



**GREATER  
DANDENONG**  
*City of Opportunity*

## **AGENDA**

**ORDINARY COUNCIL MEETING**

**MONDAY 13 AUGUST 2018**

Commencing at 7:00 PM

**COUNCIL CHAMBERS**

225 Lonsdale Street, Dandenong VIC 3175

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## **1 MEETING OPENING**

### **1.1 ATTENDANCE**

#### **Apologies**

Cr Roz Blades AM (Leave of Absence)  
Cr Tim Dark (Leave of Absence)  
Cr Angela Long (Leave of Absence)  
Cr Jim Memeti

### **1.2 OFFERING OF PRAYER**

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

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

Ordinary Meeting of Council held 23 July 2018.

#### **Recommendation**

**That the minutes of the Ordinary Meeting of Council held 23 July 2018 be confirmed.**

## 1.4 ASSEMBLIES OF COUNCIL

The following assemblies of Council occurred in the period 19 July to 8 August 2018:

Date	Meeting Type	Councillors Attending	Topics Discussed & Disclosures of Conflict of Interest
23/7/18	Pre-Council Meeting	Roz Blades, Youhorn Chea, Matthew Kirwan, Sean O'Reilly, Jim Memeti, Maria Sampey (part), Loi Truong	<ul style="list-style-type: none"> <li>- Community safety forum announced by State Government.</li> <li>- Agenda items for the Council Meeting of 23 July 2018.</li> </ul>
6/8/18	Councillor Briefing Session	Youhorn Chea, Matthew Kirwan, Sean O'Reilly, Jim Memeti (part), Maria Sampey, Loi Truong	<ul style="list-style-type: none"> <li>- Australian Sikh Games 2019.</li> <li>- Victorian Local Governance Association (VLGA) programs and activities.</li> <li>- Future of the National Disability Insurance Scheme (NDIS) (Confidential).</li> <li>- Possible city-wide waste forum.</li> <li>- Agenda items for the Council Meeting of 13 August 2018</li> </ul>

### Recommendation

**That the assemblies of Council listed above be noted.**

## 1.5 DISCLOSURES OF INTEREST

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

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

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

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

## **2 OFFICERS' REPORTS**

### **2.1 DOCUMENTS FOR SEALING**

#### **2.1.1 Documents for Sealing**

File Id: A2683601

Responsible Officer: Director Corporate Services

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#### **Report Summary**

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

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

#### **Recommendation Summary**

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

**2.1.1 Documents for Sealing (Cont.)**

**Item Summary**

There are four [4] items being presented to Council's meeting of 13 August 2018 for signing and sealing as follows:

1. A letter of recognition to Kaye Peterson-Bello, Corporate Services for 30 years of service to the City of Greater Dandenong;
2. A letter of recognition to Janice Pagliuca, Community Services for 10 years of service to the City of Greater Dandenong;
3. An Instrument of Appointment of Authorised Officer under the provisions of the Local Government Act 1989, Planning and Environment Act 1987, Environment Protection Act 1970, Subdivision Act 1988, Victorian Civil and Administrative Tribunal Act 1998, Sex Work Act 1994, Heritage Act 1995, Land Acquisition and Compensation Act 1986, any Rules, Regulations and other sub-ordinate instruments or delegated legislation (including the Greater Dandenong Planning Scheme) made under the provisions and enactments described; and any other Act, Rules, Regulations, Local Laws and other subordinate instruments or delegated legislation. This authorisation enables the following Council Officers to carry out the statutory responsibilities of the above Acts and is subject to policy and delegations previously adopted by Council:
  - Olivia Schumann
  - Katherine Kwong; and
4. A letter of recognition to Goga Attard, Corporate Services for 30 years of service to the City of Greater Dandenong.

**Recommendation**

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



## 2.2 DOCUMENTS FOR TABLING

### 2.2.1 Petitions and Joint Letters

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

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#### Report Summary

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

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

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

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

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

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

**Petitions and Joint Letters Tabled**

Council received no petitions and no joint letters prior to the Council Meeting of 13 August 2018 as follows:

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

**Recommendation**

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

**2.2.1 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 1000.*

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No. of Petitioners		Responsible Officer Response
17 JULY 2018	<p><b>PETITION REQUEST:</b> To : City of Greater Dandenong</p> <p>Petition to add more street lighting in Noble St between Romsey St and Corrigan Rd, Noble Park.</p> <p>We the following named residents hereby request the City of Greater Dandenong Council re-consider seriously additional street lighting in Noble Street in-between Romsey St and Corrigan Rd, Noble Park. In this section of Noble Street there are cars parked on both sides of the road both day and night. This section of Noble Street does have a lot of traffic and at night it becomes especially dangerous when getting in and out of our homes whilst there are cars parked on both sides of the street. We all feel that installing extra street lighting will greatly improve the visibility in the street at night and thus become a lot safer for residents and traffic using Noble Street.</p>	Signed by 13 residents	In progress	<p>Tabled at Council Meeting 23 July 2018</p> <p>Referred to Engineering Services 17 July 2018</p> <p><b>Response 31 July 2018</b></p> <p><i>Thank you for your petition regarding a request for additional street lighting in Noble Street, Noble Park. Council have undertaken a lighting assessment of Noble Street and have confirmed that the lighting levels do comply with the Australian Standard and the street is considered well lit. At this stage, Noble Street does not require additional lighting.</i></p> <p><i>Parking is permitted on both sides of Noble Street to service adjacent residential properties. Road rules exist that govern the manner in which motorists are required to park their vehicles. Included in this ruling (but not limited to) is that parked vehicles are not permitted to obstruct the entry or exit into adjacent properties. If this is observed, you are encouraged to contact Councils Local Laws team on 8571 1000 who will be able to assist in correcting this issue.</i></p>

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
9 JULY 2018	<p><b>PETITION HANDED TO GOVERNANCE AT COUNCIL MEETING 9 JULY 2018</b></p> <p><b>PETITION REQUEST:</b></p> <p>We, the undersigned, residents and <b>ratepayers</b> of the Greater City of Dandenong Council, request Council to:</p> <p>Insert a traffic roundabout on the corner of Cheam Street, Loch Road/Surace Court Dandenong North.</p>	Signed by 109 proponents	In progress	<p>Tabled at Council Meeting 23 July 2018.</p> <p>Referred to Engineering Services 11 July 2018.</p> <p><b>Response provided at Council Meeting on 9/7</b></p> <p><i>Council's traffic engineers will investigate road safety the intersection of Loch Street and Cheam Street. The first step in this process will be to undertake traffic surveys at this location, which will occur in a few weeks following the end of the school holidays. If road safety issues are identified, this location will be considered within Councils Local Area Traffic Management Prioritisation Program.</i></p> <p><b>Further Response to the petitioner on following page.</b></p>

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
9 JULY 2018 (contd)				<p><b>Response sent to resident 1977</b></p> <p><i>I provide you with the following response to your questions. Council's traffic engineers will investigate road safety the intersection of Loch Street and Cheam Street. The first step in this process will be to undertake traffic surveys at this location, which will occur in a few weeks following the end of the school holidays. If road safety issues are identified, this location will be considered within Councils Local Area Traffic Management Prioritisation Program.</i></p> <p><i>With regards to Stud Road near the Dandenong Stadium, I can confirm that Council is advocating to VicRoads, who manage Stud Road, for a signalised crossing point near the Stadium. It is anticipated that such a crossing would improve safety for pedestrians that currently cross the road, and also encourage the use of public transport to access the stadium, as patrons would be able to safely cross Stud Road to access the bus stop.</i></p>

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Content	No of Co-Signatures	Status	Officer Response
6 July 2018	<p><b>PETITION – COVER LETTER</b></p> <p>To whom it may concern,</p> <p>There are far too many stray cats in our neighbourhood and I am writing to persuade you to grant a cat foster carer for Dandy Cat Rescue some money to help rescue and home stray cats around Melbourne.</p> <p>Too many stray cats are living on the streets of Melbourne. They are in serious danger. For example they can be hit by a car, starve and be attacked by other animals. I am writing to ask that you support this rescue by providing funds for vet bills, feeding and homing these cats.</p> <p>I have included a petition signed by many people who support this rescue and would like to see them receive more help from the local government.</p> <p>I have also included some pictures of the cats to help you to see what condition they are in. Please help this great rescue as they really really need it.</p> <p>Kind Regards,</p>	Signed by 50 residents	In progress	<p>Tabled at Council Meeting 23 July 2018.</p> <p>Referred to Planning - Residential Amenity Unit 9 July 2018.</p> <p><b>Response 16 July 2018</b></p> <p><i>Thank you for your correspondence of 5 July 2018. The CEO has noted your letter and has requested that I review and respond to the matters you raise therein.</i></p> <p><i>The City of Greater Dandenong has a community grants program in place, that Ms Mitchell may be able to access if she needs funds for her activities in cat rescue. There is a lot of information on Council's website: <a href="http://www.greaterdandenong.com">www.greaterdandenong.com</a> that she can look at. That information also includes an on-line application form.</i></p> <p><i>Cat rescue programs are also undertaken by several of the larger animal welfare groups in Victoria including the RSPCA, The Lost Dogs Home and The Cat Protection Society. I would encourage Ms Mitchell to also contact those agencies who may be able to offer her other material aid in her efforts.</i></p>

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Content	No of Co-Signatures	Status	Officer Response
				<p>Council acknowledges and commends you for your efforts in supporting this worthwhile cause. We also wish Ms Mitchell every success in pursuing support for her activities.</p> <p>If you have any further questions in relation to this matter please contact me on (03) 8571 1445 or by email: <a href="mailto:pshelt@cgd.vic.gov.au">pshelt@cgd.vic.gov.au</a>.</p>

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



## 2.3 STATUTORY PLANNING APPLICATIONS

### 2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740)

File Id:	275510
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Submitted Plans Location of objectors Clause 52.06 Assessment

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#### Application Summary

Applicant:	Anna Paritski
Proposal:	Change of use (education centre); display of advertising signage; and reduction of car parking requirements.
Zone:	Neighbourhood Residential Zone – Schedule 1
Overlay:	No overlays
Ward:	Red Gum

The application proposes to use the land for the purpose of an education centre, display advertising signage and reduce the car parking requirement. A permit is required pursuant to Clause 32.09-1, Clause 52.05-9 and Clause 52.06-5 of the Greater Dandenong Planning Scheme.

