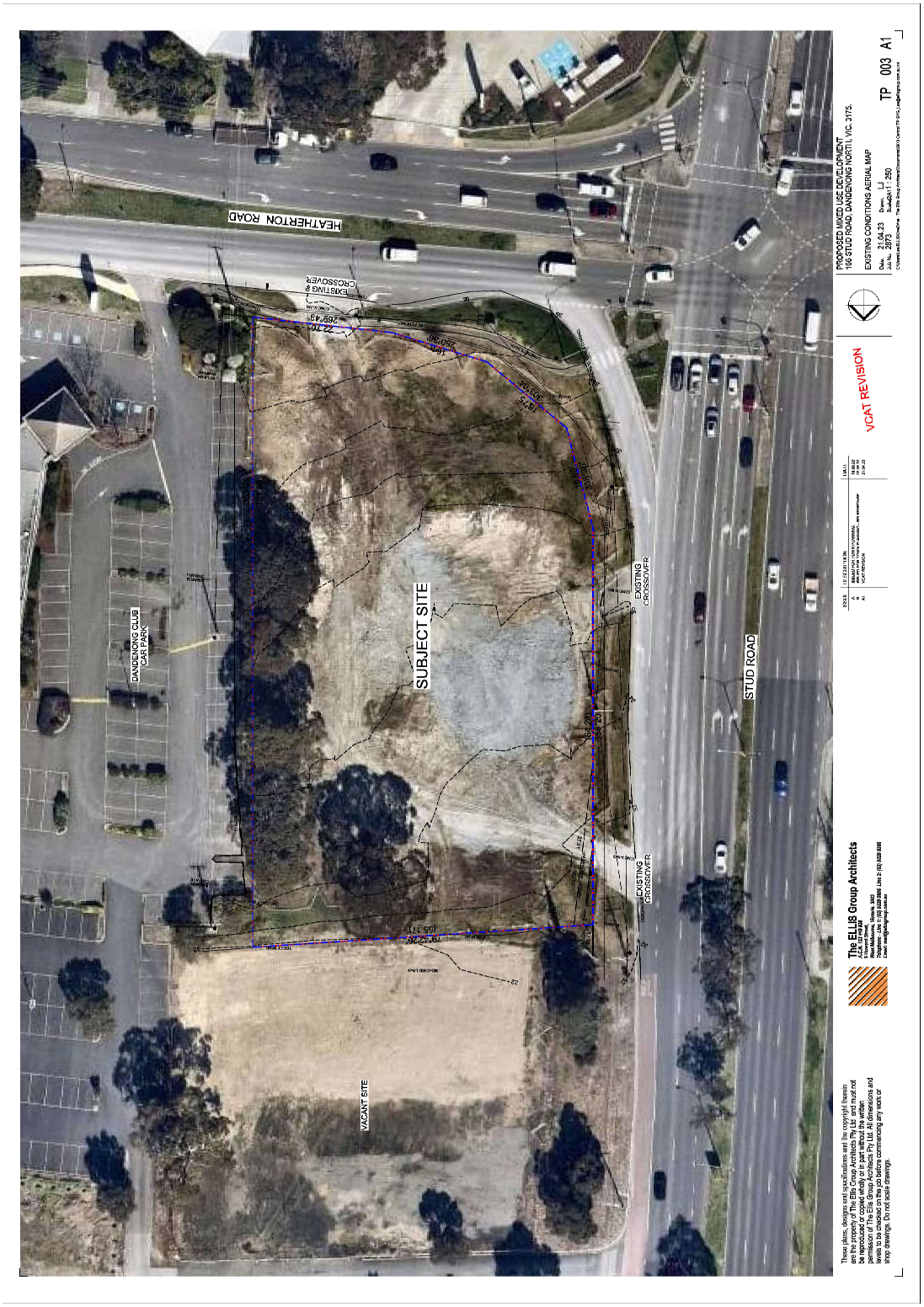

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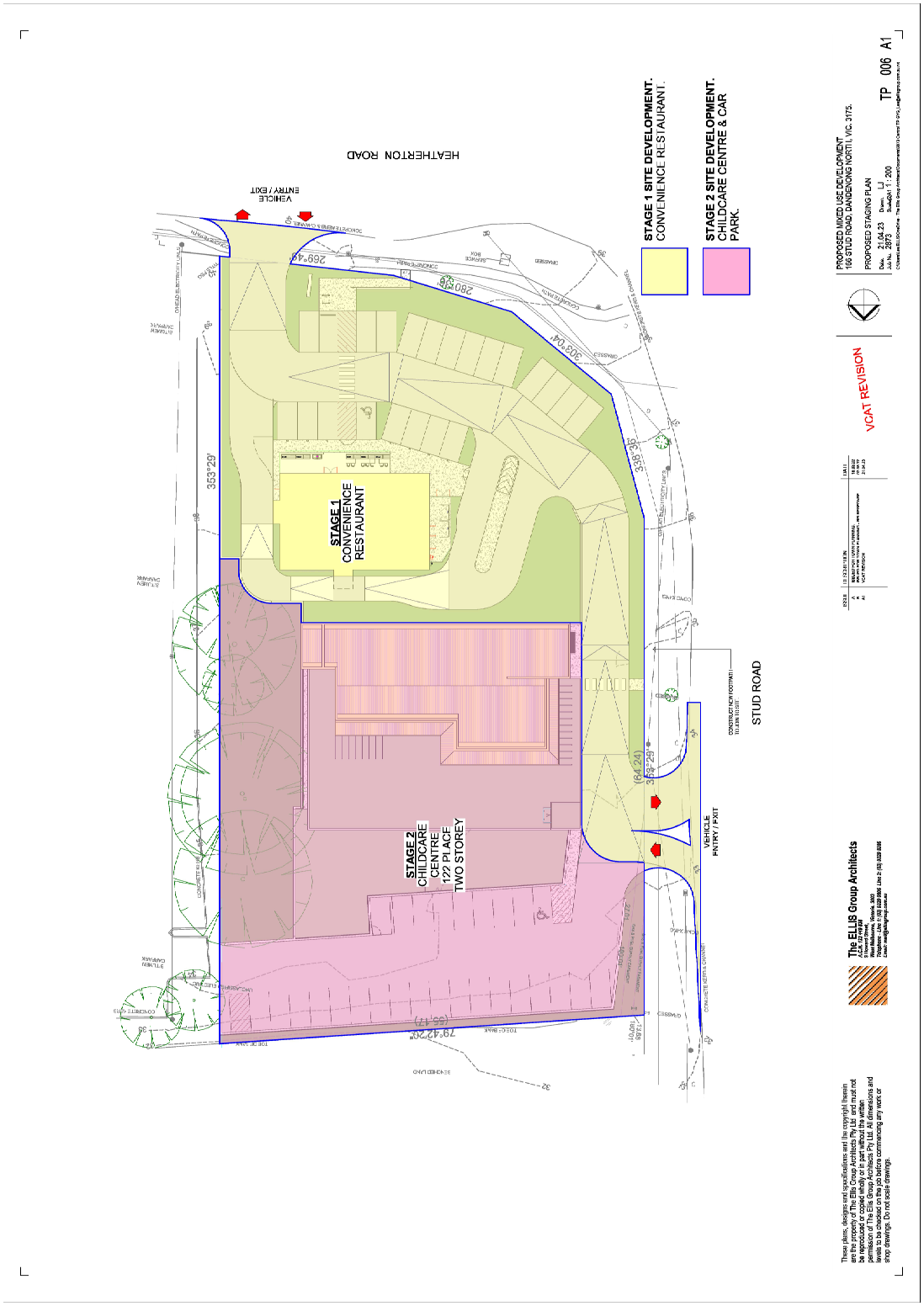

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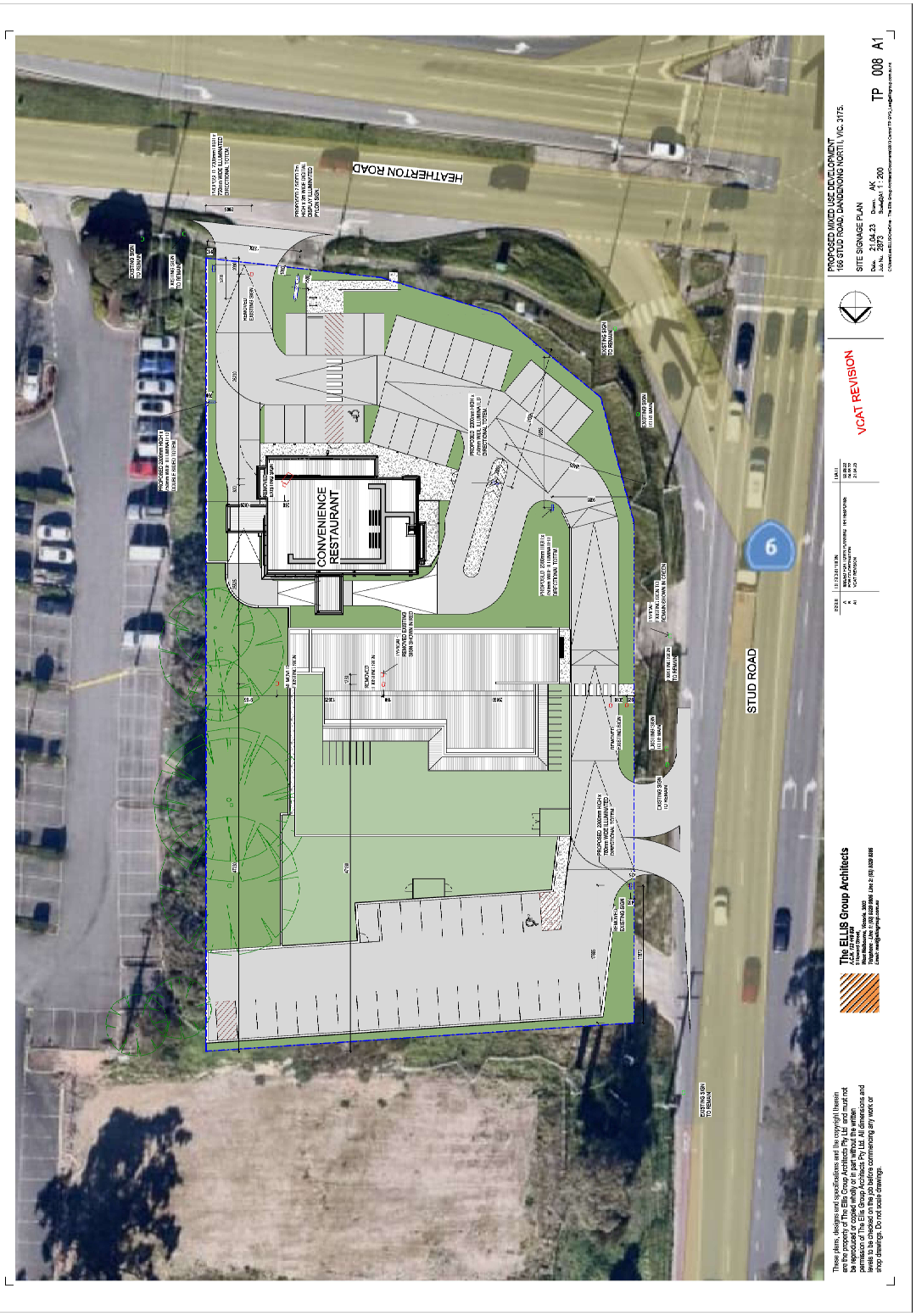

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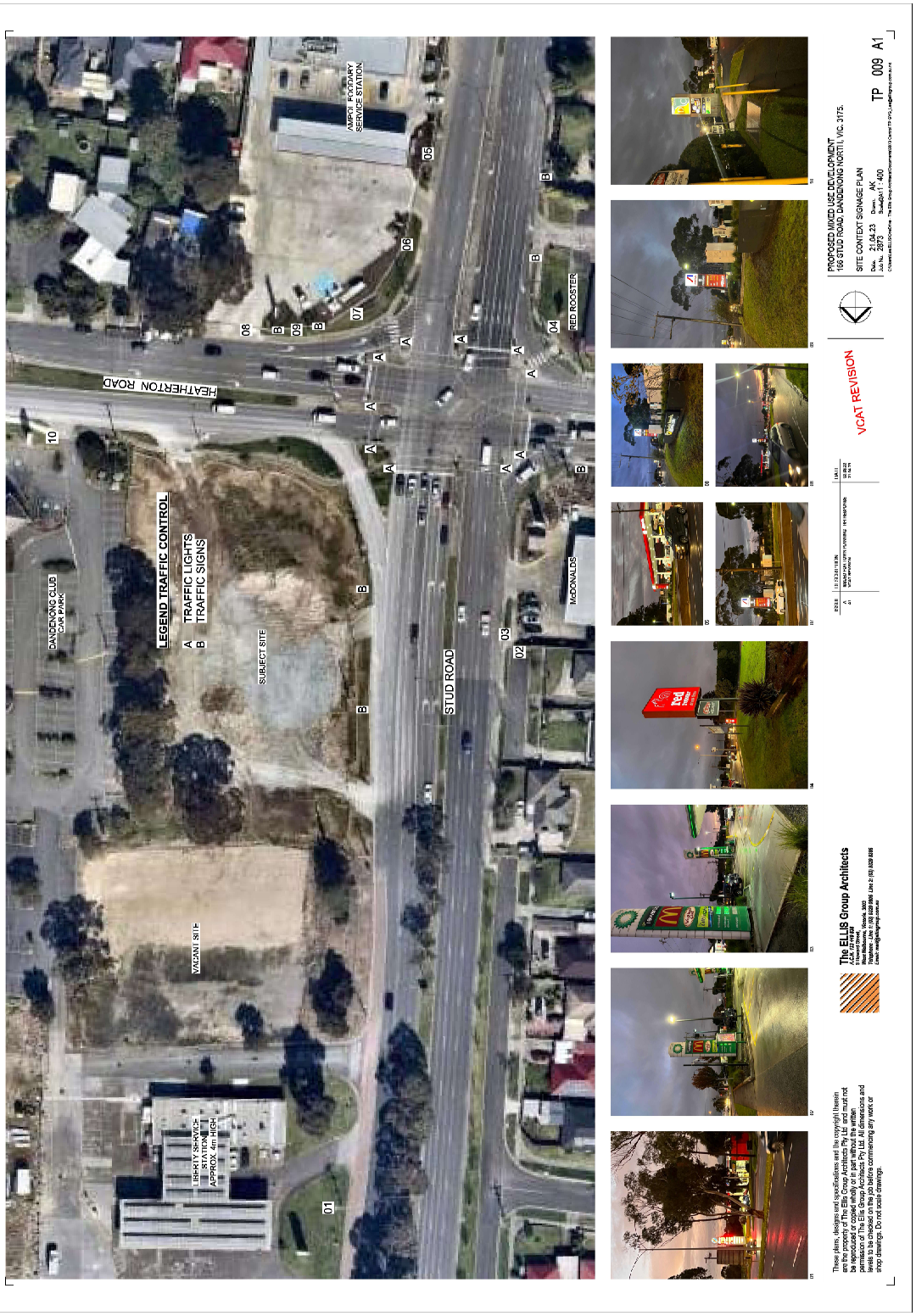

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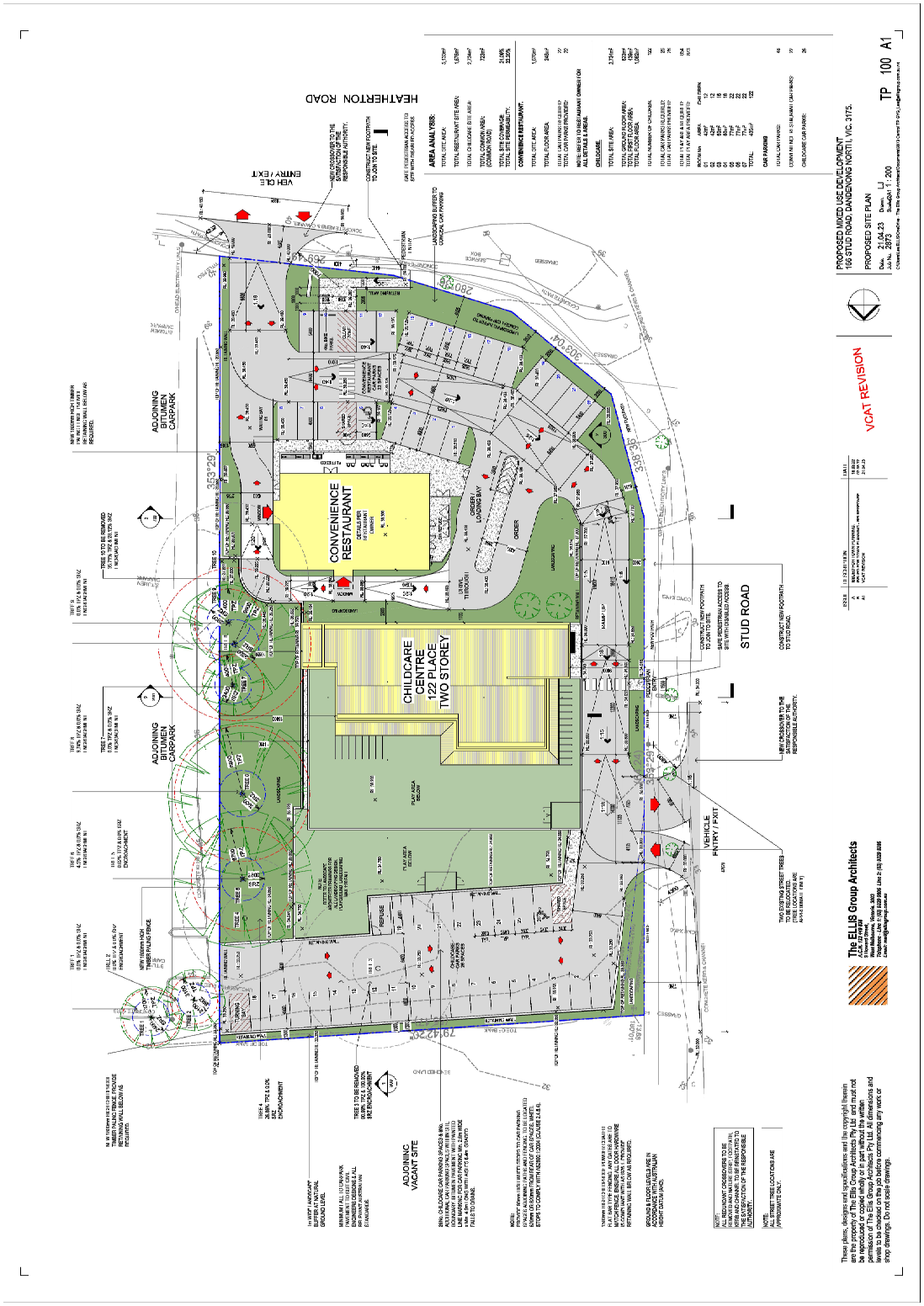

