



**GREATER  
DANDENONG**  
*City of Opportunity*

# **AGENDA**

**ORDINARY COUNCIL MEETING**

**MONDAY, 22 JULY 2019**  
Commencing at 7:00 PM

**COUNCIL CHAMBERS**  
225 Lonsdale Street, Dandenong VIC 3175

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## **1 MEETING OPENING**

### **1.1 ATTENDANCE**

#### **Apologies**

Cr Angela Long (LOA)

Cr Jim Memeti (LOA)

### **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 Rev Paul Aleu Dau from the Christian Uniting Church, Springvale, a member of the Greater Dandenong Interfaith Network.

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

Ordinary Meeting of Council held 8 July 2019.

#### **Recommendation**

**That the minutes of the Ordinary Meeting of Council held 8 July 2019 be confirmed.**

## 1.4 ASSEMBLIES OF COUNCIL

The following assemblies of Council occurred in the period 4 July to 17 July 2019:

<b>Date</b>	<b>Meeting Type</b>	<b>Councillors Attending</b>	<b>Councillors Absent</b>	<b>Topics Discussed &amp; Disclosures of Conflict of Interest</b>
04/07/19	Cultural Heritage Advisory Committee Meeting	Matthew Kirwan		- Cultural Heritage Advisory Committee Meeting.
08/07/19	Pre-Council Meeting	Roz Blades AM, Youhorn Chea, Tim Dark, Matthew Kirwan, Sean O'Reilly, Maria Sampey (part), Sophie Tan, Loi Truong	Apologies - Angela Long, Zaynoun Melhem, Jim Memeti	- Municipal Association of Victoria's (MAV) stance on the proposed Local Government Bill 2019. - Agenda items for the Council Meeting of 8 July 2019.
11/07/19	Positive Ageing Advisory Committee	Maria Sampey		- Positive Ageing Advisory Committee Meeting.

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**1.4 ASSEMBLIES OF COUNCIL (Cont.)**

<b>Date</b>	<b>Meeting Type</b>	<b>Councillors Attending</b>	<b>Councillors Absent</b>	<b>Topics Discussed &amp; Disclosures of Conflict of Interest</b>
15/07/19	Councillor Briefing Session	Roz Blades AM, Youhorn Chea, Tim Dark (part), Matthew Kirwan, Sean O'Reilly, Maria Sampey (part), Sophie Tan, Loi Truong	Apologies - Angela Long, Zaynoun Melhem, Jim Memeti	<ul style="list-style-type: none"><li>- Annual community satisfaction survey results conducted by JWS Research for the local government sector.</li><li>- Cultural Heritage Advisory Committee update.</li><li>- Proposed land dealings with Development Victoria (CONFIDENTIAL).</li><li>- Update on future land acquisitions in relation to public open space.</li><li>- Update on recent activities related to line-marking along Corrigan Road, Noble Park.</li><li>- Emails received in relation to consultation on aquatic facilities in Dandenong.</li><li>- MAV response to Herald Sun article about Local Government Victoria's Know Your Council reporting figures.</li><li>- Agenda items for the Council Meeting of 22 July 2019.</li></ul>

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**Recommendation**

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

## **1.5 DISCLOSURES OF INTEREST**

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

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### 2.1.1 Documents for Sealing (Cont.)

#### Item Summary

There are two [2] items being presented to Council's meeting of 22 July 2019 for signing and sealing as follows:

1. A letter of recognition to Lindsay Paterson, Engineering Services for 40 years of service to the City of Greater Dandenong; and
2. Amended Instruments of Appointment of Authorised Officers under the provisions of the Local Government Act 1989, the *Building Act1993*, the *Country Fire Authority Act1958*, the *Domestic Animals Act1994*, the *Environment Protection Act1970*, the *Food Act 1984*, the *Impounding of Livestock Act1994*, the *Infringements Act 2006*, the *Planning and Environment Act 1987*, the *Public Health and Wellbeing Act2008*, the *Residential Tenancies Act1997*, the *Road Management Act2004*, the *Road Safety Act1986*, the *Sex Work Act 1994*, the *Subdivisions Act 1988*, the *Summary Offences Act1966*, the *Tobacco Act1987*, the *Victorian Civil and Administrative Tribunal Act 1998* and the Regulations made under each of these Acts; the Local Laws made under the *Local Government Act 1989*; and any other Act, Regulation or delegated legislation (including the Greater Dandenong Planning Scheme) which relates to the powers of the Council made under the provisions and enactments described. These amended instruments enable the following Council officers to carry out the statutory responsibilities of the above Acts and are subject to policy and delegations previously adopted by Council:
  - Daniel Maltar
  - Rebecca Goddard
  - Melissa White
  - Elizabeth Arnold
  - Brett Christensen
  - Steve Scott
  - Greg Walker.

#### 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 new petitions, no joint letters, one submission and no petition updates prior to the Council Meeting of 22 July 2019.

- A submission was received from 20 residents requesting Council to build an additional dog park for small dogs next to the existing dog free area at Tirhatuan Park, Dandenong North. This submission has been forwarded to the relevant Council Business Unit/s for consideration.

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

#### **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 3 (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	Status	Responsible Officer Response
16/07/19	<p><u>PETITION FOR AN ADDITIONAL DOG PARK FOR SMALL DOGS</u></p> <p>I have spoken to Maria Sampsey, Councillor for Silver Leaf Ward in Dandenong. She agrees with me that it would be a good idea to have an additional park for our smaller dogs.</p> <p>I am proposing for it to be alongside of the existing dog free area, being the smaller area between the existing dog park in the area up to the car park, as it is already fenced off around most of the area &amp; it is away from the BBQ area.</p> <p><i>NB: The petitioner has confirmed this request relates to the Dog Park at Tirhatuan Park, Dandenong North.</i></p>	20	New	<p>Tabled Council Meeting 22 July 2019</p> <p>16/07/19                      Acknowledgement letter sent to the author of the covering letter.</p> <p>16/07/19                      Referred to Director City Planning, Design and Amenity</p>

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

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

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## **2.3 CONTRACTS**

### **2.3.1 Contract No 1819-84 Optical Fibre Services**

File Id: qA401867  
Responsible Officer: Director Corporate Services

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#### **Report Summary**

This report details the public tender process undertaken by Council to select a service provider to provide Optical Fibre Services for Council owned buildings.

#### **Recommendation Summary**

This report recommends that Council's awards Contract No. 1819-84 for the Optical Fibre Services to TPG Network Pty Ltd for the lump sum price of Five Hundred & Forty Seven Thousand, Two Hundred & Thirteen Dollars (\$547,213.00) including GST \$49,746.64 59. The lump sum is for the Dark Fibre Ring/Loop and Dark Fibre Optical Peer to Peer.

The contract is for a period of four (4) years with a further option of one (1) year at Council's sole and absolute discretion.

This is a lump sum contract and not subject to rise and fall adjustment



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### 2.3.1 Contract No 1819-84 Optical Fibre Services (Cont.)

#### Introduction

Council uses optical fibre as a high-speed communication link interconnecting multiple sites via Optus Network. Due to the ongoing challenges of providing faster connectivity with new technologies at more sites, Council has sought competitive tenders to provide optical fibre at more locations for this tender. Whilst the tender response from Optus maintained the status quo from a technology/price viewpoint, TPG offered more sites, discounted pricing and greater future network expansion.

#### Tender Process

This tender was advertised in the Age Newspaper and on Council's website on Saturday 25 May 2019, with a closing time and date of 2.00pm Wednesday 12 June 2019.

At the close of the tender advertising period submissions were received from two (2) qualified contractors as indicated below:

- a. TPG Network Pty Ltd
- b. Optus Network

Tenderers were requested to submit a Lump Sum price including a lump sum price breakdown and a Schedule of Rates for variations.

#### Tender Evaluation

The Tender Evaluation Panel comprised of the Network Services Co Ordinator, Contracts Units Team Leader and the Contracts & Administration Officer.

The tenders were evaluated using Council's Weighted Attributed Value Section Method. The evaluation criteria and allocated weightings for evaluation area as follows

	<b>Evaluation Criteria</b>	<b>Weightings</b>
1	Tender Sum / Rate	50%
2	Services Level Agreement	15%
3	Technical Benefits	20%
4	Value Adds	5%
5	Social Procurement	5%
6	Local Industry	5%

**2.3.1 Contract No 1819-84 Optical Fibre Services (Cont.)**

The Evaluation Criteria 7 & 8 is given a Pass or Fail. The evaluation criteria 1- 6 are given a point score between 0 to 5 as detailed in the following table:

Score	Description
5	Excellent
4	Very Good
3	Good, Better than average
2	Acceptable
1	Marginally Acceptance
0	Not Acceptance

Each criterion is ranked on appoint score of between 0 (fail) 5 (excellent). These rankings are then multiplied by the weighting to give a weighted attribute ranking for each criterion and totalled to give an overall evaluation score for all criteria.

The following evaluation of the tender, the comparative point score based on the above criteria is as follows:

Tenderer	Price Points	Non-Price Points	Total Score
TPG Network Pty Ltd	1.47	2.01	3.48
Optus Network	1.03	1.66	2.69

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

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

At the completion of the tender evaluation process described above, the evaluation panel agreed that the tender submission from **TPG Network Pty Ltd** would provide the Best Value outcome for Council.

**The Company:**

TPG established in 1986 from Total Peripherals Group. TPG (ASX: TPM) is a force in the Australian telecommunications industry. Their people, products, network assets and innovation have enabled them to provide their customers with communication services that are reliable, fast and cost effective.

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### **2.3.1 Contract No 1819-84 Optical Fibre Services (Cont.)**

TPG provide a diverse range of communication services to residential users, small and medium enterprises (SMEs), government, large corporate enterprises and wholesale customers. TPG offers nationwide ADSL2+, NBN, Fibre Optic and Ethernet broadband access, telephony services, Internet Protocol Television (IPTV), SIM Only Mobile plans and various business networking solutions.

TPG owns end-to-end network infrastructure which includes over 400 DSLAM enabled telephone exchanges across Australia, extensive inter-capital and metropolitan fibre optic networks, and the international PPC-1 submarine cable connecting Australia and Guam with onwards connectivity to USA and Asia.

TPG own and operate their own carrier-grade voice, data and internet network infrastructure, and have the network capability to deliver exceptional performance across every level of the organisation and take end-to-end responsibility in the services they offer.

### **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**

The resource requirements associated with this report are included in Councils annual budgets with the contract cost spread over a four-year period. The cost for 2019/20 under this contract will be \$99,493.27 compared to the annual budget allocation of \$114,000.00 for this purpose excluding GST.

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

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

### **Social Procurement**

TPG has engaged with local sub-contractor of the Greater Dandenong community installing data, voice and internet services to retailers, IT providers, financial, construction, welfare and recruitment agencies.

TPG has been involved in a number of initiatives in the Victorian community including Homeless Youth events, IT Cadetships, root Music Festival, culture in the Streets just to name a few. TPG welcomes the opportunity to work with the Council to assist in supporting the local youth, indigenous communities, people with disabilities, refugees or long term unemployed.

### **Local Industry**

Tenderer will use local sub-contractors to do the works.

### **2.3.1 Contract No 1819-84 Optical Fibre Services (Cont.)**

#### **Consultation**

During the tender evaluation process and in the preparation of this report, relevant Council staff from Corporate Services and the Contracts Unit have been consulted.

#### **Conclusion**

The tender panel recommends that the tender submission from TPG Network Pty Ltd represents the best value outcome for council, meets all the tender selection criteria requirements and represents the lowest priced tender.