#### Objectors Summary

The application was advertised to the surrounding area through the erection of two notices on-site and the mailing of notices to adjoining and surrounding owners and occupiers. Two (2) objections were received to the application. Issues raised generally relate to matters of on street car parking.

#### Assessment Summary

The site is located within an established residential area with good access to community infrastructure. The proposal seeks to use the land for an education centre and to display associated signage. The proposal would be an acceptable outcome for the site which is consistent with the purpose of the Neighbourhood Residential Zone and meets the objective of the Greater Dandenong Planning Scheme, subject to conditions.

**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)**

**Recommendation Summary**

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

**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)**

**Subject Site and Surrounds**

**Subject Site**

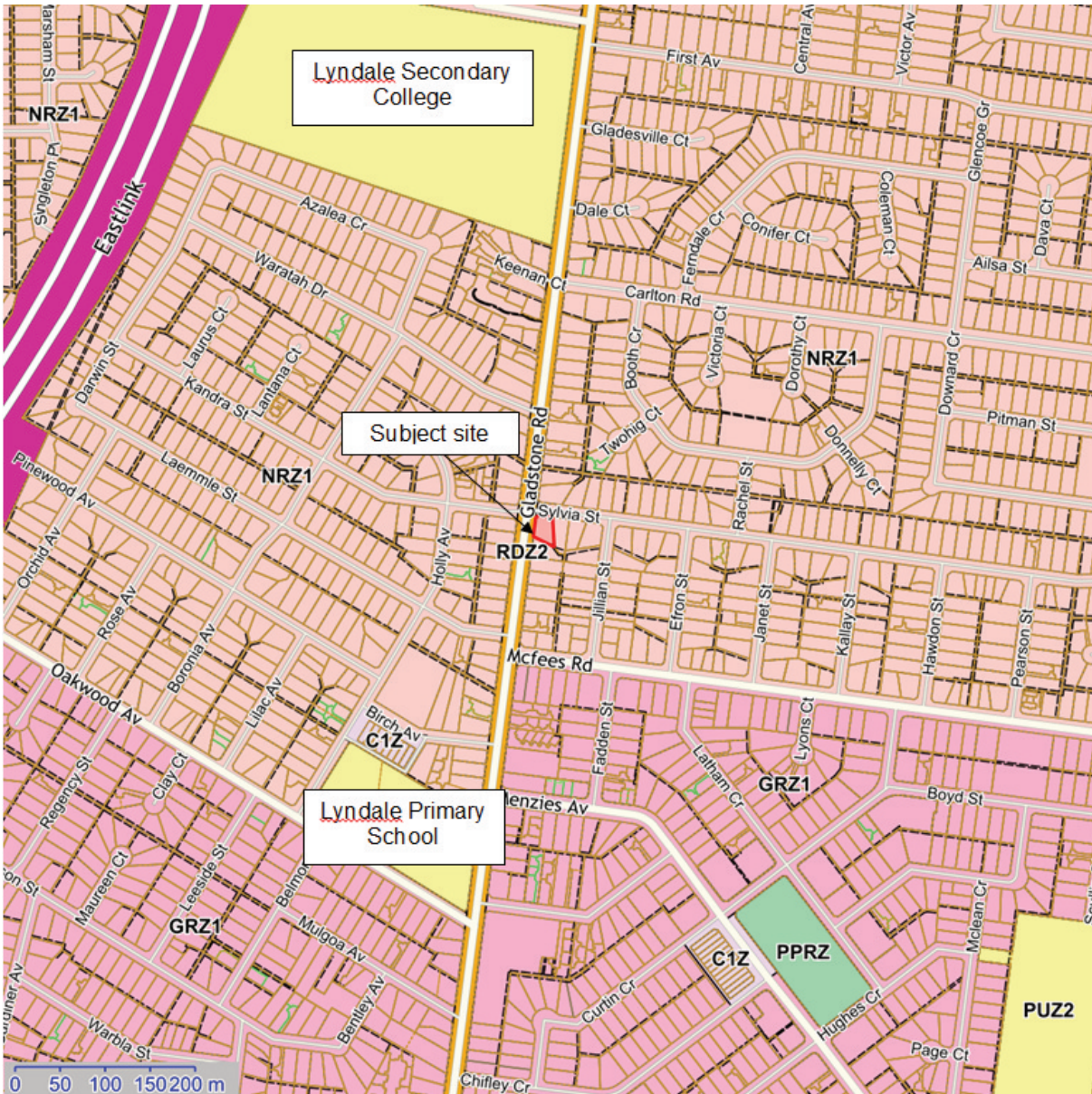
- The subject site is located on the south-eastern corner of Gladstone Road and Sylvia Street in Dandenong North;
- The site has an approximate area of 600 square metres;
- The land is currently occupied by a single storey brick house with a carport oriented to Gladstone Road which has previously been used for the purpose of an education centre;
- The site is accessible via two separate crossovers from Sylvia Street and Gladstone Road. The crossover from Sylvia Street provides ingress to the internal accessway whilst the crossover connected to Gladstone Road provides egress from the site.
- There is established landscaping throughout the site.

**Surrounding Area**

- The site is located in an established residential area comprising a high proportion of single storey detached dwellings built in the 1960's. The surrounding area is serviced by established infrastructure including, but not limited to, the following:
  - The site is bordered by Sylvia Street and Gladstone Road. Gladstone Road is a Road Zone, Category 2 road and does not permit on street car parking.
  - Lyndale Secondary College is located approximately 300 metres north of the site and Lyndale Primary School is located approximately 320 metres south of the site.
  - There are a number of dwellings in the area which have been converted for non-residential uses including the subject site, a medical centre directly opposite the site, a yoga studio 230 metres to the north and a medical centre 700 metres to the south, all oriented to Gladstone Road.
  - There is a bus stop 30 metres south of the site on Gladstone Road which is serviced by bus routes 802, 811 and 850.

2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)

Locality Plan



Background

Previous Applications

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

**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)**

- Planning Permit PLN02/0440 was issued on 12 November 2002 to develop and use the site for the purpose of an Education Centre with associated signage, all in accordance with the endorsed plans.

**Subject Application**

This application has been lodged with Council due to Planning Permit PLN02/0440 expiring on 12 November 2007. Council's Planning Compliance Department issued enforcement PC17/0475 on 3 October 2017 due to the proposal operating without a valid planning permit. The proposal is seeking retrospective approval.

**Proposal**

The application proposes to use the land for an Education Centre (Kumon math and English tutoring) including the display of advertising signage and to reduce the car parking requirement.

Use

The education centre would have the following operation hours:

Monday – Friday: 3:30pm – 7:00pm;

Saturday: 10:00am – 3:00pm.

The maximum number of students on-site at any one time would be 30, with a further eight (8) staff.

Car parking

The application at the time of lodgement and advertising originally presented 5 car parking spaces for the proposed use. An amendment (section 57A of the P&EA )to the advertised plans was subsequently lodged on 15 May 2018, whereby a new site plan showed additional car parking on the site. In summary the amendment included a number of existing informal car parks on the site.

The car parking layout for the education centre is proposed to include 11 car spaces. The width of car spaces varies between 2.1m – 2.8m. Vehicles accessing the site traverse the one way accessway connecting Sylvia Street to Gladstone Road. The minimum width of the accessway would be 2.9 metres between Car space 2 and the northern side of the building. The proposal is seeking a reduction of one (1) car space.

Signage

The proposal would include the display of three (3) business identification signs with the following details:

1. Business details – 2.1m long x 0.9m high x 2.2m above ground level;
2. Business details and direction sign – 0.7m long x 1.0m high x 2.5m above ground level
3. Business details and direction sign – 0.7m long x 1.0m high x 2.5m above ground level

**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)**

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

**Victorian Charter of Human Rights and Responsibilities**

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

**Financial Implications**

No financial resources are impacted by this report.

**Planning Scheme and Policy Frameworks**

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

- Under Clause 32.09-1 (Neighbourhood Residential Zone) to use the land for an education centre.
- Under Clause 52.05-9 (Advertising signage) to display business identification signage.
- Under Clause 52.06-3 (Car Parking) for a reduction of car parking for an education centre.

The relevant controls and policies are as follows:

**Zoning Controls**

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

The purpose of the Neighbourhood Residential Zone outlined at Clause 32.09 is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *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 32.09-1, a permit is required to use the land for any other use not listed in Section 1 or 3 of the Table of uses i.e. an education centre. Before deciding on an application Council must consider the decision guidelines at Clause 32.09-12.

**Overlay Controls**

No overlays affect the subject site or surrounding area.

**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)****State Planning Policy Framework**

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

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

*Transport (Clause 18)*

The purpose of Clause 18 – Transport is to ensure that planning creates an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe. The objective of Clause 18.01-1 to integrate land use and transport planning is to create a safe and sustainable transport system by integrating land-use and transport.

*Infrastructure (Clause 19)*

The purpose of Clause 19 – Infrastructure is for planning to recognise social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support (mental health, aged care, disability, youth and family services) facilities. One of the underlying objectives of community infrastructure at Clause 19.02-2 is to assist the integration of education facilities with local and regional communities.

**Local Planning Policy Framework**

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

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

A **Vision for Greater Dandenong** is outlined at **Clause 21.03**. Amongst others, the vision is that Greater Dandenong is a well balanced satisfied community, which has easy and equitable access to services important to people's everyday life.

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** and **21.07**.

Under **Clause 21.04 – Land Use**, the matter of 'Retail, Commerce and Entertainment', amongst others, is covered. It is noted within Clause 21.04-2 that Greater Dandenong's retail, commerce and entertainment uses provide a range of jobs. Strengthening these assets will attract visitors from

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**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)**

outside the municipality and improve employment opportunities. With suitable promotion, they could realise increased economic benefits for the City. The clause includes a number of relevant objectives and strategies to the proposal.

