



**GREATER  
DANDENONG**  
*City of Opportunity*

# **AGENDA**

## **MONDAY 12 JULY 2021**

**COUNCIL MEETING**  
Commencing at 7:00 PM

### **Statement - Coronavirus (COVID-19)**

At the time of printing this Agenda the Council Meeting to be held on Monday 12 July 2021 will be open to the public but will be subject to density quotients and prevailing State Government restrictions.

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

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

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

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## **1 MEETING OPENING**

### **1.1 ATTENDANCE**

#### **Apologies**

### **1.2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS OF THE LAND**

Council acknowledges and pays respect to the past, present and future Traditional Custodians and Elders of this nation and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

### **1.3 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 Imam Mehmet Salih Dogan from the Emir Sultan Turkish Mosque Dandenong, a member of the Greater Dandenong Interfaith Network.

### **1.4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Meeting of Council held 28 June Day 2021.

#### **Recommendation**

**That the minutes of the Ordinary Meeting of Council held 28 June 2021 be confirmed.**

## 1.5 DISCLOSURES OF INTEREST

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

### **2.1 DOCUMENTS FOR SEALING**

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

File Id:	A2683601
Responsible Officer:	Manager Governance

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#### **Report Summary**

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

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

#### **Recommendation Summary**

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

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

#### **Item Summary**

There are four [4] items being presented to Council's meeting of 12 July 2021 for signing and sealing as follows:

1. A letter of recognition to Jason Bovaird, Community Services for 10 years of service to the City of Greater Dandenong;
2. A letter of recognition to Philip Toover, Community Services for 30 years of service to the City of Greater Dandenong;
3. A letter of recognition to Lisa Beck, Community Services for 10 years of service to the City of Greater Dandenong; and
4. A Deed of Novation (Of Contract No. 1920-60 – Dandenong Gallery of Art) between the Harris HMC Interiors Pty Ltd & Greater Dandenong City Council.

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



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## 2.2 DOCUMENTS FOR TABLING

### 2.2.1 Petitions and Joint Letters

File Id:	qA228025
Responsible Officer:	Manager Governance
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 Governance Rules. These are also tabled.**

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

#### **Petitions and Joint Letters Tabled**

Council received no new petitions and no joint letters prior to the Council Meeting of 12 July 2021.

***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 this report and Attachment be received and noted.**

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

**DOCUMENTS FOR TABLING**

**PETITIONS AND JOINT LETTERS**

**ATTACHMENT 1**

**PETITIONS AND JOINT LETTERS**

**PAGES 5 (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
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*If the details of the attachment are unclear, please contact Governance on 8571 1000.*

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## 2.3 STATUTORY PLANNING APPLICATIONS

### 2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023)

File Id:	167885
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Submitted Plans Location of Objectors Clause 22.09 Assessment Clause 52.06 Assessment Clause 55 Assessment

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#### Application Summary

Applicant:	ARPC Pty Ltd
Proposal:	Development of the land for two (2) dwellings (one double storey dwelling and one single storey dwelling to the rear) and to create or alter access to a road in a Road Zone, Category 1
Zone:	Clause 32.09 Neighbourhood Residential Zone 1 (NRZ1)
Overlay:	No overlays apply to the site
Ward:	Keysborough

This application proposes the development of the land for two (2) dwellings, comprising one (1) double storey dwelling to the front of the lot and one (1) single storey dwelling to the rear.

A permit is required:

- Pursuant to Clause 32.09-6 (NRZ), to construct two or more dwellings on a lot, and
- Pursuant to Clause 52.29.2 (Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road), to create or alter access to a road in a Road Zone, Category 1.

#### Objectors Summary

The application was advertised to the surrounding area through the erection of a notice on-site notices and the mailing of notices to adjoining and surrounding owners and occupiers. Two (2) objections were received to the application. The issues raised within the objection include:

- State of the current fencing on site
- Retention of existing trees



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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

- Removal of significant trees
- Overshadowing
- Overlooking
- Neighbourhood Character
- Visual bulk
- Noise from traffic generation
- Traffic and highway safety
- Traffic congestion
- Limited Parking
- Rubbish collection

**Assessment Summary**

The subject site is well suited for low-medium density housing, given the sites zoning within the Neighbourhood Residential Zone, as well as its proximity to public transport routes (noting the Bus Stop location directly north of the site).

The development is considered to be respectful of both the existing and emerging neighbourhood character by providing sufficient setbacks from the side and rear boundaries to allow for a reasonable level of landscaping to occur. The use of staggered setbacks provides a level of articulation breaking up the visual mass of built the form when viewed from the streetscape and adjoining residential properties. In addition, the placement of the single storey dwelling at the rear of the site allows for a transition from neighbouring garden areas to the built form proposed.

**Recommendation Summary**

As assessed, officers consider this proposal to be highly compliant with all of the relevant provisions of the Greater Dandenong Planning Scheme. All grounds of objection have been considered, and officers are of the view that on balance the proposal's degree of compliance with the Planning Scheme justifies that the application should be supported and that a **Notice of Decision** (which provides appeal rights to objectors) to grant a permit be issued containing the conditions as set out in the recommendation. If the application was to be appealed to VCAT, it is the officer's view that it is highly likely that VCAT would also issue a planning permit for this proposal.

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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Subject Site and Surrounds**

**Subject Site**

The subject site is a residential allotment located on the west side of Chandler Road in Keysborough. The site is located within the Neighbourhood Residential Zone Schedule 1, which is identified for low to medium density residential development. The site is located on the edge of the General Residential Zone and Neighbourhood Residential Zone, being located within 525 metres east of the Parkmore Activity Centre.

- The subject site is a rectangular shaped allotment.
- The lot has a frontage of 15.24 metres to Chandler Road and a maximum depth of 35.05 metres, yielding an overall site area of 534 square metres.
- The subject site is relatively flat.
- The site is currently developed with an existing single storey brick veneer dwelling.
- Access to the site is via a 2.7 metre crossover that is located on the south-east corner of the site.
- Vegetation exists on the site including, a large tree within the frontage, and several trees within the rear.

**Surrounding Area**

The subject site is within a Neighbourhood Residential Zone Schedule 1, as are the immediately adjoining properties to the north, east, south and west of the site. However, the site is generally on the edge of the General Residential Zone 1 (GRZ1) and Neighbourhood Residential Zone 1 (NRZ1), with the GRZ1 being located 29 metres south of the site and 108 meters west of the site.

To the immediate north, the site adjoins a single storey brick veneer dwelling which is setback 6.1 metres from the street.

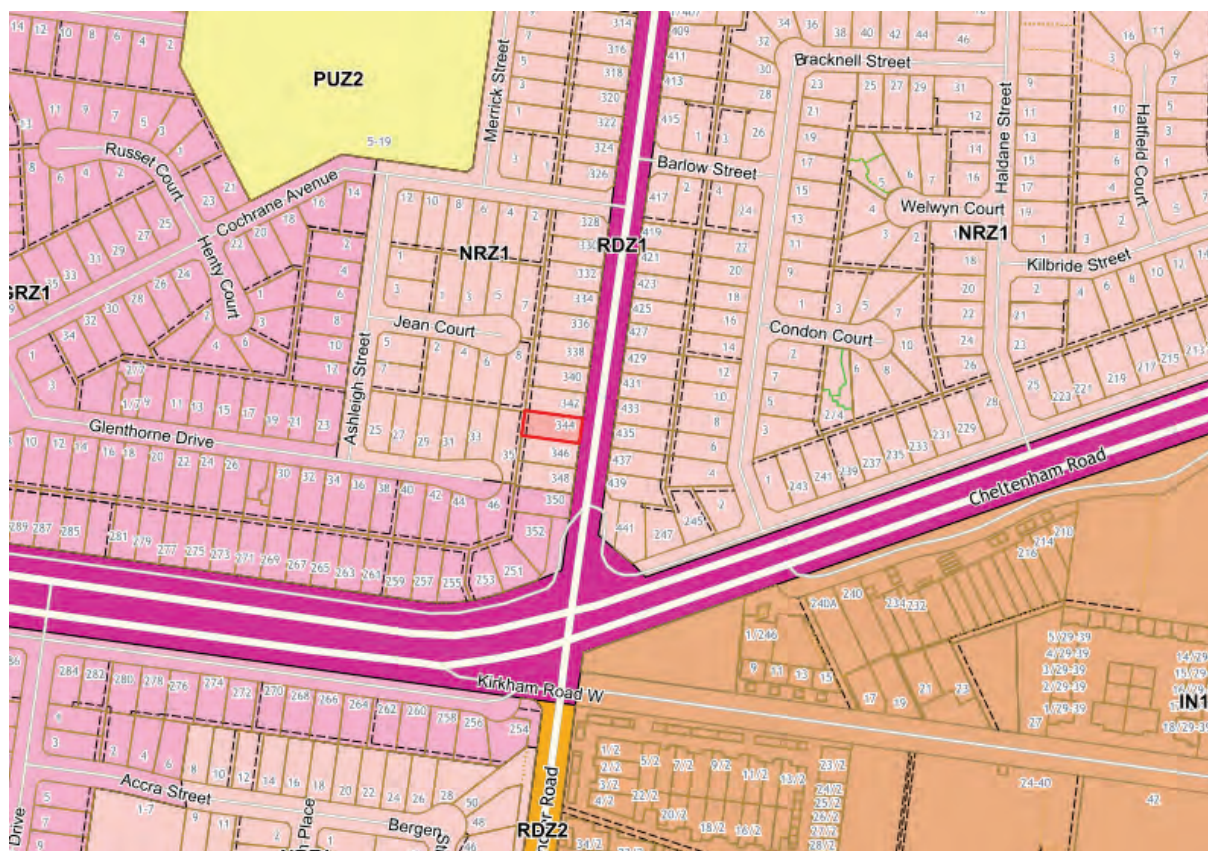
To the immediate south, the site adjoins a single storey brick veneer dwelling.

To the immediate west, the site adjoins a single storey brick veneer dwelling.

Although being within the NRZ1, the subject site is within good proximity to public transport with the nearest bus stop located directly north of the site (adjoining No.342 Chandler Road) which provides services to the 813 and 815 bus services and the nearest train station is approximately 2.2kms north-east of the site, this being Dandenong Train Station.

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

Locality Plan



**Background**

**Previous Applications**

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

- Planning Permit PLN17/0668 was issued on 06 July 2018 and allowed for the *development of the land for one (1) double storey dwelling to the front of the lot and one (1) single storey dwelling to the rear*. Plans were endorsed to form part of the permit on 09 October 2018.

In accordance with the permit expiry (Condition 11), works were required to commence on the site by 06 July 2020. No works have commenced on the site and no extension of time was received to the application, and as such the planning permit expired.

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Proposal**

The application proposes the development of two (2) dwellings. Key details of the proposal are as follows:

	No. of bedrooms	No. of storeys	Car Parking provided	Area of secluded private open space (SPOS)	Area of Private Open Space (POS)
Dwelling 1	4	2	Double garage	55sqm With a primary SPOS area of 40sqm with a minimum dimension of 5m	125sqm
Dwelling 2	2	1	Single garage	74sqm With a primary SPOS area of 40sqm and a minimum dimension of 5m	74sqm

Boundary setbacks for the dwellings are as follows, noting there are no walls on boundaries proposed and first floor setbacks are only applicable to Dwelling 1:

Minimum setbacks (inclusive of both dwellings)	North (side)	East (front)	South (side)	West (rear)
Ground Floor setbacks	2m	6.18m	1m	2.54m
First Floor setbacks	2.3m	6.28m	3.8m	14.6m

Access to the site is proposed via the existing 2.7 metre crossover, located on the south-east corner of the site. A common driveway provides access to each dwelling along the southern side of the site.

The dwellings are proposed to be constructed in brick to the ground and first floor (where applicable) with pitched tiled roofs. A 1.3metre high front fence is proposed.

The overall maximum building height within the development is 7.16 metres (dwelling 1).

Pursuant to Clause 32.09-4, an application to construct or extend a dwelling or residential building on a lot must provide the minimum garden area. The subject site is 534 square metres and requires 30% (or 160.2sqm) of the area be set aside as garden area.

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### **2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

The proposal sets aside 197sqm or 36.89% of the site for garden area and complies with this requirement.

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

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

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

#### **Financial Implications**

No financial resources are impacted by this report.

#### **Planning Scheme and Policy Frameworks**

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

- To construct two or more dwellings on a lot pursuant to Clause 32.09-6 (NRZ1).

The relevant controls and policies are as follows:

#### **Zoning Controls**

The subject site is located in a Neighbourhood Residential Zone 1, as is the immediately surrounding area to the north, east, south and west.

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

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Pursuant to Clause 32.9-6, a permit is required to construct two or more dwellings on a lot.

#### **Overlay Controls**

No overlays affect the subject site or surrounding area.



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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Planning Policy Framework**

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

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

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

**Clause 11 Settlement** states that:

*Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.*

*Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.*

Of particular relevance is **Clause 11.02-1S Supply of urban land** of which the objective is; *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

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

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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

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

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

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

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

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

**Clause 15.01-4S Healthy neighbourhoods** has an objective to achieve neighbourhoods that foster healthy and active living and community wellbeing. **Clause 15.01-4R Healthy neighbourhoods - Metropolitan Melbourne** reinforces this, with a strategy to create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.

**Clause 15.01-5S Neighbourhood character** has an objective to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Sustainability is promoted by **Clause 15.02-1S Energy and resource efficiency**, which seeks to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

**Clause 16 Housing** is relevant to residential development and states that:

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

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

These objectives are reinforced by a number of sub-clauses relevant to the development, including **Clause 16.01-1S Integrated housing**, which seeks to promote a housing market that meets community needs, and **Clause 16.01-1R Integrated housing - Metropolitan Melbourne**, which has a strategy to allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.

**Clause 16.01-2S Location of residential development** promotes new housing in designated locations that offer good access to jobs, services and transport, while **Clause 16.01-2R Housing opportunity areas - Metropolitan Melbourne** seeks to facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs, public transport and with appropriate infrastructure

**Clauses 16.01-3S Housing diversity** and **16.01-3R Housing diversity - Metropolitan Melbourne** aim to provide for a range of housing types to meet diverse needs and **Clause 16.01-4S Housing affordability** aims to deliver more affordable housing closer to jobs, transport and services.

**Clause 18.02-4S Car Parking** seeks 'to ensure an adequate supply of car parking that is appropriately designed and located'.

**Local Planning Policy Framework**

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

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

*There is considerable diversity within Greater Dandenong's housing stock. Overall the municipality has similar levels of home ownership and of people renting, to metropolitan Melbourne. Home ownership is highest in Keysborough, and lowest in Dandenong and Dandenong South. Most housing stock is aged between 30 to 50 years, though there are some areas with dwellings in excess of 100 years old. Areas of newer housing are located in the north-east and central-southern areas with in-fill development occurring across the municipality. (Clause 21.02-3 - Housing).*

*Higher density housing is generally located in proximity to railway stations and major shopping centres, in particular central Dandenong, with rental accommodation accounting for a significant level of this housing. (Clause 21.02-3 - Housing).*

*Greater Dandenong has a largely conventional Australian built form of single one storey dwellings. While there is a clear pre-dominance of single detached dwellings, there are a range of other types of dwellings, including dual occupancies, villa units, town houses and apartments. The highest concentrations of older villa units and apartments and more recent multi-unit redevelopments have occurred around central Dandenong, Springvale and Noble Park activity centres. (Clause 21.04- Residential building types and lot sizes).*



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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

*With diverse cultural groups that call Greater Dandenong home, there are certain distinct precincts that are emerging that have their own character. Their built form is characterised by buildings with flat unarticulated facades, prominent balconies, limited frontage/side set-backs, limited or no landscaping. (Clause 21.02-4 – Cultural influence).*

A **Vision for Greater Dandenong** is outlined at **Clause 21.03** outlines Greater Dandenong as *'being a municipality where housing diversity and choice is promoted in its various attractive neighbourhoods'*.

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

**Clause 21.04 Land Use** with the following themes and their applicable objectives relevant to the proposed residential development: **Clause 21.04-1 Housing and Community** with the relevant objectives being:

- *To encourage and facilitate a wide range of housing types and styles which increase diversity and cater for the changing needs of households*
- *To respect and improve residential environments.*
- *To optimise residential consolidation around activity centres/transport nodes, and more efficient use of existing urban infrastructure*

**Clause 21.05 Built Form** with the following themes and their applicable objectives relevant to the proposed residential development: **Clause 21.05-1 Urban design, character, streetscapes and landscapes** with the relevant objectives being:

- *To facilitate high quality building design and architecture*
- *To facilitate high quality development, which has regard for the surrounding environment and built form*
- *To ensure that design of the public and private environment supports accessibility and healthy living*
- *To protect and improve streetscapes*
- *To ensure landscaping that enhances the built environment*

And **Clause 21.05-3 Sustainability** with the relevant objectives being:

- *To encourage all development to achieve best practice environmentally sustainable outcome*

**Clause 21.07 Infrastructure and Transportation** with the following themes and their applicable objectives relevant to the proposed residential development: **Clause 21.07-2 Public Transport** with the relevant objectives being:

- *To increase the use of public transport*
- *To integrate transport and land use*

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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

And **Clause 21.07-3 Walking and Cycling** with the relevant objectives being:

- *To promote and facilitate walking and cycling*

**Clause 22.06 Environmentally Sustainable Development** is relevant to the proposal which triggers the requirement of a Sustainable Design Assessment (SDA) being between 3-9 dwellings. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

Of particular relevance to the development of residential dwellings is **Clause 22.09 Residential Development and Neighbourhood Character Policy**. The relevant objectives being:

- *To guide the location and design of different types of residential development within Greater Dandenong, having regard to State and local planning policies, while respecting the valued characteristics and identified future character of residential neighbourhoods.*
- *To ensure that new residential development is consistent with the identified future character and preferred built form envisaged for the three Future Change Areas.*
- *To provide certainty about which areas are identified for, or protected from, increased residential development consistent with the purpose of the applicable zone.*
- *To facilitate high quality, well designed residential development and on-site landscaping.*
- *To promote a range of housing types to accommodate the future needs of the municipality's changing population.*
- *To ensure that residential development uses innovative, responsive and functional siting and design solutions that:*
  - *Achieve high quality internal amenity and private open space outcomes for future residents;*
  - *Make a positive contribution to the streetscape through quality design, contextual responsiveness and visual interest;*
  - *Promote public realm safety by maximising passive surveillance;*
  - *Demonstrate responsiveness to the site, adjoining interfaces, streetscape and landscape context;*
  - *Respect the amenity of adjoining residents and the reasonable development potential of adjoining properties;*
  - *Achieve environmentally sustainable design outcomes;*
  - *Use quality, durable building materials that are integrated into the overall building form and façade; and*
  - *Minimise the visual dominance of vehicle accessways and storage facilities, such as garages, car ports and basement entrances.*

*An assessment against Clause 22.09 is included in Attachment 3.*

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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Particular Provisions**

**Clause 52.06 Car Parking** needs to be considered to determine the appropriateness of the car parking provision of the development. The purpose of this Clause is:

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

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

<b>Use</b>	<b>Rate</b>
Dwelling	One (1) car parking space to each one (1) or two (2) bedroom dwelling; and
	Two (2) car parking spaces to each three (3) or more bedroom dwelling

As the subject site is identified as being within the Principal Public Transport Network Area, there is no requirement to provide for visitor parking.

The proposal meets the required car parking rate with no wavier sought.

An application must meet the Design Standards for car parking included at Clause 52.06-9, unless the Responsible Authority agrees otherwise.

*An assessment against this Clause is included as Attachment 5.*

**Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road.** The purpose of this Clause is:

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

An application must be referred to Head, Transport for Victoria.

**Clause 55 Two or more dwellings on a lot and residential buildings.** The purpose of this clause is to:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*

## ORDINARY COUNCIL MEETING - AGENDA

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

- *To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.*
- *To encourage residential development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage residential development that is responsive to the site and the neighbourhood.*

A development must meet all of the objectives of Clause 55 and should meet the standard of the clause.

If a zone or a schedule to a zone specified a requirement of a standard different from a requirement set out in this clause, the requirement in the zone or a schedule to the zone applies. Schedule 1 of Clause 32.09 Neighbourhood Residential Zone list the requirements as follows:

	Standard	Requirement
Site coverage	B8	Maximum of 50%
Permeability	B8	Maximum of 40%
Landscaping	B13	70% of ground level front setback planted with substantial landscaping and canopy trees
Side and rear setbacks	B17	A building wall opposite an area of secluded private open space or a window to a living room of an existing dwelling should be setback a minimum of 2 metres.  All other buildings should be setback a minimum of 1 metre, plus 0.3 metre for every metre of height over 3.6 metres up to 6.9 metres.
Private open space	B28	An area of 60 square metres of ground level, private open space, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40 square metres and a minimum dimension of 5 metres and convenient access from a living room; or  A balcony with a minimum area of 10 square metres with a minimum width of 2 metres and convenient access from a living room; or  A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.
Front fence height	B32	Maximum 1.5 metre height in streets in Road Zone Category 1 Front fence height A20 and B32 Maximum 1.2 metre height for other streets

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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

*An assessment against this Clause is included as Attachment 5.*

**General Provisions**

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

**Restrictive Covenants**

Covenant C240978 was registered on title on 16 June 1965.

Covenant C240987 directs that proprietors “shall not build construct erect or cause or allow to be built constructed or erected on the said Lot any building other than a building constructed of brick, brick veneer or stone except for the usual outbuildings.”

The material proposed for both dwellings (for ground and first floor) is face brick work and the proposal would not breach the covenant.

However, it is noted that within the ‘Materials and & Colours Legend’ that there is an annotation for the materials ‘B – Rendered walls – (Darker Tone)’. However, this annotation does not correspond to any material shown on elevation, and given the covenant, a condition is recommended for the permit that this be removed from the legend.

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

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

**Diversity (Access & Equity)**

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

**Community Safety**

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

**Safe Design Guidelines**

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

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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Referrals**

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

<b>Department</b>	<b>Response</b>
Head, Transport for Victoria	No objection subject to conditions

**Internal**

The application was internally referred to Council's following departments for their consideration:

<b>Department</b>	<b>Response</b>
Transport Department	No objection subject to conditions
Civil Development	No objection subject to conditions

The comments provided will be considered in the assessment of the application.

**Advertising**

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

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

The notification has been carried out correctly.

Council has received two (2) objections to date.

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

**Consultation**

A consultative meeting has not been held due to the restrictions associated with the coronavirus COVID19 Pandemic.

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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Summary of Grounds of Submissions/Objections**

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

- **State of the current fencing on site**

*Concern in relation to fencing disputes are not a statutory planning consideration and are instead a civil matter. Additional concern was raised regarding fixing the fence for privacy reasons, this will be considered as part of the overlooking assessment.*

- **Retention of existing trees**

*Concern has been raised regarding the existing trees at the rear of the site, requesting that they be removed due to safety concerns. As part of this application, two trees within the rear portion of the site are proposed to be removed, with one existing tree in the rear proposed to be retained. It is noted the trees of concern have not been specified. However, there is clear policy direction within both Clause 55.03-8 (Landscaping objectives) Standard B13 and the Landscaping Design Principle of Clause 22.09-3.1 to retain existing vegetation where possible by incorporating the trees into the site design. Further to this, the large existing tree within the frontage (located on the north/east frontage of the site) is also proposed to be retained.*

- **Removal of significant trees**

*Two trees are proposed to be removed from the site, noting these trees do not require any planning permission for the removal and two large existing trees at the front (north/east boundary) and rear of the site (west boundary) are proposed to be retained on site. Further to this, as shown within submitted landscape plan three additional trees are proposed to be planted which would offset the loss of trees on the site.*

- **Overshadowing**

*The test for overshadowing is set by Clause 55.04-5 (Overshadowing open space objective) Standard B21. As per the Clause 55 assessment, in Attachment 5 of this report, the proposed development has provided reasonable setbacks from neighbouring dwellings to the rear and sides. The applicant has provided overshadowing diagrams which indicate compliance with this Standard.*

- **Overlooking**

*The test for overlooking is set by Clause 55.04-6 (Overlooking objective) Standard B22. Overlooking is assessed at both ground and first floor.*

Ground Floor:

*In accordance with the Standard, ground floors are exempt from this standard as on the north, south and west boundaries, the minimum 1.9 metre high boundary fences would act as visual barriers as floor level of the proposed development is less than 0.8 metres above ground level at the boundary.*

*Noting on the west boundary, the boundary fence is 2 metres high and there would be no direct views into the adjoining/existing secluded private open space or any habitable room window.*



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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

First Floor

*Applicable to dwelling 1 only, direct views into existing secluded private open space areas and habitable room windows have been avoided as proposed habitable room windows have been screened in the following ways:*

- *Have sill heights of at least 1.7 metres above floor level, or*
- *Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.*

- **Neighbourhood Character**

*The development is considered to be respectful of both the existing and emerging neighbourhood character by providing sufficient setbacks from the side and rear boundaries to allow for a reasonable level of landscaping to occur, including the addition of three canopy trees.*

*The use of staggered setbacks provides a level of articulation breaking up the visual appearance of built form when viewed from the streetscape and adjoining residential properties. In addition, the placement of the single storey dwelling at the rear of the site allows for a transitional building element from neighbouring garden areas to the built form.*

*Further to the above, the proposal provides main living areas and private open space areas at ground floor, with no parking visible from the streetscape.*

- **Visual bulk**

*The proposal is for two (2) dwellings on a lot, one double storey dwelling at the front of the and one single storey at the rear of the site. It is considered that the bulk of the built form has been located at the front and middle of the site, transitioning to single storey at the rear.*

*The use of staggered setbacks provides a level of articulation breaking up the visual appearance of built form when viewed from the streetscape and adjoining residential properties. In addition, the placement of the single storey dwelling at the rear of the site allows for a transitional from neighbouring garden areas to the built form proposed.*

*Subject to the Clause 55 assessment, there were no concerns identified with regard to the overlooking or overshadowing and the proposal has been designed to have no walls on boundaries.*

*As such, the proposal is not considered to cause in any unreasonable visual bulk and would not result in any adverse visual amenity impacts.*

- **Noise from traffic generation**

*This proposal will result in one additional dwelling, and as such no significant increase in vehicle movements is anticipated. Traffic noise is not a statutory planning consideration and no further discussion is warranted.*



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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

- **Traffic and highway safety**

*Chandler Road is a road in a Road Zone, Category 1. In accordance with Clause 52.29-2, a planning permit is required to create or alter access to a road in a Road Zone, Category 1. As part of this, the application must be referred to Head, Transport for Victoria (formerly VicRoads) as a Determining Referral Authority.*

*Head, Transport for Victoria have not objected to the proposal subject to conditions of permit. Being a mandatory referral authority, these will be included as conditions of permit.*

- **Traffic congestion**

*The proposal was referred to both Council's Transport Department and Head, Transport for Victoria, neither of which raised concern regarding traffic generated from within the development.*

- **Limited parking**

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

<b>Use</b>	<b>Rate</b>
<i>Dwelling</i>	<i>One (1) car parking space to each one (1) or two (2) bedroom dwelling; and</i>
	<i>Two (2) car parking spaces to each three (3) or more bedroom dwelling</i>

*As the subject site is identified as being within the Principal Public Transport Network Area, and the proposal is for less than five (5) dwellings there is no requirement to provide for visitor parking. The proposal meets the required car parking rate with no waiver sought.*

- **Rubbish collection**

*Concern was raised additional on-street parking and capacity for rubbish collection to occur. As noted above, the proposal complies with Clause 52.06-5 and no car parking waiver is sought. Furthermore, it is considered that there is sufficient area within the existing nature strip located at the front of the site for future residents of the development to place bins at collection times.*

## **Assessment**

### **Development**

In considering the Planning Policy Framework and the Local Planning Policy Framework, Council can establish that an acceptable proposal will be guided by:

- Clause 55 *Two or more dwellings on a lot; and*
- Clause 22.09 *Residential Development and Neighbourhood Character.*

Each of these Clauses ensure that Council facilitates the orderly development of urban areas, which is a specific objective of Clause 11.02 Settlement.