#### **Recommendation**

##### **That Council:**

- 1. awards Contract No. 1819-84 for the Optical Fibre Services to TPG Network Pty Ltd for the lump sum Five Hundred & Forty Seven Thousand, Two Hundred & Thirteen Dollars (\$547,213.00) including GST \$49,746.64 59. The contract is for a period of four (4) years with a further option of one (1) year at Council's sole and absolute discretion; and**
- 2. signs and seals associated contract documentation.**

### **2.3.2 Contract No 1819-87 Reconstruction of Homeleigh & Chapel Roads, Keysborough.**

File Id: qA 402346  
Responsible Officer: Director Engineering Services

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#### **Report Summary**

This report outlines the tender process undertaken to select a suitably qualified and experienced contractor for the Reconstruction of Homeleigh & Chapel Roads, Keysborough.

#### **Recommendation Summary**

This report recommends that Council awards Contract 1819-87 to **Bitu-mill (Civil) Pty Ltd**, for a fixed lump sum price of One Million, Five Hundred and Seventy Seven Thousand, Five Hundred and Ninety Two Dollars and Sixty Seven Cents (\$1,577,592.67) including GST of \$143,417.50 and including a Provisional sum of (\$365,978.03 including GST) for specific items detailed in the project Bill of Quantities (BOQ) lump sum price breakdown.

Provisional Items may be removed from the scope at the discretion of Superintendent. Payments shall be made for the actual quantity authorised by the Superintendent and measured during construction.

This is a Lump Sum Contract and not subject to rise and fall adjustment.

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### 2.3.2 Contract No 1819-87 Reconstruction of Homeleigh & Chapel Roads, Keysborough. (Cont.)

#### Introduction

This project will fully construct missing sections of Chapel Road and Homeleigh Road in Keysborough in accordance with the Keysborough South Developer Contribution Plan (DCP). The works will focus on the area adjacent to the new primary school site at the intersection of Chapel Road and Homeleigh Road. The Victorian School Building Authority (VSBA) is the developer of the school site and has had significant input into the design development.

In general terms, the contract will include the widening of both roads approaching the new signalised intersection and match in with the surrounding completed developments. The contract specifically includes earthworks, road pavement, kerb and channel, footpath, drainage, signage, line marking, traffic signals and street lighting.

All of the works associated with this Contract are to be completed by Friday 20 December 2019 to allow for the school opening in February 2020.

#### Tender Process

This tender was advertised in The Age Newspaper and on Council's website on Saturday 8 June 2019, with a closing time and date of 2.00pm Tuesday 2 July 2019.

All tenderers, or their subcontractors, were required to be pre-qualified with Vic Roads for Traffic Signals Installation (STS1).

At the close of the tender advertising period, submissions were received from three (3) qualified contractors as indicated below:

1. **Bitu-mill (Civil) Pty Ltd**
2. **Blue Peak Constructions Pty Ltd**
3. **Rokon Pty Ltd**

Tenderers were requested to submit a Lump Sum price including a breakdown for all items listed in the Bill of Quantities (BOQ) and a Schedule of Rates for day works.

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

#### Tender Evaluation

The evaluation panel comprised of the Coordinator Civil Projects, Graduate Engineer, and Contracts Officer, with Occupational Health and Safety and Environmental Management consultants providing specialist advice.

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

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**2.3.2 Contract No 1819-87 Reconstruction of Homeleigh & Chapel Roads, Keysborough. (Cont.)**

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

	<b>Evaluation Criteria</b>	<b>Weighting</b>
1	Price	40%
2	Relevant Experience & Past Performance	25%
3	Project Plan & Methodology	25%
4	Local Industry	5%
5	Social Procurement	5%
6	OHS Management System	Pass/Fail
7	Environmental Management System	Pass/Fail

Each criterion is ranked on a point score between 0 (fail) and 5 (excellent). These rankings are then multiplied by the weighting to give a weighted attribute ranking for each criterion and totalled to give an overall evaluation score for all criteria.

<b>Score</b>	<b>Scoring Parameter Description</b>
5	Excellent
4	Very Good
3	Good, Better than Average
2	Acceptable
1	Marginally Acceptable (Success Not Assured)
0	Not Acceptable

All tender submissions received were conforming, having completed the required tender schedules and pre-qualifications.

The evaluation panel agreed to invite Bitu-mill (Civil) Pty Ltd to a pre selection interview based on their price and extensive experience completing similar projects. The primary purpose of this meeting was to clarify some of the exclusions and assumptions they had made and confirm the pricing.

Bitu-mill (Civil) Pty Ltd answered all questions to the satisfaction of the interview panel and were able to demonstrate a good understanding of the project, describe their construction methodology in detail and give the panel some additional information about the business and chosen sub-contractors.

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### 2.3.2 Contract No 1819-87 Reconstruction of Homeleigh & Chapel Roads, Keysborough. (Cont.)

Reference checks were conducted following the interview and confirmed that Bitu-mill (Civil) Pty Ltd have the capacity to complete the project. They are currently completing a signalised intersection for Melton City Council with a very similar scope of work.

Following an evaluation of the tenders, the evaluation panel allocated the comparative point score based on the advertised evaluation criteria. See table below:

Tenderer	Price Points	Non-Price Points	OH&S	ENV	Total Score
Bitu-mill (Civil) Pty Ltd	1.51	1.76	PASS	PASS	3.27
Rokon Pty Ltd	0.65	1.26	Not Assessed	Not Assessed	2.40
Blue Peak Constructions Pty Ltd	1.00	1.75	PASS	PASS	2.26

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

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

At the conclusion of the tender evaluation process described above, the evaluation panel agreed that the tender submission from **Bitu-mill (Civil) Pty Ltd** would provide the Best Value outcome for Council.

### Financial Implications

The award of this contract will commit \$1,577,592.67 including GST. The available budget for this project is \$2,271,978.50 including GST. There is sufficient budget available to proceed with this contract.

It should be noted that there is a separate tender that covers the United Energy street lighting and electrical asset relocations. The balance of the project budget will remain available to complete these works.

### Social Procurement

Social procurement was considered when assessing the tender submissions and Bitu-mill (Civil) Pty Ltd provided the following responses:

- Bitu-mill (Civil) Pty Ltd employs 12 staff who reside from within the boundary of the City of Greater Dandenong.
- Bitu-mill (Civil) Pty Ltd have nominated two suppliers from within the boundary of the City of Greater Dandenong where they intend to purchase three major items / supplies.
- Bitu-mill (Civil) Pty Ltd have provided details of their charity initiatives / support for an African foundation.



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**2.3.2 Contract No 1819-87 Reconstruction of Homeleigh & Chapel Roads, Keysborough. (Cont.)**

### **Local Industry**

Local industry was considered when assessing the tender submissions and Bitu-mill (Civil) Pty Ltd have estimated that they will source 50% of their Labour, Materials, Plant and Supervision from within the City of Greater Dandenong.

### **Consultation**

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

### **Conclusion**

At the conclusion of the tender evaluation process, that included a pre selection interview, the evaluation panel agreed that the tender submission from **Bitu-mill (Civil) Pty Ltd** represented the Best Value outcome for Council and should be accepted due to:

- 1) Their conforming and lowest priced tender submission.
- 2) Their relevant experience working with Vic Roads and Victorian Local Governments on similar.
- 3) Their level of experience, staff resources and sub-contractor selection.
- 4) Receiving a Pass for their Occupational Health and Safety (OH&S) and Environmental Management Systems.
- 5) Receiving a satisfactory result for the Standard Financial & Performance Assessment (Procurement) Company Check undertaken by Corporate Scorecard.

### **Recommendation**

#### **That Council:**

1. **accepts the tender submission from Bitu-mill (Civil) Pty Ltd for the Reconstruction of Homeleigh & Chapel Roads, Keysborough for a fixed lump sum price of One Million, Five Hundred and Seventy Seven Thousand, Five Hundred and Ninety Two Dollars and Sixty Seven Cents (\$1,577,592.67) including GST of \$143,417.50 and including a Provisional sum of (\$365,978.03 including GST); and**
2. **signs and seals the contract documents when prepared.**

## **2.4 STATUTORY PLANNING APPLICATIONS**

### **2.4.1 Planning Decisions Issued by Planning Minister's Delegate - June 2019**

File Id: qA280444  
Responsible Officer: Director City Planning, Design and Amenity

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#### **Report Summary**

This report provides Council with an update on the exercise of delegation by Planning Minister's delegate.

No decisions were reported for the month of June 2019.

#### **Recommendation**

**That the report be noted.**

## 2.4.2 Planning Delegated Decisions Issued - June 2019

File Id:	qA280
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Planning Delegated Decisions Issued - June 2019

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### Report Summary

This report provides Council with an update on the exercise of delegation by Council officers.

It provides a listing of Town Planning applications that were either decided or closed under delegation or withdrawn by applicants in June 2019.

It should be noted that where permits and notices of decision to grant permits have been issued, these applications have been assessed as being generally consistent with the Planning Scheme and Council's policies.

Application numbers with a PLN#.01 or similar, are applications making amendments to previously approved planning permits.

The annotation 'SPEAR' (Streamlined Planning through Electronic Applications and Referrals) identifies where an application has been submitted electronically. SPEAR allows users to process planning permits and subdivision applications online.

### Recommendation

**That the items be received and noted.**

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**2.4.2 Planning Delegated Decisions Issued - June 2019 (Cont.)**

**STATUTORY PLANNING APPLICATIONS**

**PLANNING DELEGATED DECISIONS ISSUED JUNE 2019**

**ATTACHMENT 1**

**PLANNING DELEGATED DECISIONS ISSUED  
JUNE 2019**

**PAGES 10 (including cover)**

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

2.4.2 Planning Delegated Decisions Issued - June 2019 (Cont.)

City of Greater Dandenong

Planning Delegated Decisions Issued from 01/06/2019 to 30/06/2019

Application ID	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Date	Ward
95/541.02	No	154 Cleeland Street DANDENONG VIC 3175	Lorenzini Group	The application is seeking to amend Planning Permit No. 95/541 issued on 26/02/1996 via s.72 of the Planning & Environment Act 1987, by way of the following: <ul style="list-style-type: none"> <li>- Modify the permit preamble as well as Condition 18, to allow two (2) practitioners;</li> <li>- Delete Conditions 1 (b), 14 and 15 respectively;</li> <li>- Modify the plans endorsed to the permit, to reflect new car parking and landscaping layouts.</li> </ul>	Amend permit to allow an increase in the number of practitioners from one (1) to two (2) as well as increasing parking spaces	Delegate	AmendPerm	27/06/2019	RedGum
PLN10/0887.01	No	1/51-65 Cheltenham Road DANDENONG VIC 3175	Diadem	AMENDMENT TO Buildings and Works and Signage (DECLARED AREA)	Amend endorsed plans to reflect signage for rebranding	Delegate	AmendPerm	28/06/2019	RedGum
PLN15/0205.01	No	3 Gilbert Court KEYSBOROUGH VIC 3173	Kara Design & Consulting Pty Ltd	Amendment to Planning Permit PLN15/0205 for alterations and extensions to Unit 2	Amend permit to allow change to internal ground floor, first floor layout, roof of ground floor, larger first floor and change in some windows	Delegate	AmendPerm	18/06/2019	Paperbark
PLN15/0416.02	No	42 Homeleigh Road KEYSBOROUGH VIC 3173	Ausco Investment Group Pty Ltd	AMENDMENT TO: Multi Dwelling Development x 59 (Double Storey) New and Removal of Native Vegetation	Delete permit Condition 16 as a section 173 agreement is sought to develop the land in accordance with the permit	Delegate	AmendPerm	13/06/2019	RedGum
PLN16/0866.01	No	114-122 Westall Road SPRINGVALE VIC 3171	Lendlease Retirement Living Holding Pty Limited	AMENDMENT TO Buildings and Works for five (5) Buildings in association with an existing retirement village under the GRZ, reduction in car parking under Clause 52.06, alteration to access to a road in a Road Zone Category 1 under Clause 52.29 and removal of vegetation under Clause 52.17 of the Greater Dandenong Planning Scheme.	Amend permit condition 4 to remove the phrase "and before any trees or vegetation are removed" and addition of a new condition to specify trees that will be removed for civil infrastructure works	Delegate	AmendPerm	07/06/2019	Lightwood