Under **Clause 21.07 – Infrastructure and Transportation**, the policy considers the physical, community and cultural infrastructure. Of particular relevance is the objective of Clause 21.07-1 which seeks to provide for a range of community facilities and services appropriate to the needs of the diverse community of Greater Dandenong. One of the strategies behind this objective is to encourage the co-location of appropriate community facilities where possible with activity centres, community and transport nodes.

Clause 22.11 – Advertising Signs Policy sets out the local expectations for signage within this municipality.

The objectives of this policy are:

- *To ensure that signs are designed, positioned and displayed in an appropriate and attractive manner.*
- *To encourage signs that make a positive contribution to both the day and night time character of activity centres.*
- *To improve the appearance of City gateways through the effective, sensitive display of signs and the avoidance of proliferation of signs and visual clutter.*

There is a number of more specific design outcomes sought under this policy. It is also policy that the matters listed under Clause 22.11 be taken into account when considering applications for a signs in addition to Clauses 52.05 and 65.

**Particular Provisions**

**Clause 52.05 – Advertising Signs**, of the Greater Dandenong Planning Scheme is applicable to this application. The purpose of this Clause is:

- *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.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

Clause 52.05-1 notes the requirements that must be met in relation to the advertising controls applying to the zones, including when permits are and are not required for the signs and when the signs are prohibited.

Clause 52.05-5 provides exemptions for existing signs which have been lawfully displayed.

Clause 52.05-9 – Category 3 – relating to high amenity areas specifically outlines the requirements of advertising signs within these areas. The purpose of this area is:



**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)**

To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

Pursuant to this Clause, a planning permit is required to display a business identification sign.

**Clause 52.06 – Car Parking** needs to be considered. The purposes of this provision are:

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

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

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

The table at Clause 52.06-5 notes that an Education Centre requires 0.4 car parking spaces to each student that is part of the maximum number of students on the site at any time.

Car parking is to be designed and constructed in accordance with the requirements of Clauses 52.06-9 of the Scheme.

**Clause 52.34 – Bicycle Facilities** must be considered when a new use commences and must provide the required bicycle facilities and associated signage on the land. The purposes of the provision are:

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

The table at Clause 52.34-3 notes that an Education Centre requires 1 space to each 20 employees and 1 space to each 20 full-time students. Bicycle facilities must be designed in accordance with the requirements at Clause 52.34-4.

Clause 52.34-2 notes that a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4.

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**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (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 are no Planning Scheme Amendments that will impact on the proposal.

**Restrictive Covenants**

There are no restrictive covenants affecting the land.

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

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

**Diversity (Access & Equity)**

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

**Community Safety**

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

**Safe Design Guidelines**

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

**Referrals**

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

**Internal**

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

Asset Planning	No objection
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### 2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)

Transport	No objection, subject to conditions
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#### 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 signs on site facing Gladstone Road and Sylvia Street.

The notification has been carried out correctly.

Council has received two (2) objections to date; from the neighbouring property on Sylvia Street.

*The location of the objectors is shown in Attachment 2.*

#### Consultation

A consultative meeting was held on 19 April 2018, with the applicant, Councillor and Council representatives in attendance. Neither of the objectors attended the meeting. Therefore, the objections/submissions stand as received.

#### Summary of Grounds of Submissions/Objections

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

- **On street car parking**

*The objectors have raised particular concern with the existing car parking demands and illegally parked vehicles on Sylvia Street associated with the education centre and neighbouring medical centre. The proposal is seeking to increase the number of students from 17 (under the previous permit) to 30. The proposal would provide an additional five (5) car spaces on top of the existing six (6) car spaces to accommodate the increase in student numbers, resulting in a shortfall of one (1) car space. The proposal will be assessed against the matters outlined at Clause 52.06-7 to determine if the car parking reduction sought is acceptable.*

#### Assessment

##### Use

Pursuant to Clause 32.09-1 a permit is required to use the land for the purposes of an education centre.

Relevant decision guidelines relating to the use of the land as outlined in Clause 32.09-12 are as follows:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

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**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)**

The proposal has been considered against the relevant objectives of the SPPF and LPPF. It has been determined that the use and development of land for a convenience restaurant is consistent with the following objectives:

- Land use and transport planning objective: Clause 18.01-1 (Integrated Transport)

*“To create a safe and sustainable transport system by integrating land-use and transport.”*

- Education facilities objective: Clause 19.02-2 (Community Infrastructure)

*“To assist the integration of education facilities with local and regional communities.”*

- Land use objectives: Clause 21.04-2 (Retail, Commerce and Entertainment)

*Environmental, economic and social benefits.*

- Physical community and cultural infrastructure objectives: Clause 21.07-1 (Infrastructure and Transportation)

*“To provide for a range of community facilities and services appropriate to the needs of the diverse community of Greater Dandenong.”*

- *The purpose of this zone.*

The use of the site for the purpose of an education centre is consistent with the zoning of the land and provisions of the Greater Dandenong Planning Scheme particularly as the purpose of the zone is *“to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.”* It is considered that the proposal would be located on a site in an appropriate location to support an education centre given its access to existing schools, residential properties, public transport and main roads.

- *In the local neighbourhood context*

The use of the land for an education centre is compatible with the surrounding residential uses as the site is located on a main road within close proximity to both Lyndale Primary and Lyndale Secondary Schools. The purpose of the zone also supports educational uses in appropriate locations which act to serve local community needs. The proposed education centre has operated under a previous permit (now expired) since 2002, which further demonstrates the longevity and success of the proposed use. The education centre would operate between the hours of 3:30pm – 7:00pm Monday – Friday and 10:00am – 3:00pm open Saturday, which are considered reasonable hours for a commercial use in a residential area. A condition of permit will restrict the operation hours to those mentioned above (Refer to condition 7). Given the reasons outlined above it is considered the proposed education centre is appropriately located and would be consistent with the Greater Dandenong Planning Scheme.

**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)**

The proposal would provide on-site car parking as well as a drop off zone for students attending the education centre. The provision of car parking and the layout and design of the accessway and car parking spaces will be considered in the assessment of the proposal against Clause 52.06.

There is existing landscaping located on the site along each property boundary. The existing landscaping assists in softening the hard paved areas provided for car parking and vehicle access. The site layout is similar to that of the neighbouring medical centre at No. 179 Gladstone Road, which has car parking located in the front and rear setback as well as landscaping surrounding it. The applicant has stated that additional planting would be provided along the new car spaces to offset the increase in hard paved areas. Therefore, a landscape plan would be required as a condition of any permit (Refer to condition 2).

**Signage**

The subject site is located within the Neighbourhood Residential Zone 1 and is within Category 3 of the sign requirements. No overlays affect the site.

The proposal continues to satisfy several State Planning Policies, including Clause 11 – Settlement, Clause 15 – Built environment and Heritage and Clause 17 – Economic Development, which encourage the ongoing promotion and reinforcement of retail centres.

Clause 22.11 contains Council's local advertising policy. It is considered the proposed signs satisfy Clause 22.11 and is addressed in the Clause 52.05 assessment to follow.

Sign 1 is an existing sign 1.8 square metres in area which was lawfully approved under Planning Permit PLN02/0440 and is not being increased in area or resulting in a different type of sign. Therefore, this sign is considered to form part of the existing neighbourhood character and would not result in detrimental impacts to the surrounding area.

Signs 2 and 3 would be erected upon the one structure, angled toward Gladstone Road setback 7.5 metres from the existing sign. The signs would have a combined area of 1.4 square metres and display the businesses details and logo along with arrows indicating entry and exit points to the site. The advertising signage would serve as business identification as well as direction signs for vehicles accessing the site. The proposed signs would not contribute to any visual clutter within the site and would be well placed within the front setback landscaped area to minimise any visual amenity impacts. It is therefore considered that the proposed business identification signs would be an acceptable outcome which meets the objectives of Clause 22.11 and the purpose of Clause 52.06.

**Car Parking**

The proposal would provide 11 car spaces on-site, six (6) existing and five (5) new. The proposed education centre would have a maximum of 30 students on-site at any one time requiring 12 car spaces under Clause 52.06-5. The proposal is seeking a reduction of one car space. Pursuant to Clause 52.06-3 a permit is required to reduce the car parking requirement.

The car parking layout would not be functional for the following reasons:

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**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)**

- The design of car spaces 1, 2, 3, 5, 6, 7, 8, 9, 10 and 11 would not meet the requirements of Design Standard 2 under Clause 52.06-9.
- The tandem car spaces would reduce the landscaping area within the front setback to Sylvia Street and Gladstone Road.
- The accessway would not have a minimum width of 3.0m between car space 2 and the eastern side of the building.
- The carport would restrict access to car spaces located in the front setback.

Given the reasons above Council requires the following changes to be made to the car parking and accessway layout, as conditions of any permit.

- The carport removed (Refer to condition 1.1).
- Car spaces 1, 2, 8 and 9 deleted with all remaining car parking spaces renumbered accordingly (Refer to condition 1.2).
- Each car space dimensioned in accordance with Design Standard 2 of Clause 52.06-9 (Refer to condition 1.3).

The abovementioned requirements would reduce the number of car spaces provided on-site to seven (7). Given the existing car parking demands on the abutting streets and the number of students and staff to be located on the site at any one time, it is considered unacceptable to reduce the car parking requirement associated with the education centre by five (5) car spaces. Therefore, Council proposes that the maximum number of students to be located on-site at any one time be reduced from 30 to 20, thus requiring a reduction of one (1) car space ( $0.4 \times 20 = 8$ ) for an education centre under Clause 52.06-5.

As the site previously operated with 17 students and sub-standard car parking, it is considered that the seven formalised car spaces could accommodate the increase in student numbers, as these spaces would eliminate the displacement of overflow car parking on to the street. Historically, Council has not received any complaints regarding the operation of the site and when considering the on-street car parking available directly abutting the site it is considered acceptable to reduce the car parking requirement by one space. In keeping with the recommendations above, the maximum number of students to be located on-site at any one time would be restricted to 20, as a condition of any permit (Refer to condition 6).