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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

The objectives of Clause 15.01-1S Urban Design, Clause 15.01-2S Building Design and Clause 21.05-1 Built Form outline the key considerations in which a development must respond to urban design, character, streetscapes and landscape issues.

It is considered that the proposed design response respects the preferred neighbourhood character of the limited change area by providing a low-medium density housing typology.

The design of the dwellings is considered to be in keeping with the neighbourhood character by way of first floor setbacks, separation between dwellings (at first floor), and capacity for substantial landscaping and canopy tree planting throughout the site.

The proposal is located within an area subject to limited change. The proposal's compliance with Clause 22.09 and Clause 55 (subject to conditions) ensures that the development would achieve the objectives set out in Clause 15.01 and Clause 21.05-1.

As such, Council officers recommend that the application be approved subject to planning permit conditions as necessary.

**Clause 22.09 Assessment**

The identified future character for the site is set out in Clause 22.09. The subject site is within the Limited Change Area. The policy at Clause 22.09-3.4 seeks well designed and site responsive development that respects the existing neighbourhood character and provides appropriate setbacks, private open space areas and high quality landscaping, to protect the amenity of adjoining dwellings.

The proposed development of two (2) dwellings comprising one (1) double storey and one (1) single storey is considered to be consistent with the planning controls affecting the subject site and is appropriate to allow. The subject site is located on the periphery of the Incremental Change Area / General Residential Zone 1 and is located within close proximity to the Parkmore Activity Centre and public transport, making it the ideal location for low-medium density residential development.

The proposal has appropriately responded to the neighbourhood character in terms of building height through the use of pitched tiled roof forms which are consistent with other existing dwellings both new and old within the street and the surrounding area. Furthermore, the placement of the single storey dwelling to the rear allows a suitable transition to the neighbouring open space/ garden area on the adjacent residential properties.

The dwellings are considered to be of a contemporary design comprised of brick which is in keeping with the context of the established streetscape character.

The front setback and use of the existing crossover, allows for a reasonable level of landscaping to be achieved at the front of the site, including the planting of canopy trees, which will make a positive contribution to the streetscape and contribute to the landscape character.

Staggered setbacks to the boundaries also assist in breaking up the visual bulk of the dwellings.

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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

The development is considered to contribute to an improved urban character, whilst still being respectful of the existing surrounding residential interfaces providing an appropriate scaled transition between the proposed development and smaller scale single storey residential dwellings.

All dwellings are provided with ground floor private open space areas directly accessed from the main living areas. Sufficient solar access is provided to the dwellings with main living areas located on the northern side of the site which allows for a reasonable amount of natural light into the dwellings.

A full Clause 22.09 Assessment is attached to this report at Attachment 3.

**Clause 55 Assessment**

An assessment of the application against the requirements of Clause 55 of the Planning Scheme is attached to this report. The proposal is considered to satisfy all of the Objectives, subject to conditions. Standards that warrant further consideration are discussed as follows:

- Clause 55.03-1 Street setback objective (Standard B6).

The average setback of the adjoining allotments is 6.8 metres. The proposal is setback 6.18 metres at ground floor and 6.28 metres at first floor. As such, the development seeks a variation of 0.62 metres at ground floor and 0.52 metres at first floor. The variation is acceptable in this instance for the following reasons:

- The adjoining lot to the north has a setback of 6.1 metres.
- There is no predominant setback pattern within the surrounding area, with setbacks varying.

Given the mixed setback pattern within the streetscape and the provided landscape plan, which includes two canopy trees and substantial planting within the frontage, the proposed landscaping would soften the appearance of the built form and the variation in this instance is considered acceptable.

- Clause 55.03-10 Parking location objectives (Standard B15)

For dwelling 1, a ground floor west facing habitable room window is shown on the ground floor plan for the dining room, however, has not been shown on the west elevation to dwelling 1. It is noted that the window is only setback from the shared accessway a minimum of 0.5 metres (ranging from 0.5m – 0.7m) and does not comply with this standard. Two conditions are recommended for the permit, one for the window to be correctly shown on the elevation and the second for the window to be provided with acoustically treat glazing. Subject to the recommended conditions of permit, future residents would be protected from vehicular noise within the development.

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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Car Parking**

Number of Car Parking Spaces Required

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

<b>Use</b>	<b>Rate</b>
Dwelling	One (1) car parking space to each one (1) or two (2) bedroom dwelling; and
	Two (2) car parking spaces to each three (3) or more bedroom dwelling
	One (1) for visitors to every 5 dwellings for developments of 5 or more dwellings

- Dwelling 1 is a four-bedroom dwelling and requires two car parking spaces on site, which have been provided in the form of a double garage.
- Dwelling 2 is a two-bedroom dwelling and requires one car parking space on site, which has been provided in the form of a single garage.
- Only two dwellings are proposed, and no visitor space is required. Furthermore, the subject site is located on the Principal Public Transport Network (PPTN). In accordance with Clause 52.06-5, the use of land for a dwelling that is located within the PPTN requires zero (0) car parking spaces for visitors to every 5 dwellings for developments of 5 or more dwellings.

The proposal meets the required car parking rate with no wavier sought.

Clause 52.06-9 Design Standards for Car Parking

The proposal is required to be assessed against the Design Standards for car parking to Clause 52.06-9. The proposal is considered to satisfy the design standards. Standards that warrant further consideration are discussed as follows:

- Design standard 1 – Accessways

The accessway is a minimum of 2.7m wide, where the standard would require a minimum of 3 metres. However, wherever the accessway is a minimum of 2.7m it adjoins landscaping beds on both the north and south sides of the accessway which are a minimum of 400mm wide, bringing the total to 3.5 metres wide.

Further to this, the proposal was referred to Council's Transport Department who raised no concern with the minimum width of the accessway.

**Environmentally Sustainable Development**

As the development is only for two dwellings, a Sustainable Design Assessment (SDA) was not required.

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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

### **Conclusion**

The proposed development of two (2) dwellings is considered reasonable and is of an appropriate design response in terms of height, scale, setbacks, private open space, car parking and landscaping with minimal amenity impacts on the adjoining residential properties and surrounding area.

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

### **Recommendation**

**That Council resolves to issue a Notice of Decision to grant a permit in respect of the land known and described as Lot 16 PS 61160, 344 Chandler Road KEYSBOROUGH VIC 3173 for the purpose of development of the land for two (2) dwellings, comprising one (1) double storey dwelling to the front of the lot and one (1) single storey dwelling to the rear and to create or alter access to a road in a Road Zone, Category 1 in accordance with the plans submitted with the application subject to the following conditions:**

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:**
  - 1.1. Removal of the material 'render' from the materials and colours legend.**
  - 1.2. For Dwelling 1:**
    - 1.2.1. The ground floor west facing dining room window to be included on the west elevation, and**
    - 1.2.2. For this window to be provided with acoustic glazing.**

**All to the satisfaction of the Responsible Authority.**

- 2. Except with the prior written consent of the Responsible Authority, the layout of the land and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified.**
- 3. Before the dwellings are occupied, all landscaping as shown on the endorsed plans, including trees, shrubs and lawn, must be planted to the satisfaction of the Responsible Authority.**

**At all times, the landscaping must be maintained to the satisfaction of the Responsible Authority.**

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

4. **Except with the prior written consent of the Responsible Authority, the approved building must not be occupied until all buildings and works and the conditions of this permit have been complied with.**
5. **Provision must be made for the drainage of the site including landscaped and pavement areas, all to the satisfaction of the Responsible Authority.**
6. **The connection of the internal drainage infrastructure to the Legal Point of Discharge must be to the satisfaction of the Responsible Authority.**
7. **Collected stormwater must be retained onsite and discharged into the drainage system at pre-development peak discharge rates as stated in the LPD approval letter. Approval of drainage plan including any retention system within the property boundary is required.**
8. **Before the approved building is occupied, all piping and ducting above the ground floor storey of the building, except downpipes, must be concealed to the satisfaction of the Responsible Authority.**
9. **Standard concrete vehicular crossing/s must be constructed to suit the proposed driveway/s in accordance with the Council's standard specifications. Any vehicle crossing no longer required must be removed and the land, footpath and kerb and channel reinstated, to the satisfaction of the Responsible Authority.**
10. **Except with the prior written consent of the Responsible Authority, floor levels shown on the endorsed plan/s must not be altered or modified.**
11. **Before the approved building is occupied, the development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkway. Lighting must be located, directed and shielded to the satisfaction of the Responsible Authority so as to prevent any adverse effect outside the land.**
12. **Before the approved building is occupied, any obscure glazing to the windows shown on the endorsed plans must be provided through frosted glass or similarly treated glass. Adhesive film or similar removable material must not be used.**

**All glazing must at all times be maintained to the satisfaction of the Responsible Authority.**

13. **Before the approved building is occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.**

**All privacy screens and other measures to prevent overlooking as shown on the endorsed plans must at all times be maintained to the satisfaction of the Responsible Authority.**



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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

14. Letterboxes and all other structures (including visually obstructive fencing and landscaping) should be constructed to a maximum height of 900mm or relocated clear of a splayed area (2m x 2.5m) along the frontage road at access points in accordance with Dandenong Planning Scheme Clause 52.06-9.

**Head, Transport for Victoria Conditions:**

15. Vehicles must enter and exit the land in a forward direction at all times.
16. This permit will expire if:
- 16.1. The development or any stage of it does not start within two (2) years of the date of this permit, or
- 16.2. The development or any stage of it is not completed within four (4) years of the date of this permit.

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

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

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

**Permit Notes**

- A Building Approval is required prior to the commencement of the approved development. This planning permit does not constitute any building approval.
- Approval of any retention system within the property boundary is required by the relevant building surveyor.
- Before commencement of the development occurs, the applicant should contact the City of Greater Dandenong's Civil Development and Design Unit regarding legal point of discharge, new crossings, building over easements, etc.
- As this is an established site, the proposed internal drainage should be connected to the existing legal point of discharge. The applicant may apply for local drainage information, if available; otherwise on site verification should be undertaken by the applicant.
- A Vehicle Crossing Permit must be obtained from Council for all vehicular crossings prior to construction of the crossings. You may be required to apply for a Asset Protection Permit from Council's engineering services. Queries regarding engineering requirements can be directed to Council's general phone number on 8571 1000.

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

- **No buildings or works shall be constructed over any easement without the written consent of the relevant authorities.**
- **This permit has been granted on the basis that consent to build over any easement will be obtained from the relevant authority. If consent is not able to be obtained, the development plan will be required to be amended.**
- **An application must be made with Council's Parks Department for the street tree removal. The street tree must only be removed by or under the supervision of the Council. Prior to removal of the tree the replacement cost must be paid to Council.**
- **Prior to the drainage plans being approved, a drainage approval fee will need to be paid to Council.**
- **Any works undertaken within the road reservation and easements will require the developer to obtain a Civil Works Permit from Council**
- **Prior to works commencing the developer will need to obtain an Asset Protection Permit from Council.**



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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**STATUTORY PLANNING APPLICATIONS**

**TOWN PLANNING APPLICATION – NO. 344 CHANDLER ROAD,  
KEYSBOROUGH (PLANNING APPLICATION PLN21/0023)**

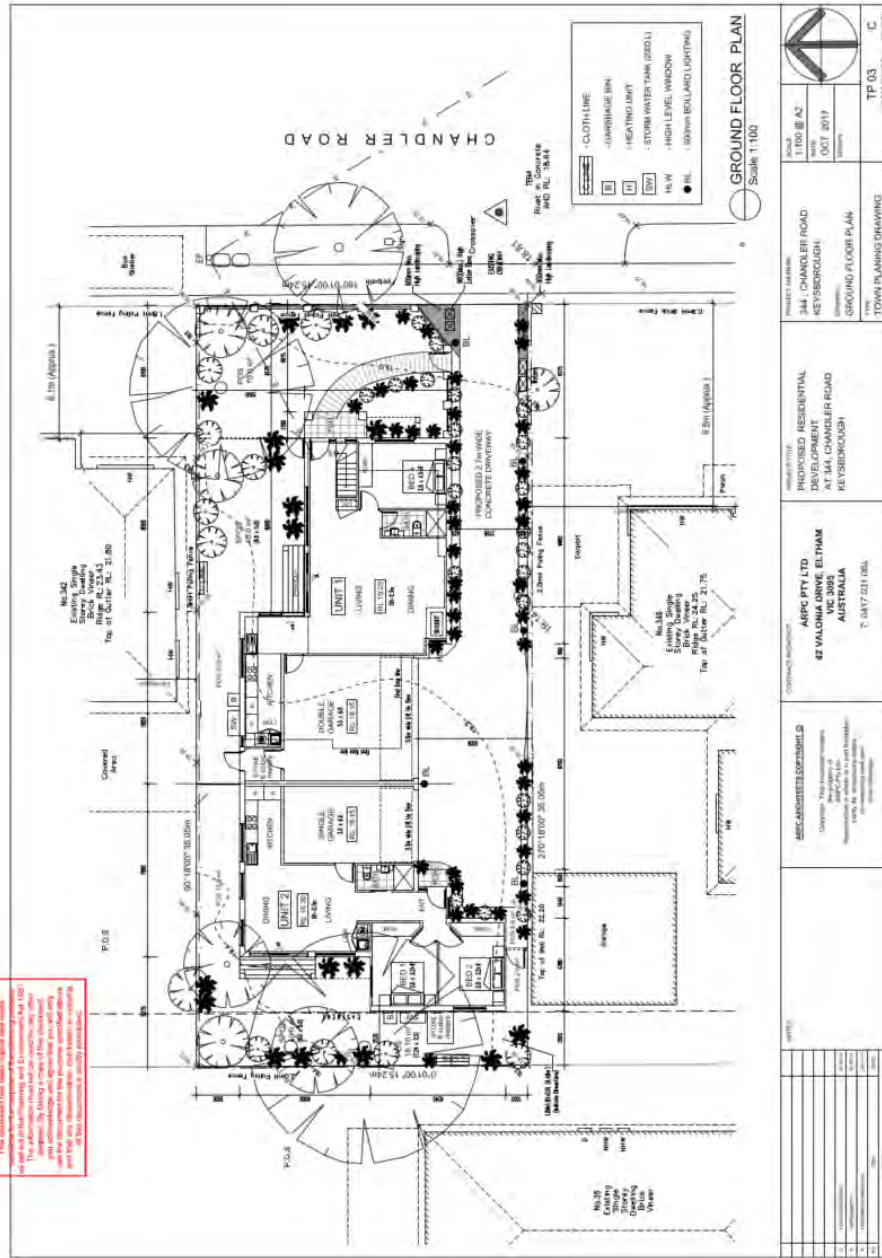
**ATTACHMENT 1**

**SUBMITTED PLANS**

**PAGES 6 (including cover)**

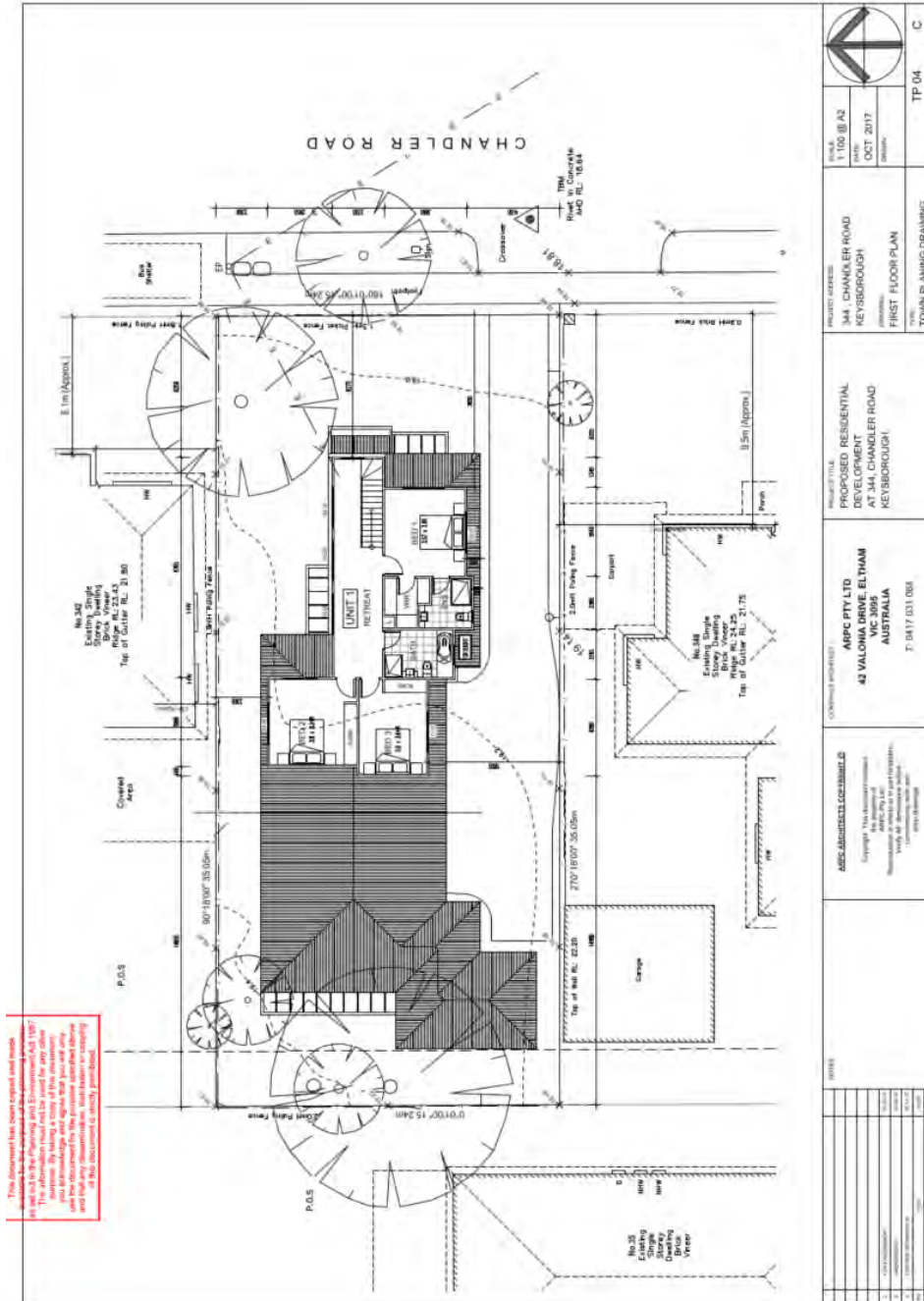
*If the details of the attachment are unclear please contact Governance on 8571 5235.*

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**



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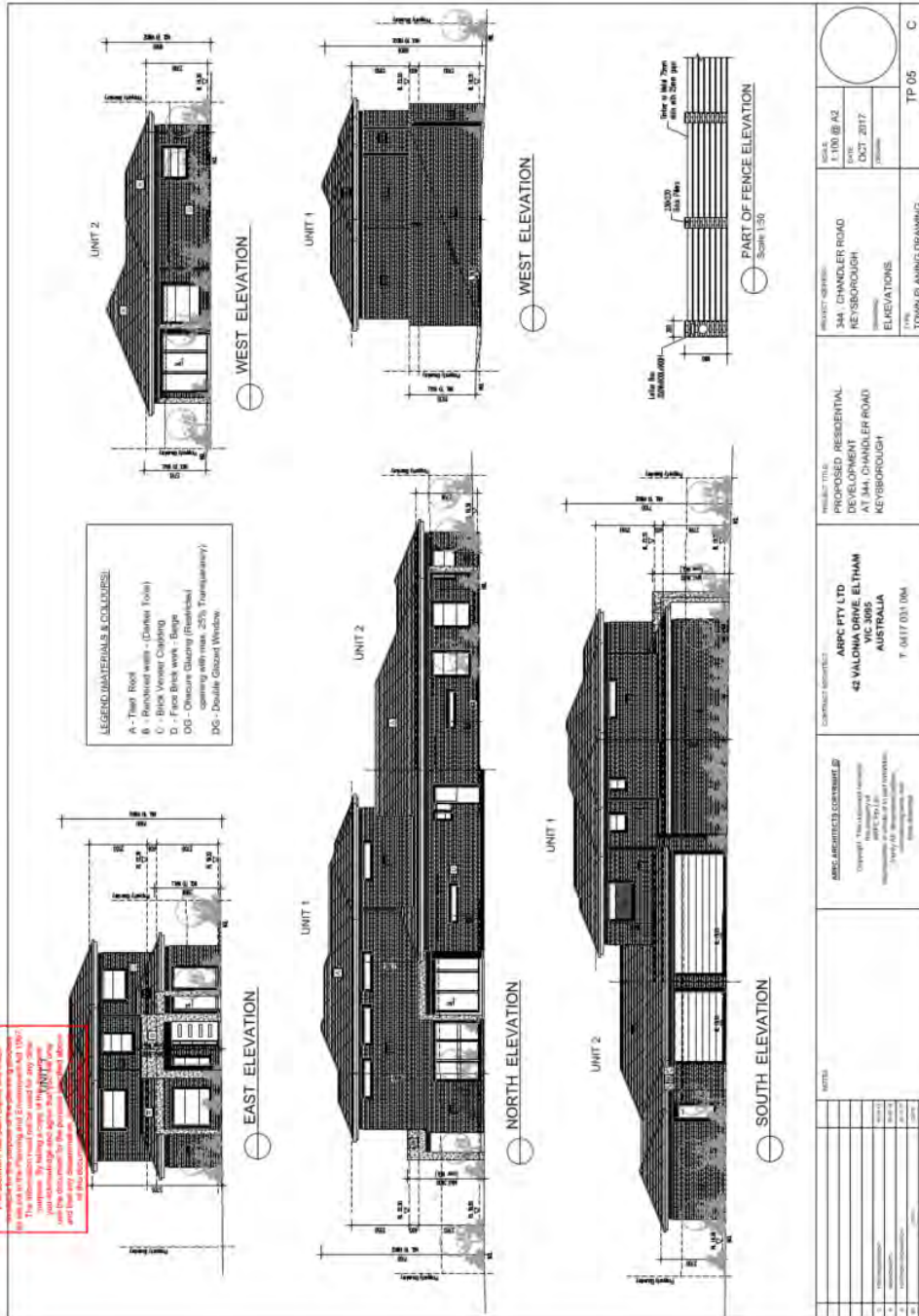
**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**



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SHEET NO. 1100 @ A2	DATE OCT 2017	PROJECT ADDRESS 344 CHANDLER ROAD KEYSBOROUGH	PROJECT TITLE PROPOSED RESIDENTIAL DEVELOPMENT AT 344 CHANDLER ROAD KEYSBOROUGH	CLIENT ABPC PTY LTD 43 VALONIA STREET ELTHAM VIC 3095 AUSTRALIA T: 0817 031 008	PROJECT NUMBER TP 04 C
TOWN PLANNING DRAWING					

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**









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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**STATUTORY PLANNING APPLICATIONS**

**TOWN PLANNING APPLICATION – NO. 344 CHANDLER ROAD,  
KEYSBOROUGH (PLANNING APPLICATION PLN21/0023)**

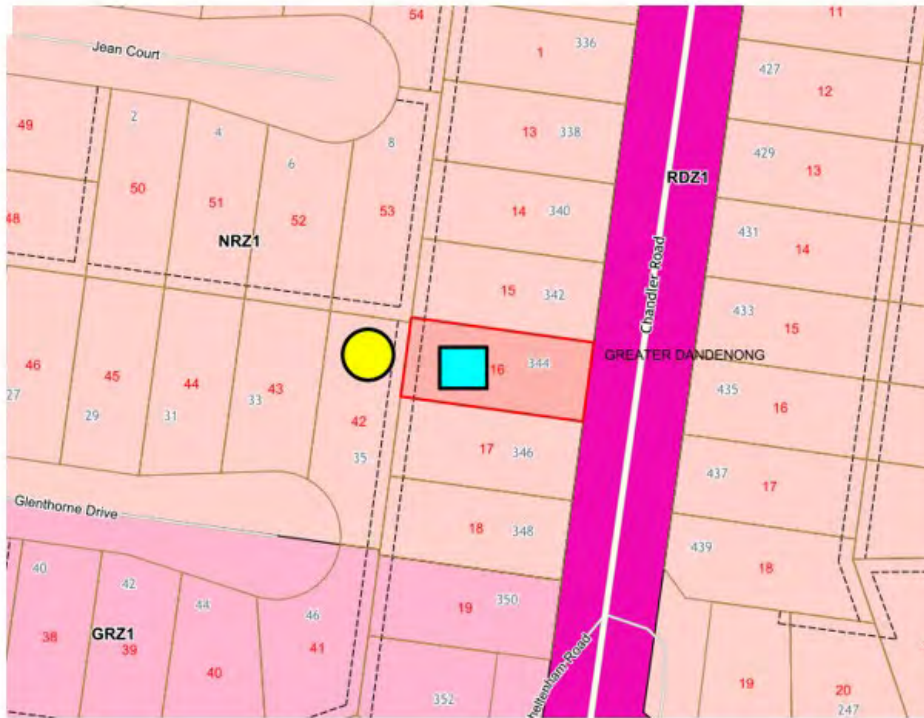
**ATTACHMENT 2**



**LOCATION OF OBJECTORS**

**PAGES 2 (including cover)**

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

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**



Subject Site	
Location of Objector (within close proximity)	

\*\*As stated, two objections have been received, with the second objection being located approximately 1.4km's north-west of the subject site |



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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**STATUTORY PLANNING APPLICATIONS**

**TOWN PLANNING APPLICATION – NO. 344 CHANDLER ROAD,  
KEYSBOROUGH (PLANNING APPLICATION PLN21/0023)**

**ATTACHMENT 3**

**CLAUSE 22 ASSESSMENT**

**PAGES 9 (including cover)**

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

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Assessment Table for Clause 22**

**Clause 22.09-3.1 Design Principles for all residential developments**

Title / Objective	Principles	Principle met/Principle not met/NA
Safety	To encourage the provision of safer residential neighbourhoods, new development should enable passive surveillance through designs that:	
	Incorporate active frontages including ground floor habitable room windows.	<p>✓ <b>Principle met</b> Active frontages have been incorporated with ground floor habitable room windows</p>
	Maximise the number of habitable room windows on all levels of residential buildings that overlook the public realm, streets, laneways, internal access ways and car parking areas.	<p>✓ <b>Principle met</b> Both ground and first floor have habitable room windows oriented to the street and internal accessway</p>
	Use semi-transparent fences to the street frontage.	<p>✓ <b>Principle met</b></p>
	Light communal spaces including main entrances and car parking areas with high mounted sensor-lights.	<p>✓ <b>Principle met</b> Bollard lighting has been provided to the internal accessway which would be capable of lighting the communal area and car parking areas</p>
	Ensure that all main entrances are visible and easily identifiable from the street.	<p>✓ <b>Principle met</b> Entrances face the street/ driveway. Each dwelling is clearly distinguishable</p>
	Locate non-habitable rooms such as bathrooms, away from entrances and street frontage.	<p>✓ <b>Principle met</b></p>
Landscaping	Residential development should:	
	Provide substantial, high quality on-site landscaping, including screen planting and canopy trees along ground level front and side and rear boundaries.	<p>✓ <b>Principle met</b> Substantial landscaping is proposed as part of the development, including two new canopy trees within the frontage and a minimum of 1 canopy tree within each rear SPOS area.</p>