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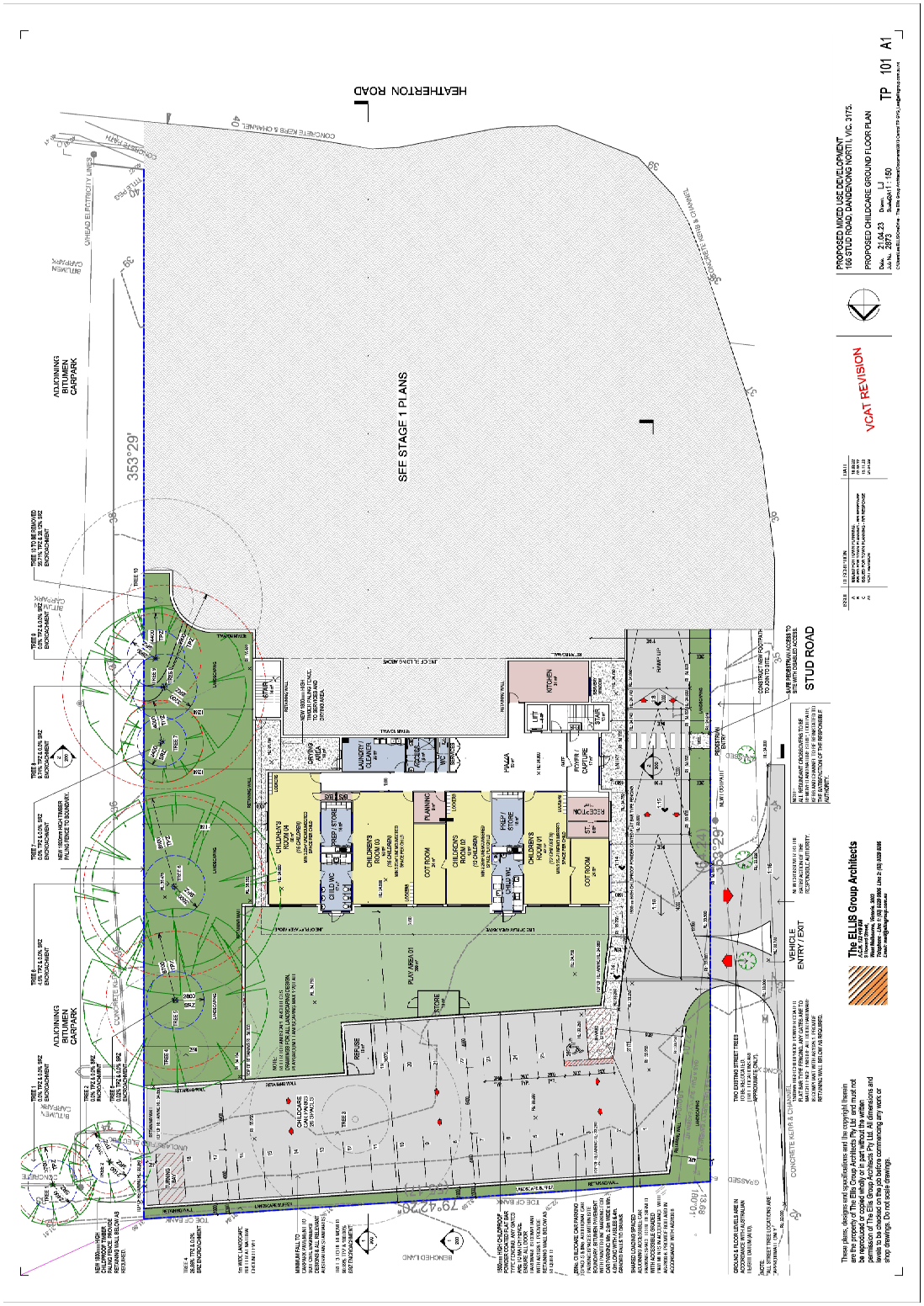

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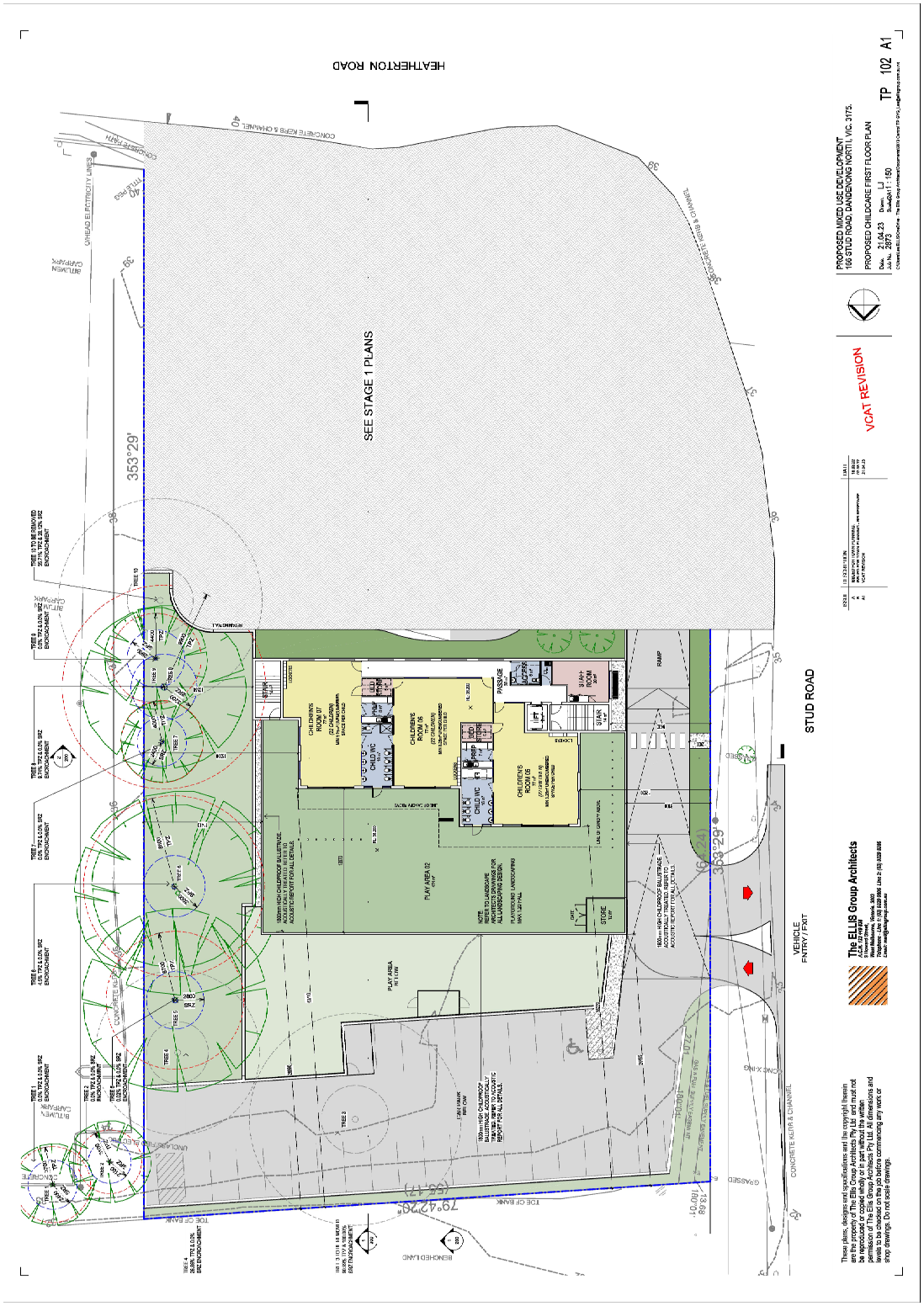

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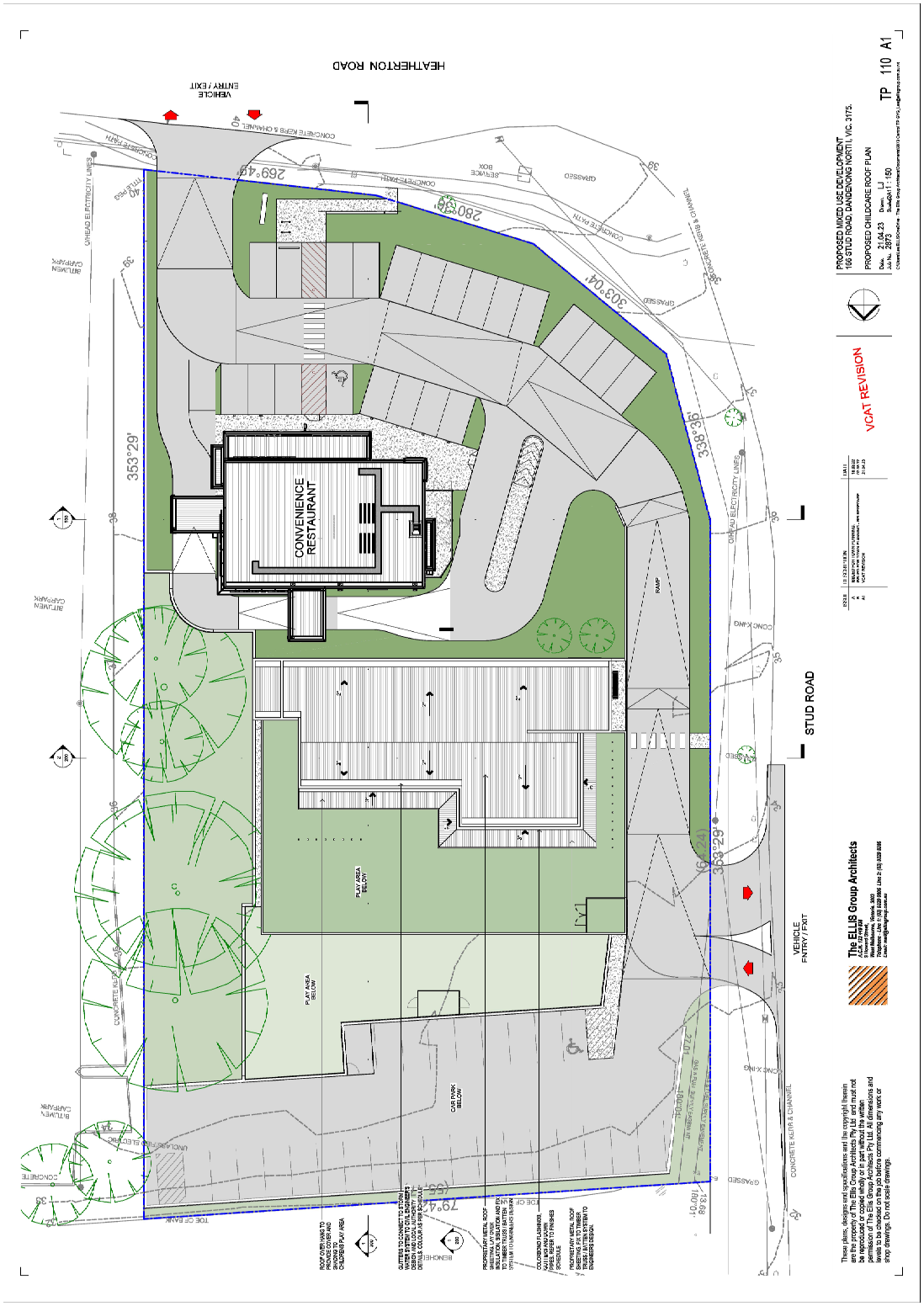

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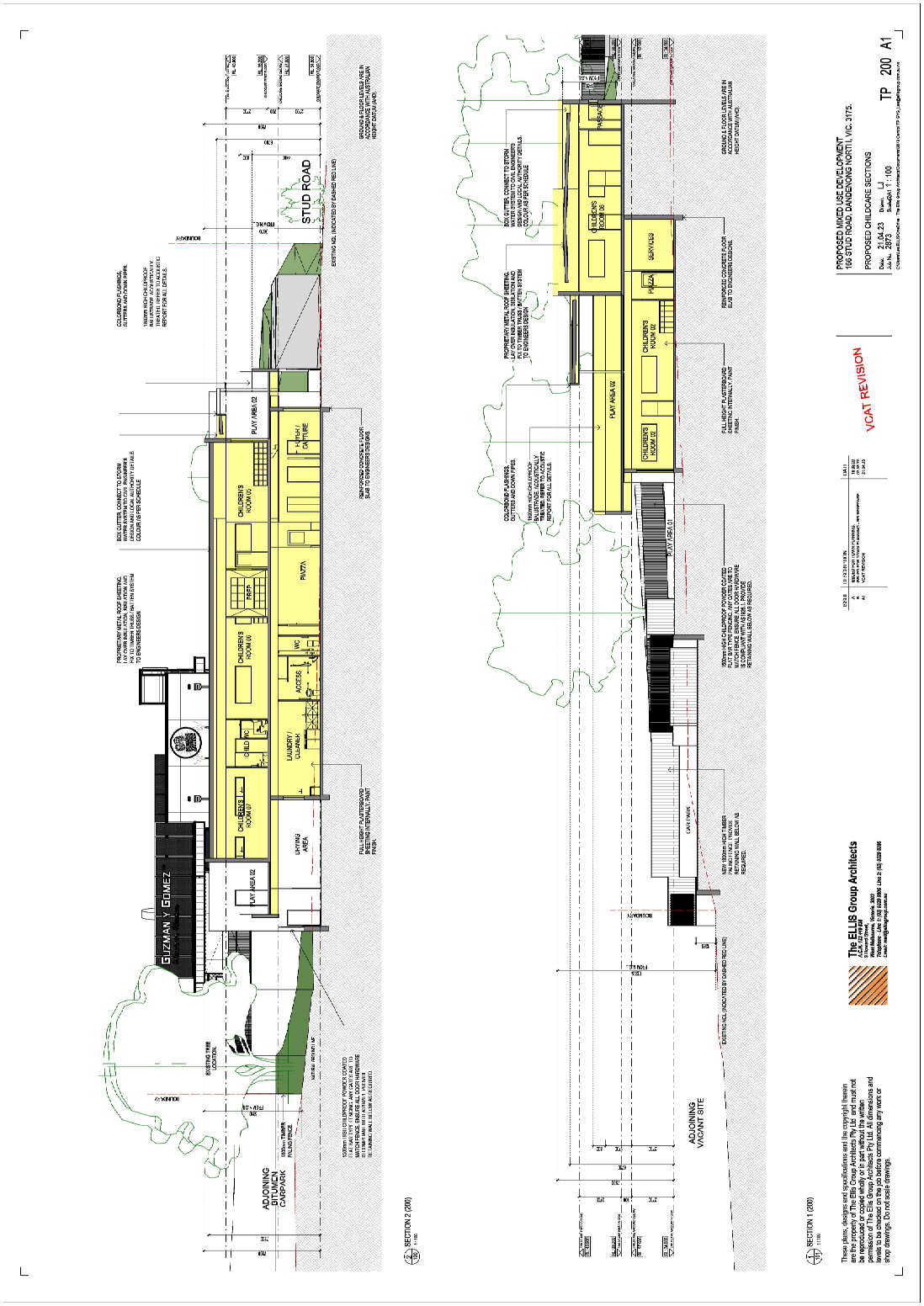