**Bicycle Facilities**

The proposal does not provide any bicycle facilities for students accessing the site. Clause 52.34-1 requires new uses to provide the required bicycle facilities and associated signage in accordance with Clause 52.34-3 and Clause 52.34-4. An education centre must provide one (1) bicycle space to each 20 students. As conditions of any permit issued would limit the number of students to 19 the proposal is exempt from providing the required one space. However, given the bicycle is a predominant mode of transport for students and this is the intended audience of the associated use it is recommended that the proposal provide a minimum of three (3) bicycle spaces and associated signage as a condition of any permit (Refer to condition 1.4).

**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)**

**Conclusion**

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

The proposal is consistent with the purposes of the Neighbourhood Residential Zone and provides an acceptable design response to the relevant objectives, strategies and design standards of the Greater Dandenong Planning Scheme. Therefore, it is recommended that the proposal be approved subject to the conditions proposed by the officers.

**Recommendation**

**That Council resolves to issue a Notice of Decision to grant a permit in respect of the land known and described as 177 Gladstone Road Dandenong North, for the use of the land for an education centre, to reduce the car parking requirements and to display advertising signage, subject to the following conditions:**

- 1. Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:**
  - 1.1. Removal of the carport;**
  - 1.2. Car spaces 1, 2, 8 and 9 deleted with all remaining car parking spaces renumbered accordingly;**
  - 1.3. All car spaces accurately depicted and dimensioned in accordance with Design Standard 2 of Clause 52.06-9 of the Greater Dandenong Planning Scheme;**
  - 1.4. Three (3) bicycle spaces and associated signage provided on-site and designed in accordance with Clause 52.34-4 and Clause 52.34-5 of the Greater Dandenong Planning Scheme;**
  - 1.5 Letterboxes and all other structures (including visually obstructive fencing and landscaping) should be constructed to a maximum height of 900mm or relocated clear of a splayed area (2m x 2.5m) along the frontage road at access points in accordance with Dandenong Planning Scheme Clause 52.06-9.**
  - 1.6. Landscaping in accordance with condition 2.**

**When approved, these plans will be endorsed and will form part of this permit.**

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**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)**

- 2. Before the approved use starts, and before any trees or vegetation are removed, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions. The amended landscape plan must be generally in accordance with the landscape plan submitted with the application but modified to show:**
  - 2.1. Plans to accord with Condition 1 of this permit;**
  - 2.2. The site at a scale of 1:100/200, including site boundaries, existing and proposed buildings, neighbouring buildings, car parking, access and exit points, indicative topography and spot levels at the site corners, existing and proposed vegetation, nature strip trees, easements and landscape setbacks;**
  - 2.3. Details of the proposed layout, type and height of fencing;**
  - 2.4. Legend of all plant types, surfaces, materials and landscape items to be used including the total areas of garden and lawn;**
  - 2.5. A plant schedule giving a description of botanical name, common name, mature height and spread, pot size, purchase height (if a tree) and individual plant quantities;**
  - 2.6. Improved landscaping to the front of the existing building and along the car spaces and accessway.**

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

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

Landscaping in accordance with the endorsed landscaping plan and schedule must be completed before the building is occupied.

At all times, the landscaping must be maintained in good order in accordance with the endorsed landscape plan and schedule to the satisfaction of the Responsible Authority.

- 3. Except with the prior written consent of the Responsible Authority, the layout of the land and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified.**



**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)**

- 4. Before the use commences, a Parking Management Plan must be submitted to and approved by the Responsible Authority. The use must not commence until the plan has been approved and endorsed by the Responsible Authority. The Plan must be generally in accordance with the submitted application plans and must:
  - 4.1. Identify all parking spaces on site;**
  - 4.2. Identify spaces that will be allocated to specific users including staff and disabled car parking;**
  - 4.3. Identify measures to ensure that the tandem parking spaces are viable parking options (i.e. allocating these to staff).****
- 5. The location, type and dimensions of the signs, including the words, colours and supporting structure shown on the endorsed plans must not be altered without the consent of the Responsible Authority.**
- 6. The maximum number of students to be located on the site at any one time is 20.**
- 7. The use may operate only between the hours of 3:30pm – 7:00pm Monday – Friday and 10:00am – 3:00pm on Saturday.**
- 8. 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.**
- 9. 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.**
- 10. Prior to the use commencing, all parking areas and accessways must be:
  - 10.1. Constructed and available for use in accordance with the plan approved by the responsible authority;**
  - 10.2. Formed to such levels and drained so that they can be used in accordance with the plan; and**
  - 10.3. Line-marked or provided with some other adequate means of showing the car parking spaces.****
- 11. The land must be kept in a neat and tidy condition at all times to the satisfaction of the Responsible Authority.**
- 12. The amenity of the area must not be detrimentally effected by the use on the land, through the:
  - 12.1. Transport of materials, goods or commodities to or from the land.****

**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)**

- 12.2. Appearance of any building, works or materials.**
  - 12.3. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.**
  - 12.4. Presence of vermin.**
  - 13. All external lighting of the site, including car parking area and building must be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site.**
  - 14. The approved signs must not be animated in part or whole and flashing, intermittent or moving light/s must not be displayed.**
  - 15. The permit will expire if one of the following circumstances applies:**
    - 15.1. The use does not start within two (2) years of the date of this permit, or**
    - 15.2. The use is discontinued for a period of two (2) years.**
- The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards.**
- 16. In relation to the advertising signs approved herein, this permit expires fifteen (15) years from the date of this permit. Before this permit expires, the approved signs and any supporting structure must be removed and the land and/or building surface made good to the satisfaction of the Responsible Authority.**

**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)**

**STATUTORY PLANNING APPLICATIONS**

**TOWN PLANNING APPLICATION – NO. 177 GLADSTONE ROAD  
DANDENONG NORTH (PLANNING APPLICATION PLN17/0740)**

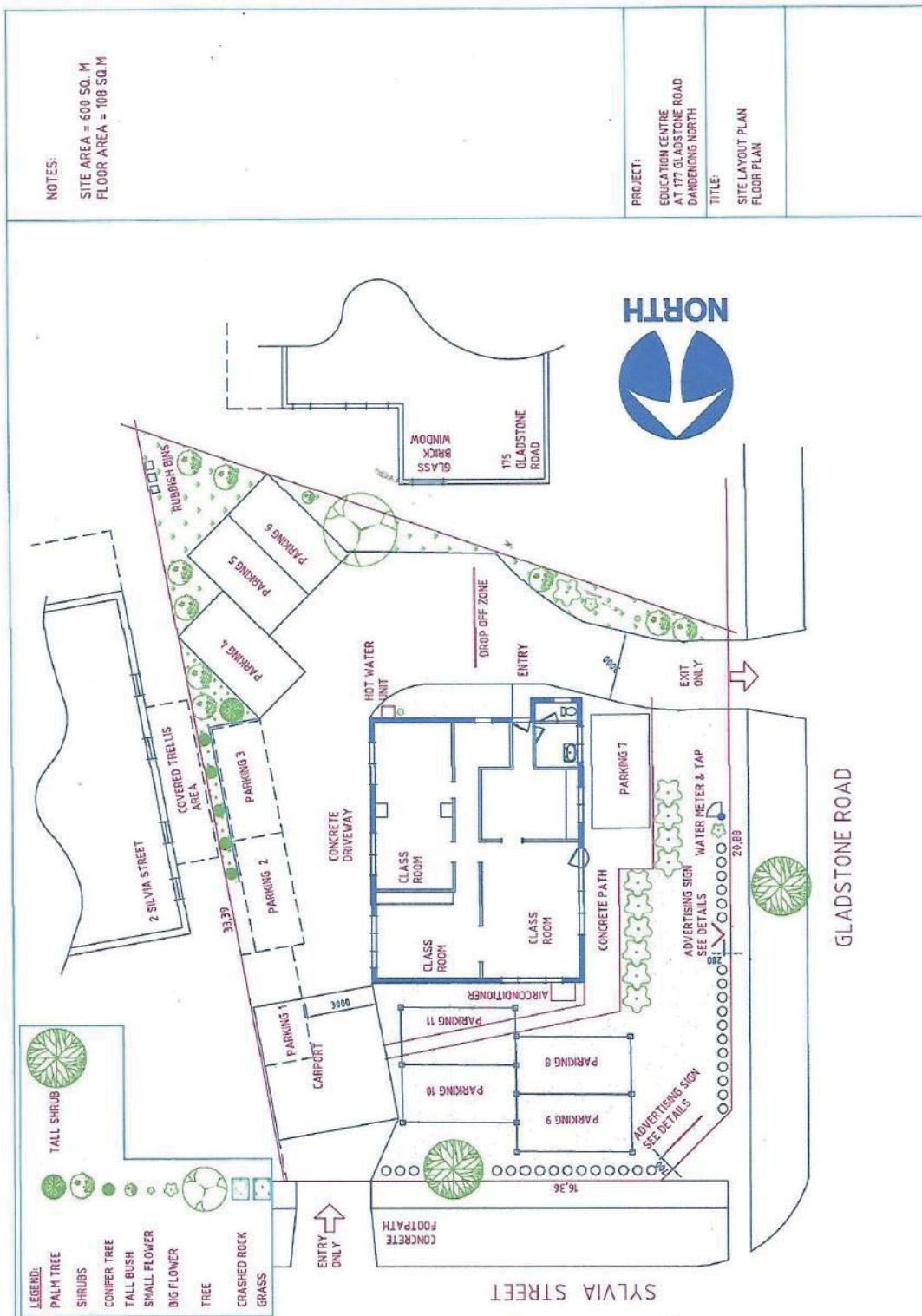
**ATTACHMENT 1**

**SUBMITTED PLANS**

**PAGES 3 (including cover)**

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

2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)



2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)