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**2.4.2 Planning Delegated Decisions Issued - June 2019 (Cont.)**

Application ID	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Date	Ward
PLIN17/0340	No	71-77 Halam Valley Road DANDENONG SOUTH VIC 3175	Taylor's Development Strategists Pty Ltd	To use and develop the land for a Store (vehicles, & shipping containers) with a reduction of the car parking requirement.	Commercial 2 Zone, 8140sqm	Applicant	Withdrawn	12/06/2019	RedGum
PLIN18/0058.01	No	19 Grace Avenue DANDENONG VIC 3175	Land Dimensions Pty Ltd	AMENDMENT TO Subdivision of the land into two lots SPEAR	Amend permit to allow for a 173 Agreement	Delegate	AmendPerm	17/06/2019	RedGum
PLIN18/0168	No	2 Purdy Avenue DANDENONG VIC 3175	Blueprint Pty Ltd	The development of four (4) double storey dwellings	General Residential 1 Zone, 725sqm	Delegate	NOD	28/06/2019	RedGum
PLIN18/0184	No	30 Springvalley Crescent KEYSBOROUGH VIC 3173	Vic Planning & Design Pty Ltd	Development of the land for three (3) double storey dwellings	General 1 Residential Zone, 1262sqm	Delegate	PlanPermit	11/06/2019	Paperbark
PLIN18/0227.01	No	2 First Avenue DANDENONG NORTH VIC 3175	CK Design Group	AMENDMENT TO: Development of the land for two (2) dwellings comprising one double storey dwelling to the front and one single storey dwelling to the rear	Amend permit condition 4 to allow early occupancy	Applicant	Withdrawn	05/06/2019	Silverleaf
PLIN18/0422	No	2-10 Springvale Road SPRINGVALE VIC 3171	PE Capital	Use and development of the land for a residential hotel, alteration of access to a road in a Road Zone Category 1 and reduction of bicycle requirements.	Commercial 1 Zone, 2662sqm, 9 storey hotel, reduction to car parking requirement and alter access to a road zone category 1	Delegate	PlanPermit	28/06/2019	Lightwood
PLIN18/0505	No	42 Parsons Avenue SPRINGVALE VIC 3171	Martin Ding	Development of the land for four (4) double-storey dwellings	General Residential 1 Zone, 729,76sqm	Delegate	PlanPermit	24/06/2019	Lightwood
PLIN18/0551	No	92 Fox Drive DANDENONG SOUTH VIC 3175	Mainfreight Logistics Pty Ltd	Use and development of the land for warehouse and transport terminal and reduction to the number of car spaces required	Industrial 1 Zone, 55,818sqm (warehouse and transport terminal), reduction in car parking requirements	Delegate	PlanPermit	07/06/2019	RedGum
PLIN18/0584	No	39 Devira Street DANDENONG NORTH VIC 3175	Skill Design Pty Ltd	Development of the land for two (2) dwellings (one double storey dwelling and one single storey dwelling to the rear)	Neighbourhood Residential 1 Zone, 569sqm	Delegate	PlanPermit	05/06/2019	RedGum

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**2.4.2 Planning Delegated Decisions Issued - June 2019 (Cont.)**

Application ID	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Date	Ward
PLIN18/0595	No	12 Davney Court SPRINGVALE VIC 3171	PS Development	Development of the land for a second storey dwelling to the rear of an existing dwelling and alterations and additions to the existing dwelling	General Residential 1 Zone, 736sqm, Double storey dwelling to rear of existing single dwelling	Delegate	NOD	25/06/2019	Lightwood
PLIN18/0641	No	1 Assembly Drive DANDENONG SOUTH VIC 3175	Beac Holdings Pty Ltd	Use and development of the land for two (2) convenience restaurants, one (1) service station and one (1) car wash; Display of signs (including internally illuminated signs, pole signs, sky sign and business identification signs); Alteration of access to a Road Zone Category 1; Reduction of car parking requirements; Removal of native vegetation	Commercial 2 Zone, 1608sqm, development of service station and carwash and two convenience stores and subsequent signage and vegetation removal	Delegate	PlanPermit	20/06/2019	RedGum
PLIN18/0642	No	12 Clement Street DANDENONG VIC 3175	Brian Francis Congues	Development of the land for a single storey dwelling to the rear of an existing single dwelling and alterations and additions to the existing dwelling.	General Residential 1 Zone, 908.21sqm, construction of a second single storey unit at rear of property	Delegate	PlanPermit	14/06/2019	RedGum
PLIN18/0647	No	4 Cyrene Street NOBLE PARK VIC 3174	Kish Mitra	Development of the land for two (2) double storey dwellings	General Residential 1 Zone, 655 sqm	Delegate	NOD	26/06/2019	Paperbark
PLIN18/0652	No	77 Kemp Street SPRINGVALE VIC 3171	Aldo Venitieri Architect	Development of the land for two (2) dwellings comprising one (1) double storey to the front of the site and one (1) single storey dwelling to the rear	General Residential 1 Zone, 585sqm	Delegate	PlanPermit	14/06/2019	Lightwood
PLIN18/0655	No	53 Pullmey Street DANDENONG VIC 3175	Modarc	The development of the land for eight (8) dwellings (five triple storey dwellings and three double storey dwellings) DECLARED AREA	Residential Growth 1 Zone, 1081 sqm	Delegate	PlanPermit	26/06/2019	RedGum
PLIN18/0668	No	29 Harold Road SPRINGVALE SOUTH VIC 3172	Tony La Greca	Development of the land for a second double storey dwelling and alterations and additions to the existing dwelling	General Residential 1 Zone, 754sqm	Delegate	PlanPermit	25/06/2019	Lightwood
PLIN18/0670	No	1/1 Hume Road SPRINGVALE SOUTH VIC 3172	MB Design Studio	Use of the land as an Education Centre	General Residential 1 Zone, academic coaching, 15 students	Delegate	PlanPermit	06/06/2019	Lightwood

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## ORDINARY COUNCIL MEETING - AGENDA

## 2.4.2 Planning Delegated Decisions Issued - June 2019 (Cont.)

Application ID	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Date	Ward
PLN18/0707	No	18 Ray Street DANDENONG VIC 3175	Trevor Homes	Development of the land for one (1) double storey dwelling and one (1) single storey dwelling	Proposal fails to comply with objectives of Clauses 15.01-2S (Building Design), 15.01-5S (Neighbourhood Character), 18.02-4S (Car Parking), 21.05 (Built Form), 22.09-3.1 (Design Principles), Clauses 55 and 52	Delegate	Refusal	27/06/2019	RedGum
PLN18/0727	No	1 Ardgowrie Road NOBLE PARK VIC 3174	ABS Design & Construction	Development of the land for four (4) dwellings (three (3) double storey dwellings and one (1) single storey dwelling to the rear)	General Residential 1 Zone, 838sqm	Delegate	PlanPermit	21/06/2019	Paperbark
PLN18/0729	No	1 Jobert Court SPRINGVALE VIC 3171	David Lock Associates (Aust) Pty Ltd	Development of the land for two (2) double storey dwellings	Residential Growth 1 Zone, 587sqm	Delegate	NOD	18/06/2019	Lightwood
PLN19/0020	No	30 Mollison Street DANDENONG NORTH VIC 3175	Stacey Geraldine Boustead	Development of the land for one (1) double storey dwelling to the front of the site and one (1) single storey dwelling to the rear and subdivision of the land into two (2) lots	General Residential 1 Zone, 592sqm	Delegate	PlanPermit	28/06/2019	Silverleaf
PLN19/0022	No	20 Carilton Road DANDENONG NORTH VIC 3175	Vic Planning & Design Pty Ltd	Development of the land for two (2) double storey dwellings	Neighbourhood Residential 1 Zone, 661sqm	Delegate	PlanPermit	12/06/2019	Silverleaf
PLN19/0025	No	10 Rosemont Court DANDENONG NORTH VIC 3175	Rajeev Amarasingha	Development of the land for three (3) dwellings (two double storey dwellings and one single storey dwelling)	General Residential 1 Zone, 720sqm	Delegate	PlanPermit	28/06/2019	Silverleaf
PLN19/0037	No	54 Railway Parade DANDENONG VIC 3175	Brian Mahesh Hewegama	Use and development of the land for a childcare centre and to reduce the car parking requirement	Residential Growth 1 Zone, Child Care Centre	Delegate	PlanPermit	12/06/2019	RedGum
PLN19/0040	No	240-248 Frankston Dandenong Road DANDENONG SOUTH VIC 3175	Hitachi Construction Machinery (Australia) Pty Ltd	Buildings and Works (Alterations to Car Park) & Native Vegetation Removal	Industrial 1 Zone, 2640.5sqm, upgrade of car parking, entry/exit crossovers and gravel hardstand area, new gate system & native vegetation removal	Delegate	PlanPermit	05/06/2019	RedGum
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**2.4.2 Planning Delegated Decisions Issued - June 2019 (Cont.)**

Application ID	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Date	Ward
PLIN19/0058	No	983 Heatherton Road SPRINGVALE VIC 3171	9pm Design Pty Ltd	Development of the land for one (1) single storey dwelling to the rear of an existing dwelling and alterations to an existing single storey dwelling	General Residential 1 Zone, 731 sqm	Delegate	PlanPermit	17/06/2019	Lighthouse
PLIN19/0074	No	99 Soden Road BANGHOLME VIC 3175	Trethowan Architecture	Development of the land for a dwelling, associated outbuilding and earthworks	Green Wedge Zone, 32950sqm, demolition of existing single dwelling and construction of a double storey dwelling	Delegate	PlanPermit	17/06/2019	RedGum
PLIN19/0081	No	29 Rex Court NOBLE PARK VIC 3174	Sahija Hallilovic	Development of the land for two (2) dwellings (one (1) double storey dwelling and one single storey dwelling to the rear)	General Residential 1 Zone, 677sqm	Delegate	PlanPermit	04/06/2019	Paperbark
PLIN19/0083	No	105 Ordish Road DANDENONG SOUTH VIC 3175	Fieldmans Waste Management	Change of Use (Materials Recycling) and associated buildings and works	Industrial 2 Zone, soil/green waste, portable site office	Delegate	PlanPermit	07/06/2019	RedGum
PLIN19/0090	No	5 Yarra Court DANDENONG NORTH VIC 3175	Hiran Kurukulasuriya Marius Dominic Leitani	Development of the land for a double storey dwelling to the side of an existing double storey dwelling	Neighbourhood Residential 1 Zone, 906sqm	Delegate	PlanPermit	14/06/2019	Silverleaf
PLIN19/0093	No	21 Haldane Street KEYSBOROUGH VIC 3173	JRichard Designs	Development of the land for a second single storey dwelling to the rear of an existing dwelling and alterations and additions to the existing dwelling	Neighbourhood Residential 1 Zone, 535sqm	Delegate	PlanPermit	21/06/2019	Paperbark
PLIN19/0098	No	349 Perry Road DANDENONG SOUTH VIC 3175	Cip (Perry Road) Pty Ltd	To Display Three (3) Business Identification Signs.	Industrial 1 Zone, 530sqm	Delegate	PlanPermit	05/06/2019	RedGum
PLIN19/0109	No	17/69-77 Mark Anthony Drive DANDENONG SOUTH VIC 3175	Drake Design	Change of use of the land for an industry and reduction in car parking requirements	Industrial 2 Zone, food manufacturing	Delegate	PlanPermit	21/06/2019	RedGum
PLIN19/0125	No	197 Hutton Road KEYSBOROUGH VIC 3173	Fabco Pty Ltd	Use and development of the land for a child care centre and to alter access to a Road Zone Category 1	Commercial 1 Zone and General Residential 2 Zone, 3433sqm	Delegate	PlanPermit	28/06/2019	RedGum

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## ORDINARY COUNCIL MEETING - AGENDA