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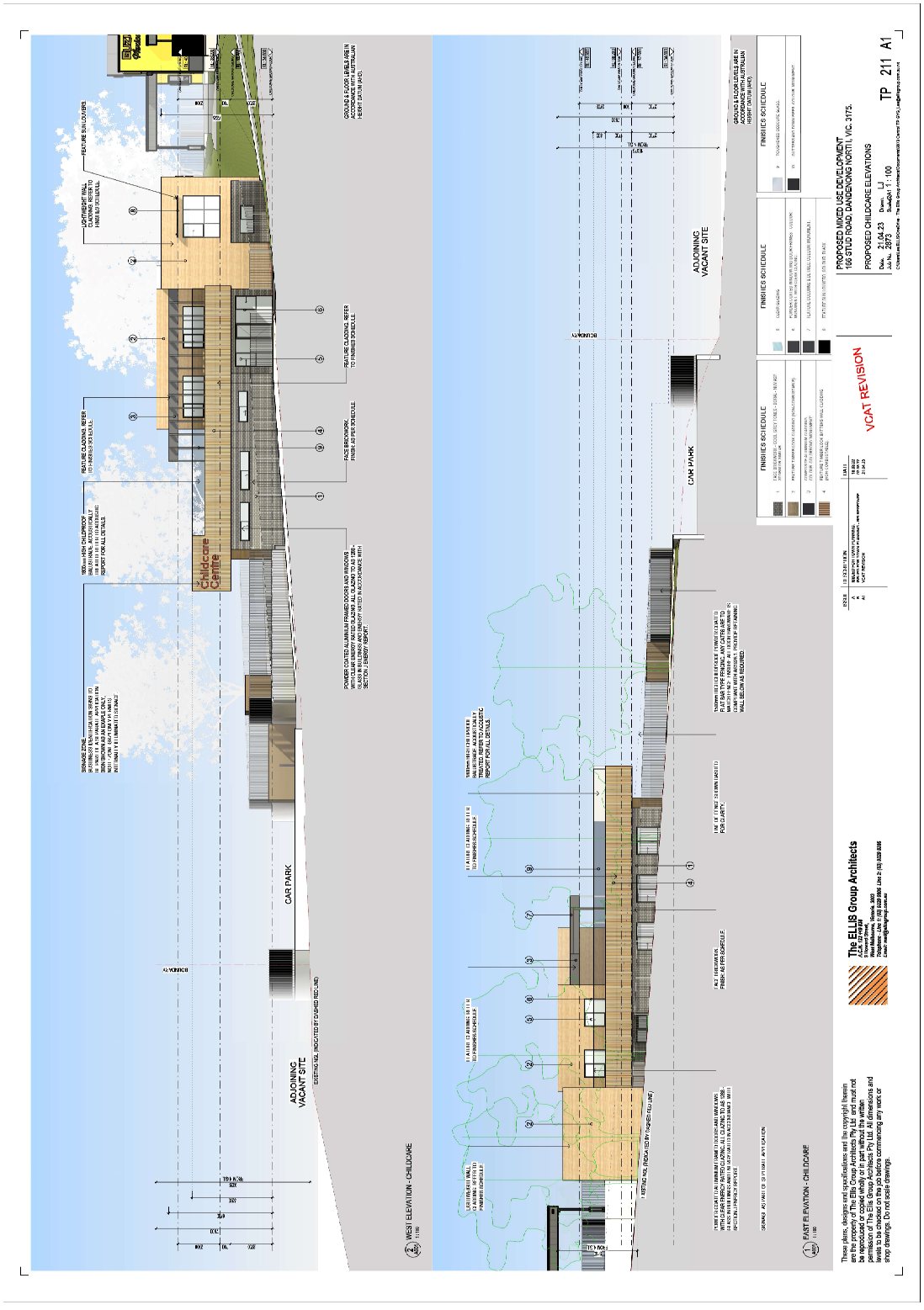
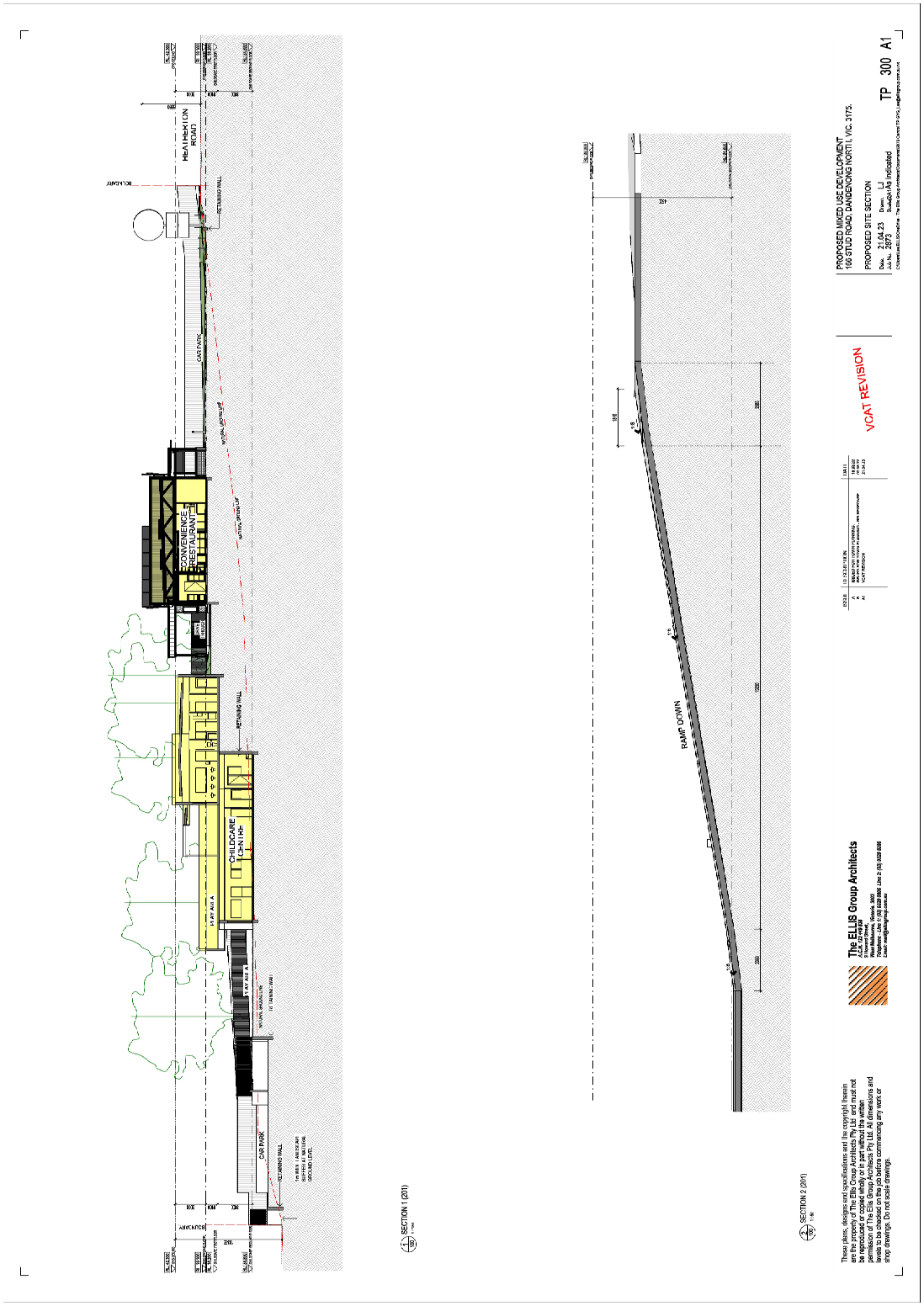


2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)



2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

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2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

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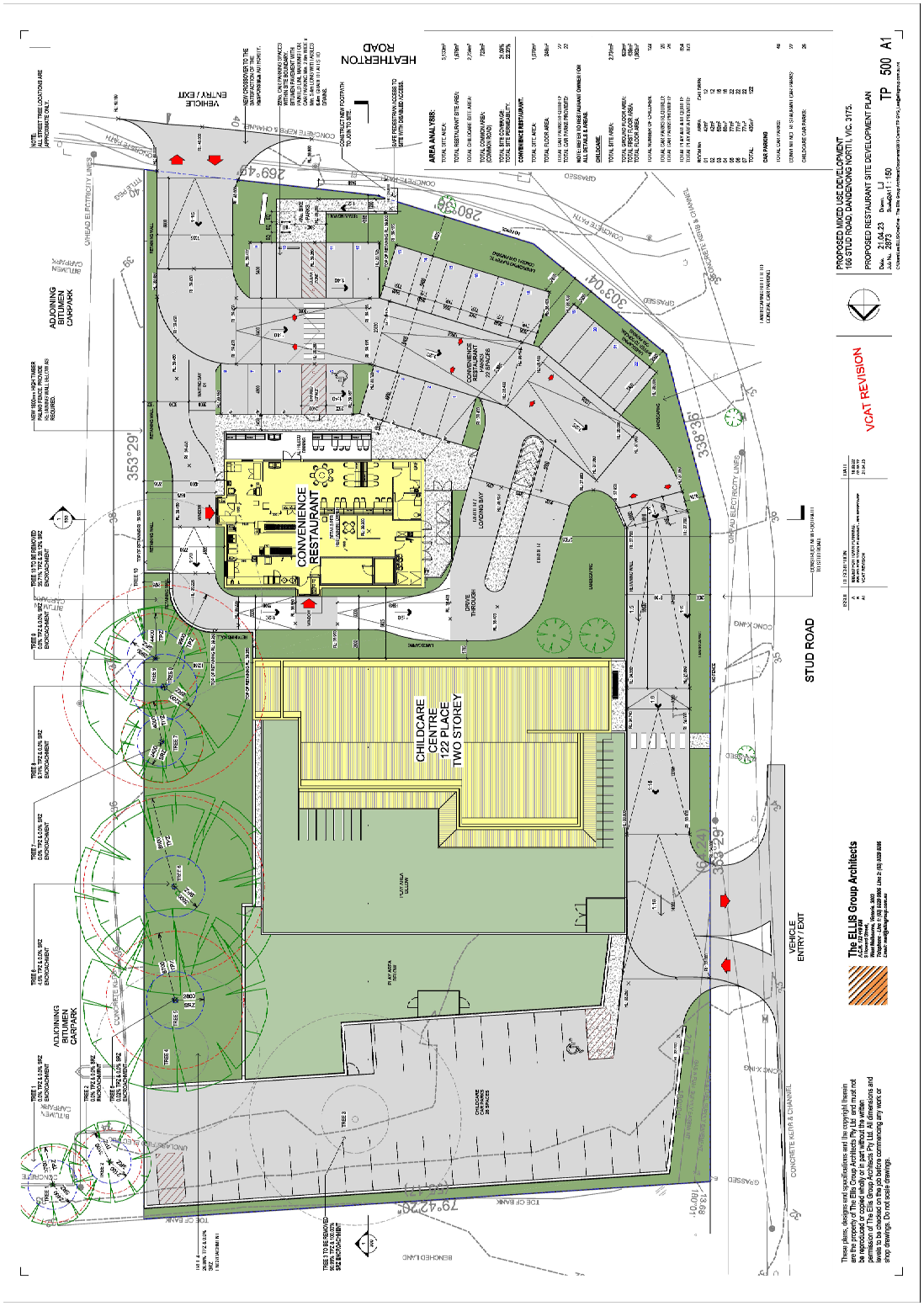

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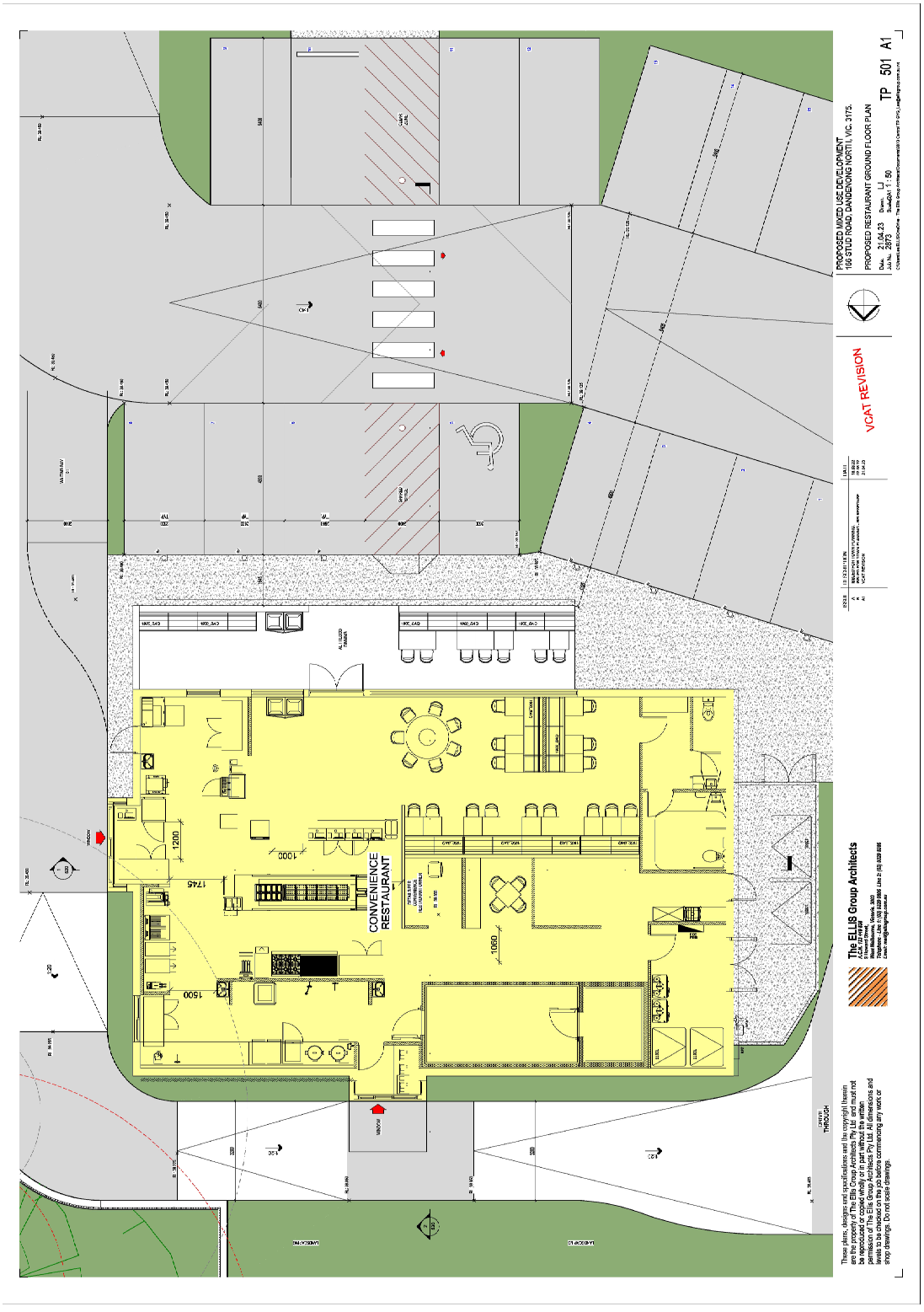

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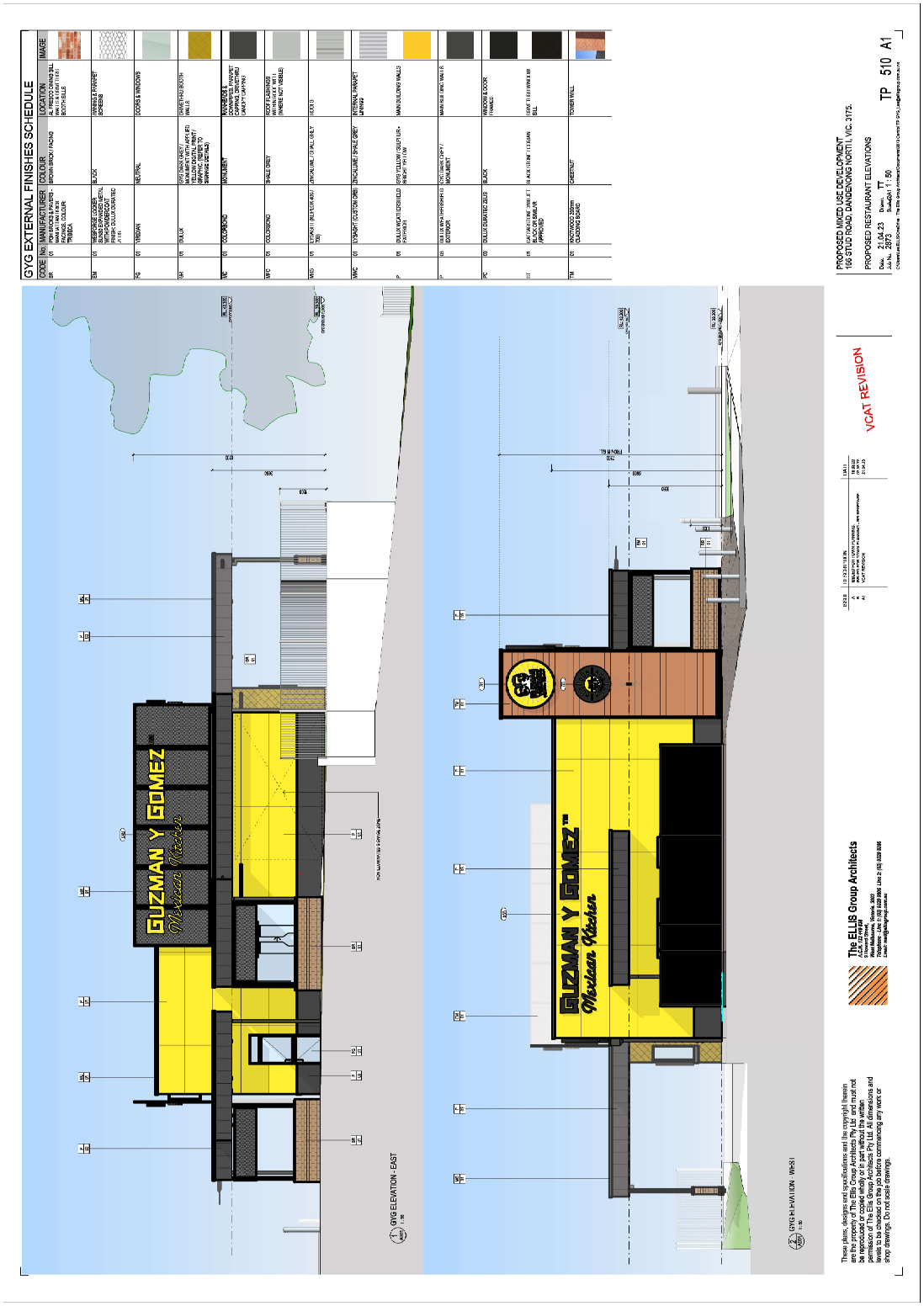