<p>COUNCIL RFI DATE: 30 JAN 2018</p>	
<p>PROJECT: EDUCATION CENTRE AT 177 GLADSTONE ROAD DANDENONG NDR TH</p>	
<p>TITLE: ADVERTISING SIGN DETAILS</p>	
<p>SCALE: 1:50 @A4</p>	

**SIZE DETAILS**

2100  
900  
2200

**VIEW A**  
KUMON  
ENTRANCE  
NORTH DANDENONG  
EDUCATION CENTRE  
PH 182741422

**VIEW B**  
KUMON  
EXIT  
NORTH DANDENONG  
EDUCATION CENTRE  
PH 182741422

**COLOUR DETAILS**

**VIEW A**  
NORTH DANDENONG  
KUMON  
EDUCATION CENTRE  
MATHEMATICS ENGLISH  
EDUCATION CENTRE

**VIEW B**  
KUMON  
EXIT  
NORTH DANDENONG  
EDUCATION CENTRE  
PH 182741422

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**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)**

**STATUTORY PLANNING APPLICATIONS**

**TOWN PLANNING APPLICATION – NO. 177 GLADSTONE ROAD  
DANDENONG NORTH (PLANNING APPLICATION PLN17/0740)**

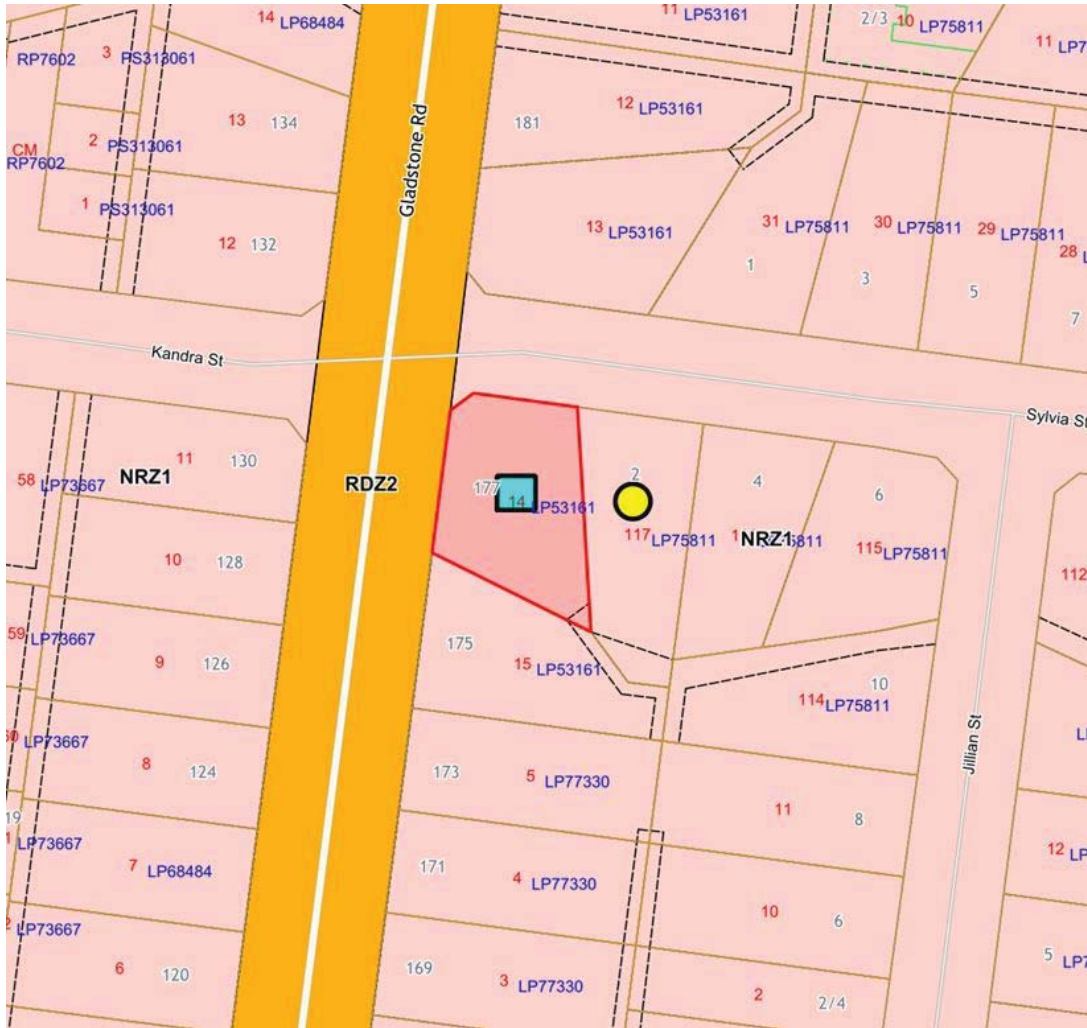
**ATTACHMENT 2**

**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 - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)



Map Legend:

Subject Site	
Objectors	

**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)**

**STATUTORY PLANNING APPLICATIONS**

**TOWN PLANNING APPLICATION – NO. 177 GLADSTONE  
ROAD DANDENONG NORTH (PLANNING APPLICATION  
PLN17/0740)**

**ATTACHMENT 3**

**CLAUSE 52.06 ASSESSMENT**

**PAGES 5 (including cover)**

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



**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)**

**Assessment Table – Clause 52.06**  
177 Gladstone Road DANDENONG NORTH

<b>Car Parking Assessment Table for Clause 52.06</b>		
<b>Objective</b>	<b>Standard</b>	<b>Complies / Does Not Comply / Variation Required / N/A</b>
<p><b>Parking Provision</b> To ensure that car and bicycle parking for residents and visitors is appropriate to the needs of residents.</p>	<p>Car parking for an Education Centre should be provided as follows:</p> <ul style="list-style-type: none"> <li>▪ 0.4 car parking spaces to each student that is part of the maximum number of students on the site at any time</li> </ul>	<p><b>! Reduction sought</b> Refer to assessment.</p>
<p><b>Design Standard 1 Accessways</b> The provision of car parking should meet the design requirements of this Clause.</p>	<p>Accessways should:</p> <ul style="list-style-type: none"> <li>▪ Be at least 3 metres wide.</li> <li>▪ Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.</li> <li>▪ Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.</li> <li>▪ Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres.</li> </ul>	<p><b>! Condition required</b> The accessway would not have a minimum width of 3.0m between car space 2 and the eastern side of the building.</p>
	<p>If the accessway serves four or more car spaces or connects to a road in a Road Zone, the accessway must be designed so that cars can exit the site in a forward direction.</p> <p>If an accessway to four or more car parking spaces is from land in a Road Zone, the access to the car spaces must be at least 6 metres from the road carriageway.</p>	<p>✓ <b>Complies</b></p>

**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)**

<b>Car Parking Assessment Table for Clause 52.06</b>		
<b>Objective</b>	<b>Standard</b>	<b>Complies / Does Not Comply / Variation Required / N/A</b>
	Provide a passing area at the entrance at least 5 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Road Zone.	- <b>N/A</b> Conditions of any permit issued would limit the number of car spaces provided to seven (7).
	Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided.	<b>! Condition required</b> Visibility splays to be provided along accessways as a condition of any permit issued.
<b>Design Standard 2 Car parking spaces</b> Car parking spaces and accessways should have minimum dimensions.	Minimum car park and accessway dimensions: <ul style="list-style-type: none"> <li>▪ Parallel – 2.3m x 6.7m with a accessway width of 3.6m</li> <li>▪ 45 degrees – 2.6m x 4.9m with a accessway width of 3.5m</li> <li>▪ 60 degrees – 2.6m x 4.9m with a accessway width of 4.9m</li> <li>▪ 90 degrees – 2.6m x 4.9m with a accessway width of 6.4m</li> </ul> (refer to the table in 55.06 for more details)	<b>! Condition required</b> Car spaces and accessways to be correctly dimensioned in accordance with this Design Standard as a condition of any permit.
	A building may project into the space if it is at least 2.1 metres above the space.	<b>✓ Complies</b>
	Car spaces in garages, carports or otherwise constrained by walls should:- <ul style="list-style-type: none"> <li>▪ Single garage 3.5m x 6m</li> <li>▪ Double garage 5.5m x 6</li> </ul>	- <b>N/A</b>

**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)**

<b>Car Parking Assessment Table for Clause 52.06</b>		
<b>Objective</b>	<b>Standard</b>	<b>Complies / Does Not Comply / Variation Required / N/A</b>
<b>Design Standard 3 Gradients</b> Accessways to ensure safety for pedestrians and vehicles.	Accessway grades should not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.  Ramps (except within 5 metres of the frontage) should have the maximum grades of: <ul style="list-style-type: none"> <li>▪ 20 metres or less 1:5 (20%)</li> <li>▪ Longer than 20 metres 1:6 (16.7%)</li> </ul>	✓ <b>Complies</b>
<b>Design Standard 4 Mechanical parking</b>	Mechanical parking may be used to meet the car parking requirement provided: <ul style="list-style-type: none"> <li>▪ At least 25 per cent of the mechanical car parking spaces can accommodate a vehicle clearance height of at least 1.8 metres.</li> <li>▪ Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.</li> <li>▪ The design and operation is to the satisfaction of the responsible authority.</li> </ul>	- <b>N/A</b>
<b>Design Standard 5 Urban Design</b>	Ground level car parking, garage doors and accessways should not visually dominate public space.	✓ <b>Complies</b> Existing landscaping would reduce impacts of ground level car parking.
	Car parking within buildings (including visible portions of partly submerged basements) should be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.	- <b>N/A</b>
<b>Design Standard 6 Safety</b>	Car parking should be well lit and clearly signed.	✓ <b>Complies</b> Car parking would be lit during hours of darkness.
	The design of car parks should maximise natural surveillance and pedestrian visibility from adjacent buildings.	✓ <b>Complies</b> Car spaces visible from neighbouring properties.