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

ORDINARY COUNCIL MEETING - AGENDA

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

Car parking	<p>Provide substantial, high quality landscaping along vehicular accessways.</p> <p>Include the planting of at least one substantial canopy tree to each front setback and ground level secluded private open space area.</p> <p>Planting trees that are common to and perform well in the area.</p> <p>Avoid the removal of existing mature trees by incorporating their retention into the site design.</p> <p>Use landscaping to soften the appearance of the built form when viewed from the street and to respect the amenity of adjoining properties.</p> <p>Ensure that landscaping also addresses the Safety Design Principles.</p> <p>Canopy trees should be planted in well proportioned setbacks/private open space that are sufficient to accommodate their future growth to maturity.</p> <p>Landscaping should minimise the impact of increased storm water runoff through water sensitive urban design and reduced impervious surfaces.</p> <p>Landscaping should be sustainable, drought tolerant, and include indigenous species and be supported through the provision of rainwater tanks.</p> <p>The existing level of on-street car parking should be maintained by avoiding second crossovers on allotments with frontage widths less than 17 metres.</p>	<p>✓ <b>Principle met</b> Low level planting is provided either side of the accessway</p> <p>✓ <b>Principle met</b> Substantial landscaping is proposed as part of the development, including two new canopy trees within the frontage and a minimum of 1 canopy tree within each rear SPOS area.</p> <p>✓ <b>Principle met</b></p> <p>✓ <b>Principle met</b> Two trees are proposed to be removed to accommodate the development, while two trees will be retained. An additional three canopy trees are proposed within the development, which will offset this loss.</p> <p>✓ <b>Principle met</b> The proposal would set aside 75% of the front setback for landscaping and would include substantial planting of the front boundary,</p> <p>✓ <b>Principle met</b></p> <p>✓ <b>Principle met</b> Appropriate setbacks have been provided which will allow existing and future canopy trees to grow to full maturity.</p> <p>✓ <b>Principle met</b></p> <p>✓ <b>Principle met</b></p> <p>✓ <b>Principle met</b> The existing crossover is proposed to be utilised – no change</p>
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*If the details of the attachment are unclear please contact Governance on 8571 5309.*

ORDINARY COUNCIL MEETING - AGENDA

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

	<p>On-site car parking should be:</p> <ul style="list-style-type: none"> <li>Well integrated into the design of the building,</li> <li>Generally hidden from view or appropriately screened where necessary,</li> <li>Located to the side or rear of the site so as to not dominate the streetscape and to maximise soft landscaping opportunities at ground level.</li> </ul> <p>Where car parking is located within the front setback it should be:</p> <ul style="list-style-type: none"> <li>Fully located within the site boundary, and</li> <li>Capable of fully accommodating a vehicle between a garage or carport and the site boundary.</li> </ul> <p>Developments with basement car parking should consider flooding concerns where applicable.</p>	<p><b>✓ Principle met</b> Parking is well integrated into the design of the dwellings. The garages are located to the rear of dwelling 1 and would not be visible from the streetscape.</p> <p><b>NA</b> No parking within the front boundary</p> <p><b>NA</b> Basement parking not proposed</p>
<p>Setbacks, front boundary and width</p>	<p>Residential developments should: Provide a front setback with fence design and height in keeping with the predominant street pattern.</p> <p>Maintain the apparent frontage width pattern.</p> <p>Provide appropriate side setbacks between buildings to enable screen planting where required, and at least one generous side setback to enable the retention of trees and/or the planting and future growth of trees to maturity.</p> <p>Provide open or low scale front fences to allow a visual connection between landscaping in front gardens and street tree planting.</p>	<p><b>✓ Principle met</b> The proposed front setback is consistent with the adjoining dwelling to the north, noting there is no predominant street pattern.</p> <p><b>✓ Principle met</b></p> <p><b>✓ Principle met</b> Setbacks would allow for tree planting.</p> <p><b>✓ Principle met</b> The proposed fence height is 1.3 metres and allowable for a road in a Road Zone. The fence is low in height and will allow for a visual connection between the landscaping of the private open space and street tree planting.</p>
<p>Private open space</p>	<p>All residential developments should provide good quality, useable private open space for each dwelling directly accessible from the main living area.</p>	<p><b>✓ Principle met</b> All dwellings would be provided with quality useable private open space, that exceed the requirements of Standard B28 (Private open space objective).</p>

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

ORDINARY COUNCIL MEETING - AGENDA

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

	<p>Ground level private open space areas should be able to accommodate boundary landscaping, domestic services and outdoor furniture so as to maximise the useability of the space.</p> <p>Private open space should be positioned to maximise solar access.</p> <p>Upper floor levels of the same dwelling should avoid encroaching secluded private open space areas to ensure the solar access, useability and amenity of the space is not adversely affected.</p> <p>Upper level dwellings should avoid encroaching the secluded private open space of a separate lower level dwelling so as to ensure good solar access and amenity for the lower level dwelling.</p> <p>All residential developments should respect the dominant façade pattern of the streetscape by:</p> <ul style="list-style-type: none"> <li>Using similarly proportioned roof forms, windows, doors and verandahs; and</li> <li>Maintaining the proportion of wall space to windows and door openings.</li> </ul> <p>Balconies should be designed to reduce the need for screening from adjoining dwellings and properties.</p> <p>The development of new dwellings to the rear of existing retained dwellings is discouraged where:</p> <ul style="list-style-type: none"> <li>The siting of the retained dwelling would not enable an acceptable future site layout for either the proposed or future dwelling; or</li> <li>The retention of the existing dwelling detracts from the identified future character.</li> </ul> <p>On sites adjacent to identified heritage buildings, infill development should respect the adjoining heritage by:</p> <ul style="list-style-type: none"> <li>Not exceeding the height of the neighbouring significant building;</li> <li>Minimising the visibility of higher sections of the new building; and</li> <li>Setting higher sections back at least the depth of one room from the frontage.</li> </ul> <p>Residential development should:</p> <p>Preserve the amenity of adjoining dwellings through responsive site design that considers the privacy, solar access and outlook of adjoining properties.</p>	<p>✓ <b>Principle met</b> Large SPOS areas have been provided that can suitably accommodate boundary landscaping, domestic services and outdoor furniture.</p> <p>✓ <b>Principle met</b></p> <p>✓ <b>Principle met</b> The upper floor to dwelling 1 does not encroach on the ground level SPOS.</p> <p><b>NA</b> Apartments not proposed</p> <p>✓ <b>Principle met</b></p> <p><b>NA</b> Balconies not proposed</p> <p><b>NA</b> Existing dwelling to be demolished</p> <p><b>NA</b> No heritage building on the site or on adjoining land.</p>
<p>Bulk &amp; Built Form</p>		
<p>Site Design</p>		<p>✓ <b>Principle met</b> The proposed design is responsive to abutting lots, no issues identified within the Clause 55 assessment with regard to overlooking and overshadowing</p>

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

ORDINARY COUNCIL MEETING - AGENDA

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

	<p>Maximise thermal performance and energy efficiency of the built form by addressing orientation, passive design and fabric performance</p> <p>Ensure that building height, massing articulation responds sensitively to existing residential interfaces, site circumstances, setbacks and streetscape and reduces the need for screening.</p> <p>Provide sufficient setbacks (including the location of basements) to ensure the retention of existing trees and to accommodate the future growth of new trees.</p> <p>Provide suitable storage provisions for the management of operational waste</p> <p>Appropriately located suitable facilities to encourage public transport use, cycling and walking.</p> <p>Residential development should:</p> <p>Use quality, durable building materials and finishes that are designed for residential purposes.</p> <p>Avoid the use of commercial or industrial style building materials and finishes.</p> <p>Avoid using materials such as rendered cement sheeting, unarticulated surfaces and excessive repetitive use of materials.</p> <p>Use a consistent simple palette of materials, colours finishes and architectural detailing.</p> <p>Maximise the ongoing affordability and sustainability of residential developments through the selection of low maintenance, resource and energy efficient materials and finishes that can be reasonably expected to endure for the life of the building.</p> <p>In order to minimise the impact of domestic and building services on the streetscape, adjacent properties, public realm and amenity of future residents, new residential development should:</p> <p>Ensure that all domestic and building services are visually integrated into the design of the building and appropriately positioned or screened so as to not be seen from the street or adjoining properties.</p>	<p>✓ <b>Principle met</b> Large windows are proposed to enable thermal performance and lessen reliance on artificial heating and cooling</p> <p>✓ <b>Principle met</b> The development has provided habitable room windows facing away from any existing SPOS or habitable room windows on neighbouring lots and within the development to reduce the need for screening.</p> <p>✓ <b>Principle met</b> Appropriate setbacks provided, which allow for trees to grow to full maturity</p> <p>✓ <b>Principle met</b></p> <p>✓ <b>Principle met</b></p> <p>✓ <b>Principle met</b> The materials proposed are brick and brick veneer, with tiled roofing, which are durable and complementary to existing dwellings in the vicinity.</p> <p>✓ <b>Principle met</b> Materials are suited to residential development</p> <p>✓ <b>Principle met</b> A mix of materials, finishes and articulates are proposed</p> <p>✓ <b>Principle met</b></p> <p>✓ <b>Principle met</b> The materials chosen are durable</p> <p>✓ <b>Principle met</b></p>
Materials & Finishes		
Domestic services normal to a dwelling and Building services		

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

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

Internal Amenity	<p>Be designed to avoid the location of domestic and building services:</p> <ul style="list-style-type: none"> <li>• Within secluded private open space areas, including balconies; and</li> <li>• Where they may have noise impacts on adjoining habitable rooms and secluded private open space areas.</li> </ul>	<p>✓ <b>Principle met</b></p>
	<p>Residential development should: Ensure that dwelling layouts have connectivity between the main living area and private open space.</p>	<p>✓ <b>Principle met</b> Living room and POS for each dwelling is connected.</p>
	<p>Be designed to avoid reliance on borrowed light to habitable rooms.</p>	<p>✓ <b>Principle met</b> Windows are provided to all habitable rooms and would not rely on borrow light.</p>
	<p>Ensure that balconies and habitable room windows are designed and located to reduce the need for excessive screening.</p>	<p>✓ <b>Principle met</b> Balconies not proposed</p>
	<p>Ensure that dwellings without ground level main living areas meet the Standards of Clauses 55.03-5, 55.04-1, 6 &amp; 7, 55.05-3, 4 &amp; 5.</p>	<p>✓ <b>Principle met</b> Ground level living proposed</p>

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ORDINARY COUNCIL MEETING - AGENDA

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Clause 22.09-3.4 Design principles for Limited Change Areas – Neighbourhood Residential Zone (NRZ)**

Titles & Objectives	Principles	Principle met/Principle not met/NA
<b>Preferred housing type</b>	The preferred housing type for the Limited Change Area is low density.	<p>✓ <b>Principle met</b></p> <p>The proposal is generally consistent with the definition of low-medium density (as defined in Clause 22.09-4), as provides two semi attached dwellings on a single lot with a shared accessway and ground level private open space and living areas</p>
<b>Building Height</b>	The preferred maximum building height for land within the NRZ1 is up to 2 storeys, including ground level.	<p>✓ <b>Principle met</b></p> <p>A maximum of two storeys is proposed</p>
<b>Landscaping</b>	Residential development should incorporate substantial landscaping to create a landscaped character, particularly canopy trees in front and rear gardens; and to protect the outlook of adjoining properties	<p>✓ <b>Principle met</b></p> <p>The existing landscape character of Chandler Road is mixed. The proposal would set aside 75% of the front setback for landscaping and would include two canopy trees within the frontage.</p>
<b>Car parking</b>	Garages and car parking areas should be located behind buildings, generally hidden from view or recessed so as to not dominate the streetscape.	<p>✓ <b>Principle met</b></p> <p>The garages are located behind dwelling 1 and would be screened by the built form of the dwelling.</p>
<b>Setbacks, front boundary and width</b>	Car access, parking and paving within the front boundary setback should be limited in order to maximise the opportunity for soft landscaping.	<p>✓ <b>Principle met</b></p> <p>Access is limited to the 2.7 metre wide accessway within the frontage</p>
<b>Private open space</b>	Residential development should provide ground level secluded private open space at the side or rear of each dwelling to avoid the need for excessive screening or high front fencing.	<p>✓ <b>Principle met</b></p> <p>Ground level SPOS located at the side or rear of each dwelling.</p>
<b>Bulk &amp; Built Form</b>	Residential development should: Ensure that the built form respects the scale of existing prevailing built form character and responds to site circumstances and streetscape;	<p>✓ <b>Principle met</b></p> <p>The design of the development is well articulated and landscaping can include canopy trees at the front, side and rear of the site.</p>

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



ORDINARY COUNCIL MEETING - AGENDA

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

	<p>Provide separation between dwellings at the upper level;</p> <p>Retain spines of open space at the rear of properties to maximise landscaping opportunities and protect private secluded open space;</p> <p>Position more intense and higher elements of built form towards the front and centre of a site, transitioning to single storey elements to the rear of the lot.</p> <p>The rear most dwelling on a lot should be single storey to ensure the identified future character of the area and the amenity of adjoining properties is respected by maximising landscaping opportunities and protecting the amenity of adjoining private secluded open space.</p> <p>Two storey dwellings to the rear of a lot may be considered where:</p> <ul style="list-style-type: none"> <li>• The visual impact of the building bulk does not adversely affect the identified future character of the area;</li> <li>• Overlooking and/or overshadowing does not adversely affect the amenity of neighbouring properties;</li> <li>• The building bulk does not adversely affect the planting and future growth of canopy trees to maturity;</li> <li>• Sufficient side and rear boundary landscaping can be provided to screen adjoining properties;</li> <li>• Upper storey components are well recessed from adjoining sensitive interfaces.</li> </ul> <p>Residential development should provide a level of visual interest through the use of contrast, texture and variation of materials.</p>	<p>✓ <b>Principle met</b> The front dwelling is double storey transitioning to single storey at the rear</p> <p>✓ <b>Principle met</b></p> <p>✓ <b>Principle met</b> The front dwelling is double storey transitioning to single storey at the rear</p> <p>✓ <b>Principle met</b> The front dwelling is double storey transitioning to single storey at the rear</p> <p>✓ <b>Principle met</b> The development would be provided with a mixed of materials and colours and is a high standard</p>
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**Note: Other requirements also apply. These can be found at the schedule to the applicable zone.**

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

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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**STATUTORY PLANNING APPLICATIONS**

**TOWN PLANNING APPLICATION – NO. 344 CHANDLER ROAD,  
KEYSBOROUGH (PLANNING APPLICATION PLN21/0023)**

**ATTACHMENT 4**

**CLAUSE 52 ASSESSMENT**

**PAGES 6 (including cover)**

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

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Assessment Table - Clause 52**

**Clause 52.06-9 Design standards for car parking**

Plans prepared in accordance with Clause 52.06-8 must meet the design standards of Clause 52.06-9, unless the responsible authority agrees otherwise. Design standards 1, 3, 6 and 7 do not apply to an application to construct one dwelling on a lot.

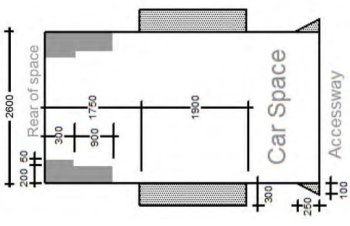
Design Standards	Assessment	Requirement met/Requirement not met/NA
Design standard 1 - Accessways	Accessways must:	<b>✘ Standard not met</b>
	<ul style="list-style-type: none"> <li>Be at least 3 metres wide.</li> </ul>	The accessway is a minimum of 2.7 metres wide. This was referred to Council's Transport Department for review, who raised no concern with the variation.
	<ul style="list-style-type: none"> <li>Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.</li> </ul>	<b>✔ Standard met</b> The proposal was referred to Council's Transport Department for review who raised no concern.
	<ul style="list-style-type: none"> <li>Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.</li> </ul>	<b>NA</b>
	<ul style="list-style-type: none"> <li>Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres.</li> </ul>	<b>✔ Standard met</b> No overhang of the boundary
	<ul style="list-style-type: none"> <li>If the accessway serves four or more car spaces or connects to a road in a Road Zone, the accessway must be designed to that cars can exit the site in a forward direction.</li> </ul>	<b>✔ Standard met</b> Chandler Road is a road in a Road Zone, the applicant provided swept path diagrams that demonstrate compliance – these were referred to Council's Transport Engineers who raised no concern with the proposal.
	<ul style="list-style-type: none"> <li>Provide a passing area at the entrance at least 5 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in Road Zone.</li> </ul>	<b>NA</b> Accessway serves three cars and does not exceed 50 metres long
	<ul style="list-style-type: none"> <li>Have a corner splay or area at least 50 percent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.</li> </ul>	<b>✔ Standard met</b> Corner splays have been provided
	If an accessway to four or more car parking spaces is from land in a Road Zone, the access to the car spaces must be at least 6 metres from the road carriageway.	<b>NA</b>

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

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

<p><b>Design standard 2 – Car parking spaces</b></p>	<p>If entry to the car space is from a road, the width of the accessway may include the road.</p> <p>Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.</p> <p><b>Table 2: Minimum dimensions of car parking spaces and accessways</b></p> <table border="1"> <thead> <tr> <th>Angle of car parking spaces to access way</th> <th>Accessway width</th> <th>Car space width</th> <th>Car space length</th> </tr> </thead> <tbody> <tr> <td>Parallel</td> <td>3.6 m</td> <td>2.3 m</td> <td>6.7 m</td> </tr> <tr> <td>45°</td> <td>3.5 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td>60°</td> <td>4.9 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td>90°</td> <td>6.4 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td></td> <td>5.8 m</td> <td>2.8 m</td> <td>4.9 m</td> </tr> <tr> <td></td> <td>5.2 m</td> <td>3.0 m</td> <td>4.9 m</td> </tr> <tr> <td></td> <td>4.8 m</td> <td>3.2 m</td> <td>4.9 m</td> </tr> </tbody> </table> <p><i>Note to Table 2: Some dimensions in Table 2 vary from those shown in the Australian Standard AS2890.1-2004 (off street). The dimensions shown in Table 2 allocate more space to aisle widths and less to marked spaces to provide improved operation and access. The dimensions in Table 2 are to be used in preference to the Australian Standard AS2890.1-2004 (off street) except for disabled spaces which must achieve Australian Standard AS2890.6-2009 (disabled).</i></p>	Angle of car parking spaces to access way	Accessway width	Car space width	Car space length	Parallel	3.6 m	2.3 m	6.7 m	45°	3.5 m	2.6 m	4.9 m	60°	4.9 m	2.6 m	4.9 m	90°	6.4 m	2.6 m	4.9 m		5.8 m	2.8 m	4.9 m		5.2 m	3.0 m	4.9 m		4.8 m	3.2 m	4.9 m
Angle of car parking spaces to access way	Accessway width	Car space width	Car space length																														
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	5.2 m	3.0 m	4.9 m																														
	4.8 m	3.2 m	4.9 m																														
	<p>NA</p>																																
	<p>NA</p>																																

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

<p>NA</p>	<p>A wall, fence, column, tree, tree guard or any other structure that abuts a car space must not encroach into the area marked 'clearance required' on Diagram 1, other than:</p> <ul style="list-style-type: none"> <li>• A column, tree or tree guard, which may project into a space if it is within the area marked 'tree or column permitted' on Diagram 1.</li> <li>• A structure, which may project into the space if it is at least 2.1 metres above the space.</li> </ul> <p><b>Diagram 1 Clearance to car parking spaces</b></p>  <p>Dimensions in millimetres          ■ Clearance required          ■ Tree or column permitted</p>	<p>✓ <b>Standard met</b>                  Dwelling 1 – double garage 6m x 5.5m                  Dwelling 2 – Single garage 6m x 3.5m</p>
<p>NA</p>	<p>Car spaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.</p>	<p>NA</p>
<p>✓ <b>Standard met</b></p>	<p>Where parking spaces are provided in tandem (one space behind the other) an additional 500mm in length must be provided between each space.</p>	<p>NA</p>
<p>NA</p>	<p>Where two or more car parking spaces are provided for a dwelling, at least one space must be under cover.</p>	<p>NA</p>
<p>NA</p>	<p>Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.</p>	<p>NA</p>

ORDINARY COUNCIL MEETING - AGENDA

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

<p><b>Design standard 3: Gradients</b></p>	<p>Accessway grades must not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.</p> <p>Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 and be designed for vehicles travelling in a forward direction.</p>	<p>NA</p>													
<p><b>Table 3: Ramp gradients</b></p>	<table border="1"> <thead> <tr> <th>Type of car park</th> <th>Length of ramp</th> <th>Maximum grade</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Public car parks</td> <td>20 metres or less</td> <td>1:5 (20%)</td> </tr> <tr> <td>longer than 20 metres</td> <td>1:6 (16.7%)</td> </tr> <tr> <td rowspan="2">Private or residential car parks</td> <td>20 metres or less</td> <td>1:4 (25%)</td> </tr> <tr> <td>longer than 20 metres</td> <td>1:5 (20%)</td> </tr> </tbody> </table>	Type of car park	Length of ramp	Maximum grade	Public car parks	20 metres or less	1:5 (20%)	longer than 20 metres	1:6 (16.7%)	Private or residential car parks	20 metres or less	1:4 (25%)	longer than 20 metres	1:5 (20%)	<p>NA</p>
Type of car park	Length of ramp	Maximum grade													
Public car parks	20 metres or less	1:5 (20%)													
	longer than 20 metres	1:6 (16.7%)													
Private or residential car parks	20 metres or less	1:4 (25%)													
	longer than 20 metres	1:5 (20%)													
<p>Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.</p> <p>Plans must include an assessment of grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart for clearances, to the satisfaction of the responsible authority.</p>	<p>NA</p>	<p>NA</p>													
<p><b>Design standard 4: Mechanical parking</b></p>	<p>Mechanical parking may be used to meet the car parking requirement provided:</p> <ul style="list-style-type: none"> <li>At least 25 per cent of the mechanical car parking spaces can accommodate a vehicle clearance height of at least 1.8 metres.</li> <li>Car parking spaces the require the operation of the system are not allowed to visitors unless used in a valet parking situation.</li> <li>The design and operation is to the satisfaction of the responsible authority.</li> </ul>	<p>NA</p>													
<p><b>Design standard 5: Urban design</b></p>	<p>Ground level car parking, garage doors and accessways must not visually dominate public space.</p> <p>Car parking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.</p> <p>Design of car parks must take into account their use as entry points to the site.</p>	<p>✓ Standard met</p> <p>✓ Standard met</p> <p>✓ Standard met</p>													

ORDINARY COUNCIL MEETING - AGENDA

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

	Design of new internal streets in developments must maximise on street parking opportunities.	NA
<b>Design standard 6: Safety</b>	Car parking must be well lit and clearly signed.	✓ Standard met
	The design of car parks must maximise natural surveillance and pedestrian visibility from adjacent buildings.	✓ Standard met
	Pedestrian access to car parking areas from the street must be convenient.	✓ Standard met
	Pedestrian routes through car parking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.	✓ Standard met
<b>Design standard 7: Landscaping</b>	The layout of car parking areas must provide for water sensitive urban design treatment and landscaping.	✓ Standard met
	Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.	✓ Standard met
	Ground level car parking spaces must include trees planted with flush grilles. Spacing of trees must be determined having regard to the expected size of the selected species at maturity.	✓ Standard met

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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**STATUTORY PLANNING APPLICATIONS**

**TOWN PLANNING APPLICATION – NO. 344 CHANDLER ROAD,  
KEYSBOROUGH (PLANNING APPLICATION PLN21/0023)**

**ATTACHMENT 5**

**CLAUSE 55 ASSESSMENT**

**PAGES 27 (including cover)**

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



**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Assessment Table - Two or More Dwellings on a Lot and Residential Buildings (Clause 55)**

<b>Clause 55.02-1 Neighbourhood character objectives</b>		<b>Standard Met/Standard Not Met/NA</b>
<b>Title &amp; Objective</b>	<b>Standard (Summarised)</b>	
<b>Standard B1</b>	The design response must be appropriate to the neighbourhood and the site.	<b>Standard met</b> See Clause 22.09 assessment.
	The proposed design response must respect the existing or preferred neighbourhood character and respond to the features of the site.	<b>Standard met</b> See Clause 22.09 assessment.
<b>Decision Guidelines</b>	Any relevant neighbourhood character objective, policy or statement set out in this scheme. The neighbourhood and site description. The design response.	
<b>Objectives</b>	To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that development responds to the features of the site and the surrounding area.	

<b>Clause 55.02-2 Residential policy objectives</b>		<b>Standard Met/Standard Not Met/NA</b>
<b>Title &amp; Objective</b>	<b>Standards</b>	
<b>Standard B2</b>	An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the PPF and the LPPF, including the MSS and local planning policies.	<b>Standard met</b> The application was accompanied by a written assessment of the proposal against the relevant PPF and Local Policies
<b>Decision Guidelines</b>	The PPF and the LPPF including the MSS and local planning policies. The design response.	
<b>Objectives</b>	To ensure that residential development is provided in accordance with any policy for housing in the PPF and the LPPF, including the MSS and local planning policies. To support medium densities in areas where development can take advantage of public and community infrastructure and services.	

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

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Clause 55.02-3 Dwelling diversity objective**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B3</b>	Developments of ten or more dwellings should provide a range of dwelling sizes and types, including: <ul style="list-style-type: none"> <li>• Dwellings with a different number of bedrooms.</li> <li>• At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</li> </ul>	N/A Less than 10 dwellings proposed.
<b>Objective</b>	To encourage a range of dwellings sizes and types in developments of ten or more dwellings.	

**Clause 55.02-4 Infrastructure objectives**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B4</b>	Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.  Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.  In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.	Standard Met Development can be suitably accommodated into infrastructure of the established area.  Standard met Development can be suitably accommodated into infrastructure of the established area.  Standard met Development can be suitably accommodated into infrastructure of the established area.
<b>Decision Guidelines</b>	The capacity of the existing infrastructure.  In the absence of reticulated sewerage, the capacity of the development to treat and retain all wastewater in accordance with the SEPP (Waters of Victoria) under the EPA 1970.  If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.	
<b>Objectives</b>	To ensure development is provided with appropriate utility services and infrastructure.  To ensure development does not unreasonably overload the capacity of utility services and infrastructure.	

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Clause 55.02-5 Integration with the street objective**

Title & Objective		Standards	Standard Met/Standard Not Met/NA
Standard B5		Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.	✓ <b>Standard met</b>
		Developments should be oriented to front existing and proposed streets.	✓ <b>Standard met</b> Dwelling 1 is oriented to Chandler Road and dwelling 2 is oriented to the shared accessway
		High fencing in front of dwellings should be avoided if practicable.	✓ <b>Standard met</b> A 1.3-metre-high front fence is proposed
		Development next to existing public open space should be laid out to complement the open space.	<b>NA</b> The subject site does not adjoin any existing public open space area
Decision Guidelines	Any relevant urban design objective, policy or statement set out in this scheme.		
	The design response.		
Objective	To integrate the layout of development with the street.		

**Clause 55.03-1 Street setback objective**

Title & Objective		Standards	Standard Met/Standard Not Met/NA
Standard B6		Walls of buildings should be set back from streets at least the distance specified in a schedule to the zone: <b>RGZ: 5 metres or as per Table B1, whichever is the lesser.</b> <b>GRZ: 7.5 metres or as per Table B1, whichever is the lesser.</b> <b>NRZ: As per Table B1.</b>	<b>Standard Met/Standard Not Met/NA</b> <b>★ Standard not met</b> The average setback of the adjoining dwellings is 6.8 metres. At ground floor a setback of 6.18 metres has been provided and at first floor a setback of 6.28 metres has been provided.