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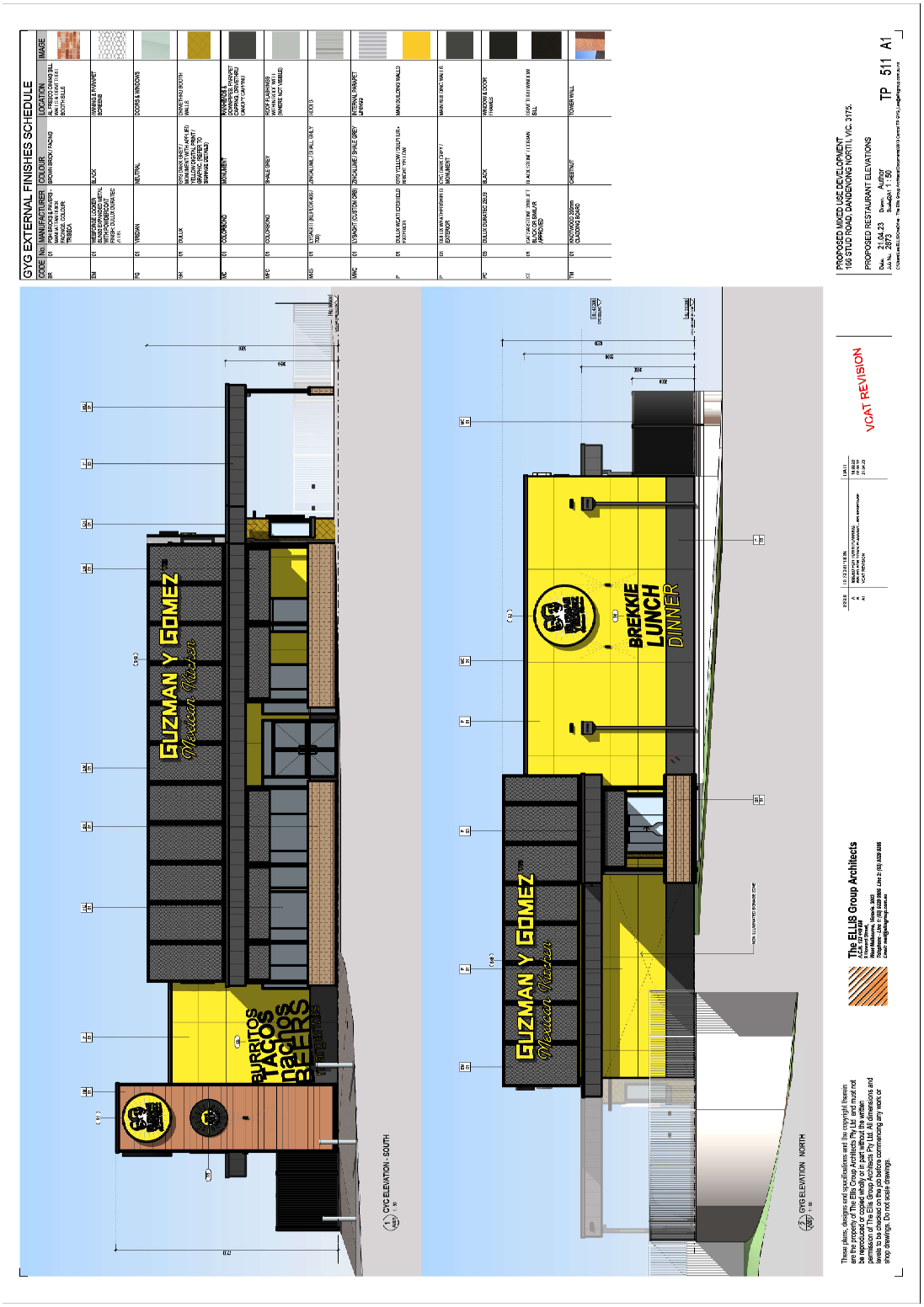

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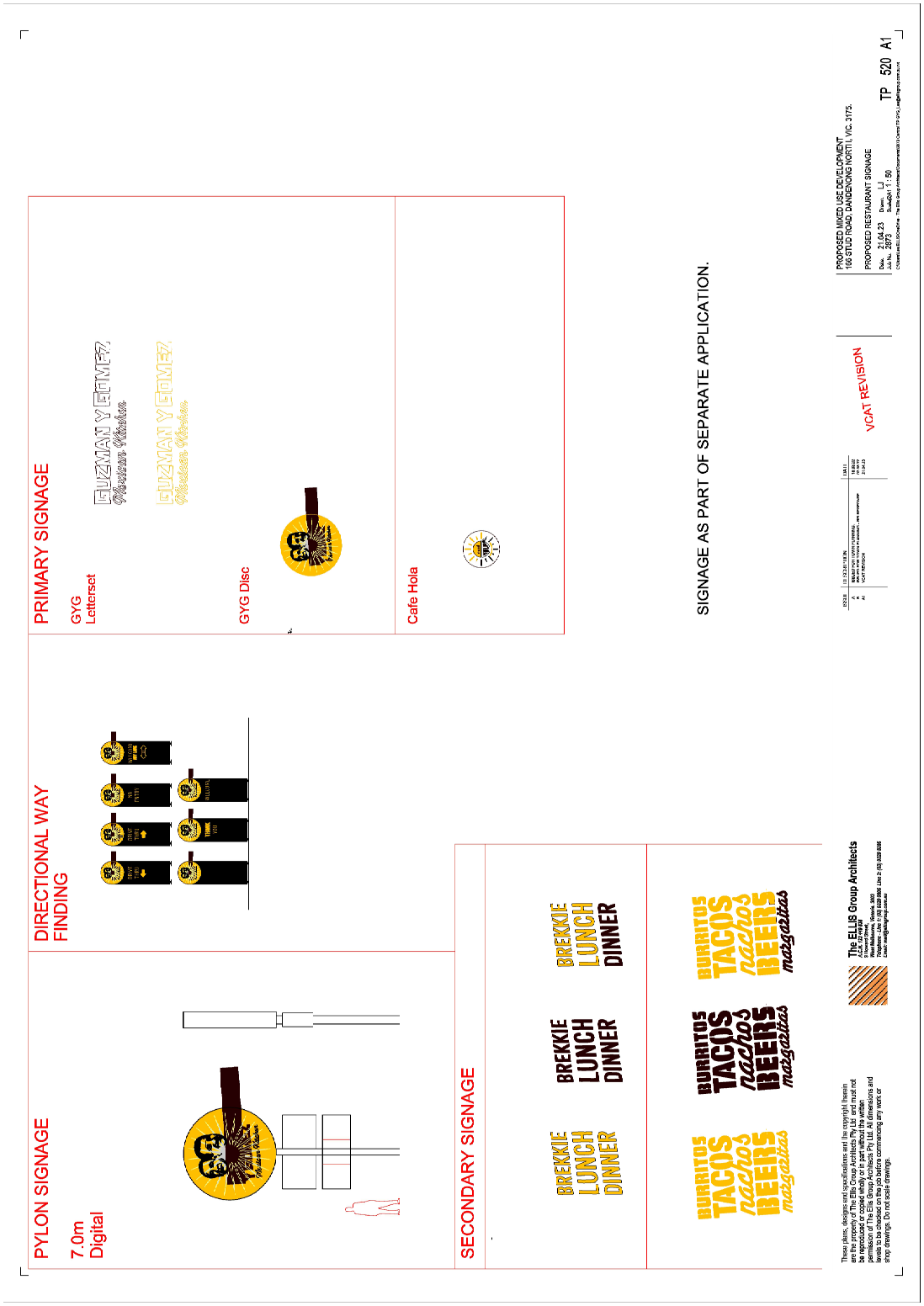
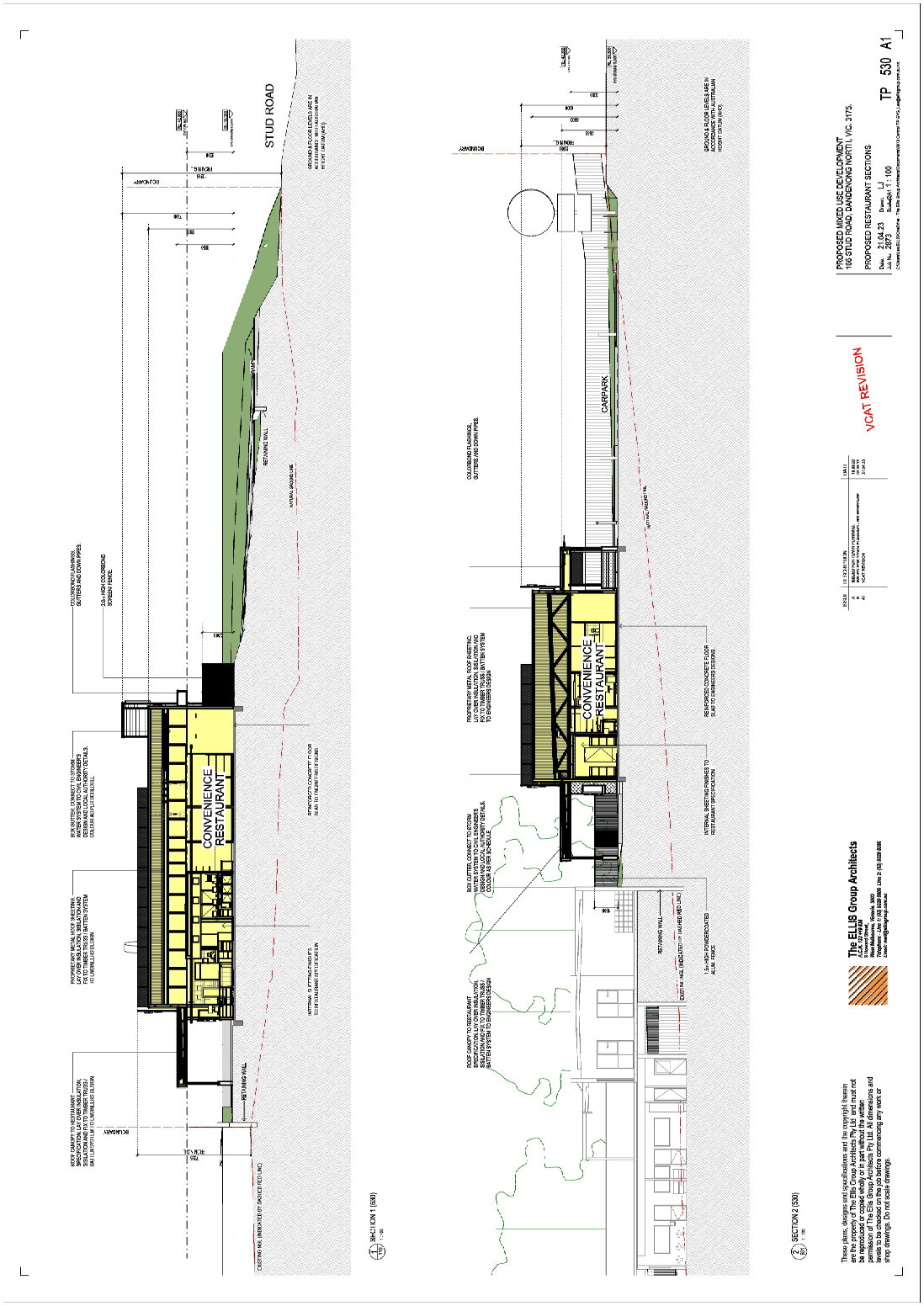


2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)



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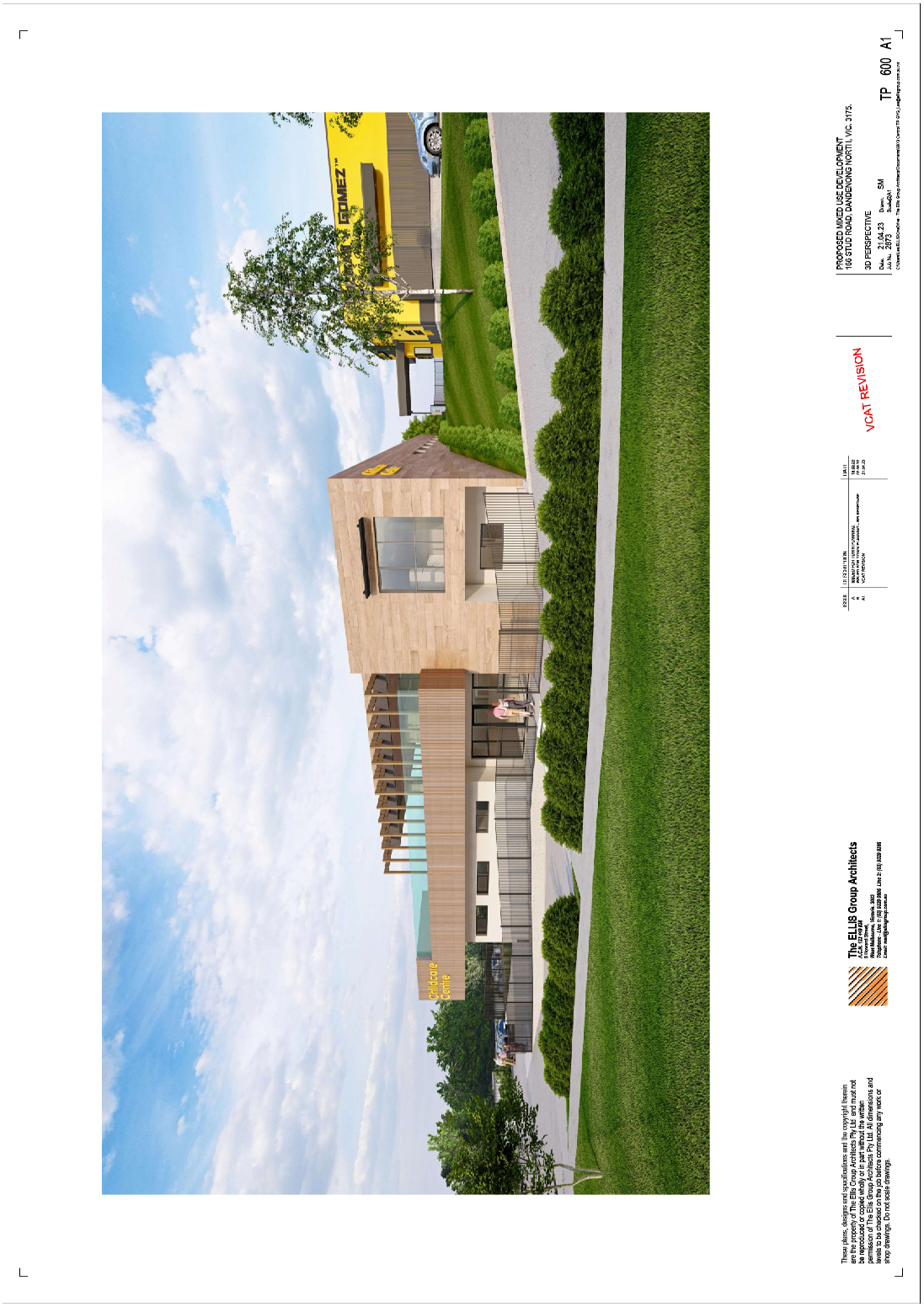

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2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

PROPOSED MIXED USE DEVELOPMENT
166 STUD ROAD, DANDENONG NORTH, VIC. 3175.

3D PERSPECTIVE

Dwn. SM
Chk. AM

Dat. 21.04.23
Job. 2020

TP 602 A1

VCAT REVISION

The ELLIS Group Architects

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2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

PROPOSED MIXED USE DEVELOPMENT
166 STUD ROAD, DANDENONG NORTH, VIC. 3175.

3D PERSPECTIVE

Date 21.04.23
Job No. 2020

Drawn SM

TP 603 A1

VCAT REVISION

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2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)

STATUTORY PLANNING APPLICATIONS

TOWN PLANNING APPLICATION – NO. 166 STUD ROAD, DANDENONG NORTH (PLANNING APPLICATION PLN22/0176)

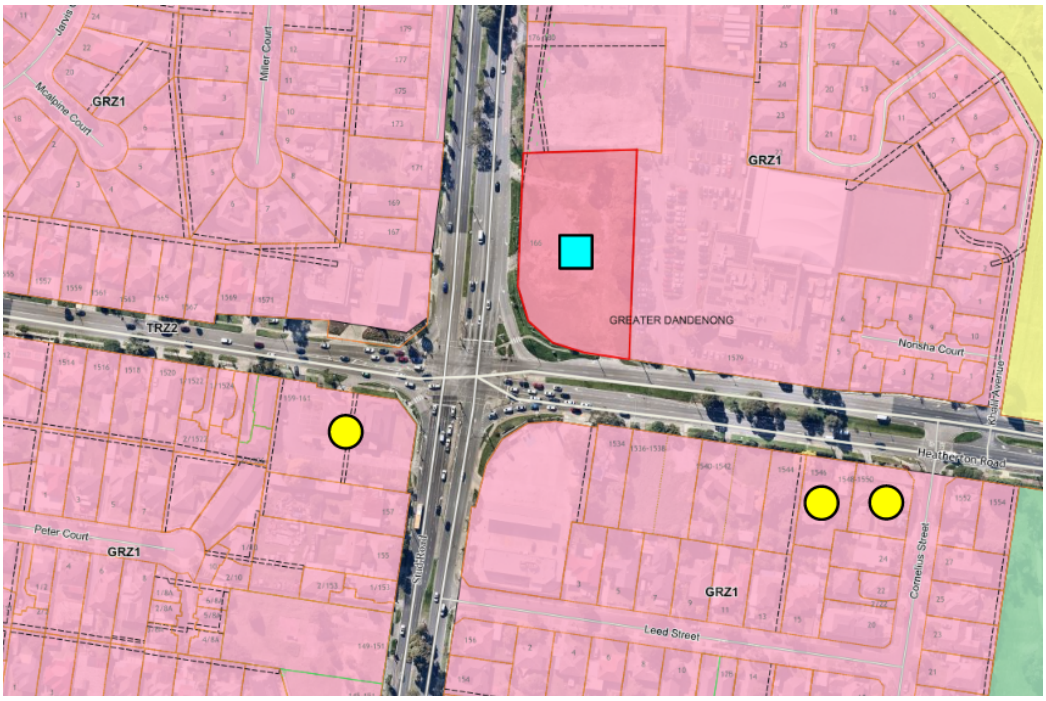
ATTACHMENT 2

LOCATION OF OBJECTORS

PAGES 2 (including cover)

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

2.3.1 Town Planning Application - No. 166 Stud Road, Dandenong North (Planning Application No. PLN22/0176) (Cont.)



Legend

Subject Site

Location of Objectors*

*All other objectors reside outside of the map area.