**2.3.1 Town Planning Application - 177 Gladstone Road, Dandenong North (Planning Application PLN17/0740) (Cont.)**

<b>Car Parking Assessment Table for Clause 52.06</b>		
<b>Objective</b>	<b>Standard</b>	<b>Complies / Does Not Comply / Variation Required / N/A</b>
<b>Design Standard 7 Landscaping</b>	The layout of car parking areas should provide for water sensitive urban design treatment and landscaping.	<b>✓ Complies</b> Existing landscaping would provide for water run off treatment.
	Landscaping and trees should be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.	<b>! Condition required</b> Increased landscaping to the front of the existing building and along the car spaces and accessway would be required as a condition of any permit issued.
	Ground level car parking spaces should include trees planted with flush grilles. Spacing of trees should be determined having regard to the expected size of the selected species at maturity.	<b>✓ Complies</b> Adequate space provided.

## **2.4 OTHER**

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

File Id:	qA283304
Responsible Officer:	Director Corporate Services
Attachments:	Correspondence Received 2-20 July 2018

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#### **Report Summary**

Subsequent to resolutions made by Council on 11 November 2013 and 25 February 2014 in relation to a listing of incoming correspondence addressed to the Mayor and Councillors, Attachment 1 provides a list of this correspondence for the period 2-20 July 2018.

#### **Recommendation**

**That the listed items provided in Attachment 1 for the 2-20 July 2018 be received and noted.**

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

**OTHER**

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

**ATTACHMENT 1**

**CORRESPONDENCE RECEIVED  
2-20 JULY 2018**

**PAGES 2 (including cover)**

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

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

**Objective**

CONNECTED, COLLABORATIVE, COMMUNITY.

**Correspondences addressed to the Mayor and Councillors received between 02/07/18 & 20/07/18 - for officer action - total = 5**

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Assigned
Letter of complaint from resident regarding development in Clow Street, Dandenong not conforming to endorsed plan.	16-Jul-18	17-Jul-18	fA146403	Planning Compliance
Complaint from resident regarding wait time at lights on Heatherton Road at Memorial Drive in Noble Park and query regarding the management of traffic in the area.	1-Jul-18	2-Jul-18	fA145495	Engineering Services
Suggestion from the Federal Member for Bruce for CGD to consider hosting an event to honour high achieving local youth.	26-Jun-18	3-Jul-18	fA145547	Mayor & Councillors Office
Letter from Keysborough resident questioning compliance and improvement notices received from Environmental Health Officers regarding her mother's property.	4-Jul-18	6-Jul-18	fA145848	Mayor & Councillors Office
Response to the Mayor from the President of the Hawthorn Football Club in relation to gaming machines in AFL Clubs.	2-Jul-18	5-Jul-18	fA145782	Mayor & Councillors Office

**Objective**

CONNECTED, COLLABORATIVE, COMMUNITY.

**Correspondences addressed to the Mayor and Councillors received between 02/07/18 & 20/07/18 - for information only - total = 2**

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Assigned
Response to the Mayor from the Minister for Consumer Affairs, Gaming and Liquor Regulation regarding the regulation of rooming houses.	10-Jul-18	13-Jul-18	A5115921	Mayor & Councillors Office
Advice from the Minister for Sport regarding the launch of the Community Sports Infrastructure Loan Scheme.	17-Jul-18	19-Jul-18	A5127450	Mayor & Councillors Office

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

## **2.4.2 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 9, 16 & 23 July 2018**

File Id: fA25545

Responsible Officer: Director Corporate Services

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### **Report Summary**

As part of Council's ongoing efforts to improve transparency in Council processes, matters discussed at Councillor Briefing Sessions & Pre-Council Meetings (other than those matters designated to be of a confidential nature) are reported on at ordinary Council meetings.

The matters listed in this report were presented to Councillor Briefing Sessions & Pre-Council Meetings in July 2018.

### **Recommendation Summary**

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



## 2.4.2 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 9, 16 & 23 July 2018 (Cont.)

### Matters Presented for Discussion

Item		Briefing Session
1	<p>Councillors and Council officers briefly discussed the following topics:</p> <ul style="list-style-type: none"> <li>a) Social media regarding new temporary premises of the Animal Protection Society.</li> <li>b) Meeting with members of the Nick Kyrgios Foundation regarding facilities in Greater Dandenong.</li> <li>c) Information provided to Councillors regarding asset protection works.</li> <li>d) Motorised bike (monkey bike) activity reported in the Noble Park/Dandenong North area.</li> <li>e) Agenda items for the Council meeting of 9 July 2018.</li> </ul>	9 July 2018
2	<p><b>Community Satisfaction Survey Results 2018</b></p> <p>The results of the 2018 Local Government Community Satisfaction Survey were discussed prior to a media summary and City article being released. These results have now been published on Council's website.</p>	16 July 2018
3	<p><b>Response to Notice of Motion No. 41 – Addressing the Increasing Complexity and Demand for Maternal and Child Health Services in Greater Dandenong</b></p> <p>Councillors were presented with recommendations from the working group formed as a result of this Notice of Motion. This includes a collective approach to the matter combined with a number of other councils. Actions raised included letters to be sent to the State Government and Municipal Association of Victoria outlining various support and services deemed necessary as a path forward.</p>	16 July 2018
4	<p><b>Team 11 – Project Update (Confidential)</b></p>	16 July 2018
5	<p><b>Response to Notice of Motion No. 45 – Asset Protection Benchmarking &amp; Review</b></p> <p>Further information was presented to Councillors on this topic prior to a report being included in the Council Meeting Agenda of 23 July 2018.</p>	16 July 2018

**2.4.2 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 9, 16 & 23 July 2018 (Cont.)**

<b>6</b>	Councillors and Council officers briefly discussed the following topics: a) Future events scheduled at Drum Theatre. b) Tree pruning along Jacksons Road and outside Jan Wilson Community Centre in Noble Park. c) Land acquisition update for the Keysborough South Community Hub. d) On-line community grants process – assistance for older applicants. e) Agenda items for the Council meeting of 23 July 2018.	<b>16 July 2018</b>
<b>7</b>	Councillors and Council officers briefly discussed the following topics: a) Community Safety Forum announced by State Government. b) Agenda items for the Council meeting of 23 July 2018.	<b>23 July 2018</b>

**Apologies**

- Councillor Heang Tak & Councillor Loi Truong submitted apologies for the Pre-Council Meeting on 9 July 2018.
- Councillor Roz Blades AM, Councillor Angela Long, Councillor Jim Memeti & Councillor Loi Truong submitted apologies for the Councillor Briefing Session on 16 July 2018.
- Councillor Tim Dark, Councillor Angela Long & Councillor Zaynoun Melhem submitted apologies for the Pre-Council Meeting on 23 July 2018. Councillor Heang Tak did not attend the Pre-Council Meeting on 23 July 2018.

**Recommendation****That:**

1. **the information contained in this report be received and noted; and**
2. **the information discussed at the above listed Councillor Briefing Sessions that was declared confidential in Item 4 by the Chief Executive Officer under Sections 77 and 89 of the Local Government Act remain confidential until further advisement unless that information was the subject of a subsequent Council report.**

### **2.4.3 Future of the National Disability Insurance Scheme (NDIS)**

File Id:

Responsible Officer:

Director Community Services

Attachments:

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#### **Report Summary**

This report provides an overview and update about the National Disability Insurance Scheme (NDIS) and its implications for the delivery of support and services for people under the age of 65 with a disability, their families and carers.

Given the NDIS is the most significant change to the funding of health and social services since the introduction of Medicare in the 1970s, Council needs to make a formal decision on the best outcomes for Greater Dandenong residents and whether to be a registered NDIS provider prior to the local roll-out of NDIS services commencing in September 2018.

#### **Recommendation Summary**

This report recommends that Council continues to provide services to existing HACC-PYP clients who are not eligible for the NDIS and advocates to the Victorian State Government for a sufficient level of guaranteed funding for non-eligible NDIS clients once the NDIS is fully implemented.

This report recommends that Council does not register as a National Disability Insurance Service (NDIS) Provider and that Council works with the local National Disability Insurance Agency office to assist with the rollout of the NDIS in Greater Dandenong to ensure that its residents with disabilities are provided with the services they need and that Council provides support to existing clients until they transition to a registered NDIS provider.

The report also recommends that consideration is given to reinvesting the subsidy that Council currently provides to HACC-PYP clients who transition to the NDIS into locally based activities and programs that support inclusion.

**2.4.3 Future of the National Disability Insurance Scheme (NDIS) (Cont.)****Proposal****Key issues***1. Future service provision*

There are three distinct disability cohorts accessing Council and non-Council services:

- NDIS eligible clients in receipt of disability specialist services and not receiving services from Council;
- NDIS eligible clients currently in receipt of Council services; and
- NDIS ineligible clients currently in receipt of Council services.

Council currently has approximately 400 clients registered for HACC-PYP services. The Victorian Government has been undertaking significant work to assess how many of the existing HACC-PYP clients will be eligible for the NDIS. In the case of CGD, the number of existing HACC-PYP clients they believe eligible will be around 190 clients - just less than half of our existing HACC-PYP clients. It should be noted that the existing HACC-PYP clients who are likely to be eligible for the NDIS are the most prolific users of Council's HACC-PYP services.

The residual funding received by Council from the Victorian State Government for people not eligible for the NDIS is recurrent, i.e. it will continue for the foreseeable future. However it is unclear what this funding (HACC-PYP) will look like once the NDIS has been fully implemented. Council continues to advocate, through the Municipal Association of Victoria (MAV) and directly, to the Victorian State Government to seek a guarantee for sufficient and appropriate funding for this group of clients.

One of the other key differences between the Commonwealth Home Support Program (CHSP) and HACC-PYP, currently, is the ever increasing number of approved providers for CHSP. HACC-PYP providers however, are predominantly only local government and certain medical providers.

Accordingly, during the NDIS transition the continuation of local government as a HACC-PYP provider is critically important for client service provision.

The Victorian Government is on record as stating that fundamental to the success of the NDIS will be a strong and diverse marketplace that can cater for the service preferences of scheme participants. Therefore, it is likely that once the NDIS transition has been completed the Victorian State Government will review the HACC-PYP guidelines.