ORDINARY COUNCIL MEETING - AGENDA

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

<b>Table B1 Street setback</b>		
<b>Development context</b>	<b>Minimum setback from front street (metres)</b>	<b>Minimum setback from a side street (metres)</b>
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable
The site is on a corner.	If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.  If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.  Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.
<b>Decision Guidelines</b>	<p>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</p> <p>The design response.</p> <p>Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.</p> <p>The visual impact of the building when viewed from the street and from adjoining properties.</p> <p>The value of retaining vegetation within the front setback.</p>	
<b>Objective</b>	<p>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p> <p><b>Objective met</b> As highlighted above, there is no predominant setback pattern and the</p>	
	<p>The adjoining lot to the north has a setback of 6.1 metres and there is no predominant setback pattern within the surrounding area. Given the mixed setback pattern within the streetscape and the provided landscape plan, which includes two canopy trees and substantial planting within the frontage, the proposed landscaping would soften the appearance of the built form and the variation in this instance is considered acceptable.</p>	

ORDINARY COUNCIL MEETING - AGENDA

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

		<p>proposed setback would be in line with the adjoining lot to the north. As such, the proposed setback would be in keeping with the preferred neighbourhood character.</p>
<p><b>Clause 55.03-2 Building height objective</b></p>		
<p><b>Title &amp; Objective</b></p>	<p><b>Standards</b></p>	<p><b>Standard Met/Standard Not Met/NA</b></p>
<p><b>Standard B7</b></p>	<p>The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.  <b>RGZ: 13.5 metres discretionary maximum (refer Clause 32.07-8 for details)</b>  <b>GRZ: 11 metres / 3 storeys mandatory maximum (refer Clause 32.08-9)</b>  <b>NRZ: 9 metres / 2 storeys mandatory maximum (refer Clause 32.09-9)</b>                      If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.                      Changes of building height between existing buildings and new buildings should be graduated.</p>	<p><b>Standard met</b>                      7.16m and a maximum of two storeys</p> <p><b>N/A</b></p> <p><b>Standard met</b>                      The proposed dwellings are double at the front and single at the rear</p>
<p><b>Decision Guidelines</b></p>	<p>Any relevant neighbourhood character objective, policy or statement set out in this scheme.                      Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.                      The design response.                      The effect of the slope of the site on the height of the building.                      The relationship between the proposed building height and the height of existing adjacent buildings.                      The visual impact of the building when viewed from the street and from adjoining properties.                      To ensure that the height of buildings respects the existing or preferred neighbourhood character</p>	
<p><b>Objective</b></p>		

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Clause 55.03-3 Site coverage objective**

Title & Objective		Standards	Standard Met/Standard Not Met/NA
<b>Standard B8</b>	<p>The site area covered by buildings should not exceed:</p> <ul style="list-style-type: none"> <li>The maximum site coverage specified in a schedule to the zone, or</li> <li>If no maximum site coverage is specified in a schedule to the zone, 60 per cent.</li> </ul> <p><b>RGZ1: 70%</b>  <b>RGZ2: 70%</b>  <b>RGZ3: 70%</b>  <b>GRZ1: 60% (none specified)</b>  <b>GRZ2: 60% (none specified)</b>  <b>NRZ1: 50%</b></p>	<p>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</p> <p>The design response.</p> <p>The existing site coverage and any constraints imposed by existing development or the features of the site.</p> <p>The site coverage of adjacent properties</p> <p>The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.</p> <p>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</p>	<p><b>Standard Met</b></p> <p>✓ Standard met                  216.7sqm or 40.6%</p>
<b>Decision Guidelines</b>			
<b>Objective</b>			

**Clause 55.03-4 Permeability objectives**

Title & Objective		Standards	Standard Met/Standard Not Met/NA
<b>Standard B9</b>	<p>The site area covered by the pervious surfaces should be at least:</p> <ul style="list-style-type: none"> <li>The minimum areas specified in a schedule to the zone, or</li> <li>If no minimum is specified in a schedule to the zone, 20 per cent of the site.</li> </ul> <p><b>RGZ1: 20%</b>  <b>RGZ2: 20% (none specified)</b>  <b>RGZ3: 20% (none specified)</b>  <b>GRZ1: 30%</b>  <b>GRZ2: 20% (none specified)</b>  <b>NRZ1: 40%</b></p>	<p>The site area covered by the pervious surfaces should be at least:</p> <ul style="list-style-type: none"> <li>The minimum areas specified in a schedule to the zone, or</li> <li>If no minimum is specified in a schedule to the zone, 20 per cent of the site.</li> </ul>	<p><b>Standard Met</b></p> <p>✓ Standard met                  233.3sqm or 43.7%</p>

ORDINARY COUNCIL MEETING - AGENDA

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

<b>Decision Guidelines</b>	<p>The design response.</p> <p>The existing site coverage and any constraints imposed by existing development.</p> <p>The capacity of the drainage network to accommodate additional stormwater.</p> <p>The capacity of the site to absorb run-off.</p> <p>The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.</p>
<b>Objectives</b>	<p>To reduce the impact of increased stormwater run-off on the drainage system.</p> <p>To facilitate on-site stormwater infiltration.</p>

**Clause 55.03-5 Energy efficiency objectives**

<b>Title &amp; Objective</b>	<b>Standards</b>	<b>Standard Met/Standard Not Met/NA</b>
<b>Standard B10</b>	<p>Buildings should be:</p> <ul style="list-style-type: none"> <li>Oriented to make appropriate use of solar energy.</li> <li>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> <li>Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged</li> </ul> <p>Living areas and private open space should be located on the north side of the development, if practicable.</p> <p>Developments should be designed so that solar access to north-facing windows is maximised.</p>	<p><b>Standard met</b></p> <p>The adjoining lot to the west (No. 35 Glenholme Drive) has existing rooftop solar energy systems. However, as highlighted in the shadow diagrams, there is no overshadowing of the rooftop from 9am-3pm and as such the proposal would unreasonably reduce the performance of these systems.</p> <p><b>Standard met</b></p> <p>Living areas are located on the north</p> <p><b>Standard met</b></p>
<b>Decision Guidelines</b>	<p>The design response.</p> <p>The size, orientation and slope of the lot.</p> <p>The existing amount of solar access to abutting properties.</p> <p>The availability of solar access to north-facing windows on the site.</p>	
<b>Objectives</b>	<p>To achieve and protect energy efficient dwellings and residential buildings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p>	

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Clause 55.03-6 Open space objective**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
Standard B11	If any public or communal open space is provided on site, it should: <ul style="list-style-type: none"> <li>• Be substantially fronted by dwellings, where appropriate.</li> <li>• Provide outlook for as many dwellings as practicable.</li> <li>• Be designed to protect any natural features on the site.</li> <li>• Be accessible and useable.</li> </ul>	NA No public or communal open space proposed on site
Decision Guidelines	Any relevant plan or policy for open space in the SPPF and the LPPF, including the MSS and local planning policies. The design response.	
Objective	To integrate the layout of development with any public and communal open space provided in or adjacent to the development.	

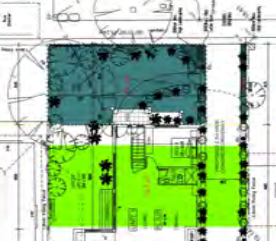
**Clause 55.03-7 Safety objective**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
Standard B12	Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.  Planting which creates unsafe spaces along streets and accessways should be avoided.  Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.  Private spaces within developments should be protected from inappropriate use as public thoroughfares.	<b>Standard met</b> The entry to dwelling 1 is located at the front of the site, oriented to Chandler Road and the entry to dwelling 2 is oriented to the shared accessway.  <b>Standard met</b> Visual sight plays are located either side of the accessway, reducing height of landscaping and structures to 900mm.  <b>Standard met</b> Bollard lighting has been provided either side of the shared accessway, capable of lighting the car parking areas.  <b>Standard met</b> Private spaces are delineated by built form or fencing
Decision Guidelines	The design response.	
Objectives	To ensure the layout of development provides for the safety and security of residents and property.	



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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

<b>Clause 55.03-8 Landscaping objectives</b>	
Title & Objective	Standard Met/Standard Not Met/NA
<p><b>Standard B13</b></p> <p>The landscape layout and design should:</p> <ul style="list-style-type: none"> <li>• Protect any predominant landscape features of the neighbourhood.</li> <li>• Take into account the soil type and drainage patterns of the site.</li> <li>• Allow for intended vegetation growth and structural protection of buildings.</li> <li>• In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.</li> <li>• Provide a safe, attractive and functional environment for residents.</li> </ul> <p>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.</p> <p>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made</p> <p>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.</p> <p>Development should meet any additional landscape requirements specified in a schedule to the zone.</p> <p><b>All schedules to all residential zones:</b>  <i>"70% of ground level front setback, and side and rear setbacks, planted with substantial landscaping and canopy trees."</i></p>	<p><b>Standard met/Standard Not Met/NA</b></p> <p><b>Standard met</b>                      The proposed landscape plan incorporates substantial landscaping within the front setback, along the driveway and within the secluded private open space of each dwelling.</p> <p><b>Standard met</b>                      A number of canopy trees are proposed as part of the application</p> <p><b>Standard met</b>                      No known significant trees to have been removed</p> <p><b>Standard met</b>                      The landscape plan specifies landscaping themes, vegetation, paving and lighting</p> <p><b>Standard met</b>                      Total front setback – 94.3sqm                      Area set aside for landscaping – 70.9sqm or 75.19%</p> 
<p><b>Decision Guidelines</b></p>	<p>Any relevant neighbourhood character objective, policy or statement set out in this scheme.                      Any relevant plan or policy for landscape design in the SPPF and the LPPF, including the MSS and local planning policies.</p>

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

	<p>The design response.</p> <p>The location and size of gardens and the predominant plant types in the neighbourhood.</p> <p>The health of any trees to be removed.</p> <p>Whether a tree was removed to gain a development advantage.</p> <p>To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p>
<b>Objectives</b>	

**Clause 55.03-9 Access objective**

<b>Title &amp; Objective</b>	<b>Standards</b>	<b>Standard Met/Standard Not Met/N/A</b>
<b>Standard B14</b>	<p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> <li>• 33 per cent of the street frontage, or</li> <li>• if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</li> </ul> <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Road Zone should be minimised.</p>	<p>✓ <b>Standard met</b>                      Accessway should not exceed 6.1m                      Proposed is 2.7m</p> <p>✓ <b>Standard met</b></p> <p>✓ <b>Standard met</b>                      On street parking is not impacted.</p> <p>✓ <b>Standard met</b>                      Chandler Road is an RDZ1 and the existing crossover is to be utilised</p> <p>✓ <b>Standard met</b></p>
<b>Decision Guidelines</b>	<p>Developments must provide for access for service, emergency and delivery vehicles.</p> <p>The design response.</p> <p>The impact on neighbourhood character.</p> <p>The reduction of on-street car parking spaces.</p> <p>The effect on any significant vegetation on the site and footpath.</p>	
<b>Objectives</b>	To ensure the number and design of vehicle crossovers respects the neighbourhood character.	

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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Clause 55.03-10 Parking location objectives**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<p><b>Standard B15</b></p>	<p>Car parking facilities should:</p> <ul style="list-style-type: none"> <li>• Be reasonably close and convenient to dwellings and residential buildings.</li> <li>• Be secure.</li> <li>• Be well ventilated if enclosed.</li> </ul> <p>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>	<p><b>Standard met</b></p> <p>Garages &amp; parking spaces would be located adjacent to the dwelling entries.</p> <p><b>Standard met with condition of permit</b></p> <p>This standard is applicable to one west facing habitable room window to dwelling 1. However, this window has not been shown on the west elevation and should be included as a condition of permit. An annotation has been included on the ground floor plan for this to be a 'high level window', as such this condition should also be worded for the sill height to be a minimum of 1.4 metres above the accessway, which would reduce vehicular noise generated within the development.</p>
<p><b>Decision Guidelines</b></p>	<p>The design response.</p>	
<p><b>Objectives</b></p>	<p>To provide convenient parking for residents and visitor's vehicles.</p> <p>To protect residents from vehicular noise within developments.</p>	

**Clause 55.04-1 Side and rear setbacks objective**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<p><b>Standard B17</b></p>	<p>A new building not on or within 200mm of a boundary should be setback from side or rear boundaries:</p> <ul style="list-style-type: none"> <li>• At least the distance specified in a schedule to the zone, or</li> </ul> <p><b>NRZ1: "A building wall opposite an area of secluded private open space or a window to a living room of an existing dwelling should be setback a minimum of 2 metres."</b></p> <ul style="list-style-type: none"> <li>• If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</li> </ul>	<p><b>Standard met</b></p> <p>The proposal complies with the varied requirements of Standard B17, where the setback of the south wall to dwelling 2 is 1 metre, the wall adjoins a garage wall. Detailed diagrams are saved within the objective file.</p>

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

<p><b>Diagram B1 Side and rear setbacks</b></p>	<p>✓ <b>Standard met</b> No encroachments into the standard</p>
<p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p> <p>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</p> <p>The design response.</p> <p>The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.</p> <p>Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.</p> <p>Whether the wall abuts a side or rear lane.</p>	<p>✓ <b>Standard met</b> No encroachments into the standard</p>
<p><b>Decision Guidelines</b></p>	<p>✓ <b>Standard met</b> No encroachments into the standard</p>

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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

<b>Objectives</b>	To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.		
<b>Clause 55.04-2 Walls on boundaries objective</b>			
<b>Title &amp; Objective</b>	<b>Standards</b>		
<b>Standard B18</b>	<p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary.</p> <ul style="list-style-type: none"> <li>• For a length of more than the distance specified in the schedule to the zone; or</li> <li>• If no distance is specified in a schedule to the zone, for a length of more than:                             <ul style="list-style-type: none"> <li>- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</li> <li>- Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.</li> </ul> </li> </ul> <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p>	<p><b>Standard Met/Standard Not Met/NA</b></p> <p><b>NA</b> No walls on boundaries</p>	
	<p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property.</p>	<p><b>NA</b> No walls on boundaries</p>	
	<p>A building on a boundary includes a building set back up to 200mm from a boundary.</p>	<p><b>NA</b> No walls on boundaries</p>	
	<p>The height of a new wall constructed on or within 200 mm of a side or rear boundary of a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>	<p><b>NA</b> No walls on boundaries</p>	
<b>Decision Guidelines</b>	<p>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</p> <p>The design response.</p> <p>The extent to which walls on boundaries are part of the neighbourhood character.</p> <p>The impact on the amenity of existing dwellings.</p> <p>The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.</p> <p>The orientation of the boundary that the wall is being built on.</p> <p>The width of the lot.</p> <p>The extent to which the slope and retaining walls or fences reduce the effective height of the wall.</p> <p>Whether the wall abuts a side or rear lane.</p>		

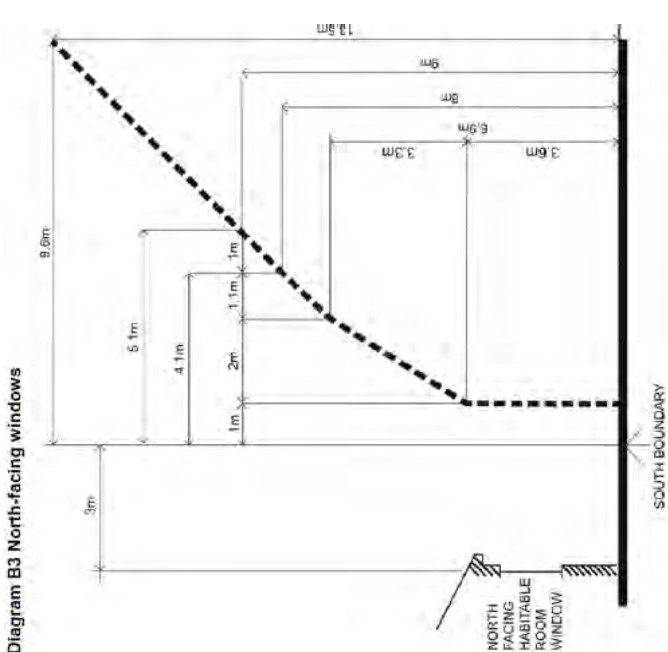
**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

<p><b>Objectives</b></p>	<p>The need to increase the wall height to screen a box gutter. To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	
<p><b>Clause 55.04-3 Daylight to existing windows objective</b></p>		
<p><b>Title &amp; Objective</b></p>	<p><b>Standards</b> Standard Met/Standard Not Met/NA</p>	
<p><b>Standard B19</b></p>	<p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p>	<p>✓ <b>Standard met</b> The proposed dwellings are well setback from existing habitable room windows</p>
	<p>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p>	<p>✓ <b>Standard met</b> The proposed dwellings are well setback from existing habitable room windows</p>
<p><b>Diagram B2 Daylight to existing windows</b></p>		
	<p>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p>	
<p><b>Decision Guidelines</b></p>	<p>The design response. The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows. The impact on the amenity of existing dwellings. To allow adequate daylight into existing habitable room windows.</p>	
<p><b>Objective</b></p>		

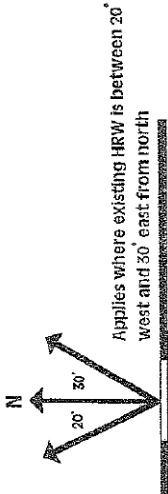
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2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)

Clause 55.04-4 North-facing windows objective

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<p><b>Standard B20</b></p> <p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window.</p> <p><b>Diagram B3 North-facing windows</b></p>  <p><b>Diagram B3 North-facing windows</b></p> <p>The diagram illustrates the setback requirements for a north-facing habitable room window. The window is 3m wide and 8.6m high. The setback from the south boundary is 13.8m. The setback is composed of 1m for the first 3.6m of height, 6.9m for the next 3.3m, and 13.8m for the remaining 1.7m. The window is 3m wide, with 1.5m on each side. The setback is 1m from the left side, 1.1m from the right side, and 1m from the top. The total setback is 13.8m.</p>	<p><b>Standard Met</b></p> <p>There is a north-facing habitable room window within 3 metres of the boundary.</p> <p>The ground floor has a maximum wall height of 3.2 metres and requires a 1 metre setback from the boundary, the setback provided is 4.5 metres.</p> <p>The first floor has a maximum wall height of 5.6 metres and requires a 2.2 metre setback from the boundary, 4.7 metres has been provided.</p>	<p><b>Standard Met/Standard Not Met/NA</b></p> <p><b>Standard met</b></p> <p>There is a north-facing habitable room window within 3 metres of the boundary.</p> <p>The ground floor has a maximum wall height of 3.2 metres and requires a 1 metre setback from the boundary, the setback provided is 4.5 metres.</p> <p>The first floor has a maximum wall height of 5.6 metres and requires a 2.2 metre setback from the boundary, 4.7 metres has been provided.</p>
	<p>A north facing window is a window with an axis perpendicular to its surface orientated north 20 degrees west to north 30 degrees east.</p>	

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	 <p>Applies where existing HRW is between 20° west and 30° east from north</p>	
<b>Decision Guidelines</b>	<p>The design response.</p> <p>Existing sunlight to the north-facing habitable room window of the existing dwelling.</p> <p>The impact on the amenity of existing dwellings.</p> <p>To allow adequate solar access to existing north-facing habitable room windows.</p>	
<b>Objective</b>		

**Clause 55.04-5 Overshadowing open space objective**

<b>Title &amp; Objective</b>	<b>Standards</b>	<b>Standard Met/Standard Not Met/NA</b>
<b>Standard B21</b>	<p>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with a minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 Sept.</p> <p>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p><b>Standard met</b></p> <p>The proposed development has provided reasonable setbacks from neighbouring dwellings to the sides, which indicates minor overshadowing will occur. The applicant has provided overshadowing diagrams to indicate compliance.</p> <p><b>Standard met</b></p>
<b>Decision Guidelines</b>	<p>The design response.</p> <p>The impact on the amenity of existing dwellings.</p> <p>Existing sunlight penetration to the secluded private open space of the existing dwelling.</p> <p>The time of day that sunlight will be available to the secluded private open space of the existing dwelling.</p> <p>The effect of a reduction in sunlight on the existing use of the existing secluded private open space.</p> <p>To ensure buildings do not significantly overshadow existing secluded private open space.</p>	
<b>Objective</b>		



**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Clause 55.04-6 Overlooking objective**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<p><b>Standard B22</b></p>	<p>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <p>Diagram B4 Overlooking open space</p>	<p><b>Standard met</b></p> <p>At first floor, on the north and south elevations, habitable room windows have been screened in the following ways to prevent direct views into existing secluded private open space areas:</p> <ul style="list-style-type: none"> <li>- Have sill heights of at least 1.7 metres above floor level, or</li> <li>- Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.</li> </ul>
	<p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p> <ul style="list-style-type: none"> <li>• Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.</li> <li>• Have sill heights of at least 1.7 metres above floor level.</li> </ul>	<p><b>Standard met</b></p> <p>At first floor, on the north and south elevations, habitable room windows have been screened in the following ways to prevent direct views into existing habitable room windows:</p>

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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

	<ul style="list-style-type: none"> <li>• Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.</li> <li>• Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.</li> </ul>	<ul style="list-style-type: none"> <li>- Have sill heights of at least 1.7 metres above floor level, or</li> <li>- Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.</li> </ul>
	Obscure glazing in any part of the window below 1.7 metres above floor level may be operable provided that there are no direct views as specified in this standard.	<p>✓ <b>Standard met</b></p>
	Screens used to obscure a view should be:	<p>NA</p>
	<ul style="list-style-type: none"> <li>• Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.</li> <li>• Permanent, fixed and durable.</li> <li>• Designed and coloured to blend in with the development.</li> </ul>	Screens not proposed
	The standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.	<p>✓ <b>Standard met</b></p>
		Ground floors are exempt from this standard as on the north, south and west boundaries, the minimum 1.9-metre-high boundary fences would act as visual barriers as floor level is less than 0.8 metres above ground level at the boundary.
<b>Decision Guidelines</b>	The design response.	
	The impact on the amenity of the secluded private open space or habitable room window.	
	The existing extent of overlooking into the secluded private open space and habitable room window of existing dwellings.	
	The internal daylight to and amenity of the proposed dwelling or residential building.	
<b>Objective</b>	To limit views into existing secluded private open space and habitable room windows.	

**Clause 55.04-7 Internal views objective**

<b>Title &amp; Objective</b>	<b>Standards</b>	<b>Standard Met/Standard Not Met/NA</b>
<b>Standard E23</b>	Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.	<p>✓ <b>Standard met</b></p>
<b>Decision Guidelines</b>	The design response.	No lower level dwellings
<b>Objective</b>	To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.	

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Clause 55.04-8 Noise impacts objectives**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B24</b>	Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent dwellings.  Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take into account of noise sources on immediately adjacent properties.  Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.  The design response.  To contain noise sources within development that may affect existing dwellings.  To protect residents from external noise.	<b>Standard met</b> No noise sources apparent  <b>Standard met</b> No noise sources apparent  <b>Standard met</b>
<b>Decision Guidelines</b>		
<b>Objectives</b>		

**Clause 55.05-1 Accessibility objective**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B25</b>	The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.	<b>Standard met</b> The floor levels proposed are not excessively high and ground level living proposed which could be accessible to people with limited mobility.
<b>Objective</b>	To encourage the consideration of the needs of people with limited mobility in the design of developments.	

**Clause 55.05-2 Dwelling entry objective**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B26</b>	Entries to dwellings and residential buildings should: <ul style="list-style-type: none"> <li>• Be visible and easily identifiable from streets and other public areas.</li> <li>• Provide shelter, a sense of personal address and a transitional space around the entry.</li> </ul>	<b>Standard met</b> Dwelling entries would be visible from the street/ shared driveway.
<b>Objective</b>	To provide each dwelling or residential building with its own sense of identity.	

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Clause 55.05-3 Daylight to new windows objective**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B27</b>	A window in a habitable room should be located to face: <ul style="list-style-type: none"> <li>• An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</li> <li>• A verandah provided it is open for at least on third of its perimeter, or</li> <li>• A carport provided it has two or more open sides and is open for at least on third of its perimeter.</li> </ul>	<b>Standard met</b> Each habitable room window would face an outdoor space.
<b>Decision Guidelines</b>	The design response. Whether there are other windows in the habitable room which have access to daylight.	
<b>Objective</b>	To allow adequate daylight into new habitable room windows.	