3 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, Delegates and/or officers of the Greater Dandenong City Council. Questions must comply with s. 4.5.8 of Council's Governance Rules.

QUESTIONS FROM THE GALLERY

Questions are limited to a maximum of three (3) questions per individual. Where time constraints deem it likely that not all questions can be answered within the time allowed for Question Time, the Mayor at his/her discretion may determine only the first question may be presented verbally with others deferred to be managed in the same manner as public questions not verbally presented. Priority will be given to questions that relate to items on the Council Agenda for that meeting. Questions including any preamble should not exceed 300 words.

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

b) All such questions must clearly note a request to verbally present the question and must be received by the Chief Executive Officer or other person authorised for this purpose by the Chief Executive Officer no later than:

i) the commencement time (7.00pm) of the Ordinary meeting if questions are submitted in person; or
ii) noon on the day of the Ordinary meeting if questions are submitted by electronic medium.

c) A question can only be presented to the meeting if the Chairperson and/or Chief Executive Officer has determined that the question:

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

d) If the Chairperson and/or Chief Executive Officer has determined that the question may not be presented to the Council Meeting or Delegated Committee, then the Chairperson and/or Chief Executive Officer:

i) must advise the Meeting accordingly; and
ii) will make the question available to Councillors or Members upon request.

3 QUESTION TIME - PUBLIC (Cont.)

e) The Chairperson shall call on members of the gallery who have submitted an accepted question to ask their question verbally if they wish.

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

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

h) A Councillor, Delegated Committee Member or member of Council staff nominated to answer a question may:

i) seek clarification of the question from the person who submitted it;
ii) seek the assistance of another person in answering the question; and
iii) defer answering the question, so that the answer may be researched and a written response be provided within ten (10) working days following the Meeting (the question thereby being taken on notice).

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

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

4 OFFICERS' REPORTS - PART TWO

4.1 CONTRACTS

4.1.1 Contract No. 2223-43 Perry Road Construction and Widening - Stage 1 (Greens Rd to Pacific Dve)

File Id:	qA498860
Responsible Officer:	Director Business, Engineering & Major Projects
Attachments:	

1. Report Summary

This report outlines the tender process undertaken to select a suitability qualified and experienced contractor for the Perry Road Upgrade Stage 1 – Greens Road to Pacific Drive Keysborough.

2. Recommendation Summary

This report recommends that Council award Contract No. 2223-43Q Perry Road Upgrade Stage 1 – Greens Road to Pacific Drive Keysborough to All-Waste Pumping Solutions Pty Ltd trading as AWS Civil (ABN: 48 079 889 142) for a lump sum of Four Million, Six Hundred and Twenty-One Thousand, One Hundred and Twenty-Two Dollars ($4,621,122.00) including GST.

4.1.1 Contract No. 2223-43 Perry Road Construction and Widening - Stage 1 (Greens Rd to Pacific Dve) (Cont.)

3. Background

The primary objective of the project is to reduce congestion and increase safety as well as increase the durability of the road pavement to cater for commercial vehicle traffic.

Construction of the approximately 850 metre section of Perry Road between Greens Road and Pacific Drive will be in accordance with the requirements of the Dandenong Industrial Area Extension Developer Contribution Plan (DCP). This includes road pavement reconstruction, widening, drainage, streetlights, shared user paths and landscaping.

Completing this project Council expects to have a safer road environment for motorists, pedestrians, residents, and businesses alike.

To complement the road construction landscaping and shared path works are two (2) other major components which are expected to make the area more eye pleasing and pedestrian friendly.

4. Tender Process

This invited tender was available online via Vendor Panel (Council's e-tendering platform) from Saturday 11 March 2023 following an EOI process (2223-11EOI) undertaken in February 2023, with all respondents being invited to tender, with a closing time and date of 2.00pm on Wednesday 5 April 2023.

During the tendering period, all tenderers were advised to conduct their own pre-tender site inspection prior to the close of tenders to familiarise themselves with the location of the works.

At the close of the tender advertising period, tender submissions were received from all five (5) invited contractors as indicated below:

- Ace Infrastructure Pty Ltd (ABN: 22 131 093 493)
- All-Waste Pumping Solutions Pty Ltd trading as AWS Civil (ABN: 48 079 889 142)
- Bild Infrastructure Pty Ltd (ABN: 78 099 996 344)
- Blue Peak Constructions Pty Ltd (ABN: 88 660 064 079)
- Winslow Infrastructure Pty Ltd (ABN: 72 119 092 385)

5. Tender Evaluation

The tender evaluation panel comprised Council's Coordinator Civil Projects, Senior Project Manager and Senior Contracts Officer.

Each submission was assessed and ranked against all evaluation criteria by each member of the evaluation panel. These rankings were then collated and multiplied by the weighting to give a weighted attribute score for each criterion and totaled to give an overall comparative evaluation score for all criteria as shown in the following tables.

The tenders were evaluated using Council's Weighted Attribute Value Selection Method.

4.1.1 Contract No. 2223-43 Perry Road Construction and Widening - Stage 1 (Greens Rd to Pacific Dve) (Cont.)

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

	Evaluation Criteria	Weighting
1	Price	35%
2	Experience – Civil Works	15%
3	Management and Supervision	5%
4	Capability	10%
5	Experience – Landscaping Works	10%
6	Traffic Management	10%
7	Social Procurement	5%
8	Local Industry	5%
9	Environmental	5%
10	OHS Management System	Pass / Fail
11	Environmental Management System	Pass / Fail

The Evaluation Criteria 1 – 9 are given a point score between 0 and 5 as detailed in the following table.

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

The five (5) conforming submissions were assessed and ranked against all evaluation criteria, to ensure that each tenderer met the standards required for Council contractors. A fail in any criterion would automatically exclude a tenderer from further consideration for this contract.

4.1.1 Contract No. 2223-43 Perry Road Construction and Widening - Stage 1 (Greens Rd to Pacific Dve) (Cont.)

Tenderer	Price Point	Non-Price Points	Total Score	OHS	EMS
AWS Civil (ABN: 48 079 889 142)	1.41	1.95	3.36	Compliant & Verified in Rapid Global	
Ace Infrastructure Pty Ltd (ABN: 22 131 093 493)	0.88	1.98	2.86	Compliant & Verified in Rapid Global	
Blue Peak Constructions Pty Ltd (ABN: 88 660 064 079)	1.15	1.65	2.80	Compliant & Verified in Rapid Global	
Bild Infrastructure Pty Ltd (ABN: 78 099 996 344)	0.81	1.81	2.62	Compliant & Verified in Rapid Global	

Tenderer	Price Point	Non-Price Points	Total Score	OHS	EMS
Winslow Infrastructure Pty Ltd (ABN: 72 119 092 385)	0.67	1.89	2.56	Registered – NOT compliant in Rapid Global	

Please Note: *Rapid Global is a third-party pre-qualification and verification system used by Council and ten (10) other Victorian Councils enabling the sharing of OH&S data. It is a Risk and OH&S system where contractors can upload their Occupational Health & Safety, Risk and Environment Plans and Policies as well as up to date insurances.*

Note:

The higher the price score – lower the tendered price.

The higher the non-price score – represents better capability and capacity to undertake the service.

6. Financial Implications

There is enough budget to cover the recommended bid for this contract.
(Budget of $4,267,983.00 excluding GST compared to a bid of $4,201,020 excluding GST)

Note:

> ***Lump Sum A lump sum contract or a stipulated sum contract will require that the supplier agree to provide specified services for a stipulated or fixed price.***

4.1.1 Contract No. 2223-43 Perry Road Construction and Widening - Stage 1 (Greens Rd to Pacific Dve) (Cont.)

7. Social Procurement

AWS Civil is an Australian owned company that allows equal opportunities for all employees – cultural, ethnic, older, with a disability or diverse – best suited to the project. AWS Civil will give preference to residents of the City of Greater Dandenong for employment if the opportunity arises.

Their social purpose is to create better customer relationships with the community and Council, to provide to Council a quality product delivered on time and on budget. Respect to be given to the customer due to the disruption caused by construction works.

AWS Civil supports local communities through sponsorship, donations and purchasing within the community.

8. Local Industry

The preferred tenderer has nominated spending 1% on labour, 20% on materials, 20% on plant and 3% on local purchases, equating to 28% of contract to be spent locally.

9. Consultation

Safety & Environmental

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

Community Engagement

This matter is not subject to Council's Community Engagement Policy under the *Local Government Act 2020* and Council's Community Engagement Planning Framework.

10. The Overarching Governance Principles of the *Local Government Act 2020*

Section 9 of the *Local Government Act 2020* (the LGA 2020) states that a Council must in the performance of its role give effect to the overarching governance principles. When a

tender process is undertaken it is fundamentally underpinned by the following overarching governance principles:

- Section 9(a) of the LGA2020 - Council decisions are to be made and actions taken in accordance with the relevant law;
- Section 9(b) of the LGA2020 - Priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- Section 9(c) of the LGA2020 - the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- Section 9(e)of the LGA 2020 - innovation and continuous improvement is to be pursued;

4.1.1 Contract No. 2223-43 Perry Road Construction and Widening - Stage 1 (Greens Rd to Pacific Dve) (Cont.)

- Section 9(f) of the LGA 2020 - collaboration with other councils and governments and statutory bodies is to be sought;
- Section 9(g) of the LGA2020 - the ongoing financial viability of the Council is to be ensured; and
- Section 9(i) of the LGA2020 - the transparency of Council decisions, actions and information is to be ensured.

In giving effect to the overarching governance principles above, the following supporting principles are also considered throughout any tender process:

- Section 89 of the LGA2020 - the strategic planning principles; and
- Section 1010 of the LGA 2020 - the financial management principles.

11. Victorian Charter of Human Rights and Responsibilities

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

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.

Included in the tender submissions, successful contractors have completed the Modern Slavery Questionnaire (Schedule 12), Fair Work Questionnaire for Potential Contractors

(Schedule 13) and the Victorian Child Safe Standards Questionnaire (Schedule 14).

The responses provided to these statements by the successful contractor were assessed and determined to be satisfactory in the context of the Victorian Charter of Human Rights and Responsibilities.

12. The *Gender Equality Act 2020*

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

Included in the submissions for this tender process, contractors were required to address Councils Social Employment opportunities (Schedule 7B). This includes questions to address Council's Diversity, Access and Equity Policy.

The responses provided to these statements by the recommended contractors were assessed and determined to be satisfactory in the context of the Gender Equality Act.

13. Climate Change and Sustainability

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

4.1.1 Contract No. 2223-43 Perry Road Construction and Widening - Stage 1 (Greens Rd to Pacific Dve) (Cont.)

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

Included in the submission for this tender, contractors were required to address Councils Statement of Environmental (Schedule 7C). This includes questions to assess if the contractors' attitude towards sustainability is in line with Councils Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 and the requirements of the *Local Government Act 2020.*

The design of this road project will incorporate reuse of the in-situ material and the recommended contractor advises that sustainable practices are part and parcel of the manufacturing processes. They use materials that are energy efficient as well as recycled content.

14. Conclusion

At the conclusion of the tender evaluation process, which included a preselection interview, the evaluation panel agreed that the tender submission from All-Waste Pumping Solutions Pty Ltd trading as AWS Civil represented the best value outcome for Council and should be accepted due to:

1) its conforming and lowest priced tender submission;

2) its relevant experience working with Victorian government authorities and private organisations on similar construction projects;

3) its level of experience, staff resources and sub-contractor selection;

4) receiving a Pass for their Occupational Health and Safety (OH&S) and Environmental Management Systems;

5) receiving a satisfactory result for the Standard Financial & Performance Assessment (Procurement) Company Check undertaken by Corporate Scorecard;

6) it is registered and pre-qualified with Rapid Global (Council's Contractor Risk Management Compliance database); and

7) Reference checks were undertaken on two (2) similar road projects completed by AWS Civil for Victorian Government authorities receiving rankings of good and very good.

4.1.1 Contract No. 2223-43 Perry Road Construction and Widening - Stage 1 (Greens Rd to Pacific Dve) (Cont.)

15. Recommendation

That Council:

1. award Contract No. 2223-43Q Perry Road Upgrade Stage 1 – Greens Road to Pacific Drive Keysborough to All-Waste Pumping Solutions Pty Ltd trading as AWS Civil (ABN: 48 079 889 142) for a lump sum of Four Million, Six Hundred and Twenty-One Thousand, One Hundred and Twenty-Two Dollars ($4,621,122.00) including GST; and

2 authorise the Chief Executive Officer to execute the contract agreements and any associated documentation with the successful contractor.

4.2 OTHER

4.2.1 Proposal to Discontinue and Sell Beck Court, Noble Park

File Id:	A9796745
Responsible Officer:	Manager Governance
Attachments:	Locality Plan R3 Road on LP 23922 Beck Court, Noble Park (Road) Easement Plan

1. Report Summary

This report addresses a proposal to discontinue the Road known as Beck Court, Noble Park as shown in Attachment 1 and sell the Road occupying that land to the adjoining property owner (Proposal). Beck Court, Noble Park only services one (1) adjoining property owner and is therefore considered a private driveway that is surplus to Council's reasonable community requirements at this location. The adjoining property owner has confirmed their interest in purchasing the Road as shown hatched in Attachment 3 and would be responsible and liable for all the existing road assets located on and within the Road. They would also be required to consolidate the Road land into the adjoining land title. An easement would be created on the Road land to protect the existing Sewerage and Drainage assets located within the Road land as shown in Attachment 4.

2. Recommendation Summary

This report recommends that Council officers commence all statutory procedures to discontinue the Road and sell the Road land to the adjoining property owner in accordance with sections 206, 207A, 223*, and* Item 3 of Schedule 10 of the *Local Government Act* 1989 and *Section 114 of the Local Government Act* 2020.

3. Background

The Road was set aside as R3 Road on LP 23922 when the land was originally subdivided as shown in Attachment 2.

The adjoining property owners NorthWest Healthcare Australian Property Limited has applied to Council to purchase the Road as shown hatched in Attachment 3 and incorporate the discontinued Road land into their adjoining title for a proposed development application.

The Road is a constructed road that is now considered surplus to Council's and the community's requirements in this location as it only services one (1) adjoining property owner. All the adjoining properties have been acquired by NorthWest Healthcare Australian Property Limited for future development of healthcare services in the area.

It is therefore proposed that officers give public notice to determine if there are any objections to the discontinuance of the Road and then consider the subsequent sale of the land. The adjoining property owner has confirmed that they are prepared to purchase the land (if the Road is discontinued) at current market value.

Council has completed a referral consultation to all service authorities to determine any assets located in the Road and whether any easements are required to be created over the Road land to protect the assets.

South East Water Corporation has advised that it has a sewerage asset within the Road which will need to be protected by way of a sewerage easement.

Greater Dandenong City Council has advised that it has a drainage asset located within the Road which will need to be protected by way of a drainage easement.

A creation of easement plan provided as Attachment 4 to this report, shows the location of the proposed Sewerage and Drainage easement.

4. Proposal

This report proposes that Council officers commence the statutory procedures to discontinue the Road and sell it to the adjoining property owner in accordance with sections 206, 207A, 223, and Item 3 of Schedule 10 of the *Local Government Act 1989* and Section 114 of the *Local Government Act 2020*.

Under Council's Community Engagement Policy, Council will give public notice of its intention to discontinue and sell the Road in the local paper circulating in the municipality and on its website. Interested parties will have the opportunity to make submissions on the Proposal and attend a public hearing if they request to do so.

After consultation is completed, a further report will be presented to Council for a decision to be made whether to discontinue and sell the Road land.

5. Financial Implications

In accordance with "Council's Disposal or Sale of Council Assets and Land Policy", a market valuation of the surplus Road land has been assessed at $900,000.00 plus GST for the estimated land area of 1,158 square metres. This takes into consideration that the Road land would be encumbered by a sewerage and drainage easement as shown in Attachment 3.

The asset sale income would be accounted for within the 2023/24 financial year, however it does not form part of the current budget.

The adjoining property owner has confirmed that they are prepared to purchase the Road land if the Road is discontinued.

The adjoining property owner has also confirmed they are liable to pay all legal, professional and associated transfer costs for the proposed sale.

6. Consultation

A detailed internal referral and external process has been carried out in relation to the proposal to discontinue the Road and sell the Road land. Comments received were as follows:

- Council's Strategic Planning, Parks and Engineering Units have no objection to the proposal.
- Infrastructure Services and Planning advised that it has a drainage asset located within the Road which would need to be protected by way of a drainage easement.
- Service authorities have been consulted and there are no objections to the discontinuance of the Road and sale of the Road land. South East Water Corporation has advised that it has a sewerage asset within the Road which will need to be protected by way of a sewerage easement. The Proposal would therefore include the creation of a drainage and sewerage easement as shown in Attachment 4.

Should this proposal be adopted then a public consultation process will commence as required under the *Local Government Act 1989*, section 114 of the *Local Government Act 2020* (LGA2020) and Council's Community Engagement Policy. Public notices will be placed in the local paper generally circulating in Greater Dandenong and on Council's website. Interested parties will be given the opportunity to make submissions for a period of 28 days. A Special Committee will be convened to hear any submitters that indicate that they wish to be heard. (Submitters must advise within their written submission if they wish to be heard.) The date and time of any Special Committee convened to hear submissions will be advised.