## 2.4.2 Planning Delegated Decisions Issued - June 2019 (Cont.)

Application ID	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Date	Ward
PLIN19/0139	No	62 Victoria Court SPRINGVALE VIC 3171	Nobelius Land Surveyors Pty Ltd	Subdivision of the land into three (3) lots	Residential	Delegate	PlanPermit	20/06/2019	Lightwood
PLIN19/0141	No	31 Regent Avenue SPRINGVALE VIC 3171	Chaule Architect Pty Ltd	Development of the land for two (2) double storey dwellings	General Residential 1 Zone, 848sqm	Delegate	PlanPermit	27/06/2019	Lightwood
PLIN19/0144	No	56 Garnsworthy Street SPRINGVALE VIC 3171	Downward Duck & Co	Use of the land for leisure and recreation (indoor recreation facility) and to display business identification signage	Mixed Use Zone, yoga & pilates studio	Delegate	PlanPermit	17/06/2019	Lightwood
PLIN19/0146	No	307 Gladstone Road DANDENONG NORTH VIC 3175	We Care Services Inc.	The development of the land for a shed	Neighbourhood Residential 1 Zone, 432sqm	Delegate	PlanPermit	26/06/2019	Silverleaf
PLIN19/0154	No	468 Cheltenham Road KEYSBOROUGH VIC 3173	Ratio Consultants Pty Ltd	Use and development of the land for two (2) supermarkets, restricted retail premises, shop and a reduction in the car parking requirements.	Mixed Use Zone, 11921sqm	Delegate	PlanPermit	28/06/2019	RedGum
PLIN19/0164	Yes	41-71 Bessemer Drive DANDENONG SOUTH VIC 3175	The Trust Company (Australia) Limited	Buildings and Works (Storage Shed) VICSMART	Industrial 3 Zone, 180sqm, storage shed	Delegate	PlanPermit	14/06/2019	RedGum
PLIN19/0177	No	136 Indian Drive KEYSBOROUGH VIC 3173	Virtual Wings Pacific Pty Ltd	The use of the land for a flight simulation facility	Industrial 1 Zone, pilot training	Delegate	PlanPermit	25/06/2019	RedGum
PLIN19/0186	No	164 McFees Road DANDENONG NORTH VIC 3175	David Calleja & Associates Pty Ltd	Development of the land for two (2) double storey dwellings	General Residential 1 Zone, 461sqm	Delegate	PlanPermit	28/06/2019	RedGum
PLIN19/0183	No	3/52 Smith Road SPRINGVALE VIC 3171	Infografia Design & Development	Use and development of the land for an Indoor Recreation Facility (Marital Arts)	Commercial 2 Zone, 170sqm	Delegate	PlanPermit	24/06/2019	Lightwood

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## ORDINARY COUNCIL MEETING - AGENDA

## 2.4.2 Planning Delegated Decisions Issued - June 2019 (Cont.)

Application ID	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Date	Ward
PLIN19/0203	No	M1 Hira College, 185 Perry Road KEYSBOROUGH VIC 3173	MSM & Associates Pty Ltd	Buildings and Works (Sports Court Shade Cover)	Special Use 4 Zone, 4140sqm	Delegate	PlanPermit	27/06/2019	RedGum
PLIN19/0211	No	1157-1163 Heatherton Road NOBLE PARK VIC 3174	Blueprint Building Designers & Consultants	Multi Dwelling Development x 10 (Triple Storey) New	Proposal fails to comply with Clause 15.01 (Built Environment), Clause 21.05-1 (Built Form), Clause 52.06-9 (Car Parking), Clause 22.09 (Neighbourhood Character) & Clause 55	Delegate	Refusal	11/06/2019	Paperbark
PLIN19/0212	No	2 Springfield Court NOBLE PARK NORTH VIC 3174	Victorian Survey Group Pty Ltd	Subdivision of the land into two (2) lots.	Residential	Delegate	PlanPermit	28/06/2019	Silverleaf
PLIN19/0213	No	77 Clew Street DANDENONG VIC 3175	Nobelius Land Surveyors Pty Ltd	Subdivision of the land into two (2) lots	Residential	Delegate	PlanPermit	25/06/2019	RedGum
PLIN19/0229	No	12/73 Assembly Drive DANDENONG SOUTH VIC 3175	Lasting Solutions	Buildings and Works (Mezzanine)	Commercial 2 Zone, 72sqm	Applicant	Withdrawn	05/06/2019	RedGum
PLIN19/0233	No	1/11 Colonsay Road SPRINGVALE VIC 3171	Eric Gip	Subdivision of the land into three (3) lots	Residential	Delegate	PlanPermit	03/06/2019	Lightwood
PLIN19/0237	No	25 Fireways Boulevard KEYSBOROUGH VIC 3173	Country Fire Authority	Use and development of the land for an emergency services facility	Commercial 2 Zone, temporary conversion to CFA fire station	Delegate	PlanPermit	21/06/2019	Paperbark
PLIN19/0242	No	48 Bruce Street DANDENONG VIC 3175	Nobelius Land Surveyors Pty Ltd	Subdivision of the land into two (2) lots	Residential	Delegate	PlanPermit	04/06/2019	RedGum
PLIN19/0248	No	21 Ray Street DANDENONG VIC 3175	Jonathan Victor Guscott	Subdivision of land into three (3) lots	Residential	Delegate	PlanPermit	27/06/2019	RedGum

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**2.4.2 Planning Delegated Decisions Issued - June 2019 (Cont.)**

Application ID	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Date	Ward
PLIN19/0253	No	23 Racecourse Road NOBLE PARK VIC 3174	B & S Surveys Pty Ltd	Subdivision of land into two (2) lots	Residential	Delegate	PlanPermit	24/06/2019	Paperbark
PLIN19/0255	No	21 Joy Parade NOBLE PARK VIC 3174	Hometec Industries Pty Ltd	Subdivision of the land for five (5) lots	Residential	Delegate	PlanPermit	28/06/2019	Paperbark
PLIN19/0258	Yes	402-418 Corrigan Road KEYSBOROUGH VIC 3173	CEA Design & Drafting	Buildings and Works (Shed) VICSMART	Neighbourhood Residential 1 Zone, 64sqm, extension of colourbond shed	Delegate	PlanPermit	03/06/2019	Paperbark
PLIN19/0259	No	14 Stanley Street DANDENONG VIC 3175	Nacha Moore Land Surveyors Pty Ltd	Subdivision of land into four (4) lots	Residential	Delegate	PlanPermit	21/06/2019	RedGum
PLIN19/0268	Yes	12/73 Assembly Drive DANDENONG SOUTH VIC 3175	Lasting Solutions	Development of the land for a mezzanine level and to reduce the car parking requirements	Commercial 2 Zone, 72sqm	Delegate	PlanPermit	24/06/2019	RedGum
PLIN19/0273	No	30 Wimpole Street NOBLE PARK NORTH VIC 3174	M J Reddie Surveys Pty Ltd	Subdivision of the land into two (2) lots	Residential	Delegate	PlanPermit	28/06/2019	Silverleaf
PLIN19/0281	Yes	28 Liverpool Drive KEYSBOROUGH VIC 3173	Linear Land Surveying Pty Ltd	Subdivision of the land for two (2) lots	Residential	Delegate	PlanPermit	07/06/2019	Paperbark
PLIN19/0282	No	1/25 Regent Avenue SPRINGVALE VIC 3171	JCA Land Consultants	Subdivision on the land into two (2) lots SPEAR	Residential	Delegate	PlanPermit	27/06/2019	Lightwood
PLIN19/0284	Yes	36-38 Williams Road DANDENONG SOUTH VIC 3175	Stephen D'Andrea Pty Ltd	Buildings and Works (Warehouse) VICSMART	Industrial 1 Zone, 1133sqm, warehouse with ancillary office	Delegate	PlanPermit	14/06/2019	RedGum

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2.4.2 Planning Delegated Decisions Issued - June 2019 (Cont.)

Application ID	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Date	Ward
PLIN19/0285	Yes	69 Quantum Close DANDENONG SOUTH VIC 3175	Stephen D'Andrea Pty Ltd	Buildings and Works (Warehouse Extension) VICSMART	Commercial 2 Zone, 472sqm, warehouse extension	Delegate	PlanPermit	24/06/2019	RedGum
PLIN19/0286	Yes	108 Chandler Road NOBLE PARK VIC 3174	Michael John Watt	Subdivision x 2 SPEAR VICSMART	Residential	Delegate	PlanPermit	14/06/2019	Paperbark
PLIN19/0289	Yes	1-15 Pound Road West DANDENONG SOUTH VIC 3175	Trusteel Fabrications Pty Ltd	Development of the land for a canopy VICSMART	Commercial 2 Zone, 64sqm, roof canopy	Delegate	PlanPermit	14/06/2019	RedGum
PLIN19/0290	No	9-21 Foster Street DANDENONG VIC 3175	Secure Parking Pty Ltd	Change of Use & Buildings and Works (Car Park) DECLARED AREA - TRANSFERRED TO MINISTER FOR PLANNING	Comprehensive Development 2 Zone, 7171sqm, outdoor secure car park	Delegate	ToMinister	06/06/2019	RedGum
PLIN19/0304	Yes	52 Simpson Drive DANDENONG NORTH VIC 3175	Phillip Arthur Pitt	Subdivision x2 SPEAR VICSMART	Residential	Delegate	PlanPermit	24/06/2019	RedGum
PLIN19/0309	Yes	1/5 Lennox Street DANDENONG VIC 3175	Nobelius Land Surveyors Pty Ltd	Subdivision x 2 SPEAR (VICSMART)	Residential	Delegate	PlanPermit	27/06/2019	RedGum

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## **2.5 POLICY AND STRATEGY**

### **2.5.1 Review of Council Policies - Freedom of Information Policy**

File Id:

Responsible Officer:

Director Corporate Services

Attachments:

Freedom of Information Policy - for Re-adoption  
Freedom of Information Policy - Marked Up  
Version

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#### **Report Summary**

Council policies are in place to ensure accordance with relevant legislation, regulations and best practices. They provide a consistent approach to Council's operational requirements and promote accountability and transparency of Council decisions and actions.

Council adopted the revised Freedom of Information Policy in July 2014 with the provision of reviewing the policy. This policy has now been reviewed to ensure currency and compliance with relevant legislation and Council's current operational requirements and is now presented to Council for readoption.

#### **Recommendation Summary**

This report recommends that the Freedom of Information Policy be readopted as per Attachment 1.

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### **2.5.1 Review of Council Policies - Freedom of Information Policy (Cont.)**

#### **Background**

Essentially, policies developed by Council are aimed at ensuring good governance and decision-making processes, as well as the effective and efficient management of community resources and the day-to-day business of Council. They help govern how Council operates and provide a clear set of principles that provide a definite direction for Council.

Each policy is developed in order to address specific matters and objectives as outlined in the Council Plan 2017-21 or as required by legislation. Policies promote consistency across the organisation and also enable the community to be familiar with the principles behind administrative and council decisions.

Existing council policies are subject to an ongoing review process to ensure they remain up-to-date and comply with current legislation. Policies should be reviewed and updated if legislation requires it; or when Council's functions, structure or activities change; or when technological advances or new systems are implemented.

Council policies should be read in conjunction with any related legislation, relevant internal policies, codes of practice or guidelines. A Council policy is considered to be automatically revoked upon re-adoption of the latest version of that policy.

Policies that are superseded or superfluous to Council's needs, require formal abolition by Council.

#### **Proposal**

It is proposed that Freedom of Information Policy be re-adopted by Council with the following changes:

- The words City of Greater Dandenong have been changed to Greater Dandenong City Council;
- Section 3 includes wording to highlight that for a request to be valid it must be in writing and clear enough to enable an officer to identify the documents;
- Section 4 includes updates to referenced documents;
- Section 6 includes updates to 'Notification and Consultation Requirements' and 'Right of Review and Complaint Process'; and
- Future review period of 4 years

The proposed changes are highlighted in Attachment 2.