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Clause 55.05-4 Private open space objective**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<p><b>Standard B28</b></p>	<p>A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.</p> <p><b>RGZ1:</b> None specified</p> <p><b>RGZ2:</b> "As per B28; or a balcony or rooftop with a minimum area of 10 square metres with a minimum width of 2 metres that is directly accessible from a living room."</p> <p><b>RGZ3:</b> "As per B28; or a balcony or rooftop with a minimum area of 10 square metres with a minimum width of 2 metres that is directly accessible from the main living area."</p> <p><b>GRZ1:</b> "An area of 50 square metres of ground level, private open space, with an area of secluded private open space at the side or rear of the dwelling with a minimum area of 30 square metres and a minimum dimension of 5 metres and convenient access from a living room; or</p> <p>A balcony or rooftop with a minimum area of 10 square metres with a minimum width of 2 metres that is directly accessible from the main living area."</p> <p><b>GRZ2:</b> "As per the B28 40 sq m requirement, with the 25 sq m of secluded private open space at ground level having a minimum dimension of 5 metres; or</p> <p>A balcony or rooftop with a minimum area of 10 square metres with a minimum width of 2 metres that is directly accessible from the main living area."</p> <p><b>NRZ1:</b> "An area of 60 square metres of ground level, private open space, with an area of secluded private open space at the side or rear of the dwelling with a minimum area of 40 square metres with a minimum dimension of 5 metres and convenient access from a living room; or</p> <p>A balcony or rooftop with a minimum area of 10 square metres with a minimum width of 2 metres that is directly accessible from the main living area."</p>	<p><b>Standard met</b></p> <p>Dwelling 1</p> <p>Private open space total – 125 square metres</p> <p>Secluded private open space – 55 square metres, with a primary SPOS area of 40 square metres with a minimum dimension of 5 metres</p> <p>Dwelling 2</p> <p>Private open space / secluded private open space total – 74 square metres with a primary SPOS area of 40 square metres and a minimum dimension of 5 metres.</p>

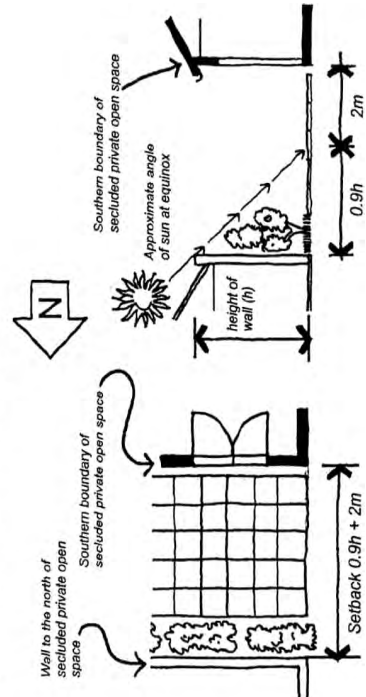
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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

	<p>If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:</p> <ul style="list-style-type: none"> <li>• An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or</li> <li>• A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or</li> <li>• A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</li> </ul> <p>The balcony requirements in Clause 55.05-4 do not apply to an apartment development.</p>	<p><b>NA</b> RGZ1 only</p>
<p><b>Decision Guidelines</b></p>	<p>The design response.</p> <p>The useability of the private open space, including its size and accessibility.</p> <p>The availability of and access to public or communal open space.</p> <p>The orientation of the lot to the street and the sun.</p>	
<p><b>Objective</b></p>	<p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Clause 55.05-5 Solar access to open space objective**

<b>Title &amp; Objective</b>	<b>Standards</b>	<b>Standard Met/Standard Not Met/NA</b>
<b>Standard B29</b>	<p>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p> <p>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least <math>(2 + 0.9h)</math> metres, where 'h' is the height of the wall.</p> <p><b>Diagram B5 Solar access to open space</b></p> 	<p><b>Standard met</b> The SPOS is located on the north side of the development</p> <p><b>NA</b> No wall to the north</p>
<b>Decision Guidelines</b>	<p>The design response.</p> <p>The useability and amenity of the secluded private open space based on the sunlight it will receive.</p>	
<b>Objective</b>	<p>To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	

**Clause 55.05-6 Storage objective**

<b>Title &amp; Objective</b>	<b>Standards</b>	<b>Standard Met/Standard Not Met/NA</b>
<b>Standard E30</b>	<p>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p><b>Standard met</b></p>
<b>Objective</b>	<p>To provide adequate storage facilities for each dwelling.</p>	

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**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Clause 55.06-1 Design detail objective**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<p><b>Standard B31</b></p>	<p>The design of buildings, including:</p> <ul style="list-style-type: none"> <li>• Façade articulation and detailing,</li> <li>• Window and door proportions,</li> <li>• Roof form, and</li> <li>• Verandahs, eaves and parapets,</li> </ul> <p>should respect the existing or preferred neighbourhood character.</p> <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p><b>Standard met</b></p> <p>The proposal offers a respectful design that is in the preferred neighbourhood character. The materials, finishes, and colours of the dwellings are muted earthy tones.</p>
<p><b>Decision Guidelines</b></p>	<p>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</p> <p>The design response.</p> <p>The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.</p> <p>Whether the design is innovative and of a high architectural standard.</p>	<p><b>Standard met</b></p> <p>Garages would be integrated and articulated into the building elevations.</p> <p>Garages are located behind the built form of dwelling 1 and do not dominate the streetscape.</p>
<p><b>Objective</b></p>	<p>To encourage design detail that respects the existing or preferred neighbourhood character.</p>	



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<b>Clause 55.06-2 Front fences objective</b>		<b>Standard Met/Standard Not Met/NA</b>						
<b>Title &amp; Objective</b>	<b>Standards</b>							
<b>Standard B32</b>	<p>The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.</p> <p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> <li>The maximum height specified in a schedule to the zone, or</li> </ul> <p><b>All schedules to all residential zones:</b></p> <p><b>"Maximum 1.5 metre height in streets in Road Zone Category 1 1.2 metre maximum height for other streets"</b></p> <ul style="list-style-type: none"> <li>If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3.</li> </ul> <p><b>Table B3 Maximum front fence height</b></p> <table border="1"> <thead> <tr> <th><b>Street Context</b></th> <th><b>Maximum front fence height</b></th> </tr> </thead> <tbody> <tr> <td>Streets in a Road Zone, Category 1</td> <td>2 metres</td> </tr> <tr> <td>Other streets</td> <td>1.5 metres</td> </tr> </tbody> </table>	<b>Street Context</b>	<b>Maximum front fence height</b>	Streets in a Road Zone, Category 1	2 metres	Other streets	1.5 metres	<p><b>Standard met</b></p> <p>✓ <b>Standard met</b></p> <p>Chandler Road is a Road in a Road Zone Category 1 and the 1.3 metre high fence is below the 1.5 metre high preferred maximum</p>
<b>Street Context</b>	<b>Maximum front fence height</b>							
Streets in a Road Zone, Category 1	2 metres							
Other streets	1.5 metres							
<b>Decision Guidelines</b>	<p>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</p> <p>The design response.</p> <p>The setback, height and appearance of front fences on adjacent properties.</p> <p>The extent to which slope and retaining walls reduce the effective height of the front fence.</p> <p>Whether the fence is needed to minimise noise intrusion.</p> <p>To encourage front fence design that respects the existing or preferred neighbourhood character.</p>							
<b>Objective</b>								

**2.3.1 Town Planning Application - No. 344 Chandler Road, Keysborough (Planning Application No. PLN21/0023) (Cont.)**

**Clause 55.06-3 Common property objectives**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B33</b>	Developments should clearly delineate public, communal and private areas.	✓ <b>Standard met</b> Appropriate fencing, built form and landscaping have been included to delineate private areas.
<b>Objectives</b>	Common property, where provided, should be functional and capable of efficient management. To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership.	✓ <b>Standard met</b>

**Clause 55.06-4 Site services objectives**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B34</b>	The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post.	✓ <b>Standard met</b> The development is not built on the easements  ✓ <b>Standard met</b>  ✓ <b>Standard met</b>  ✓ <b>Standard met</b>
<b>Decision Guidelines</b>	The design response.	
<b>Objectives</b>	To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive.	

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### 2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088)

File Id:	308735
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Assessed Plans Location of objectors Clause 22.09 Assessment Clause 55 Assessment Clause 52.06 Assessment

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#### Application Summary

Applicant:	Phillip Kang C/- Parallel Workshop Architects Pty Ltd
Proposal:	Development of the land for seven (7) dwellings
Zone:	Residential Growth Zone Schedule 1
Overlay:	No Overlays apply to the subject site
Ward:	Cleeland

This application has been brought before the Council because it has received five (5) objections.

The application proposes the development of the land for seven (7) dwellings.

A planning permit is required:

- Pursuant to Clause 32.07-5 (RGZ) a planning permit is required for two or more dwellings on a lot.

#### Objectors Summary

The application was advertised to the surrounding area through the erection of a notice on-site notices and the mailing of notices to adjoining and surrounding owners and occupiers. Five (5) objections were received to the application. The issues raised within the objections relate to overlooking from the northern side of the proposed development into the secluded private open space of the neighbouring property to the north.

#### Assessment Summary

The subject site is well suited for medium density housing given the subject site is located immediately adjacent to the Dandenong Activity Centre, as well as being located within the Principal Public Transport Network area (PPTN).

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

The development is considered to be respectful of both the existing and emerging neighbourhood character by providing sufficient setbacks from the side and rear boundaries to allow for a reasonable level of landscaping to occur. The use of varying building materials and finishes to the external walls and staggered setbacks provides a level of articulation breaking up the visual appearance of built form when viewed from the streetscape and adjoining residential properties.

**Recommendation Summary**

As assessed, officers consider this proposal to be highly compliant with all of the relevant provisions of the Greater Dandenong Planning Scheme. All grounds of objection have been considered, and officers are of the view that on balance the proposal's degree of compliance with the Planning Scheme justifies that the application should be supported and that a **Notice of Decision** (which provides appeal rights to objectors) to grant a permit be issued containing the conditions as set out in the recommendation. If the application was to be appealed to VCAT, it is the officer's view that it is highly likely that VCAT would also issue a planning permit for this proposal.

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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

**Subject Site and Surrounds**

**Subject Site**

The subject site is a residential allotment located on the northern side of King Street in Dandenong. The site is located within a Residential Growth Zone Schedule 1, identified for higher density residential focus. The site is within the residential periphery of Central Dandenong and is within the Declared Project Area- Central Dandenong.

- The subject site is a rectangular shaped allotment.
- The lot has a frontage of 16.9 metres to King Street and depth of 45.9 metres, yielding an overall site area of 768 square metres.
- The site is relatively flat.
- The site is currently developed with an existing single storey brick dwelling.
- Access to the site is via an existing crossover in the south east corner, off King Street.
- There is one large tree located towards the rear of the site.

**Surrounding Area**

The subject site is within a Residential Growth Zone Schedule 1, as are the properties on the northern side of King Street.

The site is located immediately adjacent to the Dandenong Market on the southern side of the site. The Dandenong Market is within the Comprehensive Development Zone and within the Central Dandenong Activity Centre boundary. Dandenong Plaza is located approximately 250 metres to the south of the subject site.

To the immediate west of the subject site is a three (3) storey apartment building, with a setback of 4.4 metres from King Street.

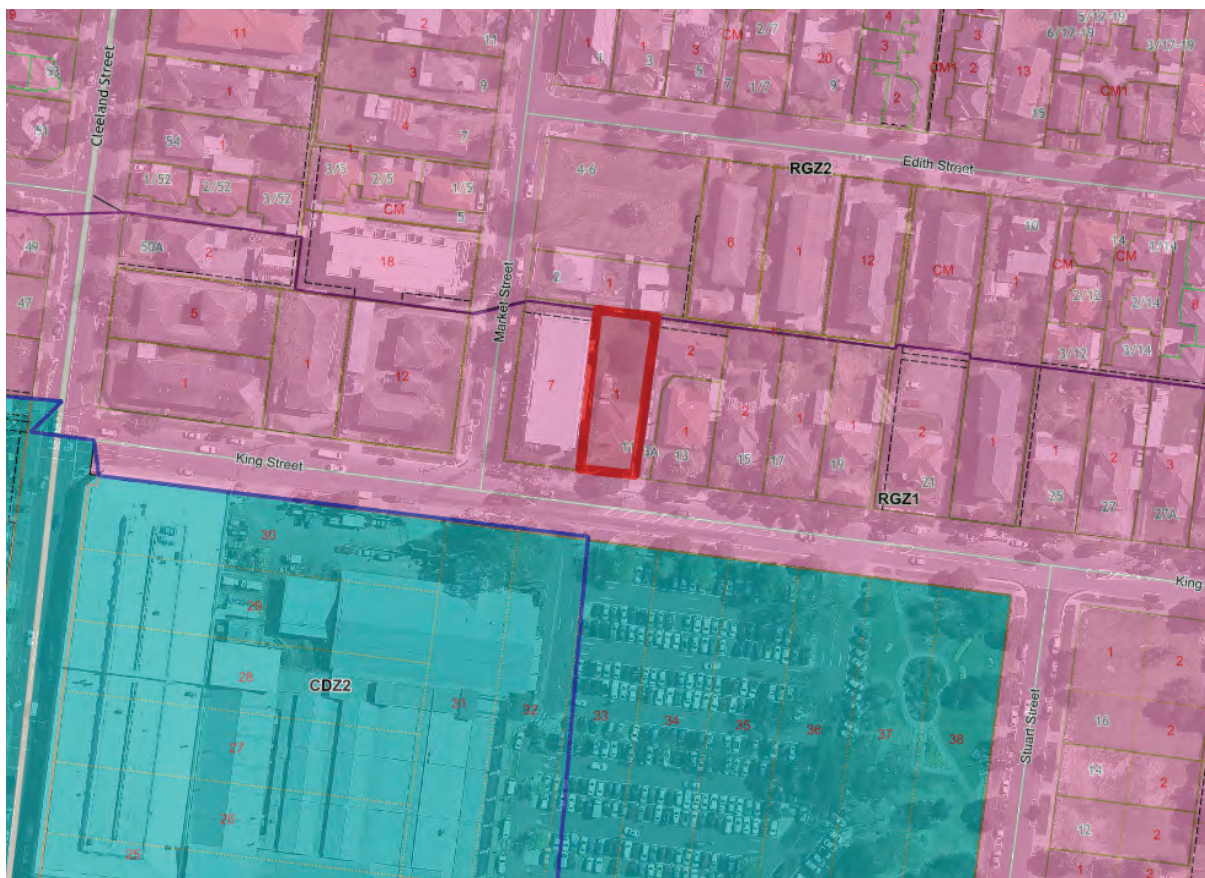
To the immediate east of the subject site are two single storey brick units.

The land to the north of the subject site is within the Residential Growth Zone Schedule 2. To the immediate north of the subject site is a single storey weatherboard dwelling with associated outbuildings.

The site is within good proximity to public transport with the Dandenong Train Station located approximately 950 metres to the south west of the subject site and the nearest bus stop approximately 270 metres to the north east along Cleeland Street.

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088)  
(Cont.)**

Locality Plan



**Background**

**Previous Applications**

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

- PDA12/0010 was issued on 24 January 2013 for a 5 storey residential apartment building comprising 19 dwellings plus basement car park. This permit expired in January 2020.

**Proposal**

The application proposes the development of seven (7) dwellings. Key details of the proposal are as follows:

Dwellings 1-6 are triple storey and dwelling 7 is double storey.

The dwellings are sited in a side by side configuration on the allotment joined internally under the same roof line. Dwelling 1 fronts King Street whilst the remaining dwellings (2 to 7) front the common accessway on the eastern side of the site.



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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

The dwellings are designed in a reverse living type arrangement with main living areas located on the first floors. Garages and entrances are located on the ground floor.

Each dwelling contains between 2 bedrooms, with open plan living/ dining and kitchen areas.

Specific dwelling details are as follows:

No. of bedrooms	2 bedrooms (dwellings 1 to 7)
Car parking	Single garages (dwellings 1 to 7)
Areas of secluded private open space	All dwellings are reverse living, with their main SPOS areas at first floor level in the form of a balcony. All dwellings also have ground level SPOS. Dwelling 1 has an additional area of POS within the front setback.
Orientation	South (dwelling 1) East (dwellings 2 to 7)

A common driveway provides access to each of the garages located along the eastern side of the site via the existing single crossover from King Street.

A minimum front setback of 5 metres is proposed, with a rear setback of 0-3 metres. Side setback is 2 metres (western elevation) and 0-3.2 metres on the eastern elevation.

An overall building height of 10.95 metres is proposed.

Private open space is provided in the form of first floor balconies located on the eastern side of the dwellings accessed via main living areas.

The building is of a contemporary design with a mixture of external building materials consisting of render, vertical cladding, brick, perforated metal screens, powdercoated metal.

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

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

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

### **Financial Implications**

No financial resources are impacted by this report.

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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

**Planning Scheme and Policy Frameworks**

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

- To construct two or more dwellings on a lot pursuant to Clause 32.07-5 (RGZ1).

The relevant controls and policies are as follows:

**Zoning Controls**

The subject site is located in a Residential Growth Zone Schedule 1, as is the surrounding area to the north and directly to the east and west. Land to the south is zoned Commercial 2 Zone and on the western side of Parsons Avenue Industrial 1 Zone.

The purpose of the Residential Growth Zone outlined at Clause 32.07 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide housing at increased densities in buildings up to and including four storey buildings.*
- *To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.*
- *To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.*
- *To ensure residential development achieves design objectives specified in a schedule to this zone.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Pursuant to Clause 32.07-5, a permit is required to construct two or more dwellings on a lot.

**Overlay Controls**

No overlays affect the subject site or surrounding area.

**Planning Policy Framework**

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

*(a) To provide for the fair, orderly, economic and sustainable use, and development of land.*

*(b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*

*(c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*



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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

*(d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

*(e) To protect public utilities and other facilities for the benefit of the community.*

*(f) To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e).*

*(g) To balance the present and future interests of all Victorians.*

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

**Clause 11 Settlement** states that:

*Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.*

*Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.*

Of particular relevance is **Clause 11.02-1S Supply of urban land** of which the objective is; *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

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

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

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

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

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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

These overall objectives are reinforced by a number of sub-clauses, including

**Clause 15.01-1S Urban design**

and

**Clause 15.01-1R Urban design – Metropolitan Melbourne**

, which seek to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

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

**Clause 15.01-4S Healthy neighbourhoods** has an objective to achieve neighbourhoods that foster healthy and active living and community wellbeing. **Clause 15.01-4R Healthy neighbourhoods - Metropolitan Melbourne** reinforces this, with a strategy to create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.

**Clause 15.01-5S Neighbourhood character** has an objective to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Sustainability is promoted by **Clause 15.02-1S Energy and resource efficiency**, which seeks to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

**Clause 16 Housing** is relevant to residential development and states that:

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

These objectives are reinforced by a number of sub-clauses relevant to the development, including **Clause 16.01-1S Integrated housing**, which seeks to promote a housing market that meets community needs, and **Clause 16.01-1R Integrated housing - Metropolitan Melbourne**, which has a strategy to allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.

**Clause 16.01-2S Location of residential development** promotes new housing in designated locations that offer good access to jobs, services and transport, while **Clause 16.01-2R Housing opportunity areas - Metropolitan Melbourne** seeks to facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs, public transport and with appropriate infrastructure.

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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

**Clauses 16.01-3S Housing diversity** and **16.01-3R Housing diversity - Metropolitan Melbourne** aim to provide for a range of housing types to meet diverse needs and **Clause 16.01-4S Housing affordability** aims to deliver more affordable housing closer to jobs, transport and services.

**Clause 18.02-4S Car Parking** seeks 'to ensure an adequate supply of car parking that is appropriately designed and located'.

**Local Planning Policy Framework**

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

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

*There is considerable diversity within Greater Dandenong's housing stock. Overall the municipality has similar levels of home ownership and of people renting, to metropolitan Melbourne. Home ownership is highest in Keysborough, and lowest in Dandenong and Dandenong South. Most housing stock is aged between 30 to 50 years, though there are some areas with dwellings in excess of 100 years old. Areas of newer housing are located in the north-east and central-southern areas with in-fill development occurring across the municipality. (Clause 21.02-3 - Housing).*

*Higher density housing is generally located in proximity to railway stations and major shopping centres, in particular central Dandenong, with rental accommodation accounting for a significant level of this housing. (Clause 21.02-3 - Housing).*

*Greater Dandenong has a largely conventional Australian built form of single one storey dwellings. While there is a clear pre-dominance of single detached dwellings, there are a range of other types of dwellings, including dual occupancies, villa units, town houses and apartments. The highest concentrations of older villa units and apartments and more recent multi-unit redevelopments have occurred around central Dandenong, Springvale and Noble Park activity centres. (Clause 21.04- Residential building types and lot sizes)*

*With diverse cultural groups that call Greater Dandenong home, there are certain distinct precincts that are emerging that have their own character. Their built form is characterised by buildings with flat unarticulated facades, prominent balconies, limited frontage/side set-backs, limited or no landscaping. (Clause 21.02-4 – Cultural influence)*

A **Vision for Greater Dandenong** is outlined at **Clause 21.03** outlines Greater Dandenong as 'being a municipality where housing diversity and choice is promoted in its various attractive neighbourhoods'.

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

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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

**Clause 21.04 Land Use** with the following themes and their applicable objectives relevant to the proposed residential development: **Clause 21.04-1 Housing and Community** with the relevant objectives being:

- *To encourage and facilitate a wide range of housing types and styles which increase diversity and cater for the changing needs of households*
- *To respect and improve residential environments.*
- *To optimise residential consolidation around activity centres/transport nodes, and more efficient use of existing urban infrastructure*

**Clause 21.05 Built Form** with the following themes and their applicable objectives relevant to the proposed residential development: **Clause 21.05-1 Urban design, character, streetscapes and landscapes** with the relevant objectives being:

- *To facilitate high quality building design and architecture*
- *To facilitate high quality development, which has regard for the surrounding environment and built form*
- *To ensure that design of the public and private environment supports accessibility and healthy living*
- *To protect and improve streetscapes*
- *To ensure landscaping that enhances the built environment*

And **Clause 21.05-3 Sustainability** with the relevant objectives being:

- *To encourage all development to achieve best practice environmentally sustainable outcome*

**Clause 21.07 Infrastructure and Transportation** with the following themes and their applicable objectives relevant to the proposed residential development: **Clause 21.07-2 Public Transport** with the relevant objectives being:

- *To increase the use of public transport*
- *To integrate transport and land use*

And **Clause 21.07-3 Walking and Cycling** with the relevant objectives being:

- *To promote and facilitate walking and cycling*

**Clause 22.06 Environmentally Sustainable Development** is relevant to the proposal which triggers the requirement of a Sustainable Design Assessment (SDA) being between 3-9 dwellings. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

Of particular relevance to the development of residential dwellings is **Clause 22.09 Residential Development and Neighbourhood Character Policy**. The relevant objectives being:

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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

- *To guide the location and design of different types of residential development within Greater Dandenong, having regard to State and local planning policies, while respecting the valued characteristics and identified future character of residential neighbourhoods.*
- *To ensure that new residential development is consistent with the identified future character and preferred built form envisaged for the three Future Change Areas.*
- *To provide certainty about which areas are identified for, or protected from, increased residential development consistent with the purpose of the applicable zone.*
- *To facilitate high quality, well designed residential development and on-site landscaping.*
- *To promote a range of housing types to accommodate the future needs of the municipality's changing population.*
- *To ensure that residential development uses innovative, responsive and functional siting and design solutions that:*
  - *Achieve high quality internal amenity and private open space outcomes for future residents;*
  - *Make a positive contribution to the streetscape through quality design, contextual responsiveness and visual interest;*
  - *Promote public realm safety by maximising passive surveillance;*
  - *Demonstrate responsiveness to the site, adjoining interfaces, streetscape and landscape context;*
  - *Respect the amenity of adjoining residents and the reasonable development potential of adjoining properties;*
  - *Achieve environmentally sustainable design outcomes;*
  - *Use quality, durable building materials that are integrated into the overall building form and façade; and*
  - *Minimise the visual dominance of vehicle accessways and storage facilities, such as garages, car ports and basement entrances.*

*An assessment against Clause 22.09 is included in Attachment 3.*

**Particular Provisions**

**Clause 52.06 Car Parking** needs to be considered to determine the appropriateness of the car parking provision of the development. The purpose of this Clause is:

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

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

Use	Rate
Dwelling	One (1) car parking space to each one (1) or two (2) bedroom dwelling; and
	Two (2) car parking spaces to each three (3) or more bedroom dwelling

As the subject site is identified as being within the Principal Public Transport Network Area, there is no requirement to provide for visitor parking.

The proposal meets the required car parking rate with no wavier sought.

An application must meet the Design Standards for car parking included at Clause 52.06-9, unless the Responsible Authority agrees otherwise.

*An assessment against this Clause is included as Attachment 5.*

**Clause 55 Two or more dwellings on a lot and residential buildings.** The purpose of this clause is to:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.*
- *To encourage residential development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage residential development that is responsive to the site and the neighbourhood.*

A development must meet all of the objectives of Clause 55 and should meet the standard of the clause.

If a zone or a schedule to a zone specified a requirement of a standard different from a requirement set out in this clause, the requirement in the zone or a schedule to the zone applies. Schedule 1 of Clause 32.07 Residential Growth Zone list the requirements as follows:

	Standard	Requirement
Minimum street setback	B6	As per B6 or 5 metres, whichever is lesser
Site coverage	B8	Maximum of 70%



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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

Landscaping	B13	70% of ground level front setback planted with substantial landscaping and canopy trees
Front fence height	B32	Maximum 1.5 metre height in streets in Road Zone Category 1 Front fence height A20 and B32 Maximum 1.2 metre height for other streets

*An assessment against this Clause is included as Attachment 4.*

**General Provisions**

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

**Restrictive Covenants**

There are no restrictive covenants or Section 173 Agreements registered on title.

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

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

**Diversity (Access & Equity)**

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

**Community Safety**

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

**Safe Design Guidelines**

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

**Referrals**

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

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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

**Internal**

The application was internally referred to Council's following departments for their consideration:

<b>Department</b>	<b>Response</b>
Asset Planning	No objection subject to conditions
Civil Planning	No objection subject to conditions
Transport Department	No objection subject to conditions
Waste	No objection subject to conditions

The comments provided will be considered in the assessment of the application.

**Advertising**

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

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

The notification has been carried out correctly.

Council has received five (5) objections to date.

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

**Consultation**

A consultative meeting has not been held due to the restrictions associated with the coronavirus COVID19 Pandemic.

**Summary of Grounds of Submissions/Objections**

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

- **Overlooking**

*The proposal has been assessed against Clause 55.04-6 of the Greater Dandenong Planning Scheme. Overlooking is considered to occur from Dwelling 7 first floor balcony and living room windows into the adjoining secluded private open space area to the north. Permit conditions are required to show screening on the north facing first floor habitable room windows and balcony to ensure compliance with the standard B22 in Clause 55.04-6 of the Greater Dandenong Planning Scheme.*



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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

**Assessment**

The subject site is located within an established residential area and is well suited for the development of medium to high density housing given that the site is located immediately adjacent to the Central Dandenong Activity Centre and is within easy walking distance of many of the local community facilities as well as public transport, as required by the objective of *Clause 16.01-2S Location of Residential Development*.

The proposal will reduce pressure on the urban fringe by providing seven (7) dwellings through the redevelopment of the site, thereby ensuring that the housing required for the growing population is facilitated in accordance with the strategies of *Clause 11.02 Managing Growth*. The proposal also provides housing choice that meets the needs of the community, in accordance with *Clause 16.01 Residential Development*.

**Development**

The proposal seeks to redevelop the subject site by replacing the existing single storey dwelling on the site with seven (7) dwellings.

The existing streetscape is generally considered to be one of single or double storey dwellings, however there is an emergence of more intensive medium density dwelling developments occurring within the immediate area, consistent with strategic policy and zoning of this area.

Whilst the proposed development is more intensive than the directly adjoining single dwellings to the east and north of the site, the development has been designed to provide a suitable transition in development intensity to ensure the dwellings are respectful of surrounding built form being consistent with the policy objectives of *Clause 22.09 – Residential Development and Neighbourhood Character Policy*, by providing an appropriate scaled transition between the existing three storey development at 9 King Street, the proposed two and three storey development at this site, and the smaller scale single storey residential dwellings on the lots to the north and east.

The site is located immediately adjacent to the Central Dandenong Activity Centre, making it the ideal location for such a medium density development. The redevelopment of an underutilised residential site will, once developed, contribute to greater housing choices within Dandenong.

Access to the site is via a single shared crossover and driveway on the southern side of the site. The utilisation of a single shared crossover lessens the impact on the streetscape, and results in no change to the extent of existing on street parking when compared to existing conditions.

The dwellings are considered to be of a contemporary design with a mixture of external wall materials and finishes which is in keeping with the context of the established streetscape character.

The proposed development displays high levels of visual interest particularly to the streetscape elevation, thereby demonstrating the development will positively contribute to the preferred (future) neighbourhood character values providing a suitable benchmark for other future medium density developments. However, the proposed bin storage area within the front setback does not meet the design principles in *Clause 22.09*, which seeks to ensure bin storage areas are not seen from the

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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

street and to maximise landscaping opportunities. The submitted landscape plan shows that there is space within each dwelling for bin storage, therefore, permit conditions can require removal of the bin storage area within the front setback.

Given the sites suitability for medium density development a reasonable level of landscaping has been provided consistent with the policy objectives.

It is considered that the development is consistent with the preferred outcomes sought within the Substantial Change Area pursuant to Clause 22.09-3.2 which seeks to '*encourage well designed, site responsive three and four storey medium to high density residential developments that make a positive contribution to the streetscape and are visually interesting*'.

Overall the proposed development of seven (7) dwellings and associated works is considered to be a site responsive design consistent with the preferred neighbourhood character of the area whilst remaining respectful of the existing amenity of the adjoining single dwellings and allowing for any future redevelopment potential on these properties.