Council should note that legislation affecting Council's power to sell or exchange land came into force on 1 July 2021 under section 114 of the LGA2020. The community consultation process outlined above complies with this legislation and that which is still valid under the *Local Government Act 1989*.

7. Community Vision 2040 and Council Plan 2021-25 – Strategic Objectives, Strategies and Plans

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

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

7.1 Community Vision 2040

This report is consistent with the Community Vision 2040 and its accompanying principles:

- Safe and peaceful community
- Sustainable environment

7.2 Council Plan 2021-25

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four (4) years. This report is consistent with the following strategic objectives:

- A socially connected, safe and healthy city
- A city of accessible, vibrant centres and neighbourhoods
- A green city committed to a sustainable future
- A Council that demonstrates leadership and a commitment to investing in the community.

The proposal is consistent with Council's Community and Council Plan. Council will work to create an attractive city, with quality buildings and spaces and a community that has the services and facilities it needs for now and the future.

8. The Overarching Governance Principles of the *Local Government Act 2020*

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. The following principles are of particular relevance to this report:

- Council decisions are made and actions taken in accordance with the relevant law;
- priority is given to achieving the best outcomes for the municipal community, including future generations;
- the municipal community is engaged in strategic planning and strategic decision making;
- innovation and continuous improvement are pursued;

- collaboration with other Councils and Governments and statutory bodies is sought;
- the ongoing financial viability of the Council is ensured;
- the transparency of Council decisions, actions and information is ensured.

9. Victorian Charter of Human Rights and Responsibilities

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

10. The *Gender Equality Act 2020*

The *Gender Equality Act 2020* came into operation on 31 March 2021 and requires councils to take positive action towards achieving workplace gender equality and to promote gender equality in their policies, programs and services. Council's Diversity, Access and Equity Policy and the *Gender Equality Act 2020* have been considered in the preparation of this report but are not relevant to its contents. The contents of this report are purely administrative in nature and does not benefit any one (1) gender group over any other.

11. Consideration of Climate Change and Sustainability

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

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

This Proposal has no impact on Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 or the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability. This proposal is purely administrative in nature and does not impact upon Council's Climate Change Emergency Strategy.

12. Related Council Policies, Strategies or Frameworks

The Report has been prepared in accordance with Council's Disposal or Sale of Council Assets and Land Policy.

13. Conclusion

If it is considered that the Road is surplus to Council's and the community's requirements in this location, Council officers will commence the statutory processes required and consult in relation to its intention to discontinue the Road and sell the Road land.

14. Recommendation

That Council, being of the opinion that Beck Court, Noble Park is no longer required for Council's reasonable community requirements in this location resolves that:

1. **Council officers commence the public consultation and statutory processes required in accordance with sections 206, 207A, 223, and Item 3 of Schedule 10 of the *Local Government Act 1989* and section 114 of the *Local Government Act 2020*;**

2. **a public notice of Council's intention to discontinue the Road and sell the Road land and inviting submissions in relation to the Proposal be placed in the local paper circulating in Greater Dandenong and on Council's website;**

3. **if submissions are received in relation to the Proposal, a Special Committee of Council, comprised of the Ward Councillor, the Mayor and the Manager Governance (or their delegate) be established to hear and consider any submissions (any submitters requesting to be heard will be notified of the time and place of the Special Committee meeting); and**

4. **after the public consultation process is completed, a further report comes to Council for a final decision in relation to the Proposal.**

OTHER

PROPOSAL TO DISCONTINUE AND SELL BECK COURT, NOBLE PARK

ATTACHMENT 1

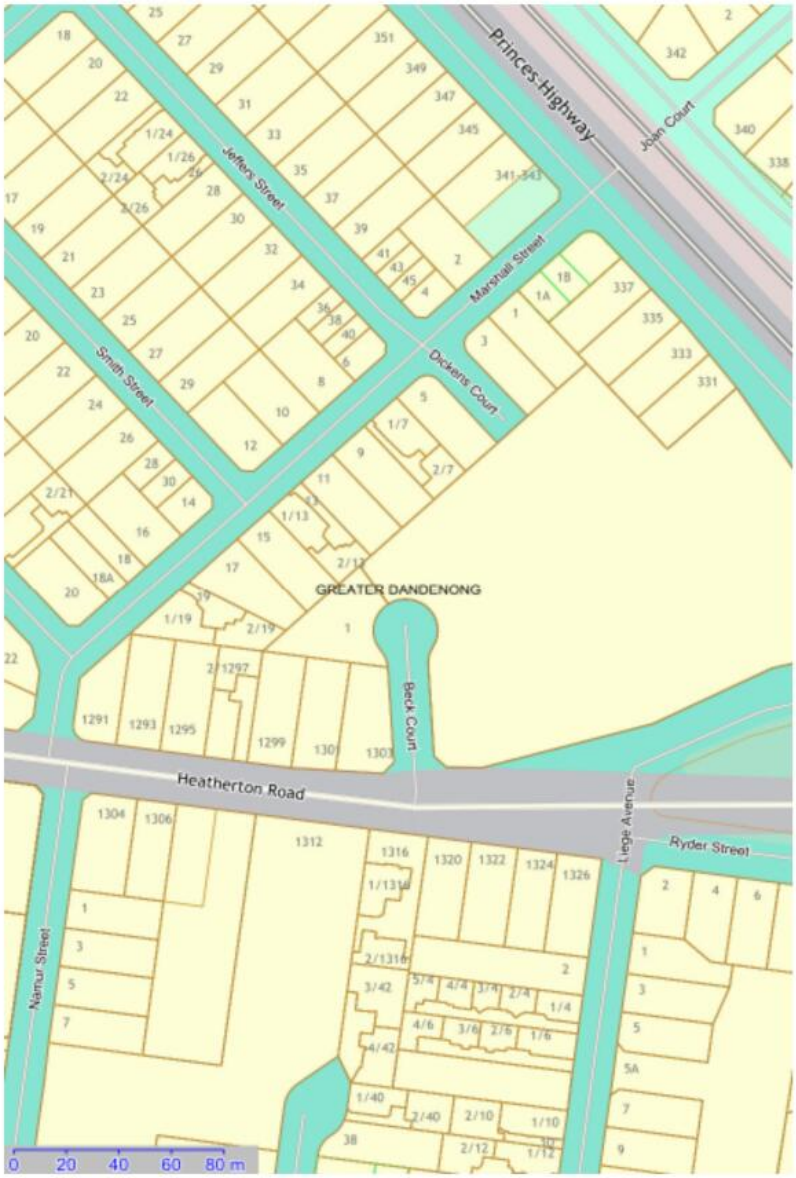
LOCALITY PLAN

PAGES 2 (including cover)

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

4.2.1 Proposal to Discontinue and Sell Beck Court, Noble Park (Cont.)

Locality Plan **ATTACHMENT 1**



4.2.1 Proposal to Discontinue and Sell Beck Court, Noble Park (Cont.)

OTHER

PROPOSAL TO DISCONTINUE AND SELL BECK COURT, NOBLE PARK

ATTACHMENT 2

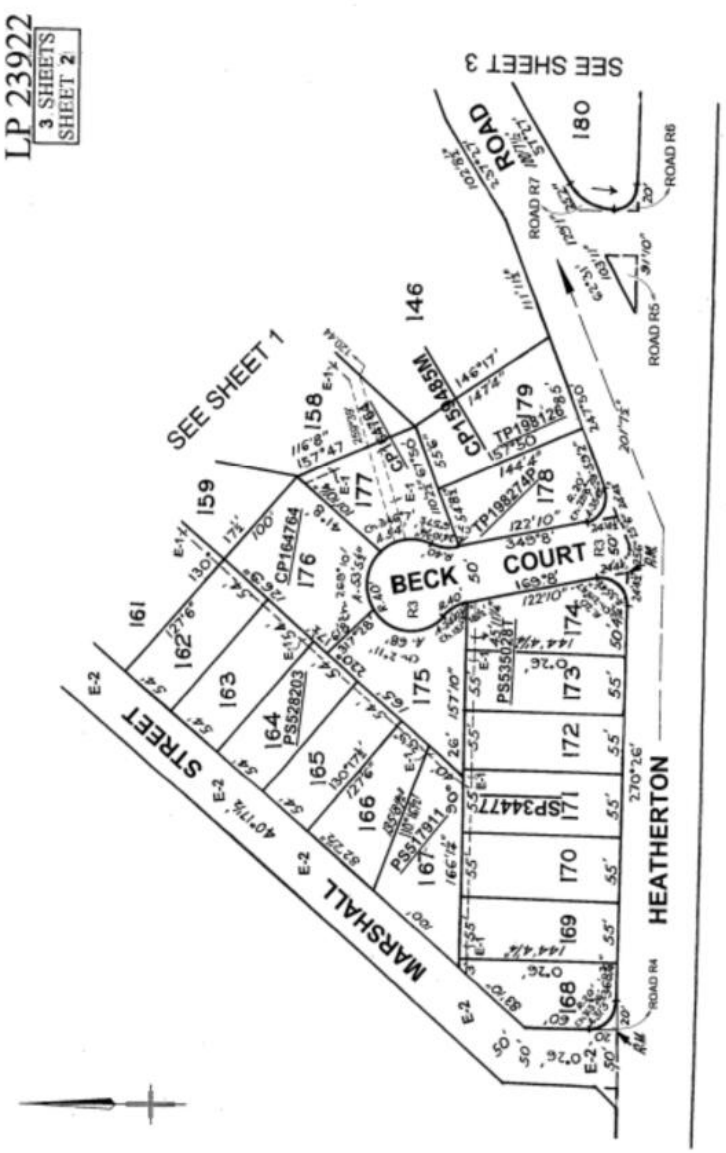
R3 ROAD ON LP 23922

PAGES 2 (including cover)

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

4.2.1 Proposal to Discontinue and Sell Beck Court, Noble Park (Cont.)

R3 Road on LP 23922 **ATTACHMENT 2**



OTHER

PROPOSAL TO DISCONTINUE AND SELL BECK COURT, NOBLE PARK

ATTACHMENT 3

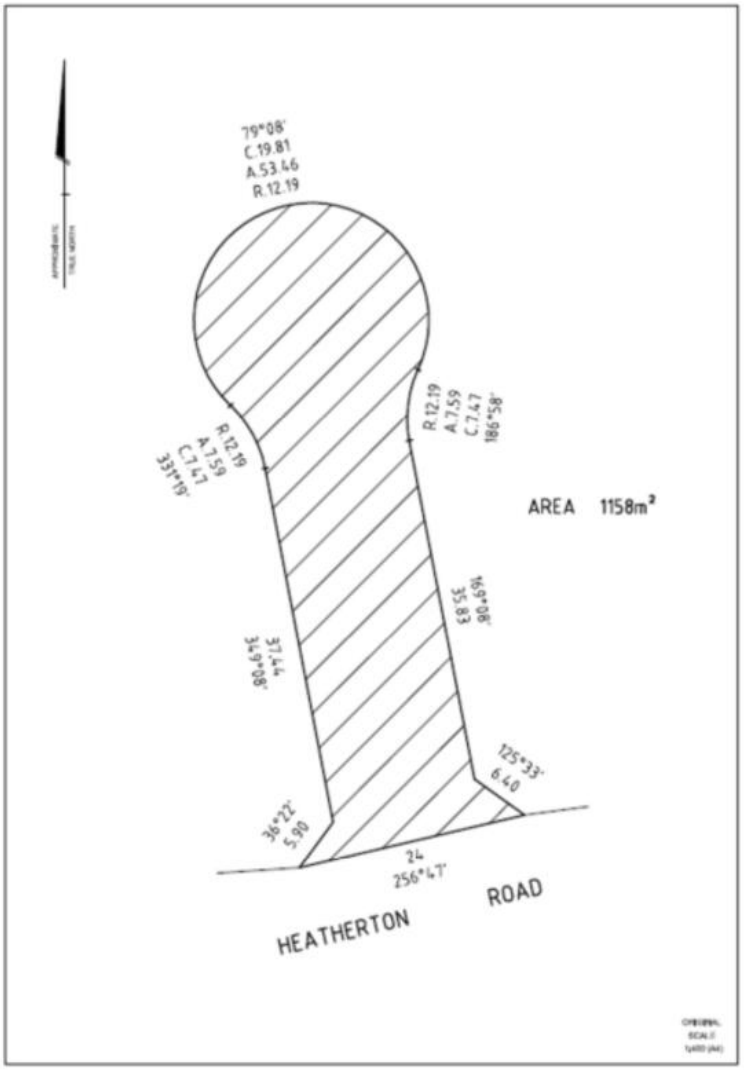
BECK COURT, NOBLE PARK (ROAD)

PAGES 2 (including cover)

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

4.2.1 Proposal to Discontinue and Sell Beck Court, Noble Park (Cont.)

Beck Court, Noble Park (Road) **ATTACHMENT 3**



4.2.1 Proposal to Discontinue and Sell Beck Court, Noble Park (Cont.)

OTHER

PROPOSAL TO DISCONTINUE AND SELL BECK COURT, NOBLE PARK

ATTACHMENT 4

EASEMENT PLAN

PAGES 2 (including cover)

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

4.2.1 Proposal to Discontinue and Sell Beck Court, Noble Park (Cont.)

Easement Plan **ATTACHMENT 4**

EDITION 1	TITLE PLAN	TP

Location of Land:
Parish: Dandenong
Township: —
Section: —
Crown Allotment: —
Crown Portion: 16 (Pt)
Title References: Vol. Fol.
Last Plan Reference: R3 on LP 23022
Depth Limitation: Does Not Apply

Notations
MGA2020 Coordinates: E 341 100
(Of Centroid/Perimeter) N 5 795 340
Zone 55

A = Appurtenant Easement E = Encumbering Easement R = Encumbering Easement (Road)

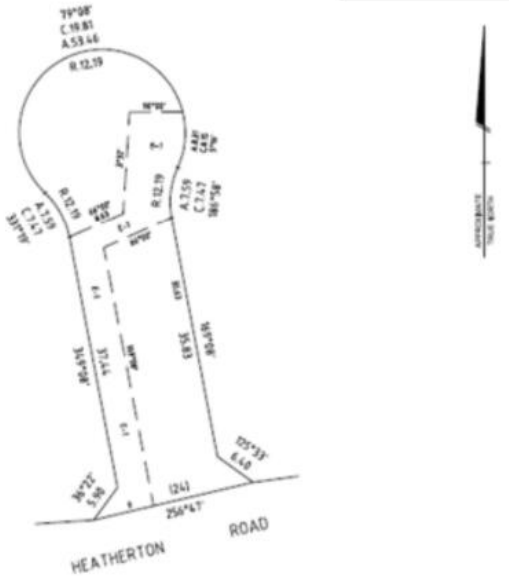
Easement Ref:	Purpose	Width (metres)	Origin	Land Benefitted / In Favour Of
E-1	Sewerage	See Plan	This Plan	South East Water Corporation
E-1	Drainage	See Plan	This Plan	City of Greater Dandenong

THIS PLAN HAS BEEN PREPARED FOR THE LAND TITLES OFFICE

Checked by

Assistant Registrar of Titles

Date / /



NOBELIUS LAND SURVEYORS
P.O. BOX 481
Ph: 03 9841 4112
Fax: 03 9841 7896

ORIGINAL
SCALE 1:400
SHEET SIZE A3

I certify that this plan agrees with Title.
Licensed Surveyor
Dated: 15/03/2023

REF. 21188

4.2.2 Draft Minutes of Positive Ageing Advisory Committee Meeting - 13 April 2023

File Id:	A9764384
Responsible Officer:	Director Community Services
Attachments:	Draft Minutes of Positive Ageing Advisory Committee on 13 April 2023

1. 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 also allowed interested Councillors (and those that attend these Committees and Reference Groups) to speak to the meeting about items discussed at these meetings.

2. Recommendation Summary

This report recommends that the draft Minutes of the Positive Ageing Advisory Committee meeting provided in Attachment 1 to this report be noted and endorsed by Council.

3. Background and Proposal

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 Annual meeting to elect the Mayor and Deputy Mayor 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 information purposes, for noting and for endorsement (not adoption).

As such, the draft Minutes are provided as Attachment 1 to this report.

There are no financial implications associated with the development and submission of this report.

4. Community Vision 2040 and Council Plan 2021-25 – Strategic Objectives, Strategies and Plans

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

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

4.1 Community Vision 2040

This report is consistent with the Community Vision 2040 and its accompanying principles:

- Safe and peaceful community
- Education, training, entrepreneurship and employment opportunities
- Sustainable environment
- Embrace diversity and multiculturalism

4.2 Council Plan 2021-25

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four (4) years. This report is consistent with the following strategic objectives:

- A socially connected, safe and healthy city
- A city of accessible, vibrant centres and neighbourhoods
- A green city committed to a sustainable future
- A city that supports entrepreneurship, quality education and employment outcomes

5. The Overarching Governance Principles of the *Local Government Act 2020*

Section 9 of the *Local Government Act 2020* (LGA2020) states that a Council must in the performance of its role give effect to the overarching governance principles.

The establishment of the Positive Ageing Advisory Committee and the work that it undertakes gives particular consideration to the following overarching governance principles:

- priority is given to achieving the best outcomes for the municipal community, including future generations (section 9(b) of the LGA2020);
- the municipal community is engaged in strategic planning and strategic decision making – many advisory committees and reference groups have community members as participants (section 9(d) of the LGA2020);
- innovation and continuous improvement is pursued (section 9(e) of the LGA2020);
- collaboration with other councils, governments and statutory bodies is sought – many advisory committees and reference groups have representatives attending from these organisations (section 9(f) of the LGA2020);
- the ongoing financial viability of Council is ensured (section 9(g) of the LGA2020);
- regional, state and national plans and policies are taken into account in strategic planning and decision making – diverse representation within these groups ensures this occurs (section 9(h) of the LGA2020); and
- the transparency of Council decisions, actions and information is ensured by this regular reporting mechanism (section 9(i) of the LGA2020).