#### **Community Plan 'Imagine 2030' and Council Plan 2017-21 – Strategic Objectives, Strategies and Plans**

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

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### **2.5.1 Review of Council Policies - Freedom of Information Policy (Cont.)**

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

##### Opportunity

- *Education, Learning and Information* – Knowledge
- *Leadership by the Council* – The leading Council

#### **Council Plan 2017-21**

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

##### Opportunity

- An open and effective Council

#### **Victorian Charter of Human Rights and Responsibilities**

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

#### **Financial Implications**

No financial resources are impacted by this report.

#### **Consultation**

Prior to reporting to council the Freedom of Information Policy was reviewed and evaluated by the:

- Manager, Governance
- Executive Management Team

#### **Conclusions**

A review of the Freedom of Information Policy was conducted and is now presented to Council for readoption.

The principal objective of the review was to ensure that the policy is current with legislative requirements and remains relevant and up-to-date.

#### **Recommendation**

**That the Freedom of Information Policy be readopted as per Attachment 1.**



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**2.5.1 Review of Council Policies - Freedom of Information Policy (Cont.)**

**POLICY AND STRATEGY**

**REVIEW OF COUNCIL POLICIES – FREEDOM OF INFORMATION POLICY**

**ATTACHMENT 1**

**FREEDOM OF INFORMATION POLICY  
FOR READOPTION**

**PAGES 7 (including cover)**

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

## 2.5.1 Review of Council Policies - Freedom of Information Policy (Cont.)



# Greater Dandenong Policy

## Freedom of Information Policy

Policy Endorsement:	Endorsement required by Council		
Policies superseded by this policy:	Not applicable		
Directorate:	Corporate		
Responsible Officer:	Manager Governance		
Policy Type:	Discretionary		
File Number:	A1166214	Version No:	004
1 <sup>st</sup> Adopted by Council:	22 February 2010 Minute No. 419	Last Adopted by EMT:	
Review Period:	Four Years	Next Review:	July 2021

### 1. Purpose

This Policy has been developed to meet the requirements set out in the *Freedom of Information Act 1982* in regards to 'access to documents'.

### 2. Background

The Victorian *Freedom of Information Act 1982* (The Act) extends the right of the community to access information in the possession of the Government of Victoria and its 'agencies'. It also provides for the amendment of personal records. Subject to the Act every person has a legally enforceable right to obtain access to information from designated agencies.

Greater Dandenong City Council is a prescribed 'agency' under the Victorian *Freedom of Information Act 1982* and is responsible for assessing and responding to all Freedom of Information requests in accordance with the Act and any professional standards developed by the Information Commissioner under the Act. The information sought by an applicant under the Act must be in written form (book, map, plan, photograph, disc, tape, film) and must be in the constructive possession of the Greater Dandenong City Council.

### 3. Scope

All employees, Councillors, contractors and volunteers of the City of Greater Dandenong are subject to the legal requirements set out in the Act and are expected to comply with both its objectives and obligations.

Applicants have the right to request any document which is in the "constructive possession" of Council, but access is subject to any possible exemptions as they appear in the *Freedom of Information Act 1982*.

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## 2.5.1 Review of Council Policies - Freedom of Information Policy (Cont.)



# Greater Dandenong Policy

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For a request to be valid, it must be made in writing, clear enough to enable an officer to identify the documents, and it must be accompanied by an application fee as prescribed under the Act.

Under the *Freedom of Information (Access Charges) Regulations 2004* a charge other than the application fee may apply for copies of requested documents.

## 4. References

- Originally adopted at the Ordinary Council Meeting on 22 February 2010
- Victorian *Freedom of Information Act 1982*
- *Privacy and Data Protection Act 2014*
- *Health Records Act 2001*
- *Public Records Act 1973*
- *Local Government Act 1989*
- *Family Violence Protection Act 2008*

## 5. Definitions

The 'Act' means the *Freedom of Information Act 1982* for the purpose of this policy.

'Agency' means a department, Council or a prescribed authority.

'Applicant' means a person who has made a request in accordance with section 17 or has applied under section 12(1) of the Act for a statement published by a Principal Officer to be altered.

'Document' as defined under the Act, includes a map, graph, drawing, photograph, label or other attachment, disc, tape, sound track, or film, as well as a document that has been hand written or typed. Information held on computer disk or in a database fits the definition of a document. This includes any copies, reproductions or duplications and any words, figures, letters or symbols which are capable of carrying a definite meaning to persons conversant with them.

## 6. Council Policy

Greater Dandenong City Council will assess and respond to all Freedom of Information applications received in accordance with the *Freedom of Information Act 1982* and any professional standards developed by the Information Commissioner under the Act.

Applications under the Act must be forwarded to Council in writing. All applications must be accompanied by a statutory application fee in order to validate the request, unless Council has agreed to waive the fee due to financial hardship. Applications may be received on the appropriate application form or by way of letter, email or facsimile which clearly states that it is a request under the Act.

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## 2.5.1 Review of Council Policies - Freedom of Information Policy (Cont.)



# Greater Dandenong Policy

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Section 17 of the Act requires applicants to state their requests clearly enough for relevant documents to be identified and Council has a legal obligation to assist the applicant in doing so. The processing of a request is not required to begin until it is sufficiently specific and clear as to which documents are being sought by an applicant.

All valid requests under the Act must be processed and a written response/decision provided to the applicant within 30 days.

Under Section 21(2)(a) of the Act, an agency may extend the 30 day period for deciding a request if consultation is required under section 29, 29A, 31, 31A, 33, 34 or 35 of the Act. Under this provision, an agency may extend the period by a maximum of 15 days. Under section 21(2)(b) of the Act a 30 day extension may be requested by an agency in any case, if agreed by the applicant.

Council's Freedom of Information Officers are responsible for coordinating each valid request in accordance with the Act. It is the responsibility of individual Council Officers in the relevant departments of Council, as requested by the Council's Freedom of Information Officers, to conduct a thorough and diligent search for all documents falling within each of the requests.

### Decision on Access to Documents

Under section 26 of the *Freedom of Information Act*, Council's Chief Executive Officer is deemed responsible for making decisions relating to access to documents and advising applicants in writing of that decision. By way of an Instrument of Delegation, this power has been delegated to Council's Freedom of Information Officers.

Based on the provisions of the Act, the decision in each case may be that access is:

- granted in full; or
- granted in part; or
- denied in full.

Council's Freedom of Information Officers, in relation to the provisions of the Act, will decide on any document regarded as possibly exempt and whether it should be released or released with exempt details removed.

An applicant must also be advised if a document has been lost, never existed or has been destroyed.

### Application Fee

Under section 17(2A) of the Act, the applicant must pay the prescribed application fee.

Under section 17(2B) of the Act, an applicant may seek a waiver or reduction of the fee if evidence of financial hardship is provided with the request. A suitable example of evidence showing financial hardship would be a current Health Care Concession Card or Pension Card.

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## 2.5.1 Review of Council Policies - Freedom of Information Policy (Cont.)



# Greater Dandenong Policy

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### Access Charges

Under section 22 of the Act, access charges may also apply for dealing with applications. A charge, other than the application fee, may be made for:

- time spent conducting a routine search;
- costs incurred in supervising the inspection of documents;
- costs incurred in photocopying documents; and
- cost associated with making arrangements to view documents, or to provide a written transcript.

Applicants will be advised of any access charges prior to a decision being released.

### Refusal to Process Request

Part IV of the *Freedom of Information Act 1982* provides several categories of information to be exempt from release. The main exemptions are:

- cabinet documents ;
- internal working documents;
- documents affecting legal proceedings;
- documents affecting personal privacy;
- documents containing information obtained in confidence;
- documents relating to trade secrets; and
- documents to which secrecy provisions of another Act apply.

Under section 67(4) of the *Freedom of Information Act 1982* and section 25 of the *Freedom of Information (Amendment) Act 1993*, an applicant who seeks access to Council documents that came into existence before 1 January 1989 is not entitled to receive access (except if the documents contain the personal information of the applicant).

Sections 24, 24A, 25 and 25A of the Act explain the circumstances under which the Greater Dandenong City Council may refuse or defer access to information.

### Notification and Consultation requirements

Under sections 33 (personal affairs information) and 35 (information obtained in confidence) of the Act, the agency must notify a person or government, who is the subject of that information, about the request and seek their views as to whether the disclosure of the information should occur.

In 2017, section 33A was inserted into the *Freedom of Information Act 1982* in connection with the *Family Violence Protection Act 2008*.

Section 33A of the Act states if the person who is required to be notified about a request is a child, Council may notify either or both the child and a parent (guardian).

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## 2.5.1 Review of Council Policies - Freedom of Information Policy (Cont.)



# Greater Dandenong Policy

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Council **must not** notify or seek the views of a parent (guardian) of:

- a child who may be subject to family violence; or
- the parent (guardian) is a person of concern or is alleged to pose a risk of family violence to the child.

### Amendment of Personal Records

Under section 39 of the Act, an individual, or in the case of a deceased person, the next-of-kin, is entitled to request in writing the correction, or amendment of any information pertaining to the individual's own personal affairs that has been previously released to that person.

A request for amendment of personal records must be made in writing and provide details about the incomplete or incorrect information in accordance with section 40 of the Act.

### Right of Review and Complaint Process

Under the *Freedom of Information Act 1982* where an applicant is not satisfied with Council's decision regarding an FOI application, the applicant has a right to apply to the Information Commissioner for a review. The Information Commissioner is able to review decisions where Council:

- refused access to a document under the Act;
- deferred access to a document;
- did not waive or reduce an application fee; or
- refused to amend a personal record.

Applications for review of an FOI decision by the Information Commissioner must be made within 28 days of receiving the decision from Council. There are no fees or costs associated with requesting a review.

The applicant can also complain to the Information Commissioner, if Council:

- made a decision that a requested document does not exist or cannot be located;
- delayed processing an FOI request; or
- any other action taken or failed to be taken in performing its functions and obligations under the FOI Act.

A complaint to the Information Commissioner must be made in writing, within 60 days after the date of the action or conduct complained of.

### Appeals to VCAT

An application can be made to VCAT to review the following:

- where Council has not made a decision in relation to a FOI request within the statutory time limit (a 'deemed refusal' of Council);
- where the Information Commissioner has not completed a review within the required period (a 'deemed refusal' of the Information Commissioner);

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## 2.5.1 Review of Council Policies - Freedom of Information Policy (Cont.)



# Greater Dandenong Policy

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- decisions of the Information Commissioner refusing to grant access to a document in accordance with a request;
- decisions by Council refusing access to a document if the Information Commissioner has determined not to accept or to dismiss the application for review;
- decisions by Council to exempt documents on the grounds of national security; and
- decisions about access charges.

Applications to VCAT for a review should be made within 60 days from the date of receipt of a written notice of a decision. There is no time limit on applying to VCAT in the case of a deemed refusal.

A person who is the subject of information referred to in a document affecting personal privacy (section 33(3) of the FOI Act), or in the case of a deceased person, that person's next-of-kin, can also apply to VCAT for a review of a decision to disclose that document.

A business, commercial or financial undertaking can apply to VCAT for a review of a decision to disclose a document referred to in section 34 of the FOI Act (i.e. trade secrets) contrary to the undertaking's view.

### Reporting Requirements

At the end of each financial year, Council is required under legislation to forward a report to the Information Commissioner on the number of Freedom of Information requests received. This report includes all valid and invalid requests and any request forwarded to another agency for processing.