Council officers will continue to monitor any changes to the HACC-PYP Program and provide analysis back to Council of the ramifications of these changes.

Council currently subsidises its HACC-PYP program as the State Government funding and user fees do not match Council's unit cost for service. If Council decides not to become a provider of NDIS, Council could reinvest these subsidies to other priorities identified by Council as outlined in the Disability Action Plan and also building on the work of the State Government funded Metro Access Program.

**2.4.3 Future of the National Disability Insurance Scheme (NDIS) (Cont.)****2. What are the differences between the NDIS and the HACC-PYP programs?**

The NDIS is a nationally based insurance scheme with funding and governance shared across Commonwealth, State and Territory Governments. The scheme is funded by the redirection of existing money spent by Commonwealth, State and Territory Governments on disability services. Any NDIS funding not offset by these sources is to be provided from general budget revenue or borrowings. When the NDIS is fully implemented, it is expected that around 460,000 Australians will receive individualised support. This individualised support allows participants to select and purchase services to support their specific needs.

Council currently receives funding from the Victorian Government through the Home and Community Care Program for Younger People (HACC-PYP) to provide basic entry level services to people aged under 65 years of age who have a disability and whose capacity for independent living is at risk. HACC-PYP services are funded through a mix of State Government grant, user fees and a Council contribution. HACC-PYP services Council currently provides include:

- Respite care;
- Domestic care - household cleaning and assistance;
- Personal care - assistance with personal hygiene/daily living tasks;
- Delivered meals; and
- Home Maintenance - minor property maintenance related to safety.

In basic terms the significant cultural differences between the HACC-PYP Program and the NDIS are:

- **HACC-PYP** - block funded program that operates with very clear program guidelines where clients are assessed and then told what services they are eligible for; and
- **NDIS** - a consumer driven approach where the client holds the funding and tells the service providers what services and supports they wish to purchase within the confines of their approved care plan.

This has significant ramifications for Council as a service provider. Council is currently a minor provider of entry level disability support services, i.e. domestic support, basic personal care and respite services.

Council has never provided the more specialised personal care tasks such as wound care management, medication monitoring, and PEG feeding due to risk management concerns, coupled with the need for more highly trained staff. To provide more specialist services there would need to be a significant shift in the skill set of the Community Care workers and supervisory staff.

Council has always been a minor player in Disability Support Services in a much broader disability service system that includes Individual Support Packages (ISP) and organisations funded to provide specific disability support with significant Government funding.

The more specialist disability organisations offer services and programs such as accommodation, aids and equipment, transport and mobility assistance, recreational/social opportunities, advocacy and employment programs. Many of the Disability Support organisations also specialise in providing

**2.4.3 Future of the National Disability Insurance Scheme (NDIS) (Cont.)**

support to a specific type of disability which means they can focus their staff training, aids and programs to support a particular type of disability rather than have to provide training and supports on many different disabilities and needs.

**3. *What are other Councils deciding to do in regard to becoming a registered NDIS provider?***

Council officer investigations together with discussions with the MAV have identified that no metropolitan councils have decided to become an NDIS provider.

The City of Greater Dandenong is in one of the last sub regions to implement the NDIS which is why most other councils have taken a decision not to register as an NDIS provider. The MAV advises that there are no metropolitan councils (that it is aware of) still considering becoming an NDIS provider.

The only three Councils the MAV can confirm that have now formally endorsed becoming NDIS registered providers all come from the region where the initial NDIS trials occurred:

- Colac-Otway, Corangamite and Surfcoast.

These three rural Councils became registered providers at the commencement of the NDIS rollout.

Rural councils have some additional factors to consider when deciding whether to become a registered NDIS provider, in particular concerns that the 'market forces' will consider their municipality to be too large and remote and therefore too expensive to allow them to operate in a sustainable way. The Commonwealth Government is currently investigating the implications of this issue.

**4. *Client transition***

With approval from the Victorian State Government (DHHS) Council has been able to establish a dedicated NDIS Transition Officer to ensure accurate and consistent information is provided to NDIS eligible clients. This position provides advocacy and support to clients to navigate the transition requirements. The funds for this position are coming from Council's HACC-PYP Assessment Funding.

**5. *NDIS registered service providers***

A key decision for Council is whether to provide services to existing HACC-PYP clients once they have had their NDIS Plan approved. The Victorian State Government's Department of Health and Human Services (DHHS) have advised Council that once NDIS eligible clients have had their Plan approved they must transition to a provider of NDIS services as soon as they can identify their new service providers - it is anticipated this will occur within 4-6 weeks of plan approval. Council will continue to provide existing HACC -PYP services to these clients until we are notified they have their new NDIS provider(s) in place.

**2.4.3 Future of the National Disability Insurance Scheme (NDIS) (Cont.)**

NDIS plan approved clients have three options as to how the plan is managed. The choice the client makes about their plan management has ramifications for NDIS service providers. This is outlined in the table below:

<b>Type of NDIS Plan Management</b>	<b>Registered or non-registered NDIS providers</b>	<b>Ramifications for clients and Council</b>
1. Self - managed budgets	The NDIS will pay a participant or nominee directly for service supports. Providers <b>do not need to be registered</b> with the NDIS and can charge above NDIS set price limits.	<p>If Council decided to provide services to clients with self-managed budgets we would deem them as a commercial client to recover full cost of providing the service.</p> <p>This would mean clients would receive less hours of service for their funding.</p> <p><i>It is unlikely clients would pursue this option in the long term.</i></p>
2. Agency (NDIA) managed budgets	<p>The NDIS will pay the support/service provider directly for the supports.</p> <p>Providers <b>need to be registered</b> with the NDIS and cannot charge over the maximum limit in the Price Guide.</p>	<p>Council is not currently set up to be a registered provider and it would require significant additional Council resources to become a registered provider. This means a higher level of Council subsidy than is currently the case.</p> <p><i>Most clients are taking this option.</i></p>
3. Plan Management Provider Budgets	<p>The NDIS will pay the Plan Manager for the supports.</p> <p>Providers <b>do not need to be a registered NDIS provider</b> but cannot charge over the NDIS Price Guide.</p>	<p>Council is not currently adequately set up to manage clients under this option.</p> <p>A provider under this option can only charge in line with NDIS price guide. This means a higher level of Council subsidy of services than is currently the case.</p> <p><i>If Council decided to provide NDIS services under this option we could see a significant number of clients choose this option which in turn would increase the cost to Council to operate this service.</i></p>

**TABLE ONE**

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**2.4.3 Future of the National Disability Insurance Scheme (NDIS) (Cont.)**

NDIS service rates are administered by the National Disability Insurance Authority (NDIA) and paid to organisations in arrears. This is unlike existing funding arrangements where Council receives its grant in advance. Service providers are required to provide services consistent with the rates schedule issued by the NDIA. Council's unit cost for a session of service provision is greater than the NDIA scheduled rate and they do not allow the charging of user fees. Therefore there would need to be a significant additional Council subsidy to cover the costs of providing NDIS services.

It should also be noted that Council's existing financial management system could not manage the requirements of NDIS individualised provision of service statements. Therefore, there would be significant additional costs to set this up and administer it into the future.

The NDIS is a competitive, client centred market driven model of service delivery. So, subsidising services with Council rates revenue may result in Council being non-compliant with the Competitive Neutrality requirement of the National Competition Policy.

Under the Competitive Neutrality Policy, governments can subsidise service delivery where they can illustrate that efficiency or social objectives cannot be achieved without a subsidy. Governments are required to conduct and pass a Public Interest Test (PIT) to illustrate the need for subsidies. To satisfy the requirements of the policy, the PIT should, as a minimum:

- Clearly identify the policy objectives to be achieved and ensure that it has official endorsement;
- Demonstrate that achieving the stated policy objectives could not be achieved without a subsidy; and
- Determine the best available means of achieving those policy objectives, including assessing alternative approaches.

In practice, councils would need to follow these steps:

- Clearly articulate what its policy objectives are in relation to a service;
- Show how these policy objectives would be compromised if it were to implement fully cost reflective pricing;
- Consider other means of achieving those policy objectives;
- Seek public comment on these issues; and
- Consider these matters and decide.

Council would also be competing with a broad range of providers necessitating Council to assertively and actively promote and market its service. Some LGAs have estimated this could cost upwards of \$50,000 per year, putting further pressure on Council's unit cost.

The benefits of Council becoming a NDIS registered provider are:

- Council providing continuity of care to their existing clients. However, the NDIS allows clients to change providers whenever they wish. Therefore, there is no guarantee that existing HACC-PYP clients who transition to NDIS will choose to stay with Council.
- There is a potential for Council to have a greater connection to people with disabilities if they are providing them with NDIS funded services, which in turn could lead to better understanding



**2.4.3 Future of the National Disability Insurance Scheme (NDIS) (Cont.)**

of their needs. This could make Greater Dandenong more inclusive of people with disabilities however there are other mechanisms that Council can use to facilitate a better understanding and connection to residents with disabilities, such as the Disability Advisory Committee.

**6. *Impact on staff***

It is proposed that any decrease in HACC-PYP hours of service provision caused by Council not registering as a NDIS service provider can be made up with additional hours of CHSP service provision. This is because we currently have CHSP referrals that we are having difficulties filling. The NDIS transition in CGD is currently planned to be implemented between September 2018 and April 2019, which will assist in taking a gradual approach to moving staff hours from HACC-PYP to CHSP.

It should also be noted that Council Community Care Workers are not, in the main, disability specialist workers. They have generalist skills with introductory level disability specific training. NDIS eligible clients, including those not currently in receipt of services from Council, may require and be better supported by more specialised disability providers. These providers offer a broad range of services and cater for more complex care needs, including those with profound and complex disabilities.

A key point to remember is that NDIS registered or non-registered providers have no guarantee that clients will choose their organisation to provide services on an ongoing basis as they are not locked into continuing with any one provider. This means that all organisations that register or intend to register as an NDIS provider will need to review their workforce strategies to ensure they are flexible enough to respond to this challenge.