6. Victorian Charter of Human Rights and Responsibilities

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

7. The *Gender Equality Act 2020*

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

Council's Diversity, Access and Equity Policy and the *Gender Equality Act 2020* have been considered in the preparation of this report but are not relevant to its contents because it is a reporting mechanism only.

The report does not have the potential to influence broader social norms and gender roles nor does it benefit any one (1) gender group over any other.

8. Consideration of Climate Change and Sustainability

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

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

This report has no impact on Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 or the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability because it is purely administrative in nature and is a reporting mechanism only.

9. Recommendation

That Council notes the draft Minutes of meeting for the Positive Ageing Advisory Committee as provided in Attachment 1 to this report.

OTHER

DRAFT MINUTES OF POSITIVE AGEING ADVISORY COMMITTEE MEETING

ATTACHMENT 1

POSITIVE AGEING ADVISORY COMMITTEE MEETING HELD ON 13 APRIL 2023

PAGES 4 (including cover)

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

4.2.2 Draft Minutes of Positive Ageing Advisory Committee Meeting - 13 April 2023 (Cont.)

Advisory Committee or Reference Group Name:	Positive Ageing Advisory Committee (PAAC)
Date of Meeting:	13 April 2023
Time of Meeting:	1.30pm–3.30pm
Meeting Location:	Springvale Community Hub 5 Hillcrest Grove, Springvale Community Rooms 6 Also via Microsoft Teams

Attendees:
Committee: Julie Klok (Chair), Erica Moulang, Lauris Attard, Maria Erdeg, Manager Community Care (City of Greater Dandenong [CGD]), Coordinator Community Access (CGD), Positive Ageing Team Leader (CGD)

Apologies: Betty Gracias, Carol Drummond, Christine Green

Minutes: Positive Ageing Support Officer (CGD)

Item No.	Item	Action	Action By
1.	**Welcome & Apologies** *We acknowledge the traditional owners and custodians of this land, the Bunurong People, and pay respects to their Elders past, present and emerging.* *We recognise and respect their continuing connections to Climate, Culture and Country and we also pay our respects and acknowledge all Aboriginal peoples and their Elders present here today, in acknowledging their journey."* The Chair welcomed all present and apologies noted.		
2.	**Previous Minutes & Business Arising** February 2023 minutes were accepted – moved Lauris Attard and seconded Erica Mouland.		
3.	**Discussion regarding 2023 Seniors Festival** *Social Connection Survey* Coordinator Community Access reported that the Social Connections survey overwhelmingly showed that older residents preferred activities to be held on weekdays during daytime. This feedback will assist in the development of our Seniors Festival Program. The survey also identified that often social connections are lost due to leaving work/retiring or losing significant family members. Whilst the survey is still open, a buddy program is being developed for seniors who may require	Develop buddy program.	Positive Ageing

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

4.2.2 Draft Minutes of Positive Ageing Advisory Committee Meeting - 13 April 2023 (Cont.)

	extra support in attending any groups for the first time as a result of the feedback through the survey. *Types of Events and Activities to be offered* The date of the first event is Tuesday 9 October with the opening dance at Menzies Hall which can hold up to 400 guests. We are looking at charging $5 a head so that we can spread Council subsidy further. The festival will end on Friday 27 October with our Centenarian morning tea with the Mayor presenting at this special reception. Suggested library activities for the festival included scam watch, using apps, Grandparents reading to children, a crime speaker and technology classes level 1 and 2. *Most effective ways to promote Seniors Festival* The Positive Ageing "Living Well" Newsletter will have a bumper edition for the Seniors Festival. The library could also feature the festival on a podcast.	Organise Seniors festival events and activities. Promote Seniors Festival events.	Team Positive Ageing Team Leader and Library Services Team Positive Ageing Team
4.	**Update on Aged Care Reform** A copy of the Council Report on Aged Care Reform presented at Council on Tuesday 11 April was provided to the Committee. The Manager Community Care provided an overview of the proposed Commonwealth aged care reforms. Discussion was held on Council's role in aged care post June 2024. The guidelines for the new In-Home Support Program, currently referred to as the Support at Home Program are still unclear. An options paper will be presented to Council in August for the Councillors to consider what role Council plays in the delivery of aged care services post June 2024. As part of the development of the Options Paper, Council is committed to undertaking significant community consultation to ascertain the views of our community. The Manager Community Care advised that we should reassure people that any current funding they have will remain with them and they will have a choice of providers. The Coordinator Community Access advised the results of the consultation with clients who are in receipt of our Delivered Meals Service reported that clients were predominantly satisfied with the service with no significant feedback on how they would like the service improved.	Prepare options paper.	Manager Community Care
5.	**General Updates:** *CGD Positive Ageing Newsletter*		

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

4.2.2 Draft Minutes of Positive Ageing Advisory Committee Meeting - 13 April 2023 (Cont.)

	The Manager Community Care suggested a story on receipts and traders only offering email receipts after a discussion with PAAC member where concerns were raised about being asked by traders for email addresses. Positive Ageing Team Leader to discuss with allied health providers regarding balance classes for seniors. *NARI Age Positive Language Pamphlet* Pamphlet was distributed and discussed. *Community Bus Loop Trial Update* Trial is starting in April with extra stops adding Parkmore Medical Centre and Home Co to the current list of stops. Home Co has multiple stores including Aldi, IGA and Chemist Warehouse. *Council's Positive Ageing Strategy Achievements* The Coordinator Community Access provided an update on the Positive Ageing Strategy 2017-2025 mid-point review with discussion on the summary of achievements at the end of 2022. Several activities and actions were delayed or redesigned due to the impacts of COVID-19. However, the core focus of the strategy remains the same, strengthening social connections through participation in a range of activities and groups. Work is underway to launch a Social Connections book in September. Community Care is planning to implement various Chatty Café models; within existing Commonwealth Home Support Programme (CHSP) services and in partnership with neighbourhood houses.	Develop information on consumer rights. Contact allied health provider. Provide regular updates on the bus loop trial. Develop social connections book. Partner with neighbourhood house.	Positive Ageing Team Positive Ageing Team Leader Positive Ageing Team Leader Positive Ageing Team Positive Ageing Team
6.	**Other Business** *Committee Vacancies* Vacancies were advertised in Living Well Newsletter, CGD website and word of mouth. There have been no new Committee applications received to date. The Manager Community Care advised that our previous director has resigned. Peta Gilles is starting next Monday as the new Director of Community Strengthening. The Chair queried if we could extend an invite to the CEO Jacqui to meet the Committee.	Invite CEO to PAAC meeting.	Manager Community Care
	Meeting Closed 3.30 pm		

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

4.2.3 Draft Minutes of Disability Advisory Committee Meeting - 17 April 2023

File Id:	A9764595
Responsible Officer:	Director Community Services
Attachments:	Draft Minutes of Disability Advisory Committee on 17 April 2023

1. 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 also allowed interested Councillors (and those that attend these Committees and Reference Groups) to speak to the meeting about items discussed at these meetings.

2. Recommendation Summary

This report recommends that the draft Minutes of the Disability Advisory Committee meeting provided in Attachment 1 to this report be noted and endorsed by Council.

3. Background and Proposal

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 Annual meeting to elect the Mayor and Deputy Mayor 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 information purposes, for noting and for endorsement (not adoption).

As such, the draft Minutes are provided as Attachment 1 to this report.

There are no financial implications associated with the development and submission of this report.

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

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- A socially connected, safe and healthy city
- A city of accessible, vibrant centres and neighbourhoods
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5. The Overarching Governance Principles of the *Local Government Act 2020*

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The establishment of the Disability Advisory Committee and the work that it undertakes gives particular consideration to the following overarching governance principles:

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- innovation and continuous improvement is pursued (section 9(e) of the LGA2020);
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9. Recommendation

That Council notes the draft Minutes of meeting for the Disability Advisory Committee as provided in Attachment 1 to this report.

OTHER

DRAFT MINUTES OF DISABILITY ADVISORY COMMITTEE MEETING

ATTACHMENT 1

DISABILITY ADVISORY COMMITTEE MEETING HELD ON 17 APRIL 2023

PAGES 4 (including cover)

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

4.2.3 Draft Minutes of Disability Advisory Committee Meeting - 17 April 2023 (Cont.)

Advisory Committee or Reference Group Name:	Disability Advisory Committee (DAC) Meeting
Date of Meeting:	Monday 17 April 2023
Time of Meeting:	4.00pm–5.30pm
Meeting Location:	Dandenong Civic Centre - 225 Lonsdale St, Dandenong Meeting Room 2NE/NW Microsoft Teams

Attendees: Frank Cutuli (Chair), Deborah Lee, Sharon Harris, Norma Seip, Lyn Bates, Kristina Drmic, Manager Community Care (City of Greater Dandenong [CGD]), Acting Coordinator Community Access (CGD), Cr Long (CGD), Disability Planning Officer (CGD), Community Inclusion Officer (CGD)

Apologies: Tam Nguyen, Pradeep Hewavitharana, Catherine Rampant, Coordinator Community Access

Minutes: Business Support (Relief) & Project Officer (CGD)

Item No.	Item	Action	Action By
1.	**Welcome and Apologies** *We acknowledge the traditional owners and custodians of this land, the Bunurong People, and pay respects to their Elders past, present and emerging.* *We recognise and respect their continuing connections to Climate, Culture and Country and we also pay our respects and acknowledge all Aboriginal peoples and their Elders present here today, in acknowledging their journey."* The Chair welcomed all present and apologises noted.		
2.	**Previous Minutes and Business Arising** No outstanding items.		
3.	**Shape Springvale** The Placemaking Officer provided a brief overview about the Shape Springvale consultation. Council is currently developing the Springvale Revitalisation Action Plan. A survey is currently open seeking feedback from the community on what they like about Springvale and how we can revitalise the area. DAC members were invited to provide undertake the survey which will help develop a draft Action Plan for review with community engagement.	Send Committee link to the consultation survey.	Disability Planning Officer
4.	**Update on Sports 4 All Project**		

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

4.2.3 Draft Minutes of Disability Advisory Committee Meeting - 17 April 2023 (Cont.)

	Recruitment has been completed for the position of the part-time Inclusion Coach with the successful candidate to commence next week. The role will focus on engaging with CGD sporting clubs and schools to roll out the Sport4All program. More information on the program can be found at https://sport4all.com.au/the-program/.	Invite the Inclusion Coach to the next meeting.	Coordinator Community Access
5.	**Aged Care Reform** The Manager Community Care advised that the Commonwealth government is planning to implement a new model for In-home Care Services from June 2024. Council is consulting with all stakeholders and the community on options for Council moving forward.	Provide regular updates.	Manager Community Care
6.	**CGD Disability Action Plan 2017-2023** The Disability Planning Officer presented a report on the achievements of the current Disability Action Plan (DAP) to date. This report aims to assist DAC members to understand the achievements from the current Plan that then informs the development of a new DAP to reflect the aspirations of local people with disabilities, their families, and carers. Council's Community Care team will work together with DAC members in the development of the new Disability Action Plan. DAC members provided feedback regarding the presentation.	Community Care Staff and DAC members to contribute to the DAP review process and development of new DAP.	Committee members
7.	**Disability Discrimination Act (DDA) Transport Standards Review Update** The DDA Transport Standards are reviewed every five years. A link to a consultative survey was included in March's edition of the Access and Inclusion enewsletter. The review is now closed and updates on the results will be provided to DAC members.	Updates to be provided through Council's Disability Access and Inclusion e-newsletter.	Community Inclusion Officer
8.	**NDIS Updates/ Members Issues** *Robinson and Mason Streets Re-alignment* Council will deliver works to realign the southern portion of Robinson and Mason Streets from Scott Street to Walker Street. These works will improve connectivity, reduce congestion and improve circulation. Construction will take place from mid-May for a period of 12 weeks. *Uneven Footpaths* The issue of uneven footpaths along Stud Road was raised as a hazard by members using	For noting. Investigate uneven footpath issue.	Disability Planning

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

4.2.3 Draft Minutes of Disability Advisory Committee Meeting - 17 April 2023 (Cont.)

	wheelchairs. DAC members were encouraged to use the *Snap Send Solve App* to report such hazards to Council.		Officer
	Scramble Pedestrian Crossings Discussion took place regarding the lack of scramble pedestrian crossings in Greater Dandenong. Noting that overseas and interstate such crossings included timing devices to inform users of the time left to transverse the crossing.	Look into scramble pedestrian crossings in CGD.	Disability Planning Officer
	DAC Membership A new DAC member has been appointed and will be invited to the next meeting.	Send invitation to attend the next DAC meeting in June.	Coordinator Community Access
	Council Update Manager Community Care updated DAC members that a new Director of Community Strengthening has been appointed. Given that Council has also recently appointed a new CEO, DAC members requested they both be invited to the next DAC meeting.	Send invitation to the CEO and Director Community Strengthening to attend next DAC meeting.	Manager Community Care
Meeting Closed at 5.30pm			

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

4.2.4 Chief Executive Officer's 100 Day Report – Reshaping Greater Dandenong

File Id:	A9747393
Responsible Officer:	Chief Executive Officer
Attachments:	Reshaping Greater Dandenong

1. Report Summary

This report outlines the observations of Greater Dandenong City Council's new Chief Executive Officer (CEO), Jacqui Weatherill, during her first 100 days with the organisation. The report details the strengths and opportunities for Council, the challenges for both Greater Dandenong and the Local Government sector as a whole and provides a recommended roadmap to deliver on the Council Plan 2021-25 and create a foundation for Council's long-term success.

2. Recommendation Summary

This report recommends that Council note the CEO's 100 Day Report - Reshaping Greater Dandenong (Attachment 1) and endorses the recommended roadmap.

3. Background

As part of her initial discussions with Councillors on her appointment, the CEO committed to providing Council, staff and the community with a report on her first 100 days in the role. This report is designed to share her observations and insights into the organisation along with identifying key areas of focus which will assist Council to deliver on the Community Vision and its commitments in the Council Plan as well as providing a solid foundation for Council's future.

During the first 100 days valuable feedback has been received from many interactions with Councillors, staff, key stakeholders and community members. These discussions and the feedback received has influenced the creation of the recommended roadmap for action.

Local Government faces many challenges as a sector and Councils must be prepared to address these now and into the future. Rising costs and ageing assets are impacting our financial sustainability and the increase in community expectations and reliance on services places pressure on our workforce to deliver the required programs and initiatives. In today's climate it is also difficult to attract and retain staff and Councils must be competitive in the employment market to continue current levels of service.

At the Councillor and Executive Team Strategic Workshop held in February the challenges faced by the sector were discussed along with the challenges and opportunities specifically relevant to Greater Dandenong and its community. The 100 Day Report reflects these discussions and highlights three (3) key focus areas for future proofing our organisation and three (3) enablers to help us achieve this.

The focus areas are:

1. **People and culture**

   Our biggest asset as an organisation is our workforce and our goal is to empower them, attract and retain valuable skills and experience, increase our diversity and address our skills gaps.

2. **Financial sustainability**

   With rising costs and the effects of inflation we must adapt our thinking and review our future sustainability. To ensure we can maintain our ageing assets, invest in new infrastructure and deliver on our community vision we need to investigate new and sustainable revenue sources.

3. **Customer Experience**

   Our customers are at the core of everything we do and their experience with Council is a reflection of our success. Our goal is to create a customer centric culture and enhance the ways in which we obtain feedback on the quality of our service provision. We seek to ensure a variety of customer channels are available in order to provide ready access to Council information and services 24/7, delivered in a cost effective manner using contemporary digital technology, systems and processes.

To help us address our challenges there are three (3) key enablers which we need to invest in to be successful:

1. **Systems and processes**

   With greater integration and fit for purpose solutions we can increase our digital capability and efficiency which leads to an improved customer experience.

2. **Communications, engagement and advocacy**

   By providing meaningful engagement opportunities and communications tailored to our diverse community we can improve our community's access to decision making and trust in Council.

3. **Strategy and future planning**

   With a greater focus on planning for our future we improve our ability to adapt to challenges inside and outside of the Local Government sector. By aligning our strategies and our organisational structure we also ensure we have the skills and expertise to achieve our Community Vision for 2040.

The 100 Day report in Attachment 1 provides greater detail on our strengths as an organisation, the challenges we face, and the CEO's recommendations on how we can reshape our organisation to ensure our success now and into the future.

4. Proposal

That Council note the CEO's 100 Day Report - Reshaping Greater Dandenong in Attachment 1 and endorse the recommended roadmap.

5. Financial Implications

The exact financial implications associated with this report have yet to be determined. An estimate of $500,000 has been allocated in Council's Proposed Annual Budget 2023-24 and Long-Term Financial Plan. Further analysis and evaluation are required to ascertain the financial consequences. Should the amount exceed the current allocation, if approved by Council, it will be considered at Council's Mid Year Budget Review in December 2023.

6. Consultation

This report was influenced by the many meetings, conversations, forums and interactions held over the last four (4) months with Councillors, Council staff, community members, federal and state government representatives, and key stakeholder groups. There are also still many people to meet with over the coming months who play an important role in the City of Greater Dandenong.

7. Community Vision 2040 and Council Plan 2021-25 – Strategic Objectives, Strategies and Plans

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

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

7.1 Community Vision 2040

This report is consistent with the Community Vision 2040 and its accompanying principles and outlines a roadmap which will strengthen the organisation's ability to deliver on this vision.