## 7. Related Documents

- 'Request for Access to Documents under the Freedom of Information Act' form available on Council's website under **Your Council>Rights and Responsibilities>[Freedom of Information](#)**
- Freedom of Information Frequently Asked Questions document available on Council's website under **Your Council>Rights and Responsibilities>[Freedom of Information](#)**

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**2.5.1 Review of Council Policies - Freedom of Information Policy (Cont.)**

**POLICY AND STRATEGY**

**REVIEW OF COUNCIL POLICIES - FREEDOM OF INFORMATION POLICY**

**ATTACHMENT 2**

**FREEDOM OF INFORMATION POLICY -  
MARKED UP VERSION**

**PAGES 9 (including cover)**

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



**2.5.1 Review of Council Policies - Freedom of Information Policy (Cont.)**



# Greater Dandenong Policy

## Freedom of Information Policy

<u>Policy Endorsement:</u>	<u>Endorsement required by Council</u>		
<u>Policies superseded by this policy:</u>	<u>Not applicable</u>		
<u>Directorate:</u>	<u>Corporate</u>		
<u>Responsible Officer:</u>	<u>Manager Governance</u>		
<u>Policy Type:</u>	<u>Discretionary</u>		
<u>File Number:</u>	<u>A1166214</u>	<u>Version No:</u>	<u>004</u>
<u>1<sup>st</sup> Adopted by Council:</u>	<u>22 February 2010</u> <u>Minute No. 419</u>	<u>Last Adopted by EMT:</u>	
<u>Review Period:</u>	<u>Four Years</u>	<u>Next Review:</u>	<u>July 2021</u>

<u>EDRMS-Object id:</u>	<u>A37215</u>	<u>Directorate:</u>	<u>Corporate Services</u>
<u>Authority:</u>	<u>Council</u>	<u>Responsible Officer:</u>	<u>Team Leader, Senior Governance Officer</u> <u>Senior Governance Officer</u>
<u>Policy Type:</u>	<u>Discretionary</u>	<u>Version No:</u>	<u>0043</u>
<u>1<sup>st</sup> Adopted by Council</u>	<u>22 February 2010</u> <u>Minute No. 419</u>	<u>Last Adopted by Council:</u>	<u>14 July 2014</u> <u>29 July 2018</u> <u>Minute No. 642</u> <u>TBA</u>
<u>Review Period:</u>	<u>Every 2 Years</u>	<u>Next Review:</u>	<u>June 2016</u> <u>January 2020</u>

### 1. Purpose

This Policy has been developed to meet the requirements set out in the *Freedom of Information Act 1982* in regards to 'access to documents'.

### 2. Background

The Victorian *Freedom of Information Act 1982* (The Act) extends the right of the community to access information in the possession of the Government of Victoria and its 'agencies'. It also provides for the amendment of personal records. Subject to the Act every person has a legally enforceable right to obtain access to information from designated agencies.

~~The City of Greater Dandenong~~ Greater Dandenong City Council is a prescribed 'agency' under the Victorian *Freedom of Information Act 1982* and is responsible for assessing and responding to all Freedom of Information requests in accordance with the Act and any professional standards developed by the Information Commissioner under the Act. The information sought by an applicant under the Act must be in written form (book, map, plan, photograph, disc, tape,

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## 2.5.1 Review of Council Policies - Freedom of Information Policy (Cont.)



# Greater Dandenong Policy

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~~film) document form~~ and must be in the constructive possession of the ~~City of Greater Dandenong~~[Greater Dandenong City Council](#).

### 3. Scope

All employees, Councillors, contractors and volunteers of the City of Greater Dandenong are subject to the legal requirements set out in the Act and are expected to comply with both its objectives and obligations.

Applicants have the right to request any document which is in the "constructive possession" of Council, but access is subject to any possible exemptions as they appear in the *Freedom of Information Act 1982*.

For a request to be valid, ~~it must be made in writing, it must be~~ clear enough to enable an officer to identify the ~~as to what documents the applicant is seeking access to, it must be made in writing~~ and it must be accompanied by an application fee as prescribed under the Act.

Under the *Freedom of Information (Access Charges) Regulations 2004*- a charge other than the application fee may ~~apply~~be charged for copies of requested documents.

### 4. References

- Originally adopted at the Ordinary Council Meeting on 22 February 2010
- Victorian *Freedom of Information Act 1982*
- ~~Information Privacy Act 2000~~[Privacy and Data Protection Act 2014](#)
- *Health Records Act 2001*
- *Public Records Act 1973*
- ~~Local Government Act 1989~~
- [Family Violence Protection Act 2008](#)

### 5. Definitions

The 'Act' means the *Freedom of Information Act 1982* for the purpose of this policy.

'Agency' means a department, Council or a prescribed authority.

'Applicant' means a person who has made a request in accordance with section 17 or has applied under section 12(1) of the Act for a statement published by a Principal Officer to be altered.

'Document' as defined under the Act, includes a map, graph, drawing, photograph, label or other attachment, disc, tape, sound track, or film, as well as a document that has been hand written or typed. Information held on computer disk or in a database fits the definition of a document. This includes any copies, reproductions or duplications and any words, figures,

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**2.5.1 Review of Council Policies - Freedom of Information Policy (Cont.)**



# Greater Dandenong Policy

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letters or symbols which are capable of carrying a definite meaning to persons conversant with them.

## 7.6. Council Policy

~~The City of Greater Dandenong~~ Greater Dandenong City Council will assess and respond to all Freedom of Information applications received in accordance with the *Freedom of Information Act 1982* and any professional standards developed by the Information Commissioner under the Act.

Applications under the Act must be forwarded to Council in writing. All applications must be accompanied by a statutory application fee in order to validate the request, unless Council has agreed to waive the fee due to financial hardship. Applications may be received on the appropriate application form or by way of letter, email or facsimile which clearly states that it is a request under the Act.

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## 2.5.1 Review of Council Policies - Freedom of Information Policy (Cont.)



# Greater Dandenong Policy

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Section 17 of the Act requires applicants to state their requests clearly enough for relevant documents to be identified and Council has a legal obligation to assist the applicant in doing so. The processing of a request is not required to begin until it is sufficiently specific and clear as to which documents are being sought by an applicant.

All valid requests under the Act must be processed and a written response/decision provided to the applicant within ~~45~~30 days.

Under Section 21(2)(a) of the Act, an agency may extend the 30 -day period for deciding a request if consultation is required under section 29, 29A, 31, 31A, 33, 34 or 35 of the Act. Under this provision, an agency may extend the period by a maximum of 15 days. Under section 21(2)(b) of the Act a further 30 day extension may be requested by an agency in any case, if agreed by the applicant, under Section 21(2)(b) of the Act.

Council's Freedom of Information Officers are responsible for coordinating each valid request in accordance with the Act.- It is the responsibility of individual Council Officers in the relevant departments of Council, as requested by the Council's Freedom of Information Officers, to conduct a thorough and diligent search for all documents falling within each of the requests.

### Decision on Access to Documents

Under section 26 of the *Freedom of Information Act*, Council's Chief Executive Officer is deemed responsible for making decisions relating to access to documents and advising applicants in writing of that decision. By way of an Instrument of Delegation, this power has been delegated to Council's Freedom of Information Officers.

Based on the provisions of the Act, the decision in each case may be that access is:

- granted in full; or
- granted in part; or
- denied in full.

The Council's Freedom of Information Officers, in relation to the provisions of the Act, will decide on any document regarded as possibly exempt and ~~as to~~ whether it should be released or released with exempt details removed.

An applicant must also be advised if a document has been lost, never existed or has been destroyed.

### Application Fee

Under section 17(2A) of the Act, the applicant must pay the prescribed application fee.

Under section 17(2B) of the Act, an applicant may seek a waiver or reduction of the fee if evidence of financial hardship is provided with the request. A suitable example of evidence showing financial hardship would be a current Health Care Concession Card or Pension Card.

## 2.5.1 Review of Council Policies - Freedom of Information Policy (Cont.)



# Greater Dandenong Policy

### Access Charges

Under section 22 of the Act, access charges may also apply for dealing with applications. A charge, other than the application fee, may be made for:

- time spent conducting a routine search;
- costs incurred in supervising the inspection of documents;
- costs incurred in photocopying documents; and
- cost associated with making arrangements to view documents, or to provide a written transcript.

Applicants will be advised of any access charges prior to a decision being released.

~~If supply of information exceeds fifty (50) pages Council will automatically apply access charges in relation to photocopying unless evidence of financial hardship is provided.~~

### Refusal to Process Request

~~Part IV of the Freedom of Information Act 1982 provides for several categories of information to be exempt from release. The main exemptions exceptions are:~~

- ~~C~~Cabinet documents up to 10 years old;
- ~~some~~ internal working documents;
- ~~law enforcement documents;~~
- documents ~~affecting~~attracting legal proceedings~~professional privilege;~~
- documents affecting personal privacy;
- documents containing information obtained in confidence;
- documents relating to trade secrets; and
- documents to which secrecy provisions of another Act apply.

Under section 67(4) of the *Freedom of Information Act 1982* and section 25 of the *Freedom of Information (Amendment) Act 1993*, an applicant who seeks access to Council documents that came into existence before 1 January 1989 is not entitled to receive access (except if the documents contain the personal information of the applicant).

Sections 24, ~~24A~~, 25 and 25A of the Act explain the circumstances under which the ~~City of Greater Dandenong~~Greater Dandenong City Council may refuse or defer access to information.

### Notification and Consultation requirements

Under sections 33 (personal affairs information) and 35 (information obtained in confidence) of the Act, the agency must notify a person or government, who is the subject of that information, about the request and seek their views as to whether the disclosure of the information should occur.

In 2017, a new section 33A was inserted into the Freedom of Information Act 1982 in connection with the Family Violence Protection Act 2008.

## 2.5.1 Review of Council Policies - Freedom of Information Policy (Cont.)



# Greater Dandenong Policy

~~Section 33A of the Act states, if the person who is required to be notified about a request is a child, Council must notify either or both the child and a parent (guardian). Council must not notify or seek the views of a parent (guardian), who may commit a family violence and a child is a subject to this family violence.~~

~~Section 33A of the Act states if the person who is required to be notified about a request is a child, Council may notify either or both the child and a parent (guardian).~~

Council **must not** notify or seek the views of a parent (guardian) of:

- ~~a child who may be subject to family violence; or~~
- ~~the parent (guardian) is a person of concern or is alleged to pose a risk of family violence to the child.~~

### Amendment of Personal Records

Under section 39 of the Act, an individual, or in the case of a deceased person, the next-of-kin, is entitled to request in writing the correction, or amendment of any information pertaining to the individual's own personal affairs that has been previously released to that person.

A request for amendment of personal records must be made in writing and provide details about the incomplete or incorrect information in accordance with section 40 of the Act.

### Right of Review and Complaint Appeals Process

Under the Freedom of Information Act 1982 where an applicant is not satisfied with Council's decision regarding an FOI application, the applicant has a right to apply to the Information Commissioner for a review. The Information Commissioner is able to review decisions where Council:

- refused access to a document under the Act;
- deferred access to a document;
- did not waive~~ed~~ or reduce~~d~~ an application fee; or
- refused to amend a personal record.

Applications for review of an FOI decision by the Information Commissioner must be made within 28 days of receiving the decision from Council. There are no fees or costs associated with requesting a review.

The applicant can also complain to the Information Commissioner, if Council:

- made a decision that a requested document does not exist or cannot be located;
- delayed processing an FOI request; or

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## 2.5.1 Review of Council Policies - Freedom of Information Policy (Cont.)



# Greater Dandenong Policy

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- any other action taken or failed to be take in performing its functions and obligations under the FOI Act.

A complaint to the Information Commissioner must be made in writing, within 60 days after the date of the action or conduct complained of.

### Appeals to VCAT

An application can be made to VCAT to review the following:

- where Council has not made a decision in relation to a FOI request within the statutory time limit (a 'deemed refusal' of Council);
- where the Information Commissioner has not completed a review within the required period (a 'deemed refusal' of the Information Commissioner);
- decisions of the Information Commissioner refusing to grant access to a document in accordance with a request;
- decisions by Council refusing access to a document if the Information Commissioner has determined not to accept or to dismiss the application for review;
- decisions by Council to exempt documents on the grounds of national security; and
- decisions about access charges.

Applications to VCAT for a review should be made within 60 days from the date of receipt of a written notice of a decision. There is no time limit on applying to VCAT in the case of a deemed refusal.