**Clause 55 – Development of more than one dwelling and residential buildings**

An assessment of the application against the requirements of Clause 55 of the Planning Scheme is attached to this report. The proposal is considered to satisfy all of the Objectives, subject to conditions. Standards that warrant further consideration are discussed as follows:

- Clause 55.03-1 Street setback objective (Standard B6)

The development seeks a variation to the standard requirements for the front setback of 5 metres. The substantive part of the building is setback 5 metres, however, the balcony to proposed dwelling 1 encroaches into the front setback by 0.6 metres. The encroachment is considered to be acceptable in this instance for the following reasons:

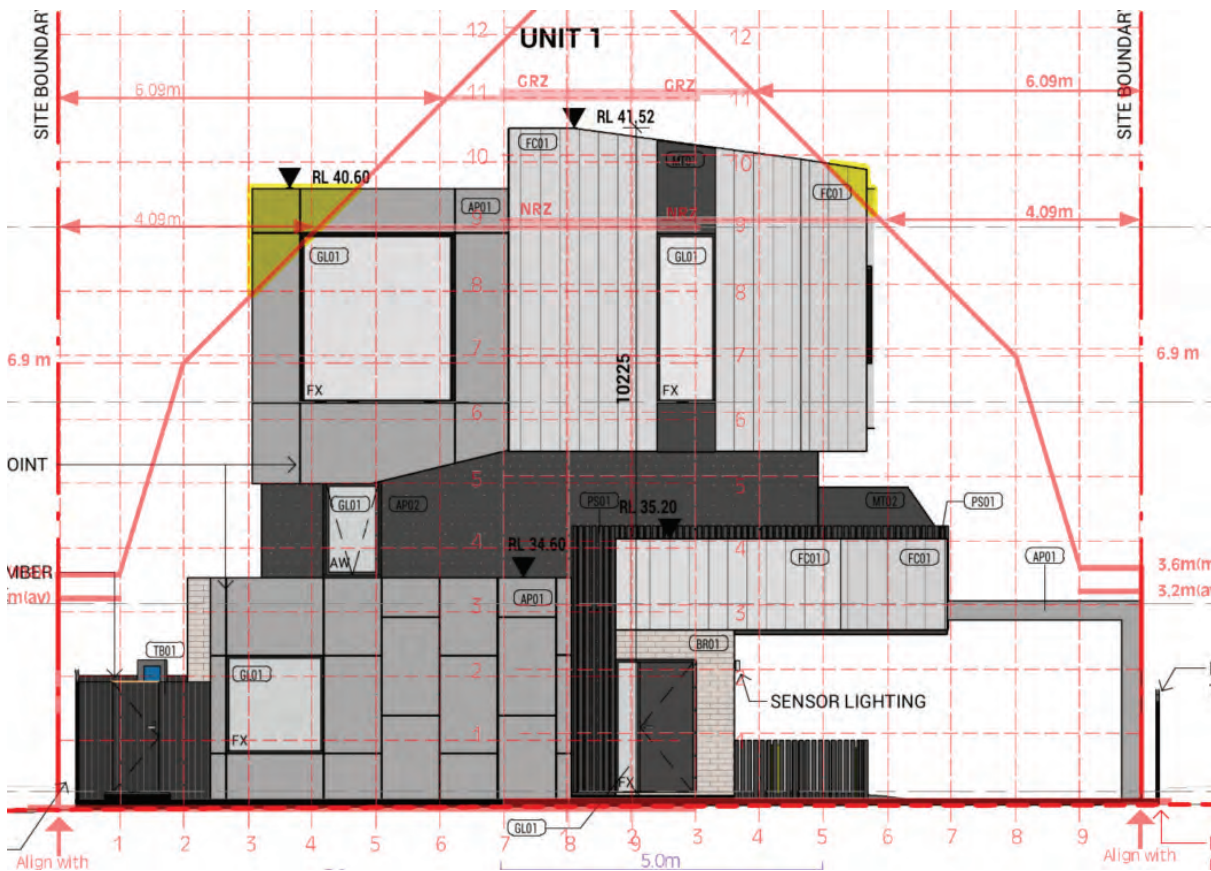
- It is only a small reduction in the setback (max 600mm encroachment) of a small portion of the building (only the first floor balcony, for a width of 5 metres).
- The neighbouring building at 9 King Street is on a corner and is setback 4.45 metres from King Street.

It is considered that the proposal still respects the preferred neighbourhood character given the site context and that there is ample space in the front setback for canopy trees, which have been shown on the landscape plan.

- Clause 55.04-6 Side and rear setbacks objective (Standard B17)

The development seeks a variation to the standard requirements for side and rear setbacks on a small upper portion of the building on the east and western sides, as shown in the image below;

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**



Above: Yellow highlighted areas showing side and rear setback encroachment.

The small encroachments are acceptable in the context due to the fact that the proposal is adjacent to a 3 storey apartment building at 9 King Street (located to the west) and the neighbouring driveway and garage (to the east). The encroachments are very minor as depicted above and are not considered to cause unreasonable visual bulk impacts on adjoining properties due to the context and the design response. The proposal will not result in unreasonable overshadowing due to the orientation of the lot.

- Clause 55.04-6 Overlooking objective (Standard B22)

The development has provided a reasonable level of screening in the form of boundary fences, 1.7 metre high screens and obscure glazing, with the exception of the north facing first floor habitable room windows and balcony to dwelling 7. Objections have been received from the neighbouring property to the north outlining the material detriment that would be caused due to overlooking from these windows and balcony. Permit conditions can be applied to the permit to ensure compliance with the standard for these windows and balcony. Dwelling 1 and 2 east facing balconies and windows do not provide screening, however face a driveway and are in excess of the 9m requirement for windows and balconies to be screened.

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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

- Clause 55.06-4 Site Services objective (Standard B34)

This standard requires bin storage to be convenient, attractive and blend with the development. It is considered that the bin storage area within the front setback is not convenient, does not blend with the development and is not attractive at the main entrance to the development. The submitted landscape plan shows bin storage within each dwelling. Permit conditions can require bin storage to be within each dwelling, not within the front setback.

### **Car Parking**

Car parking for the proposal has been provided in the form of single garages for all dwellings, which each contain 2 bedrooms.

Access to the site will be via the existing single crossover on the eastern side of the frontage from King Street. Garages are located to the ground levels of the dwellings forming part of the lower level of each dwelling. The garages front the shared driveway to the east of the site and are well screened from the street.

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

Pursuant to Clause 52.06-5 the following car parking rates are applicable to the dwellings:

Use	Rate	Proposal	Parking requirement	Proposed parking
1 or 2 bedroom dwellings	1 space per dwelling	0 dwellings	0	7
3 or more bedroom dwellings	2 spaces per dwelling	7 dwellings	7	
Visitors to dwellings	N/A – site is within PPTN area	0	0	

The proposal provides the required number of car parking spaces within the subject site. As the site is located within the PPTN area Column B of Table 1 is applicable which has no requirement for the provision of visitor car parking.

### **Vegetation & Tree Impact (Site & Surrounds)**

The proposal includes the removal of all vegetation from the subject site. The extent of vegetation removal is considered reasonable and is not considered to be of any significance to warrant its retention. However, to offset the loss of this vegetation a landscape plan has been provided to ensure the site is adequately revegetated.

As the development proposes first floor balconies acting as secluded private open space, areas of landscaping have been generally focused at the front and rear of the site with these areas suitable to contain the planting of canopy trees.

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

Additional landscaping is also proposed along the shared driveway.

The extent of landscaping throughout the site is considered reasonable and is consistent with the intended neighbourhood character associated with this level of medium residential development.

**Environmentally Sustainable Development**

The development has considered environmentally sustainable design subject to a number of changes listed in Condition 3.1 and Condition 3.2. Condition 3.1 will require the energy rating assessment to achieve a rating beyond 6 stars per dwelling. Condition 3.2 will require additional assessment under the management and energy sections of the tool. The development is site responsive, achieving a healthy environment for future occupants through the provision of cross ventilation and natural daylight, minimising the need for mechanical ventilation and incorporates measures such as:

- Water efficient taps, showers, toilets and washing machines;
- Rainwater tanks to collect water for use in toilets;
- Double glazing to all habitable room windows;
- Energy efficient heating and cooling systems; and
- Outdoor clothes lines for drying.

The proposal achieves an overall BESS score of 51%.

<b>BESS Information Summary</b>	<b>Project Overall Score: 51%</b>
<b>Dwelling Type: Residential</b>	<b>Fail Best Practice Design Excellence Best Practice Design Excellence Design Excellence</b> <b>(&lt;49%) (50-69%) (&gt;70%)</b>

<b>BESS Category</b>	<b>Score</b>	<b>Initiatives</b>
Management	0%	
		<ul style="list-style-type: none"> <li>■ Thermal performance modelling (NatHERS) undertake for each dwelling (to be revised)</li> </ul>
Water	50%	
		<ul style="list-style-type: none"> <li>■ Rainwater tank capacity of 2,000L per dwelling connected to Toilet flushing and laundry (to be revised)</li> <li>■ High WELS star rated water fittings, fixtures and appliances</li> <li>■ Potable water consumption reduced by 29% compared to same building following minimum standards.</li> </ul>

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

Energy	50%	
		<ul style="list-style-type: none"> <li>■ High efficiency reverse cycle air conditioning specified with 3-star energy rating.</li> <li>■ Thermal performance energy rating (NatHERS) of 6 stars (to be completed)</li> <li>■ Gas instantaneous (6-star) hot water system supplied.</li> </ul>
		<ul style="list-style-type: none"> <li>■ Estimated greenhouse gas emissions reduced by 64% compared to compared to same building following minimum standards</li> </ul>
Stormwater	100%	
		<ul style="list-style-type: none"> <li>■ Stormwater design meets industry best practice requirements though incorporation of rainwater collection.</li> </ul>
Indoor Environment Quality	60%	
		<ul style="list-style-type: none"> <li>■ Double glazing provided to all habitable rooms</li> <li>■ Cross ventilation to each dwelling</li> </ul>
Transport	33%	
		<ul style="list-style-type: none"> <li>■ Space allocated for bicycle parking in P.O.S and/or Garage</li> </ul>
Waste	50%	
		<ul style="list-style-type: none"> <li>■ Usage of councils private green waste/FOGO collection service</li> </ul>
Urban Ecology	50%	
		<ul style="list-style-type: none"> <li>■ 20% of the site is vegetated</li> </ul>
Innovation	0%	

**Conclusion**

The proposed development of seven (7) dwellings is considered reasonable and is of an appropriate design response in terms of height, scale, setbacks, private open space, car parking and landscaping with minimal amenity impacts on the adjoining residential properties and surrounding area.



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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

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

**Recommendation**

**That Council resolves to issue a Notice of Decision to grant a permit in respect of the land known and described as Lot 1 TP 683802, 11 King Street, Dandenong for the purpose of development of the land for seven (7) dwellings in accordance with the plans submitted with the application subject to the following conditions:**

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:**
  - 1.1. Screening or obscure glazing of the north facing habitable room windows and balcony of dwelling 7 to meet the requirements of Standard B22 in Clause 55.04-6.**
  - 1.2. All garages to have minimum internal dimensions of 3.5 metres x 6 metres.**
  - 1.3. The layout of dwelling 1 study, entry and pedestrian access path to be consistent between the ground floor plan, elevation plans and the landscape plan.**
  - 1.4. Ground floor plan to be amended as follows:**
    - 1.4.1 Deletion of the communal bin storage area and replacement with garden/lawn area.**
    - 1.4.2 Bin storage and storage locations within each dwelling, as per the submitted landscape plan.**
  - 1.5. Any changes associated with the revised Sustainable Design Assessment**

**All to the satisfaction of the Responsible Authority.**
- 2. Before the dwellings are occupied, all landscaping as shown on the endorsed plans, including trees, shrubs and lawn, must be planted to the satisfaction of the Responsible Authority.**

**At all times, the landscaping must be maintained to the satisfaction of the Responsible Authority.**

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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

- 3. Before the development starts and before endorsement of plans under condition 1, an amended Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The WMP must be generally in accordance with the WMP submitted with the application, but modified to show the following;**
  - 3.1. Deletion of the communal waste storage area. Individual waste bins to be provided for each dwelling, to be stored within each dwelling and managed by the occupants of each dwelling.**
  
- 4. Before the development starts and before endorsement of plans under condition 1, an amended Sustainability Design Assessment (SDA) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The SDA must be generally in accordance with the SDA (prepared by Frater, dated 16 April 2021), but modified to show the following;**
  - 4.1. Submission of a preliminary energy efficiency (NatHERS) rating for townhouses 1, 2, 6 and 7. The energy rating assessment must achieve a rating beyond 6 stars per dwelling.**
  - 4.2. Revised BESS assessment that includes the relevant inputs related to the NatHERS rating assessment under the management and energy sections of the tool.**
  
- 5. Except with the prior written consent of the Responsible Authority, the layout of the land and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified.**
  
- 6. Except with the prior written consent of the Responsible Authority, the approved building must not be occupied until all buildings and works and the conditions of this permit have been complied with.**
  
- 7. Provision must be made for the drainage of the site including landscaped and pavement areas, all to the satisfaction of the Responsible Authority.**
  
- 8. The connection of the internal drainage infrastructure to the Legal Point of Discharge must be to the satisfaction of the Responsible Authority.**
  
- 9. Collected stormwater must be retained onsite and discharged into the drainage system at pre-development peak discharge rates as stated in the LPD approval letter. Approval of drainage plan including any retention system within the property boundary is required.**
  
- 10. Before the approved building is occupied, all piping and ducting above the ground floor storey of the building, except downpipes, must be concealed to the satisfaction of the Responsible Authority.**



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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

11. **Standard concrete vehicular crossing/s must be constructed to suit the proposed driveway/s in accordance with the Council's standard specifications. Any vehicle crossing no longer required must be removed and the land, footpath and kerb and channel reinstated, to the satisfaction of the Responsible Authority.**
12. **Service units, including air conditioning/heating units, must not be located on any of the balcony areas or where they will be visible from any public area.**
13. **Except with the prior written consent of the Responsible Authority, floor levels shown on the endorsed plan/s must not be altered or modified.**
14. **Before the approved building is occupied, the development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkway. Lighting must be located, directed and shielded to the satisfaction of the Responsible Authority so as to prevent any adverse effect outside the land.**
15. **Before the approved building is occupied, any obscure glazing to the windows shown on the endorsed plans must be provided through frosted glass or similarly treated glass. Adhesive film or similar removable material must not be used.**

**All glazing must at all times be maintained to the satisfaction of the Responsible Authority.**

16. **Before the approved building is occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.**

**All privacy screens and other measures to prevent overlooking as shown on the endorsed plans must at all times be maintained to the satisfaction of the Responsible Authority.**

17. **Before the approved building is occupied, all boundary walls in the development must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.**
18. **Letterboxes and all other structures (including visually obstructive fencing and landscaping) should be constructed to a maximum height of 900mm or relocated clear of a splayed area (2m x 2.5m) along the frontage road at access points in accordance with Dandenong Planning Scheme Clause 52.06-9.**
19. **The provisions, requirements and recommendations of the endorsed WMP must be implemented and complied with to the satisfaction of the Responsible Authority.**
20. **This permit will expire if:**

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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088)  
(Cont.)**

- 20.1. The development or any stage of it does not start within two (2) years of the date of this permit, or**
- 20.2. The development or any stage of it is not completed within four (4) years of the date of this permit.**

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

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

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

**Permit Notes**

- A Building Approval is required prior to the commencement of the approved development. This planning permit does not constitute any building approval.**
- Approval of any retention system within the property boundary is required by the relevant building surveyor.**
- Before commencement of the development occurs, the applicant should contact the City of Greater Dandenong's Civil Development and Design Unit regarding legal point of discharge, new crossings, building over easements, etc.**
- As this is an established site, the proposed internal drainage should be connected to the existing legal point of discharge. The applicant may apply for local drainage information, if available; otherwise on site verification should be undertaken by the applicant.**
- A Vehicle Crossing Permit must be obtained from Council for all vehicular crossings prior to construction of the crossings. You may be required to apply for a Asset Protection Permit from Council's engineering services. Queries regarding engineering requirements can be directed to Council's general phone number on 8571 1000.**
- No buildings or works shall be constructed over any easement without the written consent of the relevant authorities.**
- This permit has been granted on the basis that consent to build over any easement will be obtained from the relevant authority. If consent is not able to be obtained, the development plan will be required to be amended.**
- An application must be made with Council's Parks Department for the street tree removal. The street tree must only be removed by or under the supervision of the Council. Prior to removal of the tree the replacement cost must be paid to Council.**
- A flood dispensation is to be obtained prior to issue of Building Permit.**

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

- **The property is identified to be subject to flooding in major rain events. An application for Report and Consent for Flooding is required. Asset Management Team is to be contacted to confirm the minimum finished floor level (FFL) of the proposed development.**
- **Prior to the drainage plans being approved, a drainage approval fee will need to be paid to Council.**

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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088)  
(Cont.)**

**STATUTORY PLANNING APPLICATIONS**

**TOWN PLANNING APPLICATION -NO.11 KING STREET, DANDENONG  
(PLANNING APPLICATION NO. PLN21/0088)**

**ATTACHMENT 1**

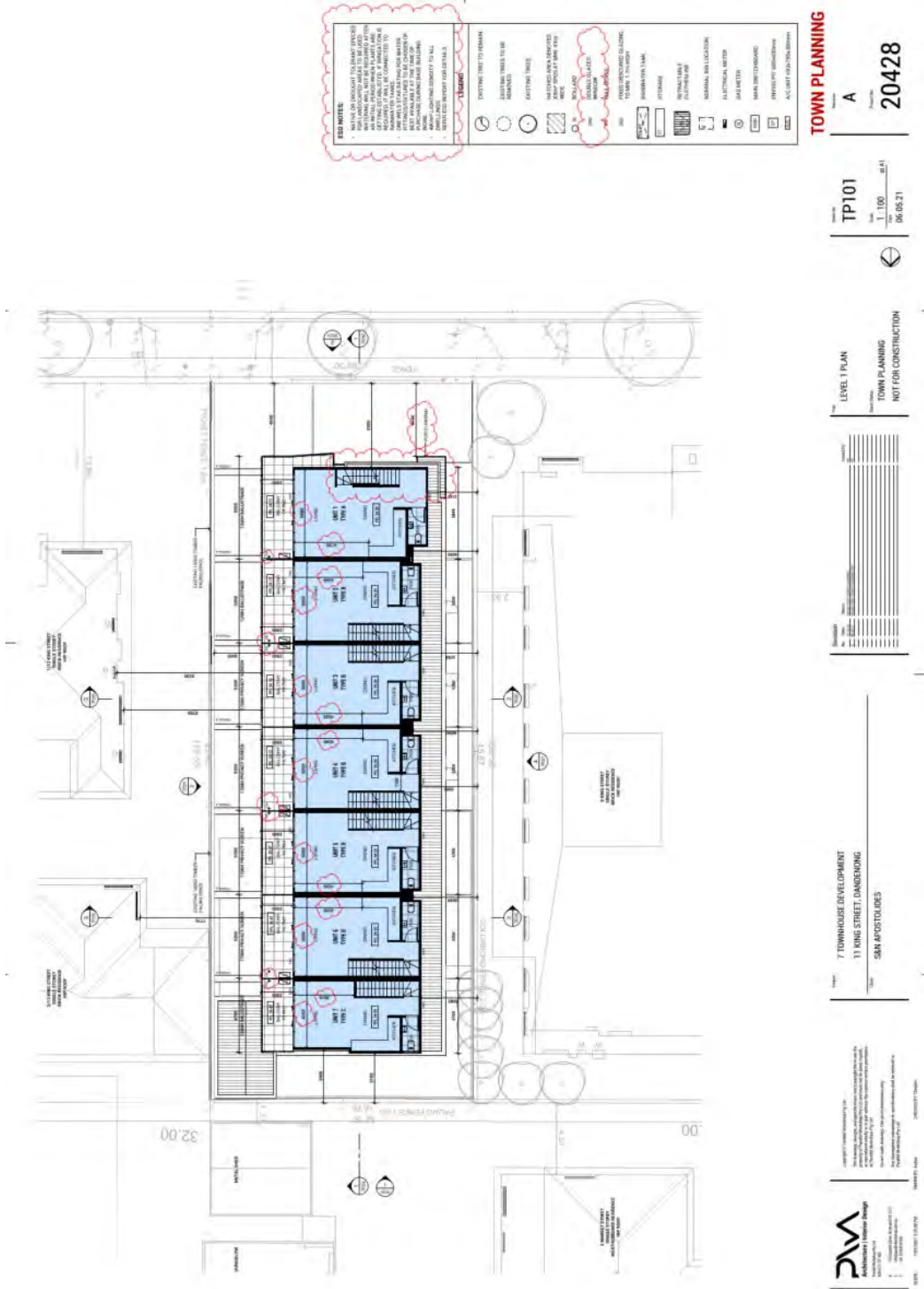
**ASSESSED PLANS**

**PAGES 7 (including cover)**

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

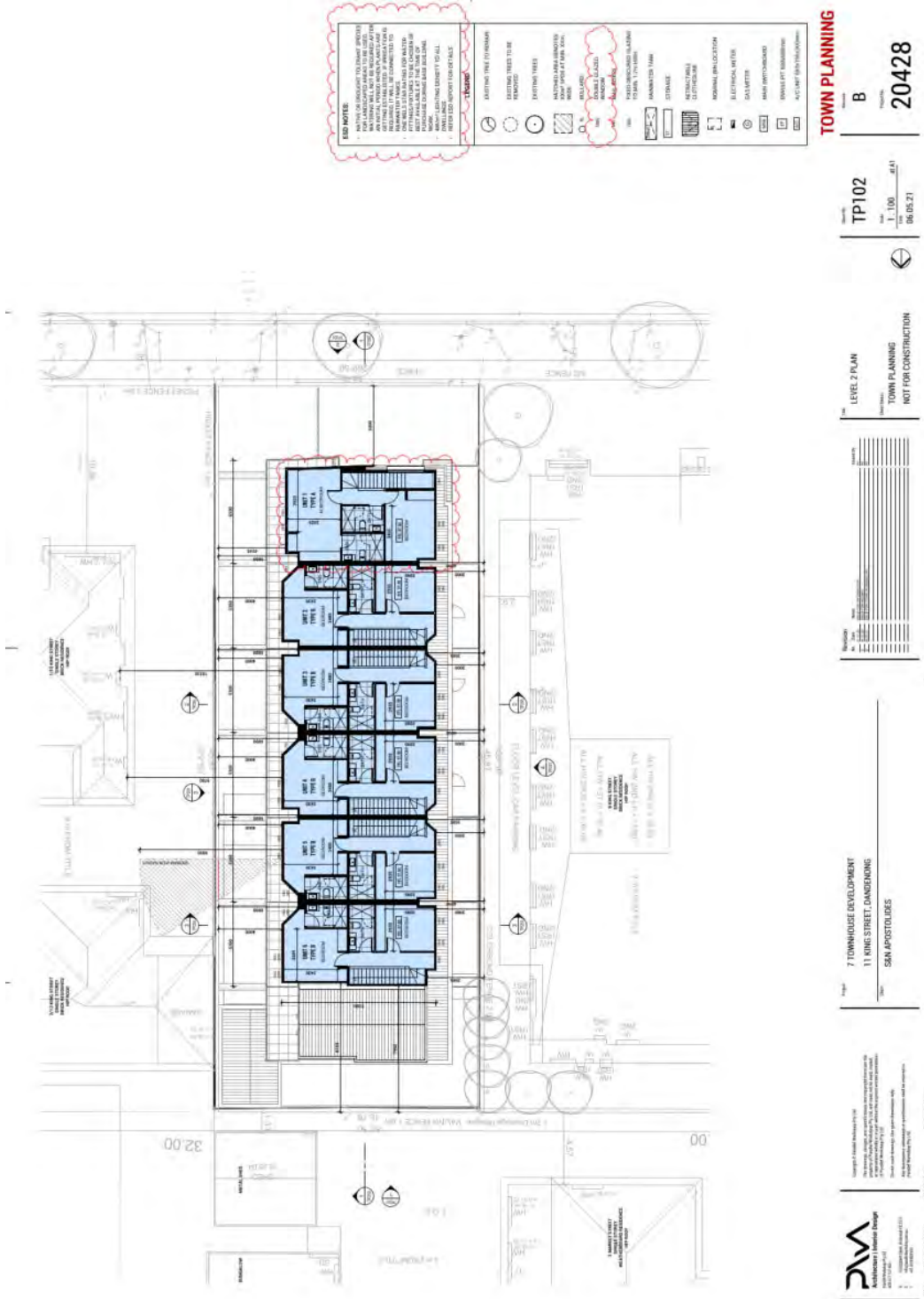


**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

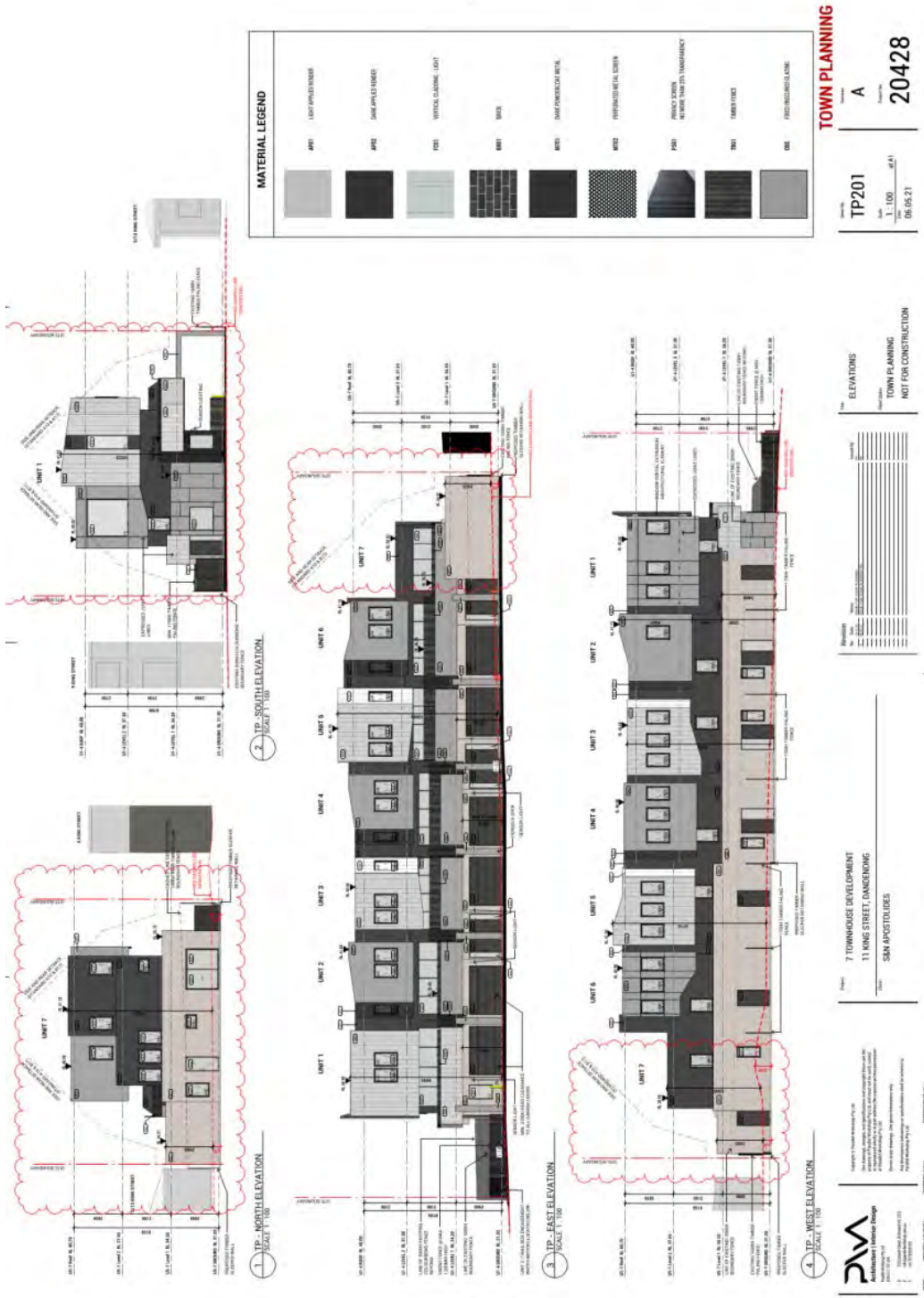




**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**



**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**





**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**



**TOWN PLANNING**  
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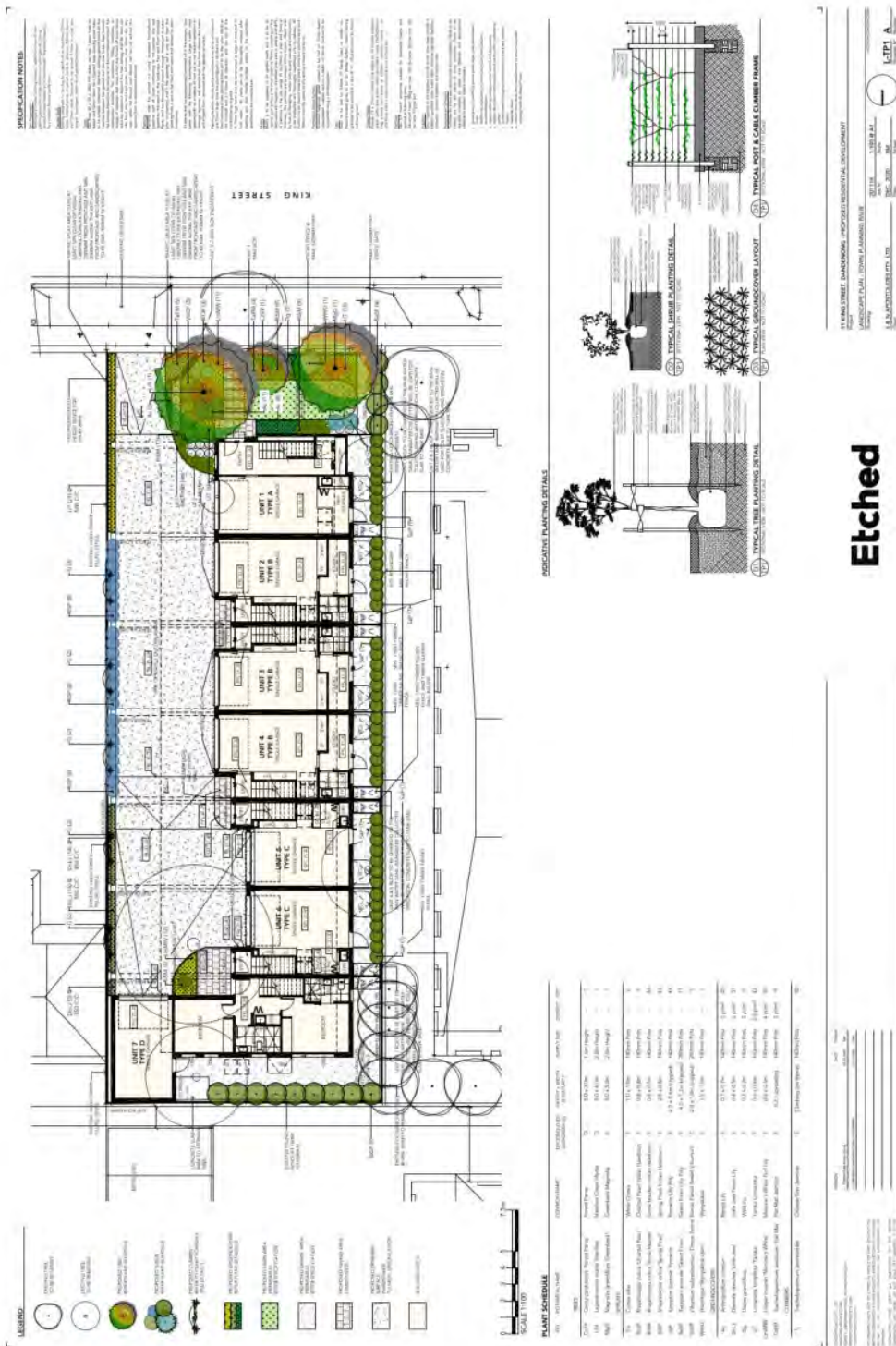
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7 TOWNHOUSE DEVELOPMENT  
 11 KING STREET, DANDENONG  
 SAM APPOSTOLIDES