7.2 Council Plan 2021-25

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four (4) years. This report is consistent with the following strategic objectives:

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

8. The Overarching Governance Principles of the *Local Government Act 2020*

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

This report responds to all of the overarching principles contained within the Act:

a. Council decisions are to be made and actions taken in accordance with the relevant law;
b. priority is to be given to achieving the best outcomes for the municipal community, including future generations;
c. the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;

d. the municipal community is to be engaged in strategic planning and strategic decision making;
e. innovation and continuous improvement is to be pursued;
f. collaboration with other Councils and Governments and statutory bodies is to be sought;
g. the ongoing financial viability of the Council is to be ensured;
h. regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
i. the transparency of Council decisions, actions and information is to be ensured.

This report in alignment with the public transparency principles of the Act is being presented to a public Council meeting and will be placed on Council's website to enable community access.

The roadmap highlighted within the report integrates with the Community Vision and Council Plan 2021-25 and aims to increase Council's capacity to deliver the services and programs important to our community.

All projects and initiatives listed within the report will be subject to consideration of Council's existing and future budgets to ensure our resources continue to be responsibly managed.

9. Victorian Charter of Human Rights and Responsibilities

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

The *Charter of Human Rights and Responsibilities Act 2006* has been considered in the preparation of this report but is not relevant to its contents. This report highlights observations, sector challenges and a recommended roadmap to further increase Council's capacity to deliver quality services and programs. The human rights of our community will be considered when developing specific actions which have an impact on the services provided by Council.

10. The *Gender Equality Act 2020*

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

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

11. Consideration of Climate Change and Sustainability

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

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

Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-30 and the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability have been considered in the preparation of this report but are not relevant to its contents.

12. Related Council Policies, Strategies or Frameworks

This report and its contents will impact on Council's future planning and strategic focus including financial sustainability and the customer experience and is related to the Workforce Management Plan and Long Term Financial Plan.

13. Recommendation

That Council note the CEO's 100 Day Report – Reshaping Greater Dandenong and endorses the recommended roadmap as outlined in Attachment 1 to this report.

POLICY AND STRATEGY

CHIEF EXECUTIVE OFFICER'S 100 DAY REPORT

ATTACHMENT 1

RESHAPING GREATER DANDENONG

PAGES 7 (including cover)

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

4.2.4 Chief Executive Officer's 100 Day Report – Reshaping Greater Dandenong (Cont.)

GREATER DANDENONG
City of Opportunity

RESHAPING GREATER DANDENONG

May 2023

Prepared by Jacqui Weatherill

OVERVIEW

The City of Greater Dandenong is a municipality rich with diversity and located in an area which has considerable economic benefit on a state and federal level. Whilst I have spent many years in local government as a Director and CEO this city has many new and interesting challenges unique to its diverse community and I look forward to providing leadership and guidance to Council in addressing these.

Greater Dandenong is well placed to be a sector leader in the provision of inclusive, high-quality services for multicultural communities.

Whilst Greater Dandenong is Australia's most culturally diverse municipality it is also part of the southeast Melbourne region which is one of the country's most important economic centres and houses a national employment and innovation cluster. Over 50 per cent of our rates income is from commercial and industrial so meeting the needs of both residents and businesses is critical. To do this requires strong partnerships, clear strategies and a focus on planning for our future.

I committed to Council that I would present them with a report of my first 100 days with Greater Dandenong which includes my observations, the challenges we are facing as an organisation and the key areas we have an opportunity to strengthen in order to drive the delivery of our Council Plan.

My focus for the first 100 days has been to understand the organisation and the community it serves and seek to highlight areas of opportunity to further enhance the quality of the services we provide.

I have met with our workforce to seek their opinions on the issues, challenges and opportunities facing the City of Greater Dandenong and they raised a number of topics regarding culture, work/life balance, and community,

The three most consistent themes across the sessions were:

1.Communication, in particular the value of cross collaboration.

2.Technology and the critical need to have fit for purpose technology solutions.

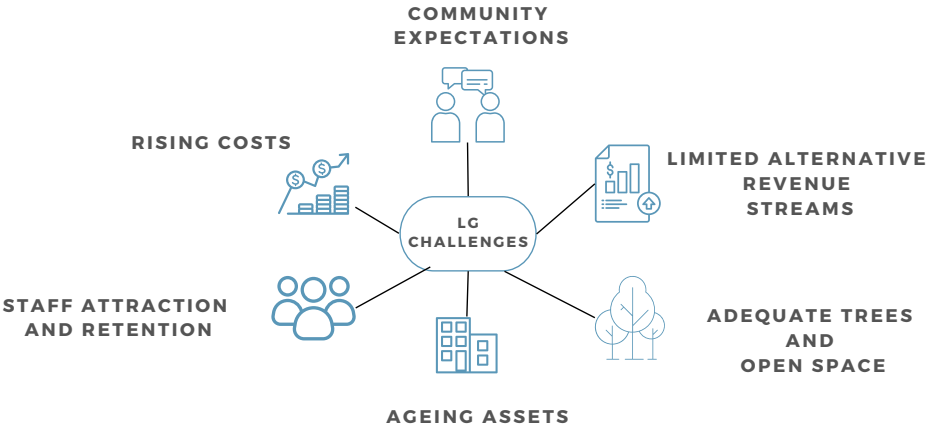
3.Financial sustainability, and the real need for additional resources to meet the needs of the community.

I have also undertaken a number of site visits, spent time on the phones in Customer Service, toured our parks and gardens, and rode with the sweepers in our cleansing team.

Meeting with key stakeholders to build positive relationships has been a priority and I have spent time with many people over the past six months including community organisation representatives, local business owners, State and Federal Government MPs and staff from neighbouring Councils who face many of the same challenges as us.

CHALLENGES

The local government landscape has changed and business as usual no longer exists. We face various challenges, financially, socially and environmentally, and these will continue to evolve over the next few years. These include:



The commitment to delivering on our current Council Plan and its strategic objectives continues but it is evident that a number of areas are still in need of improvement. The key topics discussed at the Councillor and Executive Team planning day were:

- under resourcing in areas which impact the organisation's reputation and readiness for the future
- the need for a more strategic, future focussed approach to planning
- increasing the effectiveness of how we manage our community's expectations and enhancing the ways in which we engage with them
- the desire for a cohesive, inclusive and high performing culture which unifies Councillors and officers.

Greater Dandenong has been delivering highly valued services and support to the community for decades. With the increasing challenges, in particular our financial viability, we need to develop forward thinking strategies, embrace new and innovative ways to engage, and streamline our systems and processes. Strengthening these will enable Council to build a stronger foundation to deliver on our focus areas.

To do this we will concentrate on six areas which will help us deliver on our Council Plan and Community Vision.

WHAT WE WILL FOCUS ON

A ROADMAP FOR A SUSTAINABLE FUTURE

PEOPLE AND CULTURE

- Attracting and retaining highly skilled staff.
- Empowering our people
- Resourcing the organisation to enhance our connection to the community and provide a quality customer experience
- Implementing an organisational structure which aligns with our strategic direction
- Investigating new models of employment within our local community to provide opportunities for residents.
- Increasing the diversity of our workforce to better reflect our community.
- Understanding our expertise and skills gaps.

FINANCIAL SUSTAINABILITY

- Reviewing Council's financial sustainability and investigating new opportunities to increase Council's revenue stream through partnerships and government advocacy.
- Driving efficiency and determining where we are able to reduce costs.
- Undertaking a review of Council's services and implementing a staged improvement program.

CUSTOMER EXPERIENCE

- Making the customer the centre of everything we do.
- Providing culturally accessible services
- Enhancing our digital technology and implementing the new Customer portal.
- Investigating alternative options for customer feedback.

4.2.4 Chief Executive Officer's 100 Day Report – Reshaping Greater Dandenong (Cont.)

SYSTEMS AND PROCESSES

- Continuing to ensure the security of our data.
- Increasing the speed of decision making.
- Integrating our systems and updating our digital technology to improve the speed and efficiency of our processes.
- Progressing our target to be a paperless organisation by 2026.

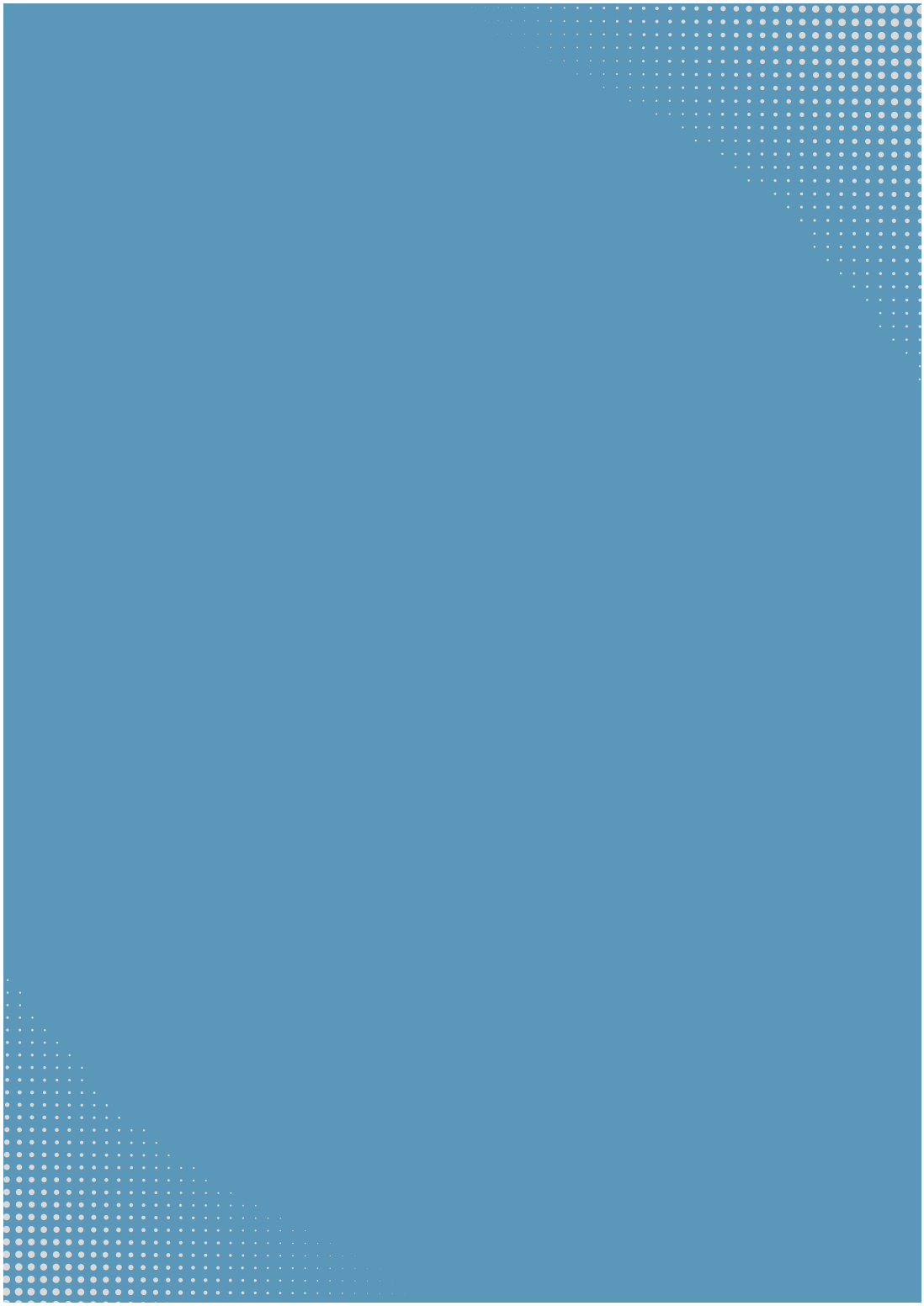
COMMUNICATIONS, ENGAGEMENT AND ADVOCACY

- Undertaking community engagement processes which are designed with our community.
- Increasing our advocacy to help fund major projects.
- Developing a Community Engagement Resourcing Plan to enhance the way we engage with our community.
- Investigating translation software options and strategies to enhance our translation services.
- Exploring options for enhancing communication and engagement through the Greater Dandenong Council News magazine.

STRATEGY AND FUTURE PLANNING

- Strengthening our future planning.
- Ensuring alignment between our strategies and the community vision.
- Being transparent and accountable for our strategic direction.
- Reviewing Council's performance measures.
- Developing a set of organisational KPI's which track progress against the recommendations of this report.

4.2.4 Chief Executive Officer's 100 Day Report – Reshaping Greater Dandenong (Cont.)



4.2.5 List of Registered Correspondence to Mayor and Councillors

File Id:	qA283304
Responsible Officer:	Manager Governance
Attachments:	Correspondence Received 15-26 May 2023

1. 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 15-26 May 2023.

2. Recommendation

That the listed items provided in Attachment 1 for the period 15-26 May 2023 be received and noted.

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

OTHER

LIST OF REGISTERED CORRESPONDENCE TO MAYOR AND COUNCILLORS

ATTACHMENT 1

CORRESPONDENCE RECEIVED 15-26 MAY 2023

PAGES 3 (including cover)

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

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

Objective
CONNECTED. COLLABORATIVE. COMMUNITY.

Correspondences addressed to the Mayor and Councillors received between 15/05/23 & 26/05/23 - for officer action - total = 2

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Currently Assigned
A complaint from a resident regarding rough sleepers and anti-social behaviours around Coles in Noble Park and Noble Park Aquatic Centre.	17-May-23	17-May-23	fA276856	Mayor and Councillors EA
Concern from a new resident of Dandenong regarding the number of beggars and vagrants in the Dandenong CBD.	18-May-23	19-May-23	fA277152	Mayor and Councillors EA

NB: Users assigned may have changed by the time of the Council Meeting. Correct at time of report production only.

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

Objective
CONNECTED. COLLABORATIVE. COMMUNITY.

Correspondences addressed to the Mayor and Councillors received between 15/05/23 & 26/05/23 - for information only - total = 4

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Currently Assigned
An invitation to the Mayor and Cr Jim Memeti from the Afghan Community Support Group Inc to attend its grand opening ceremony on 20 May 2023.	12-May-23	15-May-23	A9789980 A9789984	Mayor and Councillors EA
A letter to the Mayor from the Minister for Planning advising of the Minister's approval for Amendment C233gdan to the Greater Dandenong Planning Scheme.	15-May-23	16-May-23	A9796752	Mayor and Councillors EA
An email to the Mayor and Deputy Mayor regarding people (censored) who should not be permitted in Dandenong.	16-May-23	16-May-23	A9798454	Mayor and Councillors EA
A request for Council to support a homeless person of Noble Park whose partner was seriously injured in a hit-and-run on 20 May 2023.	23-May-23	26-May-23	A9832507	Mayor and Councillors EA

NB: Users assigned may have changed by the time of the Council Meeting. Correct at time of report production only.

5 NOTICES OF MOTION

5.1 Notice of Motion No. 31 - Public Consultation on Proposed Changes (by Keysborough Golf Club) to the Urban Growth Boundary and the zoning of its land, Cnr Hutton and Springvale Rds, Keysborough

This item was deferred at the Council Meeting held on 22 May 2023 to allow Councillors and Council officers to further discuss the item. A discussion was held with the Keysborough Golf Club at the Councillor Briefing Session held on 29 May 2023 and the item is now tabled again for consideration.

File Id:	
Responsible Officer:	Director City Planning Design & Amenity
Author:	Cr Rhonda Garad

Preamble

The current Keysborough Golf Club proposes to locate its new Golf Course adjacent to a proposed sports hub located off Pillars Rd, Bangholme which they propose to be donated to Council in the future.

The Club wants to develop their current site into a residential development. Their current site is zoned Green Wedge A and sits outside of the Urban Growth Boundary (UGB). To enable residential development would require the rezoning of their current site out of the Green Wedge. Rezoning, and the subsequent moving of the Urban Growth Boundary, would require Ministerial approval and a Parliamentary amendment.

There may be multiple impacts of this proposal on residents in Keysborough South if this area is rezoned and residential development occurs. With Council being in discussions with both the club and the State Government about this proposal, it is both critical and fair and reasonable that residents are enabled to provide feedback to Council on their views.

5.1 Notice of Motion No. 31 - Public Consultation on Proposed Changes (by Keysborough Golf Club) to the Urban Growth Boundary and the zoning of its land, Cnr Hutton and Springvale Rds, Keysborough (Cont.)

Motion

That officers provide a report back to Council before the end of June 2023 detailing the scoping, framework and costs associated with the following:

1. **Council will conduct a Council-led comprehensive consultation with all residents in the Keysborough South area;**

2. **the consultation will include information from Council being provided to residents on potential impacts, including but not limited to, the proposed scale of residential development, the reduction of the Green Wedge, infrastructure, environment and traffic management;**

3. **this information will be delivered to households via an Australia Post (stamped) letter from Council;**

4. **accessible feedback options will be provided including online (survey, Have your Say), in-person (local representatives), written and verbal formats;**

5. **translation of this material will be provided on request; and**

6. **the feedback will be collated and presented in summary form in a report to a Council meeting by the end of August 2023 at the latest, with individual feedback as an appendix to the Council report.**

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS

The principle purpose of this item in the Council Meeting Agenda is for Councillors to report on their attendance, observations or important matters arising from their liaison or representation with groups for which the Councillor has been formally appointed by Council. In accordance with the documented 'protocol' that applies to either liaisons or representatives, Councillors should raise matters of importance during this item. Other matters may also be reported.

If a Councillor chooses to speak, the name of the conference/event and the Councillor will be noted in the Minutes for that meeting. If a Councillor requires additional information on the conference/event to be listed in the Minutes, they must submit it in writing to a Governance staff member by 12.00pm the day following this Council Meeting.

Question time is provided to enable Councillors to address questions to members of Council staff. The guidelines for asking questions at a Council meeting are included in the current Governance Rules.

Councillors have a total of 15 minutes each to report on their attendances at meetings, conferences or events and to ask questions of Council staff.

7 URGENT BUSINESS

No business may be admitted as urgent business unless it:

a. Relates to or arises out of a matter which has arisen since distribution of the Agenda.

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.