Learnings from regions that have transitioned to NDIS indicate that many staff take up work across multiple organisations, creating a range of challenges and risks for NDIS employers. Some councils have actively supported their Community Care Workers in registering as an individual provider of NDIS services in offering training in operating a small business etc. It is recommended Council provide support to interested staff to develop these relevant skills.

**7. *Quality Assurance***

There is a National NDIS Quality and Safeguarding Framework and significant rigour for prospective NDIS providers to attain registration. The Victorian Government has also recently introduced to Parliament the Disability Service Safeguards Bill to ensure the rights of people with a disability as the NDIS is rolled out.

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

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

### 2.4.3 Future of the National Disability Insurance Scheme (NDIS) (Cont.)

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

##### People

- *Pride* – Best place best people
- *Cultural Diversity* – Model multicultural community
- *Lifecycle and Social Support* – The generations supported

##### Place

- *Sense of Place* – One city many neighbourhoods
- *Safety in Streets and Places* – Feeling and being safe
- *Appearance of Places* – Places and buildings
- *Travel and Transport* – Easy to get around

##### Opportunity

- *Jobs and Business Opportunities* – Prosperous and affordable
- *Leadership by the Council* – The leading Council

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

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

##### People

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

##### Place

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

##### Opportunity

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

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

- Disability Action Plan 2017-23
- Council Plan (2013-17)
- Community Wellbeing Plan 2013-2017
- Imagine 2030 Community Plan

### 2.4.3 Future of the National Disability Insurance Scheme (NDIS) (Cont.)

- Positive Ageing Strategy 2017-25

#### Related Council Policies

- Disability Policy
- Community Engagement Policy
- Diversity, Access and Equity Policy

#### 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

Council currently receives \$1,733,920 per annum from the Department of Health and Human Services to deliver Home and Community Care Program for Younger People (HACC-PYP) services. It is only a small component of Council's overall Community Care Budget in the 2017/18 year of \$13.35M.

The resource requirements associated with this report is an estimated reduction to HACC-PYP funding over the next two financial years of \$1,394,000. However, this is purely indicative at this stage. Council will also lose at least 50% HACC-PYP fee income during the 2018/19 year due to the fact that NDIS clients cannot be charged user fees. The HACC-PYP fee income for the 2017/18 financial year was \$100K so it is likely Council will lose at least \$50K in fee income whether or not they become a registered NDIS provider.

An example of the difference in subsidy between HACC-PYP and NDIS is as follows:

Home Care (Domestic Assistance) HACC-PYP unit cost is \$47.07. Council also receives user fees that are means tested and range between \$6.95 per hour and \$48.80 per hour. This means that Council is currently receiving between \$54.02 and \$95.87 per hour of income for an hour of home care.

The NDIS Price Guide for basic level of Home Care service during normal business hours Mon-Fri shows a subsidy level of \$41.43 per hour.

Therefore there would be is at least a **\$12.59 per hour decrease** in the amount of income received by Council for Home Care between HACC-PYP rates and user fees compared to NDIS rates.

If Council becomes an NDIS registered provider this shortfall would need to be funded through Council rates.

#### Consultation

Councillors have been regularly briefed on the introduction of the NDIS over the last five years. Council officers have also participated in many meetings, forums and discussions with DHHS, the MAV and local government networks in the aged and disability sector.

**2.4.3 Future of the National Disability Insurance Scheme (NDIS) (Cont.)**

Whilst Council has not undertaken their own community consultation on whether to register as an NDIS provider, many Disability Support agencies and the National Disability Insurance Agency (NDIA) have been undertaking briefings for prospective NDIS eligible clients over the past 12 months. Council has been working with the NDIA to assist with finding venues for these consultations.

The NDIS has also been a standing item on the agenda of the Disability Advisory Committee (DAC) over the past two years where updates have been provided and possible ramifications discussed. However due to a number of Disability Organisations being represented on the DAC Council has not sought formal feedback from the DAC on whether Council should become a registered NDIS provider. This is because there could be a perceived conflict of interest with some committee members.

**Conclusion**

The key consideration for Council in deciding whether it should become a registered NDIS provider is whether local residents who are eligible for services under NDIS have a range of service providers to choose from regardless of whether Council is a NDIS service provider.

There are currently a significant number of NDIS service providers available to residents in Greater Dandenong. It is also likely that the choice of providers and the types of services they offer will continue to increase as this new market fully matures.

It is therefore recommended that Council does not become a registered NDIS provider or provide NDIS funded services. This recommendation is further supported for the reasons as follows:

- Local Government is not a specialist disability service provider;
- No other metropolitan Councils have registered as a NDIS provider;
- Funding/payment system is complex and difficult to administer with funding paid in arrears from NDIA;
- Have to provide services consistent with NDIS rates schedule - providers can't charge user fees;
- Council's unit cost for in home support services is greater than the NDIA scheduled rate - Council would need to subsidise the service from rates;
- Competition is an integral part of the business model for the NDIS with significant numbers of new registered service providers - both private and not for profit agencies. Local Government cannot compete on service cost due to the industrial conditions being more costly in Local Government than in the private and community sector. Therefore to be a registered NDIS provider may create difficulties with National Competition Policy;
- There are a significant number of both not-for-profit and for-profit registered NDIS providers in Greater Dandenong that specialise in particular disabilities. Therefore they can concentrate on providing the services that best meet the needs of people with particular disabilities; and
- NDIS registered or non-registered providers have no guarantee that clients will choose their organisation to provide services on an ongoing basis as they are not locked into continuing with any one provider. This means that all organisations that register or intend to register as an NDIS provider will need flexible workforce strategies to respond to this challenge.

**2.4.3 Future of the National Disability Insurance Scheme (NDIS) (Cont.)**

It is recommended that Council continue to provide services to existing HACC-PYP clients who are deemed ineligible for the NDIS to ensure all clients continue to receive the support services they need.

It should also be noted that NDIS provider registration is an open process and an organisation can decide at any time to submit to become a registered NDIS provider.

**Recommendation**

**That Council:**

1. continues to provide services to existing HACC-PYP clients who are not eligible for the NDIS;
2. continues to advocate to the Victorian State Government for a sufficient level of guaranteed funding for non-eligible NDIS clients once the NDIS is fully implemented;
3. works with the local National Disability Insurance Agency office to assist with the rollout of the NDIS in Greater Dandenong to ensure that its residents with disabilities are provided with the services they need;
4. continues to provide support to existing clients until they transition to a registered NDIS provider;
5. does not register as a National Disability Insurance Service (NDIS) Provider;
6. does not provide NDIS funded services to commercial clients as Council is not a specialist disability service provider;
7. provides assistance to staff who are interested in registering as an individual provider of NDIS in offering training in operating a small business; and
8. considers reinvesting the subsidy that it currently provides to HACC-PYP clients who transition to the NDIS into locally based activities and programs that support inclusion subject to a further briefing and Council report.

### **3 NOTICES OF MOTION**

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

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

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#### **3.1 Notice of Motion No. 57 - Outsourced Services and Works**

File Id:

Responsible Officer:

Director Corporate Services

Author:

Cr Maria Sampey

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#### **Preamble**

To ensure best value for money for Council the community and ratepayers I think it is time to examine what services and works are outsourced and whether it would be better in terms of cost or quality bringing them in-house.

#### **Motion**

**That a report be presented to a Council Meeting by December 2018 with:**

- 1. a listing of each current Council service and works that is delivered in-house;**
  - 2. a listing of what current Council services and works are outsourced, what is the annual cost of each and what is the comparison cost for delivering each service or works internally; and**
  - 3. options for Council to consider to deliver any outsourced services and works above in-house and next steps to do so.**
-

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

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

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

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

## 5 QUESTION TIME - PUBLIC

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

### Questions from the Gallery

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

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

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

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

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

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



## **6 URGENT BUSINESS**

No business may be admitted as urgent business unless it:

- 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.

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### **Recommendation**

**That an item of Urgent Business be heard in relation to a Leave of Absence for Councillor Jim Memeti.**

## 6.1 Leave of Absence - Cr Jim Memeti

File Id:

Responsible Officer:

Director Corporate Services

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### Report Summary

Councillor (Cr) Jim Memeti requests a Leave of Absence in August and September 2018 which includes the Ordinary Council Meetings of 13 August, 27 August and 10 September 2018, the Pre-Council Meetings of 13 August, 27 August and 10 September 2018 and the Councillor Briefing Sessions of 20 August, 3 September and 17 September 2018.

### Recommendation Summary

This report recommends that a Leave of Absence be granted to Cr Memeti for the period requested.

## 6.1 Leave of Absence - Cr Jim Memeti (Cont.)

### Background

This Leave of Absence has been requested for personal reasons.

This report is submitted in conjunction with Council's current Meeting Procedure Local Law and section 66B of the *Local Government Act 1989* (the Act). Further, under section 69(2) of the Act, Council must not unreasonably refuse to grant leave.

This Leave of Absence would include the scheduled Ordinary Council Meetings of 13 August, 27 August and 10 September 2018, the scheduled Pre-Council Meetings of 13 August, 27 August and 10 September 2018 and the scheduled Councillor Briefing Sessions of 20 August, 3 September and 17 September 2018.

It is noted that Cr Dark will be an apology for the Ordinary Council Meeting of 13 August 2018. Cr Long will be an apology for the Ordinary Council Meetings of 13 August and 27 August 2018. Cr Roz Blades AM will be an apology for the Ordinary Council Meetings of 13 and 27 August 2018. A quorum is still expected for these meetings.

### Victorian Charter of Human Rights and Responsibilities

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

### Financial Implications

There are no financial implications associated with this report.

### Conclusion

It is proposed that Cr Memeti's request for a Leave of Absence for the Ordinary Council Meetings of 13 August, 27 August and 10 September 2018 be granted.

### Recommendation

**That Council grants a Leave of Absence to Cr Jim Memeti for the Ordinary Council Meetings of 13 August, 27 August and 10 September 2018 and notes Cr Memeti's apology for these meetings.**