**D&M**  
 Design & Make  
 11 King Street, Dandenong VIC 3175  
 Tel: 03 9594 1111  
 Email: info@dandem.com.au  
 Website: www.dandem.com.au

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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**



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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088)  
(Cont.)**

**STATUTORY PLANNING APPLICATIONS**

**TOWN PLANNING APPLICATION -NO. 11 KING STREET, DANDENONG  
(PLANNING APPLICATION NO. PLN21/0088)**

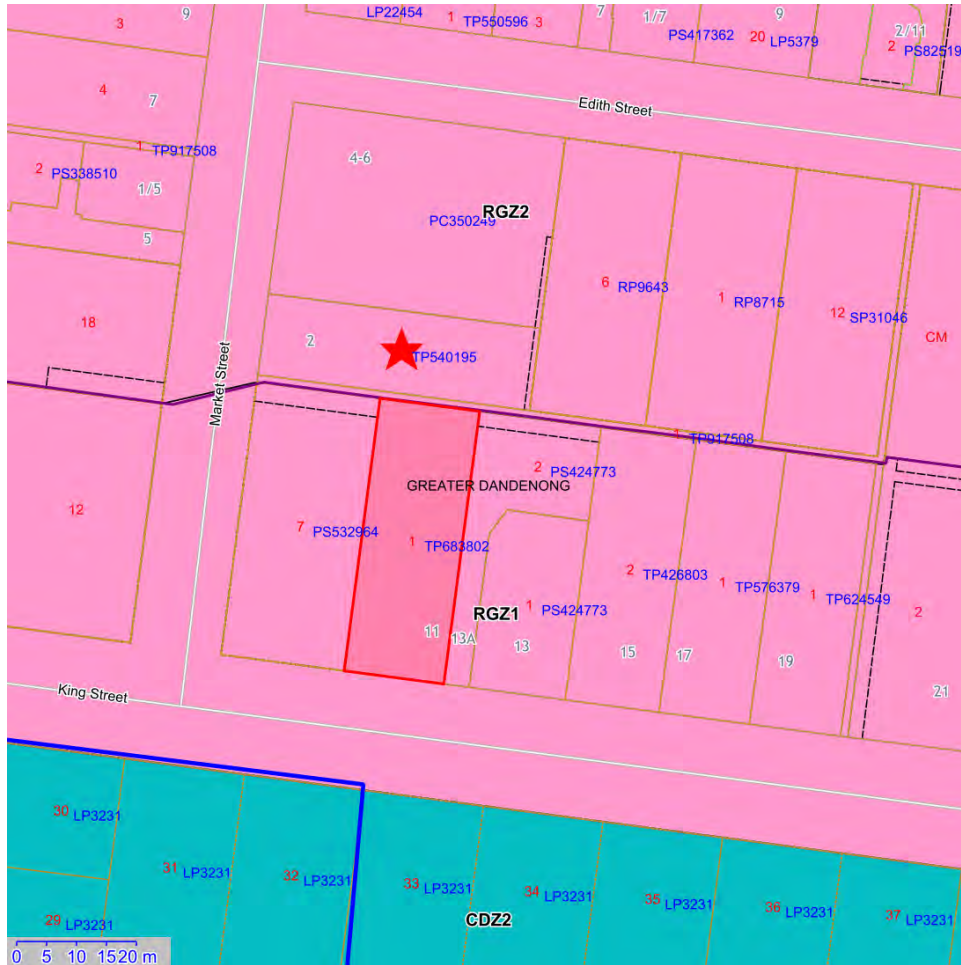
**ATTACHMENT 2**



**LOCATION OF OBJECTORS**

**PAGES 2 (including cover)**

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

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088)  
(Cont.)**



-  = Subject site
-  = Location of objectors (note; all objectors from same location)

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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088)  
(Cont.)**

**STATUTORY PLANNING APPLICATIONS**

**TOWN PLANNING APPLICATION -NO. 11 KING STREET, DANDENONG  
(PLANNING APPLICATION NO. PLN21/0088)**

**ATTACHMENT 3**

**CLAUSE 22.09 ASSESSMENT**

**PAGES 8 (including cover)**

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

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

**Assessment Table for Clause 22**

**Clause 22.09-3.1 Design Principles for all residential developments**

Title /Objective	Principles	Principle met/Principle not met/NA
<b>Safety</b>	To encourage the provision of safer residential neighbourhoods, new development should enable passive surveillance through designs that: Incorporate active frontages including ground floor habitable room windows.	<b>✓ Principle met</b> Habitable room windows provided to the street.
	Maximise the number of habitable room windows on all levels of residential buildings that overlook the public realm, streets, laneways, internal access ways and car parking areas.	<b>✓ Principle met</b> Habitable room windows provided to the street.
	Use semi-transparent fences to the street frontage.	<b>✓ Principle met</b> 1.2m high picket fence to the street.
	Light communal spaces including main entrances and car parking areas with high mounted sensor-lights.	<b>✓ Principle met</b> Lighting can be requested via permit conditions.
	Ensure that all main entrances are visible and easily identifiable from the street.	<b>✓ Principle met</b> Entrances are clearly visible from the street.
	Locate non-habitable rooms such as bathrooms, away from entrances and street frontage.	<b>✓ Principle met</b> Non-habitable room windows are located away from street frontages.
<b>Landscaping</b>	Residential development should: Provide substantial, high quality on-site landscaping, including screen planting and canopy trees along ground level front and side and rear boundaries. Provide substantial, high quality landscaping along vehicular accessways.	<b>✓ Principle met</b> Landscape plan shows 4 metre high Lilly Pilly along the western and northern

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

ORDINARY COUNCIL MEETING - AGENDA

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

	<p>Include the planting of at least one substantial canopy tree to each front setback and ground level secluded private open space area.</p> <p>Planting trees that are common to and perform well in the area.</p> <p>Avoid the removal of existing mature trees by incorporating their retention into the site design.</p> <p>Use landscaping to soften the appearance of the built form when viewed from the street and to respect the amenity of adjoining properties.</p> <p>Ensure that landscaping also addresses the Safety Design Principles.</p> <p>Canopy trees should be planted in well proportioned setbacks/private open space that are sufficient to accommodate their future growth to maturity.</p> <p>Landscaping should minimise the impact of increased storm water runoff through water sensitive urban design and reduced impervious surfaces.</p> <p>Landscaping should be sustainable, drought tolerant, and include indigenous species and be supported through the provision of rainwater tanks.</p>	<p>boundaries. Star Jasmine climbing plant is proposed on the eastern boundary open pergola over the accessway.</p> <p>A Crepe Myrtle and Magnolia tree are proposed in the front setback. These trees are capable of growing to 8 &amp; 9 metres. A substantial amount of other plants and shrubs are proposed within the front setback.</p> <p>No environmental weeds are proposed.</p>
<p>Car parking</p>	<p>The existing level of on-street car parking should be maintained by avoiding second crossovers on allotments with frontage widths less than 17 metres.</p> <p>On-site car parking should be:</p> <ul style="list-style-type: none"> <li>Well integrated into the design of the building.</li> <li>Generally hidden from view or appropriately screened where necessary.</li> <li>Located to the side or rear of the site so as to not dominate the streetscape and to maximise soft landscaping opportunities at ground level.</li> </ul> <p>Where car parking is located within the front setback it should be:</p> <ul style="list-style-type: none"> <li>Fully located within the site boundary; and</li> <li>Capable of fully accommodating a vehicle between a garage or carport and the site boundary.</li> </ul> <p>Developments with basement car parking should consider flooding concerns where applicable.</p>	<p>✓ <b>Principle met</b> Only one crossover proposed.</p> <p>✓ <b>Principle met</b> Car parking is hidden and integrated.</p> <p>NA. Car parking not located within the front setback.</p> <p>NA. No basement proposed.</p>
<p>Setbacks, front boundary and width</p>	<p>Residential developments should: Provide a front setback with fence design and height in keeping with the predominant street pattern.</p>	<p>✓ <b>Principle met</b> 1.2 metre high front fence proposed.</p>

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



ORDINARY COUNCIL MEETING - AGENDA

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

	Maintain the apparent frontage width pattern.	✓ <b>Principle met</b>
	Provide appropriate side setbacks between buildings to enable screen planting where required, and at least one generous side setback to enable the retention of trees and/or the planting and future growth of trees to maturity.	✓ <b>Principle met</b> Landscape plan shows 4 metre high Lilly Pilly along the western and northern boundaries. Star Jasmine climbing plant is proposed on the eastern boundary open pergola over the accessway.
	Provide open or low scale front fences to allow a visual connection between landscaping in front gardens and street tree planting.	✓ <b>Principle met</b> 1.2 metre high front fence proposed.
Private open space	All residential developments should provide good quality, useable private open space for each dwelling directly accessible from the main living area.	✓ <b>Principle met</b> Balconies provided on the east, directly adjacent to the living areas.
	Ground level private open space areas should be able to accommodate boundary landscaping, domestic services and outdoor furniture so as to maximise the useability of the space.	✓ <b>Principle met</b>
	Private open space should be positioned to maximise solar access.	✓ <b>Principle met</b> Balconies are located on the east. Additional ground level POS is on the north.
	Upper floor levels of the same dwelling should avoid encroaching secluded private open space areas to ensure the solar access, useability and amenity of the space is not adversely affected.	✓ <b>Principle met</b> Upper levels do not encroach.
	Upper level dwellings should avoid encroaching the secluded private open space of a separate lower level dwelling so as to ensure good solar access and amenity for the lower level dwelling.	✓ <b>Principle met</b> Upper levels do not encroach.
Bulk & Built Form	All residential developments should respect the dominant façade pattern of the streetscape by: <ul style="list-style-type: none"> <li>• Using similarly proportioned roof forms , windows, doors and verandahs; and</li> <li>• Maintaining the proportion of wall space to windows and door openings.</li> </ul>	✓ <b>Principle met</b>

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ORDINARY COUNCIL MEETING - AGENDA

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

	<p>Balconies should be designed to reduce the need for screening from adjoining dwellings and properties.</p> <p>The development of new dwellings to the rear of existing retained dwellings is discouraged where:</p> <ul style="list-style-type: none"> <li>The siting of the retained dwelling would not enable an acceptable future site layout for either the proposed or future dwelling; or</li> <li>The retention of the existing dwelling detracts from the identified future character.</li> </ul> <p>On sites adjacent to identified heritage buildings, infill development should respect the adjoining heritage by:</p> <ul style="list-style-type: none"> <li>Not exceeding the height of the neighbouring significant building;</li> <li>Minimising the visibility of higher sections of the new building; and</li> <li>Setting higher sections back at least the depth of one room from the frontage.</li> </ul>	<p>✓ <b>Principle met</b> Where possible, balconies avoid screening.</p> <p>NA. Existing dwelling is not being retained.</p> <p>NA. The site is not adjacent to heritage buildings.</p>
<p>Site Design</p>	<p>Residential development should:</p> <p>Preserve the amenity of adjoining dwellings through responsive site design that considers the privacy, solar access and outlook of adjoining properties.</p> <p>Maximise thermal performance and energy efficiency of the built form by addressing orientation, passive design and fabric performance</p> <p>Ensure that building height, massing articulation responds sensitively to existing residential interfaces, site circumstances, setbacks and streetscape and reduces the need for screening.</p>	<p>✗ <b>Principle not met</b> The proposal does not meet the Clause 55 standard for overlooking to the north. Permit conditions can require screening to meet the standard.</p> <p>✓ <b>Principle met</b> The proposal provides acceptable thermal performance, achieving best practice requirements in Clause 22.06.</p> <p>✓ <b>Principle met</b> The proposed development is considered appropriate to provide a transition between the existing triple storey development to the west, and the single storey dwellings to the north and east. Screening is avoided where possible.</p>

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

ORDINARY COUNCIL MEETING - AGENDA

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

	<p>Provide sufficient setbacks (including the location of basements) to ensure the retention of existing trees and to accommodate the future growth of new trees.</p> <p>Provide suitable storage provisions for the management of operational waste</p> <p>Appropriately located suitable facilities to encourage public transport use, cycling and walking.</p>	<p>✓ <b>Principle met</b> Landscape plan shows 4 metre high Lilly Pilly along the western and northern boundaries. Star Jasmine climbing plant is proposed on the eastern boundary open pergola over the accessway.</p> <p>✗ <b>Principle not met</b> Bin storage area within the front setback is not appropriate. There is space within each dwelling as shown in the submitted landscape plan. Permit conditions can require removal of the bin storage area within the front setback.</p> <p>✓ <b>Principle met</b> Pedestrian access provided to dwelling 1. Bicycle rack is provided within each dwelling.</p>
<p>Materials &amp; Finishes</p>	<p>Residential development should:</p> <p>Use quality, durable building materials and finishes that are designed for residential purposes.</p> <p>Avoid the use of commercial or industrial style building materials and finishes.</p> <p>Avoid using materials such as rendered cement sheeting, unarticulated surfaces and excessive repetitive use of materials.</p> <p>Use a consistent simple palette of materials, colours finishes and architectural detailing.</p> <p>Maximise the ongoing affordability and sustainability of residential developments through the selection of low maintenance, resource and energy efficient materials and finishes that can be reasonably expected to endure for the life of the building.</p>	<p>✓ <b>Principle met</b> Materials and finishes selected are common in residential development.</p>
<p>Domestic services normal to a dwelling and Building services</p>	<p>In order to minimise the impact of domestic and building services on the streetscape, adjacent properties, public realm and amenity of future residents, new residential development should:</p> <p>Ensure that all domestic and building services are visually integrated into the design of the building and appropriately positioned or screened so as to not be seen from the street or adjoining properties.</p>	<p>✗ <b>Principle not met</b> Bin storage area within the front setback</p>

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

ORDINARY COUNCIL MEETING - AGENDA

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

	<p>Be designed to avoid the location of domestic and building services:</p> <ul style="list-style-type: none"> <li>• Within secluded private open space areas, including balconies; and</li> <li>• Where they may have noise impacts on adjoining habitable rooms and secluded private open space areas.</li> </ul>	<p><b>does not comply with this design principle.</b> There is space within each dwelling as shown in the submitted landscape plan. Permit conditions can require removal of the bin storage area within the front setback.</p>
Internal Amenity	<p>Residential development should:</p> <p>Ensure that dwelling layouts have connectivity between the main living area and private open space.</p> <p>Be designed to avoid reliance on borrowed light to habitable rooms.</p> <p>Ensure that balconies and habitable room windows are designed and located to reduce the need for excessive screening.</p> <p>Ensure that dwellings without ground level main living areas meet the Standards of Clauses 55.03-5 (energy efficiency), 55.04-1 (side and rear setbacks), 6 (overlooking) &amp; 7 (internal views), 55.05-3 (daylight to new windows), 4 (private open space) &amp; 5 (solar access to open space)</p>	<p>✓ <b>Principle met</b> Living areas are adjacent to balconies.</p> <p>✓ <b>Principle met</b> No borrowed light proposed.</p> <p>✓ <b>Principle met</b> Balconies are designed to avoid screening where possible.</p> <p>✗ <b>Principle not met</b> As discussed in the Clause 55 assessment, the proposal does not meet the standards in 55.04-1 (side and rear setbacks) and 6 (overlooking). Permit conditions can ensure compliance with the standard for overlooking. In this case, the small encroachment in the site and rear setbacks standard is considered acceptable in the context and design response. See Clause 55 assessment.</p>

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

ORDINARY COUNCIL MEETING - AGENDA

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

**Clause 22.09-3.2 Design principles for Substantial Change Areas – Residential Growth Zone (RGZ)**

Titles & Objectives	Principles	Principle met/Principle not met/NA
<b>Preferred housing types</b>	The preferred housing types for the Substantial Change Area are medium to high density	<p>✓ <b>Principle met</b> Medium density proposed.</p>
<b>Building Height</b>	The preferred maximum building height for land within the RGZ1 and RGZ2 is up to 4 storeys, including ground level.	<p>✓ <b>Principle met</b> Two and three storey proposed.</p>
<b>Bulk &amp; Built Form</b>	Building bulk and height can be relatively uniform throughout the depth of sites, where articulated building elevations and well proportioned ground level setbacks to upper levels are provided at the front, side and rear of buildings to allow for substantial landscaping to soften the built form.	<p>✓ <b>Principle met</b> Sufficient boundary setbacks for landscaping provided. Mixture of external materials and finishes with staggered setbacks.</p>
	Upper level tiering may be appropriate in some cases with upper levels recessed from view. Tiered building profiles that result in excessive upper level setbacks should be avoided.	<p>✓ <b>Principle met</b></p>
	Separation between upper levels of dwellings on a site is not generally needed, provided the building portrays a high standard of design and does not result in unreasonable amenity impacts.	<p>✓ <b>Principle met</b> High standard of design provided through variation of forms, materials and colours.</p>
	The bulk and mass of the upper levels of any dwelling should not have an unreasonable adverse impact on the amenity of adjacent residential secluded private open spaces.	<p>✓ <b>Principle met</b></p>
	Residential development should be well articulated through the use of contrast, texture, variation in forms, materials, openings, colours and the inclusion of vertical design elements.	<p>✓ <b>Principle met</b> Variation of forms, materials and colours.</p>
<b>Site Design</b>	High density residential developments should provide safe and innovative communal open spaces.	<p>NA</p>

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

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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088)  
(Cont.)**

**STATUTORY PLANNING APPLICATIONS**

**TOWN PLANNING APPLICATION – NO.11 KING STREET, DANDENONG  
(PLANNING APPLICATION NO. PLN21/0088)**

**ATTACHMENT 4**

**CLAUSE 55 ASSESSMENT**

**PAGES 27 (including cover)**

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

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

**Assessment Table - Two or More Dwellings on a Lot and Residential Buildings (Clause 55)**

<b>Clause 55.02-1 Neighbourhood character objectives</b>		<b>Standard Met/Standard Not Met/NA</b>
<b>Title &amp; Objective</b>	<b>Standard (Summarised)</b>	
<b>Standard B1</b>	The design response must be appropriate to the neighbourhood and the site.  The proposed design response must respect the existing or preferred neighbourhood character and respond to the features of the site.	<b>Standard met</b> See below assessment against clause 22.09 requirements.  <b>Standard met</b> See below assessment against clause 22.09 requirements.
<b>Decision Guidelines</b>	Any relevant neighbourhood character objective, policy or statement set out in this scheme. The neighbourhood and site description. The design response.	
<b>Objectives</b>	To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that development responds to the features of the site and the surrounding area.	

<b>Clause 55.02-2 Residential policy objectives</b>		<b>Standard Met/Standard Not Met/NA</b>
<b>Title &amp; Objective</b>	<b>Standards</b>	
<b>Standard B2</b>	An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the PPF and the LPPF, including the MSS and local planning policies.	<b>Standard met</b> See below assessment against clause 22.09 requirements.
<b>Decision Guidelines</b>	The PPF and the LPPF including the MSS and local planning policies. The design response.	
<b>Objectives</b>	To ensure that residential development is provided in accordance with any policy for housing in the PPF and the LPPF, including the MSS and local planning policies. To support medium densities in areas where development can take advantage of public and community infrastructure and services.	

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

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

**Clause 55.02-3 Dwelling diversity objective**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B3</b>	Developments of ten or more dwellings should provide a range of dwelling sizes and types, including: <ul style="list-style-type: none"> <li>• Dwellings with a different number of bedrooms.</li> <li>• At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</li> </ul>	NA. Only 7 dwellings proposed.
<b>Objective</b>	To encourage a range of dwellings sizes and types in developments of ten or more dwellings.	

**Clause 55.02-4 Infrastructure objectives**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B4</b>	Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.  Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.  In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.	<b>Standard met</b> Development can be suitably accommodated into infrastructure of the established area.  <b>Standard met</b> Development can be suitably accommodated into infrastructure of the established area.  <b>Standard met</b> Development can be suitably accommodated into infrastructure of the established area.
<b>Decision Guidelines</b>	The capacity of the existing infrastructure.  In the absence of reticulated sewerage, the capacity of the development to treat and retain all wastewater in accordance with the SEPP (Waters of Victoria) under the EPA 1970.  If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.	
<b>Objectives</b>	To ensure development is provided with appropriate utility services and infrastructure.  To ensure development does not unreasonably overload the capacity of utility services and infrastructure.	

ORDINARY COUNCIL MEETING - AGENDA

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

**Clause 55.02-5 Integration with the street objective**


Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B5</b>	<p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>Developments should be oriented to front existing and proposed streets.</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement the open space.</p> <p>Any relevant urban design objective, policy or statement set out in this scheme. The design response.</p>	<p><b>Standard met</b> Pedestrian path to dwelling 1.</p> <p><b>Standard met</b> Dwelling 1 is fronting the street. Good amount of habitable room windows facing the street. Dwelling 1 balcony is on the east, but wraps around to the front.</p> <p><b>Standard met</b> 1.2m high front fence.</p> <p><b>Standard met</b> The site is not adjacent to existing public open space.</p>
<b>Decision Guidelines</b>		
<b>Objective</b>	To integrate the layout of development with the street.	



ORDINARY COUNCIL MEETING - AGENDA

2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)

Clause 55.03-1 Street setback objective

Title & Objective	Standards			Standard Met/Standard Not Met/NA																		
Standard B6	<p>Walls of buildings should be set back from streets at least the distance specified in a schedule to the zone:  <b>RGZ:</b> 5 metres or as per Table B1, whichever is the lesser.  <b>GRZ:</b> 7.5 metres or as per Table B1, whichever is the lesser.  <b>NRZ:</b> As per Table B1.                      Table B1 Street setback</p>			<p><b>Standard not met</b>                      Setback required: 5m                      Setback proposed: 4.4m                      The balcony to dwelling 1 encroaches into the setback.</p>																		
<table border="1"> <thead> <tr> <th data-bbox="438 896 494 940">Development context</th> <th data-bbox="438 940 494 985">Minimum setback from front street (metres)</th> <th data-bbox="438 985 494 1030">Minimum setback from a side street (metres)</th> </tr> </thead> <tbody> <tr> <td data-bbox="494 896 630 940">There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</td> <td data-bbox="494 940 630 985">The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</td> <td data-bbox="494 985 630 1030">Not applicable</td> </tr> <tr> <td data-bbox="630 896 750 940">There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</td> <td data-bbox="630 940 750 985">The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</td> <td data-bbox="630 985 750 1030">Not applicable</td> </tr> <tr> <td data-bbox="750 896 869 940">There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</td> <td data-bbox="750 940 869 985">6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td> <td data-bbox="750 985 869 1030">Not applicable</td> </tr> <tr> <td data-bbox="869 896 989 940">The site is on a corner.</td> <td data-bbox="869 940 989 985">If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</td> <td data-bbox="869 985 989 1030">Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</td> </tr> <tr> <td data-bbox="989 896 1189 940"></td> <td data-bbox="989 940 1189 985">If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td> <td data-bbox="989 985 1189 1030">Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</td> </tr> </tbody> </table>					Development context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)	There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable	There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable	There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable	The site is on a corner.	If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.		If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.
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ORDINARY COUNCIL MEETING - AGENDA

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

<p><b>Decision Guidelines</b></p>	<p>Any relevant neighbourhood character objective, policy or statement set out in this scheme. The design response. Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots. The visual impact of the building when viewed from the street and from adjoining properties. The value of retaining vegetation within the front setback.</p>	<p>The reduced setback is acceptable in this instance for the following reasons:</p> <ul style="list-style-type: none"> <li>It is only a small reduction in the setback (max 600mm encroachment) of a small portion of the building (only the first floor balcony, for a width of 5m)</li> <li>The neighbouring building at 9 King Street is on a corner and is setback 4.45 metres from King Street.</li> </ul>
<p><b>Objective</b></p>	<p>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p>It is considered that the proposal still respects the preferred neighbourhood character given the site context and that there is ample space in the front setback for canopy trees, which have been shown on the landscape plan.</p>

**Clause 55.03-2 Building height objective**

<p><b>Title &amp; Objective</b></p>	<p><b>Standards</b></p>	<p><b>Standard Met/Standard Not Met/N/A</b></p>
<p><b>Standard B7</b></p>	<p>The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land. <b>RGZ: 13.5 metres discretionary maximum (refer Clause 32.07-8 for details)</b> <b>GRZ: 11 metres / 3 storeys mandatory maximum (refer Clause 32.08-9)</b> <b>NRZ: 9 metres / 2 storeys mandatory maximum (refer Clause 32.09-9)</b> If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres. Changes of building height between existing buildings and new buildings should be graduated.</p>	<p><b>Standard met</b> Maximum overall height 3 storeys, 10.095 metres is proposed, well below the 13.5 metres.</p> <p>N/A</p> <p><b>Standard met</b> Neighbouring dwellings to the west are 3 storey. Neighbouring dwellings to the north and east are single storey. The proposal provides a graduation to these neighboring single storey dwellings. The three storey component is well setback from these interfaces.</p>
<p><b>Decision Guidelines</b></p>	<p>Any relevant neighbourhood character objective, policy or statement set out in this scheme. Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land. The design response.</p>	

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

	The effect of the slope of the site on the height of the building.
	The relationship between the proposed building height and the height of existing adjacent buildings.
	The visual impact of the building when viewed from the street and from adjoining properties.
<b>Objective</b>	To ensure that the height of buildings respects the existing or preferred neighbourhood character

**Clause 55.03-3 Site coverage objective**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B8</b>	<p>The site area covered by buildings should not exceed:</p> <ul style="list-style-type: none"> <li>The maximum site coverage specified in a schedule to the zone, or</li> <li>If no maximum site coverage is specified in a schedule to the zone, 60 per cent.</li> </ul> <p><b>RGZ1: 70%</b>  <b>RGZ2: 70%</b>  <b>RGZ3: 70%</b>  <b>GRZ1: 60% (none specified)</b>  <b>GRZ2: 60% (none specified)</b>  <b>NRZ1: 50%</b></p>	<p>Standard Met/Standard Not Met/NA</p> <p>✓ Standard met 61% proposed</p>
<b>Decision Guidelines</b>	<p>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</p> <p>The design response.</p> <p>The existing site coverage and any constraints imposed by existing development or the features of the site.</p> <p>The site coverage of adjacent properties</p> <p>The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.</p>	
<b>Objective</b>	To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.	