A person who is the subject of information ~~in a document~~ referred to in a document affecting personal privacy (section 33(3) of the FOI Act), or in the case of a deceased person, that person's next-of-kin, can also apply to VCAT for a review of a decision to disclose that document.

A business, commercial or financial undertaking can apply to VCAT for a review of a decision to disclose a document referred to in section 34 of the FOI Act (i.e. trade secrets) contrary to the undertaking's view.

~~Where an applicant under Freedom of Information is not satisfied with Council's decision regarding an application, the applicant has the right of review by the Information Commissioner. A review must be requested in writing to the Information Commissioner within 28 days of receiving the decision.~~

~~A complaint may be made to Information Commissioner if an applicant is not satisfied that Council or a principal officer has met their obligations under the Act. A complaint must be requested in writing to the Information Commissioner within 60 days after the action or conduct complained of occurred.~~

~~If an applicant is not satisfied with a decision that is made by Council's principal officer (Chief Executive Officer) the applicant may apply for a review by the Victorian Civil & Administrative Tribunal (VCAT) within 60 days of receiving the decision.~~

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## 2.5.1 Review of Council Policies - Freedom of Information Policy (Cont.)



# Greater Dandenong Policy

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### Reporting Requirements

At the end of each financial year, Council is required under legislation to forward a report to the ~~Freedom of Information~~ Commissioner on the number of ~~Freedom of Information~~FOI requests received. ~~This report includes, but is not limited to, the number of all valid and invalid requests received, the number of decisions where an applicant was entitled to access to a document, the provisions under which access was made, the number of times each provision was invoked, details about the FOI officers of Council and the number of decisions reviewed by the Information Commissioner and any request forwarded to another agency for processing. Council officers will provide a copy of this report to the Audit Advisory Committee annually.~~

### 8-7. Related Documents

- 'Request for Access to Documents under the Freedom of Information Act' ~~Form~~ available ~~on from~~ Council's ~~w~~Website ~~under Your Council>Rights and Responsibilities>Freedom of Information.~~
- Freedom of Information Frequently Asked Questions document available ~~on from~~ Council's ~~w~~Website ~~under Your Council>Rights and Responsibilities>Freedom of Information.~~



## **2.6 OTHER**

### **2.6.1 Multicultural and People Seeking Asylum Advisory Committee Membership**

File Id:	A5862277
Responsible Officer:	Director Community Services
Attachments:	Multicultural and People Seeking Asylum Advisory Committee Proposed Membership

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#### **Report Summary**

This report details the new membership recommendations for Council's Multicultural and People Seeking Asylum Advisory Committee (MPSAAC). Current membership of this committee was extended by six months until 30 June 2019 to align with the financial year and updated reporting cycle of the People Seeking Asylum and Refugees Action Plan 2018-21. Newly endorsed members will serve until 30 June 2022. Nomination for the committee was in accordance with the selection process outlined in the previously endorsed Terms of Reference (TOR).

#### **Recommendation Summary**

This report recommends that Council endorses the selection panel's recommendation of the five community members and ten organisational members detailed in Attachment 1 as members of the MPSAAC.

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### **2.6.1 Multicultural and People Seeking Asylum Advisory Committee Membership (Cont.)**

#### **Background**

The first meeting of the MPSAAC was on 11 February 2019 and was formed by a merger of the Multicultural Advisory Committee and the Asylum Seeker and Refugee Advisory Committee. To facilitate the merger the combined active membership of these two committees was extended for the MPSAAC until 30 June 2019.

Nomination for the committee was in accordance of the selection process outlined in the previously endorsed TOR. MPSAAC membership will consist of no more than 15 voting members and will include representatives from the following:

- Up to five community members
- Up to ten members from relevant community groups and organisations

And also as ex officio members:

- Up to two co-opted members from State Government departments
- A senior officer from the Community Services Directorate
- Up to three Councillors, appointed annually in accord with a statutory process.

The selection panel was convened to assess nominations against the criteria for membership. Members of the selection panel were:

- Manager of Community Development, Sport and Recreation (Council)
- Coordinator Community Development (Council)
- Integrated Service Manager - Asylum Seeker Resource Centre (ASRC) Dandenong

#### **Proposal**

This report recommends that Council endorses the selection panel's recommendation of the five community members and ten organisational members detailed in Attachment 1 as members of the MPSAAC.

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

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

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

##### *People*

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

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### **2.6.1 Multicultural and People Seeking Asylum Advisory Committee Membership (Cont.)**

#### Place

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

#### Opportunity

- *Education, Learning and Information* – Knowledge
- *Tourism and visitors* – Diverse and interesting experiences
- *Leadership by the Council* – The leading Council

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

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

#### People

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

#### Place

- A healthy, liveable and sustainable city

#### Opportunity

- An open and effective Council

### **Related Council Policies**

- Community Engagement Policy
- Diversity, Access and Equity Policy 2015
- Privacy and Personal Information

### **Victorian Charter of Human Rights and Responsibilities**

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

### **Financial Implications**

There are no financial implications associated with this report.

**2.6.1 Multicultural and People Seeking Asylum Advisory Committee Membership (Cont.)****Consultation**

Membership of the MPSAAC is achieved by calling for nominations. Advertisements were placed in the local media and on Council's website. Specific representatives were also invited to nominate. Nomination forms were completed by interested representatives and all nominations were assessed by the Selection Panel against the Criteria for Membership.

**Conclusion**

This report recommends that Council endorses the selection panel's recommendation of the five community members and ten organisational members detailed in Attachment 1 as members of the MPSAAC. Service on the committee will be until 30 June 2022.

**Recommendation**

**That Council endorses the selection panel's recommendation of the five community members and ten organisational members detailed in Attachment 1 as members of the Multicultural and People Seeking Asylum Advisory Committee for service until 30 June 2022.**

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**2.6.1 Multicultural and People Seeking Asylum Advisory Committee Membership (Cont.)**

**OTHER**

**ASYLUM SEEKER AND ADVISORY COMMITTEE  
PROPOSED MEMBERSHIP**

**ATTACHMENT 1**

**MULTICULTURAL AND PEOPLE  
SEEKING ASYLUM ADVISORY  
COMMITTEE  
PROPOSED MEMBERSHIP**

**PAGES 2 (including cover)**

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

## ORDINARY COUNCIL MEETING - AGENDA

**2.6.1 Multicultural and People Seeking Asylum Advisory Committee Membership (Cont.)**

<b>Multicultural And People Seeking Asylum Advisory Committee Proposed Membership</b>		
<b>Organisation Members</b>	<b>Name</b>	<b>Organisation</b>
	Sri Samy *	Friends of Refugees
	Binita Maskey	Women's Association South East Melbourne Australia
	Sean Quigley	WAYSS
	Courtney Keefe	Springvale Monash Legal Service
	Kylie Reid *	Chisholm Institute, Foundation College
	Chris Pierson	South East Community Links
	Lara Ghobrial	Life Without Barriers
	Kudzayi Nhatarikwa	Red Cross
	Jacque McBride	Monash Health
	Nabila Marzouk	Multicultural Muslim Women's Network
<b>Community Members</b>	Sarita Kulkarni	
	Duncan Cumming	
	Nagamuthu R. Wickiramasingham (Wicki)	
	Kadira Pethiyagoda *	
	Minwen Wu	

\*Existing Members

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

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

File Id:	qA283304
Responsible Officer:	Director Corporate Services
Attachments:	Correspondence Received 17-28 June 2019

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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 17-28 June 2019.

### **Recommendation**

**That the listed items provided in Attachment 1 for the period 17-28 June 2019 be received and noted.**

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

**OTHER**

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

**ATTACHMENT 1**

**CORRESPONDENCE RECEIVED  
17-28 JUNE 2019**

**PAGES 3 (including cover)**

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



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



**Correspondences addressed to the Mayor and Councillors received between 17/06/19 & 28/06/19 - for officer action - total = 4**

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Assigned
Planning objection from a Dandenong resident to a proposed development in The Glade, Dandenong.	26-Jun-19	26-Jun-19	FA167944	Mayor & Councillors EA
Request from Noble Park resident to reduce rates to \$80.	14-Jun-19	17-Jun-19	FA166987	Corporate Services Executive
Request from Noble Park resident (same as above) for Council to waive 4th instalment and interest due to hardship.	15-Jun-19	18-Jun-19	FA167139	Corporate Services Executive
Question to the Mayor regarding application of Council's priority paid planning application program.	25-Jun-19	25-Jun-19	FA167882	Chief Executive Officer

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

## ORDINARY COUNCIL MEETING - AGENDA

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

**Objective**  
 CONNECTED. COLLABORATIVE. COMMUNITY.

**Correspondences addressed to the Mayor and Councillors received between 17/06/19 & 29/06/19 - for information only - total = 6**

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Assigned
Letter of response from the Minister for Planning in relation to Melbourne Water land at 38 - 48 Dalgety Street Dandenong. Land is responsibility of Minister for Water.	12-Jun-19	18-Jun-19	A5829970	Mayor & Councillors EA
An anonymous complaint regarding recent mowing of the median strips along Cheltenham Road from Chandler Road to Perry Road, Keysborough.	19-Jun-19	19-Jun-19	A5835168	Mayor & Councillors EA
Letter of acknowledgement from the Minister for Water in relation to Melbourne Water land at 38-48 Dalgety Street Dandenong. Correspondence is under consideration.	21-Jun-19	26-Jun-19	A5862316	Mayor & Councillors EA
Letter from the Minister for Planning providing the Minister's Assessment of the environmental effects of the Mordialloc Bypass.	16-Jun-19	26-Jun-19	A5862322	Mayor & Councillors EA
Letter from the Minister for Planning regarding the dumping of soil in rural and green wedge areas and acknowledging Council's support for planning changes proposed.	16-Jun-19	27-Jun-19	A5866781	Mayor & Councillors EA
Letter from Minister for Planning to Casey Council advising of his refusal to authorise the preparation and exhibition of Amendment GC88 - Licensed Premises (Packaged Liquor) Policy. (3 copies of same letter received.)	16-Jun-19	28-Jun-19	A5874606	Planning & Design

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

### **2.6.3 Central Dandenong Strategic Property Acquisition and Disposal**

File Id: A5916852  
Responsible Officer: Group Manager greater Dandenong Business

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#### **Report Summary**

Council has recently been in discussions with Development Victoria regarding land acquisition and disposal of three key sites in Central Dandenong.

The properties that have been the subject of the discussions comprise 50 Halpin Way (Precinct Energy Plant site), 2 Mason Street (at grade car park) and 235 Lonsdale Street (Harmony Square).

#### **Recommendation Summary**

This report recommends that Council resolve to:

- Dispose of 2 Mason Street Dandenong
- Purchase 50 Halpin Way, Dandenong
- Purchase 235 Lonsdale Street Dandenong

On 12 month terms for a consideration of \$125,000, through providing authorisation to the Chief Executive Officer to sign and seal Contracts of Sale and any associated legal documentation to give effect to these purchases/sales.

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### 2.6.3 Central Dandenong Strategic Property Acquisition and Disposal (Cont.)

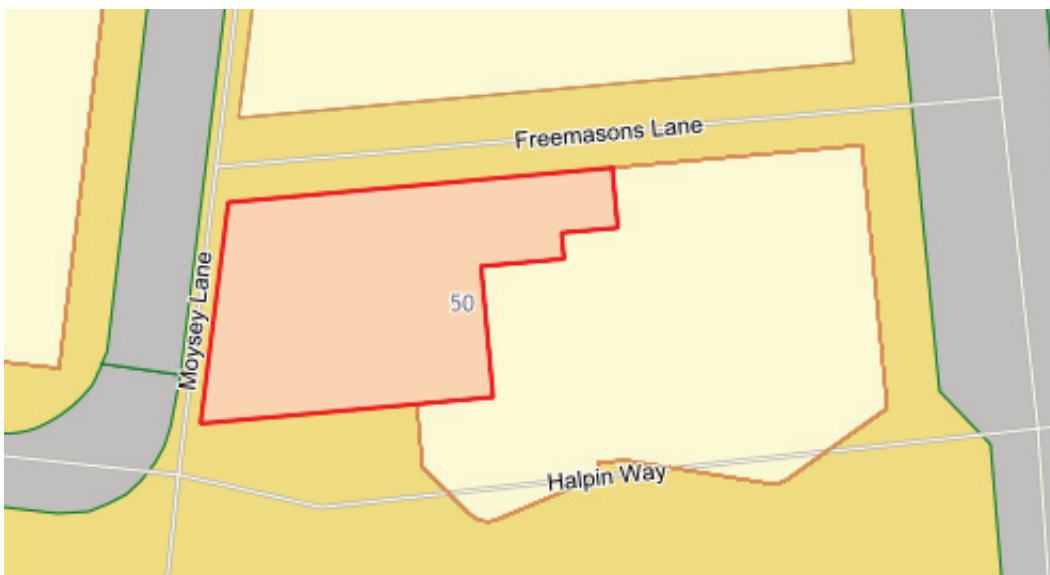
## Background

### Precinct Energy Plant site

The Precinct Energy Plant (PEP), built as part of the Revitalising Central Dandenong project, is currently being decommissioned. The project unfortunately suffered low take up from businesses within central Dandenong, and a decision was made by Development Victoria and Cogent Energy to cease generation and remove the energy generation plant and equipment, leaving the building a vacant shell.

The PEP site abuts the existing Masonic Temple, which is proposed as the future Dandenong Gallery of Art to the west, as shown in the map below.

Development Victoria have offered the site to Council to purchase.



### 2 Mason Street

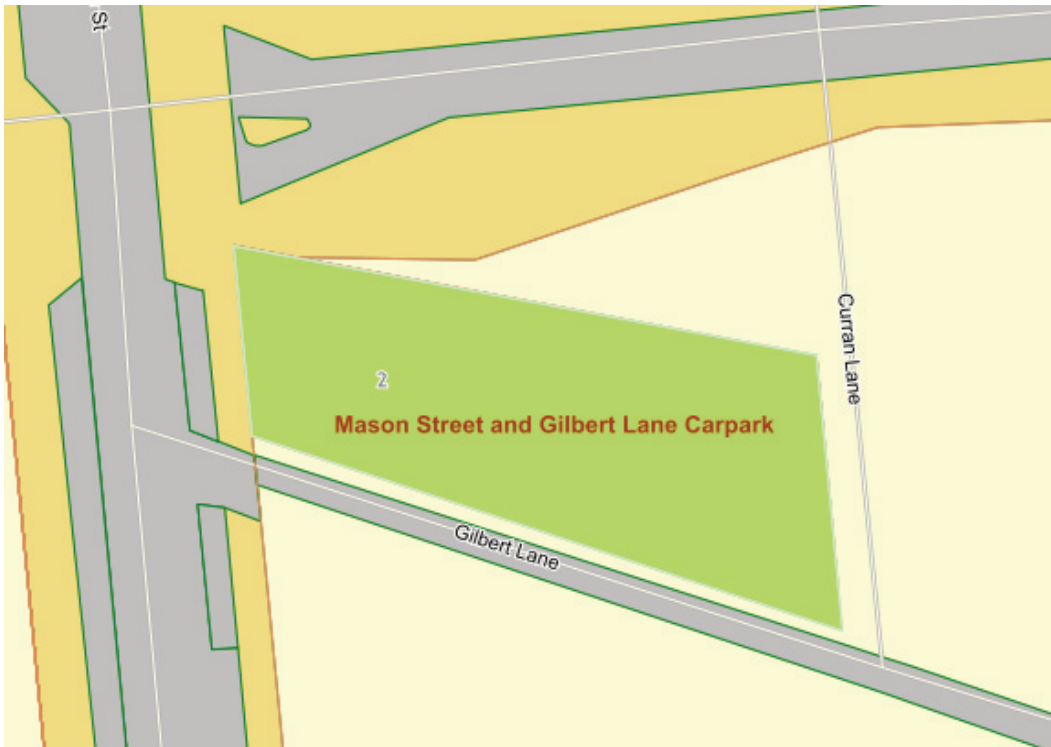
Development Victoria have expressed the desire to purchase the existing at grade car park situated at 2 Mason Street. This will allow Development Victoria to consolidate this site with south abutting properties to be put to the market for redevelopment.

There are 34 short term car spaces currently located on this land which are managed by Council. Development Victoria will grant a licence to Council to continue to manage the car spaces until such time that the land is needed for redevelopment.

Officers are continuing to explore both short and long term parking creation options in this sector of central Dandenong and regard the availability and accessibility of parking, particularly in the vicinity of the Dandenong Library as a high priority. It is these medium and long term parking solutions that will address this need if and when any parking supply is changed.

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**2.6.3 Central Dandenong Strategic Property Acquisition and Disposal (Cont.)**



**Harmony Square**

Harmony Square civic space is built on Crown land for which Council was appointed the interim committee of management.

**2.6.3 Central Dandenong Strategic Property Acquisition and Disposal (Cont.)**



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### **2.6.3 Central Dandenong Strategic Property Acquisition and Disposal (Cont.)**

The Management Agreement which formed part of the Development Agreement for the Municipal Building Project details various obligations upon Council area. These include provisions relating to permitted uses, term of licence, management, maintenance, outgoing and services, insurance and indemnities. Typically these obligations must be addressed to the satisfaction of Development Victoria.

Development Victoria has identified two alternative options, the first being to formalise Council as the Committee of Management under the auspices of DELWP for Harmony Square, which would not change the ownership of the land in any way and would require Council and Development Victoria jointly writing to the Department of Environment, Land, Water and Planning (DELWP) to formalise arrangements associated with the Committee of Management. The second option is for a land sale from Development Victoria to Council at the Valuer General Victoria (VGV) assessed value, which would enable Council to take ownership and control of the land fully.

#### **Proposal**

The proposal, as negotiated between Council officers and DV, comprises a three way land transaction, namely for Council to purchase Harmony Square and the PEP site, and to dispose of 2 Mason Street. A balance of \$125,000 remains for Council to pay.

#### **Harmony Square**

Harmony Square is 2,453 square metres in area and is located within the Comprehensive Development Zone 2 of the Greater Dandenong planning scheme. The land is currently Crown Land vested in Development Victoria.

Currently, the land in question is used and developed as a valuable open space resource within central Dandenong.

Council ownership will provide the greatest certainty for the community for the ongoing use of the land for the purposes of public open space.

#### **Precinct Energy Plant site**

The PEP facility is currently being decommissioned, leaving the structure that housed the plant and equipment. The remaining structure could be best described as a shell, with exposed concrete flooring, basic sanitary provisions, but with important infrastructure like a sophisticated fire management system in place.

With conversion, the building could be suitable for a variety of community uses, particularly given the abuttal to the pending Gallery site.

#### **2 Mason Street**

Whilst it is recognised that this site provides short term parking, this situation will not change as Council proposes to enter into a licence agreement to continue to operate the car park. Development Victoria are wishing to consolidate this parcel into a larger land holding that is currently being offered by an expression of interest process.

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### 2.6.3 Central Dandenong Strategic Property Acquisition and Disposal (Cont.)

Officers are actively examining options for increased public parking provision in this sector of Dandenong and remain focussed on delivering the right solutions in the right places at the right times.

#### Valuations

The table below details the valuations provided by Victorian Valuer General. Development Victoria have indicated that the VGV offer no flexibility on these valuations.

Property	VGV valuation
Harmony Square	\$470,000
Precinct Energy Plant	\$655,000
2 Mason Street	\$1,000,000

The intention is to convert the existing titles for the PEP site and Harmony Square to freehold.

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

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

##### Community Plan 'Imagine 2030'

###### People

- *Pride* – Best place best people

###### Place

- *Sense of Place* – One city many neighbourhoods
- *Appearance of Places* – Places and buildings
- *Travel and Transport* – Easy to get around

###### Opportunity

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



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### **2.6.3 Central Dandenong Strategic Property Acquisition and Disposal (Cont.)**

#### **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:-

- Revitalising Central Dandenong Master Plan
- Arts and Cultural Heritage Strategy
- Community Safety Plan
- Activity Centre Placemaking Framework

#### **Legislative framework**

The *Local Government Act* 1989 defines the requirements for Council to sell, exchange or lease of land. Specifically, section 189 requires that a Council must, amongst other matters, provide public notice of the proposed sale of land.

However, a subsequent provision, in s.191 of the said Act, provides an exemption from the requirements of s.189 if the land is to be sold, exchanged or leased to

(a) *The Crown; or*

(b) *A Minister; or*

(c) *Any public body; or*

(d) *The trustees appointed under any Act to be held on trust for public or municipal purposes; or*

(e) *A public hospital within the meaning of the Health Services Act 1988 or other hospital carried on by an association or society otherwise than for profit or gain to the members of the association or society.*

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### **2.6.3 Central Dandenong Strategic Property Acquisition and Disposal (Cont.)**

In reference to the above circumstances, a public body is defined under the act as follows –

*“public body means government department or municipal council or body established for a public purpose by an Act of the Parliament of Victoria, any other State or Territory of the Commonwealth, or the Commonwealth”*

Development Victoria (DV) was established, and is governed, by the *Development Victoria Act 2003*, and accordingly complies with the definition of a public body. The requirements of s.189 do not apply to the transfer of land by Council to DV, should Council be of a mind to proceed with the proposed s.191 process.

#### **Financial Implications**

The commercial terms contained within the Letter of Offer are within the financial capacity and parameters of the Long term Financial Strategy.

As mentioned earlier in this report the purchase of the 2 DV properties balanced against the sale of 2 Mason Street leaves a shortfall of \$125,000.

It is worthwhile to highlight that, in previous Annual Budgets, a sum of \$375,000 had been set aside for the purchase of Harmony Square. The purchase did not proceed at that time due to the matters detailed in this report.

It is accepted that the valuation provided by Council’s valuer is greater than the valuation as supplied by the Victorian Valuer General, however Council policy allows it to sell land for less than a valuation if there is a community benefit to follow. It is undoubtable that the acquisition of the PEP site, and Harmony Square, represents a significant benefit to the community, as does the opportunity to consolidate the 2 Mason Street site with DV landholdings to deliver an appropriately scaled development. It should also be noted that the 2 Mason Street site is subject to a Public Acquisition Overlay and DV can acquire the site using its power under this Overlay.

Accordingly, it is recommended that the transaction as proposed be pursued.

#### **Consultation**

There has been community consultation on the Revitalisation of Central Dandenong since the project was launched by the State Government in 2006. It is considered that this land swap aligns with the “Shared Vision” and transferring these land parcels will further assist Council to ensure that it meets the needs of the community as part of the ongoing revitalisation of central Dandenong.

The potential land swap has been the subject of a number of recent Councillor Briefing Session discussions. Consultation on the Contract of Sale provisions has occurred with senior officers of Development Victoria and Council.

**2.6.3 Central Dandenong Strategic Property Acquisition and Disposal (Cont.)****Conclusion**

The purchase of Harmony Square and the PEP site will provide Council with the greatest flexibility to manage these land parcels to best serve the interests of the community. The car park at 2 Mason Street can continue to operate in the short term and a licence over the land will allow Council to use the site for car parking until such time it is required for development. Beyond that time, medium to longer term parking options will have been developed. The three way exchange represents Council will an exceptional opportunity for Council to acquire two key sites with minimal outlay.

**Recommendation****That Council:**

- 1. endorses the purchase of Harmony Square and the PEP site, and the disposal of 2 Mason Street, for a net amount of \$125,000 exclusive of GST;**
- 2. agrees to sell 2 Mason Street to Development Victoria, a public body, in accordance with section 191(1) of the Local Government Act 1989; and**
- 3. authorises the Chief Executive Officer to sign and seal corresponding Contracts of Sale and any associated legal documentation.**

### **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.

#### **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.