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

**Clause 55.03-4 Permeability objectives**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B9</b>	The site area covered by the pervious surfaces should be at least: <ul style="list-style-type: none"> <li>The minimum areas specified in a schedule to the zone, or</li> <li>If no minimum is specified in a schedule to the zone, 20 per cent of the site.</li> </ul> <b>RGZ1: 20%</b> <b>RGZ2: 20% (none specified)</b> <b>RGZ3: 20% (none specified)</b> <b>GRZ1: 30%</b> <b>GRZ2: 20% (none specified)</b> <b>NRZ1: 40%</b>	Standard Met/Standard Not Met/NA ✓ Standard met 23%
<b>Decision Guidelines</b>	The design response. The existing site coverage and any constraints imposed by existing development. The capacity of the drainage network to accommodate additional stormwater. The capacity of the site to absorb run-off. The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.	
<b>Objectives</b>	To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration.	

**Clause 55.03-5 Energy efficiency objectives**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B10</b>	Buildings should be: <ul style="list-style-type: none"> <li>Oriented to make appropriate use of solar energy.</li> <li>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> </ul> Living areas and private open space should be located on the north side of the development, if practicable.	Standard Met/Standard Not Met/NA ✓ Standard met Site is orientated to the south, living areas and balconies are orientated to the east. Dwelling 7 has north facing living room windows. ✓ Standard met Site is orientated to the south, living areas and balconies are orientated to the east. Dwelling 7 has north facing living room windows.

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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

	Developments should be designed so that solar access to north-facing windows is maximised.	<p>✓ <b>Standard met</b></p> <p>Site is orientated to the south, living areas and balconies are orientated to the east. Dwelling 7 has north facing living room windows.</p>
<b>Decision Guidelines</b>	<p>The design response.</p> <p>The size, orientation and slope of the lot.</p> <p>The existing amount of solar access to abutting properties.</p> <p>The availability of solar access to north-facing windows on the site.</p> <p>To achieve and protect energy efficient dwellings and residential buildings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p>	
<b>Objectives</b>		

**Clause 55.03-6 Open space objective**

<b>Title &amp; Objective</b>	<b>Standards</b>	<b>Standard Met/Standard Not Met/NA</b>
<b>Standard B11</b>	<p>If any public or communal open space is provided on site, it should:</p> <ul style="list-style-type: none"> <li>• Be substantially fronted by dwellings, where appropriate.</li> <li>• Provide outlook for as many dwellings as practicable.</li> <li>• Be designed to protect any natural features on the site.</li> <li>• Be accessible and useable.</li> </ul> <p>Any relevant plan or policy for open space in the SPPF and the LPPF, including the MSS and local planning policies.</p> <p>The design response.</p>	<p>NA no public or communal open space proposed.</p>
<b>Decision Guidelines</b>		
<b>Objective</b>	To integrate the layout of development with any public and communal open space provided in or adjacent to the development.	

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

**Clause 55.03-7 Safety objective**

Standards		Standard Met/Standard Not Met/NA
<b>Title &amp; Objective</b>		
<b>Standard B12</b>	Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.  Planting which creates unsafe spaces along streets and accessways should be avoided.  Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.  Private spaces within developments should be protected from inappropriate use as public thoroughfares.  The design response.  To ensure the layout of development provides for the safety and security of residents and property.	<p><b>Standard met</b> Entrances are easily identifiable from the common accessway.</p> <p><b>Standard met</b> Entrances are easily identifiable from the common accessway.</p> <p><b>Standard met</b> Permit conditions can require lighting of the vehicle accessway and pedestrian paths.</p> <p><b>Standard met</b> Private spaces are delineated by fencing and built form.</p>
<b>Decision Guidelines</b>		
<b>Objectives</b>		

**Clause 55.03-8 Landscaping objectives**

Standards		Standard Met/Standard Not Met/NA
<b>Title &amp; Objective</b>		
<b>Standard B13</b>	The landscape layout and design should: <ul style="list-style-type: none"> <li>Protect any predominant landscape features of the neighbourhood.</li> <li>Take into account the soil type and drainage patterns of the site.</li> <li>Allow for intended vegetation growth and structural protection of buildings.</li> <li>In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.</li> <li>Provide a safe, attractive and functional environment for residents.</li> </ul> Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.  Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made  The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.	<p><b>Standard met</b></p> <p><b>Standard met</b></p> <p><b>Standard met</b></p> <p><b>Standard met</b></p> <p><b>Standard met</b></p> <p><b>Standard met</b></p>

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

	Development should meet any additional landscape requirements specified in a schedule to the zone. <b>All schedules to all residential zones:</b> <b>"70% of ground level front setback, and side and rear setbacks, planted with substantial landscaping and canopy trees."</b>	✓ <b>Standard met</b> Approx. 70% is available for substantial landscaping and canopy trees.
<b>Decision Guidelines</b>	Any relevant neighbourhood character objective, policy or statement set out in this scheme. Any relevant plan or policy for landscape design in the SPPF and the LPPF, including the MSS and local planning policies. The design response. The location and size of gardens and the predominant plant types in the neighbourhood. The health of any trees to be removed. Whether a tree was removed to gain a development advantage.	
<b>Objectives</b>	To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site.	

**Clause 55.03-9 Access objective**

<b>Title &amp; Objective</b>	<b>Standards</b>	<b>Standard Met/Standard Not Met/NA</b>
<b>Standard B14</b>	The width of accessways or car spaces should not exceed: <ul style="list-style-type: none"> <li>• 33 per cent of the street frontage, or</li> <li>• if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</li> </ul> No more than one single-width crossover should be provided for each dwelling fronting a street. The location of crossovers should maximise retention of on-street car parking spaces. The number of access points to a road in a Road Zone should be minimised. Developments must provide for access for service, emergency and delivery vehicles.	✓ <b>Standard met</b> Required: 40% Proposed 17% ✓ <b>Standard met</b> Only one crossover proposed. ✓ <b>Standard met</b> Only one crossover proposed. NA. Site is not on a road zone. ✓ <b>Standard met</b>
<b>Decision</b>	The design response.	

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088)  
 (Cont.)**

<b>Guidelines</b>	The impact on neighbourhood character. The reduction of on-street car parking spaces. The effect on any significant vegetation on the site and footpath.
<b>Objectives</b>	To ensure the number and design of vehicle crossovers respects the neighbourhood character.

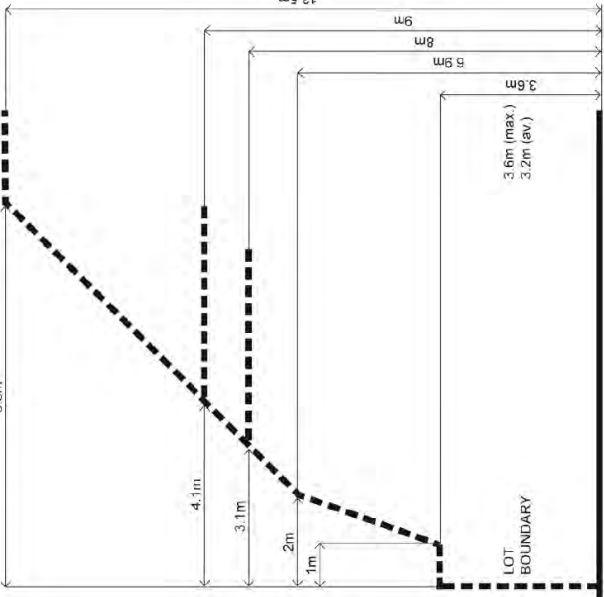
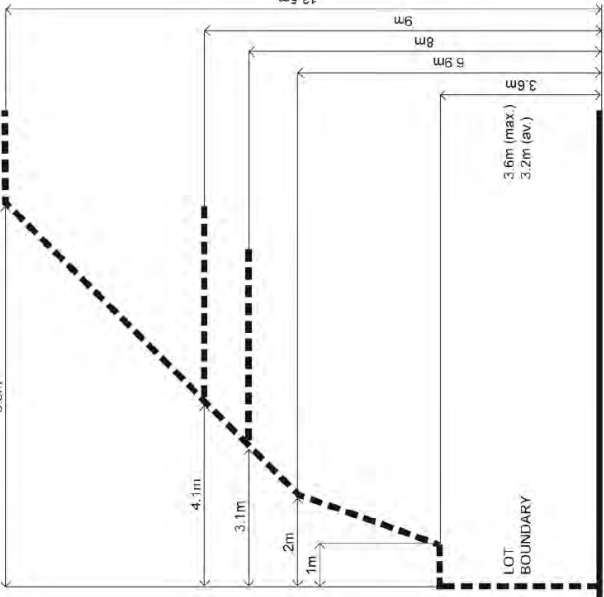
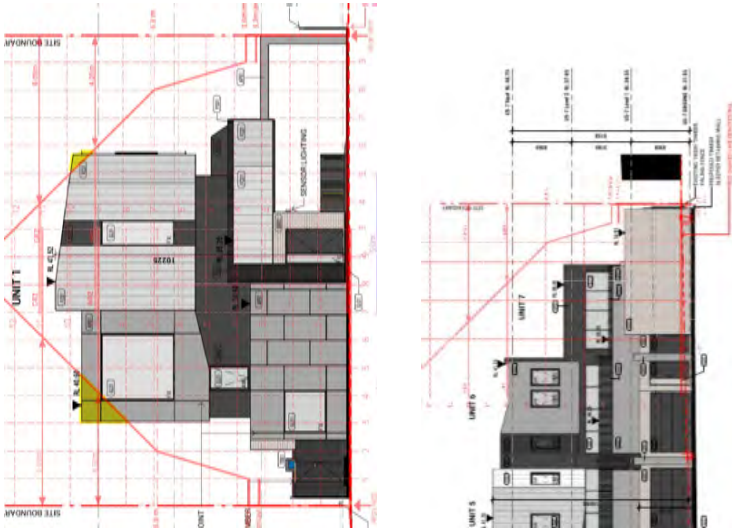
**Clause 55.03-10 Parking location objectives**

<b>Title &amp; Objective</b>	<b>Standards</b>	<b>Standard Met/Standard Not Met/NA</b>
<b>Standard B15</b>	Car parking facilities should: <ul style="list-style-type: none"> <li>• Be reasonably close and convenient to dwellings and residential buildings.</li> <li>• Be secure.</li> <li>• Be well ventilated if enclosed.</li> </ul> Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.	<b>Standard met</b> Parking is convenient and within garages.
<b>Decision Guidelines</b>	The design response.	
<b>Objectives</b>	To provide convenient parking for residents and visitors vehicles. To protect residents from vehicular noise within developments.	



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 (Cont.)

Clause 55.04-1 Side and rear setbacks objective

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<p><b>Standard B17</b></p> <ul style="list-style-type: none"> <li>• At least the distance specified in a schedule to the zone, or</li> <li>• <b>NRZ1:</b> "A building wall opposite an area of secluded private open space or a window to a living room of an existing dwelling should be setback a minimum of 2 metres."</li> <li>• If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</li> </ul> <p><b>Diagram B1 Side and rear setbacks</b></p>  <p><b>Diagram B1 Side and rear setbacks</b></p> <p>LOT BOUNDARY</p> <p>3.6m (max) 3.2m (av)</p> <p>8.6m, 13.5m, 9m, 8m, 5.9m, 4.1m, 3.1m, 2m, 1m</p>	<p>A new building not on or within 200mm of a boundary should be setback from side or rear boundaries:</p> <ul style="list-style-type: none"> <li>• At least the distance specified in a schedule to the zone, or</li> <li>• <b>NRZ1:</b> "A building wall opposite an area of secluded private open space or a window to a living room of an existing dwelling should be setback a minimum of 2 metres."</li> <li>• If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</li> </ul> <p><b>Diagram B1 Side and rear setbacks</b></p>  <p><b>Diagram B1 Side and rear setbacks</b></p> <p>LOT BOUNDARY</p> <p>3.6m (max) 3.2m (av)</p> <p>8.6m, 13.5m, 9m, 8m, 5.9m, 4.1m, 3.1m, 2m, 1m</p>	<p>Standard Met/Standard Not Met/NA</p> <p>* Standard not met</p>  <p>UNIT 1, UNIT 5, UNIT 6, UNIT 7</p> <p>SECTORS LIGHTING</p> <p>13.5m, 9m, 8m, 5.9m, 4.1m, 3.1m, 2m, 1m</p>

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes,

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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

	<p>domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p> <p>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</p> <p>The design response.</p> <p>The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.</p> <p>Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.</p> <p>Whether the wall abuts a side or rear lane.</p>	
<p><b>Decision Guidelines</b></p>		<p>Small encroachment is acceptable in the context, adjacent to a 3 storey apartment building at 9 King Street. The proposal will not result in unreasonable overshadowing.</p>
<p><b>Objectives</b></p>	<p>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>Small encroachment is acceptable in the context, adjacent to a 3 storey apartment building at 9 King Street. The proposal will not result in unreasonable overshadowing.</p>

**Clause 55.04-2 Walls on boundaries objective**

<p><b>Title &amp; Objective</b></p>	<p><b>Standards</b></p>	<p><b>Standard Met/Standard Not Met/NA</b></p>
<p><b>Standard B18</b></p>	<p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p> <ul style="list-style-type: none"> <li>• For a length of more than the distance specified in the schedule to the zone; or</li> <li>• If no distance is specified in a schedule to the zone, for a length of more than:                             <ul style="list-style-type: none"> <li>- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</li> <li>- Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.</li> </ul> </li> </ul> <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p>	<p><b>Standard met</b></p> <p>Only dwelling 7 garage on the boundary. Max 3 metres high on boundary</p> <p><b>Standard met</b></p> <p><b>Standard met</b></p>

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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

	<p>The height of a new wall constructed on or within 200 mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>	<p>✓ Standard met</p>
<p><b>Decision Guidelines</b></p>	<p>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</p> <p>The design response.</p> <p>The extent to which walls on boundaries are part of the neighbourhood character.</p> <p>The impact on the amenity of existing dwellings.</p> <p>The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot or an adjoining property.</p> <p>The orientation of the boundary that the wall is being built on.</p> <p>The width of the lot.</p> <p>The extent to which the slope and retaining walls or fences reduce the effective height of the wall.</p> <p>Whether the wall abuts a side or rear lane.</p> <p>The need to increase the wall height to screen a box gutter.</p>	
<p><b>Objectives</b></p>	<p>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	

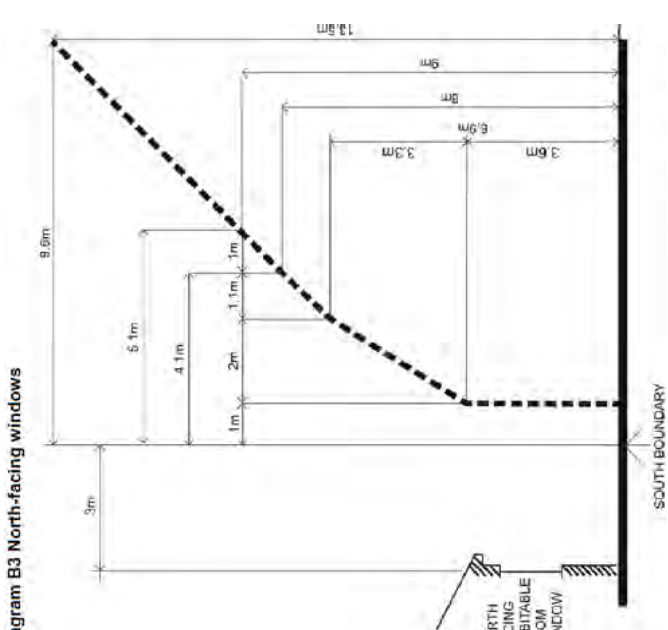
**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

**Clause 55.04-3 Daylight to existing windows objective**

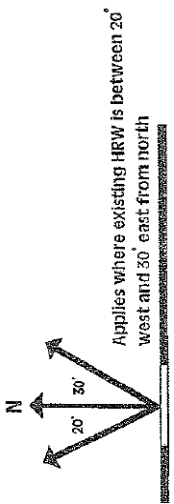
Title & Objective	Standards	Standard Met/Standard Not Met/NA
<p><b>Standard B19</b></p>	<p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p> <p>Walls or carpents more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p><b>Diagram B2 Daylight to existing windows</b></p>	<p>✓ <b>Standard met</b> Neighbouring habitable room windows are well setback from the property boundary.</p> <p>✓ <b>Standard met</b></p>
<p><b>Decision Guidelines</b></p>	<p>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p> <p>The design response.</p> <p>The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.</p> <p>The impact on the amenity of existing dwellings.</p> <p>To allow adequate daylight into existing habitable room windows.</p>	
<p><b>Objective</b></p>		

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

**Clause 55.04-4 North-facing windows objective**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<p><b>Standard B20</b></p>	<p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window.</p> <p><b>Diagram B3 North-facing windows</b></p>  <p>The diagram illustrates the required setbacks for a north-facing window from a south boundary. A dashed line represents the setback boundary. Key dimensions shown are: 1m setback from the window edge, 2m setback from the window edge, 4.1m setback from the window edge, 5.1m setback from the window edge, 6.9m setback from the window edge, 8.9m setback from the window edge, and 13.8m setback from the window edge. A north-facing habitable room window is shown with a 30-degree orientation.</p>	<p><b>Standard met</b></p> <p>No neighbouring north facing windows within 3m of boundary.</p>
	<p>A north facing window is a window with an axis perpendicular to its surface orientated north 20 degrees west to north 30 degrees east.</p>	

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	 <p>Applies where existing HRW is between 20° west and 30° east from north</p>	
<b>Decision Guidelines</b>	<p>The design response.</p> <p>Existing sunlight to the north-facing habitable room window of the existing dwelling.</p> <p>The impact on the amenity of existing dwellings.</p> <p>To allow adequate solar access to existing north-facing habitable room windows.</p>	
<b>Objective</b>		

**Clause 55.04-5 Overshadowing open space objective**

<b>Title &amp; Objective</b>	<b>Standards</b>	<b>Standard Met/Standard Not Met/NA</b>
<b>Standard B21</b>	<p>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with a minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 Sept.</p> <p>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>Standard met</p> <p>✓ Standard met</p>
<b>Decision Guidelines</b>	<p>The design response.</p> <p>The impact on the amenity of existing dwellings.</p> <p>Existing sunlight penetration to the secluded private open space of the existing dwelling.</p> <p>The time of day that sunlight will be available to the secluded private open space of the existing dwelling.</p> <p>The effect of a reduction in sunlight on the existing use of the existing secluded private open space.</p>	
<b>Objective</b>	<p>To ensure buildings do not significantly overshadow existing secluded private open space.</p>	

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

**Clause 55.04-6 Overlooking objective**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<p><b>Standard B22</b></p>	<p>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <p><b>Diagram B4 Overlooking open space</b></p>	<p><b>Standard not met</b></p> <p>Overlooking from dwelling 7 first floor balcony and living room windows into neighbouring SPOS.</p>
	<p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p> <ul style="list-style-type: none"> <li>• Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.</li> <li>• Have sill heights of at least 1.7 metres above floor level.</li> </ul>	<p><b>* Standard not met</b></p>

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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

	<ul style="list-style-type: none"> <li>• Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.</li> <li>• Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.</li> </ul> <p>Obscure glazing in any part of the window below 1.7 metres above floor level may be operable provided that there are no direct views as specified in this standard.</p> <p>Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> <li>• Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.</li> <li>• Permanent, fixed and durable.</li> <li>• Designed and coloured to blend in with the development.</li> </ul> <p>The standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p>	
<b>Decision Guidelines</b>	<p>The design response.</p> <p>The impact on the amenity of the secluded private open space or habitable room window.</p> <p>The existing extent of overlooking into the secluded private open space and habitable room window of existing dwellings.</p> <p>The internal daylight to and amenity of the proposed dwelling or residential building.</p>	<p>The proposal does not meet the standard. Objections have been received from the neighbouring property to the north outlining the material detriment that would be caused due to overlooking from these windows. Permit conditions can be applied to the permit to ensure compliance with the standard for these windows.</p>
<b>Objective</b>	To limit views into existing secluded private open space and habitable room windows.	

**Clause 55.04-7 Internal views objective**

<b>Title &amp; Objective</b>	<b>Standards</b>		<b>Standard Met/Standard Not Met/NA</b>
<b>Standard B23</b>	Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.	<p>✓ <b>Standard met</b></p> <p>No dwellings directly below and within the same development.</p>	
<b>Decision Guidelines</b>	The design response.		
<b>Objective</b>	To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.		



**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

**Clause 55.04-8 Noise impacts objectives**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B24</b>	Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.  Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take into account of noise sources on immediately adjacent properties.  Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.	<b>Standard met</b> No noise sources apparent.  <b>Standard met</b> No noise sources apparent.  <b>Standard met</b> No noise sources apparent.
<b>Decision Guidelines</b>	The design response.	
<b>Objectives</b>	To contain noise sources within development that may affect existing dwellings.  To protect residents from external noise.	

**Clause 55.05-1 Accessibility objective**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B25</b>	The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.	<b>Standard met</b> Dwelling entries contain a small step.
<b>Objective</b>	To encourage the consideration of the needs of people with limited mobility in the design of developments.	

**Clause 55.05-2 Dwelling entry objective**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B26</b>	Entries to dwellings and residential buildings should: <ul style="list-style-type: none"> <li>• Be visible and easily identifiable from streets and other public areas.</li> <li>• Provide shelter, a sense of personal address and a transitional space around the entry.</li> </ul>	<b>Standard met</b> Entries are easily identifiable and provide shelter and a sense of personal address.
<b>Objective</b>	To provide each dwelling or residential building with its own sense of identity.	

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

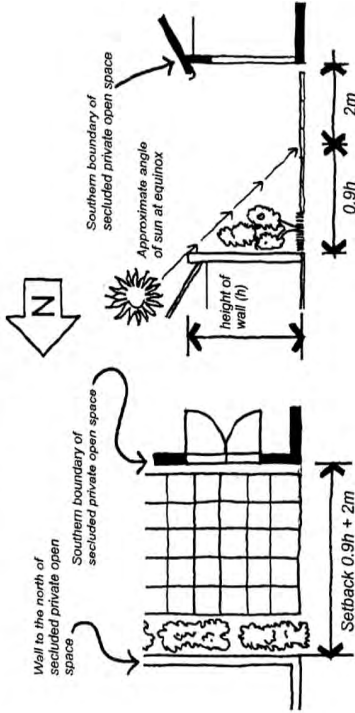
**Clause 55.05-3 Daylight to new windows objective**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B27</b>	A window in a habitable room should be located to face: <ul style="list-style-type: none"> <li>• An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</li> <li>• A verandah provided it is open for at least on third of its perimeter, or</li> <li>• A carport provided it has two or more open sides and is open for at least on third of its perimeter.</li> </ul>	<b>Standard met</b> All windows meet the standard.
<b>Decision Guidelines</b>	The design response. Whether there are other windows in the habitable room which have access to daylight.	
<b>Objective</b>	To allow adequate daylight into new habitable room windows.	

**Clause 55.05-4 Private open space objective**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B28</b>	A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone. <b>RGZI: None specified</b>	<b>Standard Met/Standard Not Met/NA</b>
	If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of: <ul style="list-style-type: none"> <li>• An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or</li> <li>• A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or</li> <li>• A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</li> </ul> The balcony requirements in Clause 55.05-4 do not apply to an apartment development.	<b>(RGZ1 only)</b> <b>Standard met</b> Dwelling 1: Balcony 15.7sqm, min dimension of 2m. Dwelling 2: Balcony 10.7sqm, min dimension of 2m Dwelling 3: Balcony 10.7sqm, min dimension of 2m Dwelling 4: Balcony 10.7sqm, min dimension of 2m Dwelling 5: Balcony 10.7sqm, min dimension of 2m Dwelling 6: Balcony 10.7sqm, min dimension of 2m Dwelling 7: Balcony 10.4sqm, min dimension of 2m
<b>Decision Guidelines</b>	The design response. The useability of the private open space, including its size and accessibility. The availability of and access to public or communal open space.	

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

	<p>The orientation of the lot to the street and the sun. To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	
<b>Objective</b>		
<b>Clause 55.05-5 Solar access to open space objective</b>		
<b>Title &amp; Objective</b>	<b>Standards</b>	<b>Standard Met/Standard Not Met/NA</b>
<b>Standard B29</b>	<p>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p> <p>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least <math>(2 + 0.9h)</math> metres, where 'h' is the height of the wall.</p> <p><b>Diagram B5 Solar access to open space</b></p> 	<p>✓ <b>Standard met</b> Orientation of the site makes it difficult to have north facing SPOS, however, balconies are on the east.</p> <p>✓ <b>Standard met</b></p>
<b>Decision Guidelines</b>	<p>The design response. The useability and amenity of the secluded private open space based on the sunlight it will receive.</p>	
<b>Objective</b>	To allow solar access into the secluded private open space of new dwellings and residential buildings.	

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

**Clause 55.05-6 Storage objective**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B30</b>	Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.	<b>Standard met</b>
<b>Objective</b>	To provide adequate storage facilities for each dwelling.	Storage spaces within ground level.

**Clause 55.06-1 Design detail objective**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B31</b>	The design of buildings, including: <ul style="list-style-type: none"> <li>• Façade articulation and detailing,</li> <li>• Window and door proportions,</li> <li>• Roof form, and</li> <li>• Verandahs, eaves and parapets,</li> </ul> should respect the existing or preferred neighbourhood character.	<b>Standard met</b>
<b>Decision Guidelines</b>	Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.  Any relevant neighbourhood character objective, policy or statement set out in this scheme. The design response. The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting. Whether the design is innovative and of a high architectural standard.	<b>Standard met</b>
<b>Objective</b>	To encourage design detail that respects the existing or preferred neighbourhood character.	

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

<b>Clause 55.06-2 Front fences objective</b>		<b>Standard Met/Standard Not Met/NA</b>						
<b>Title &amp; Objective</b>	<b>Standards</b>							
<b>Standard B32</b>	<p>The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.</p> <p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> <li>The maximum height specified in a schedule to the zone, or</li> </ul> <p><b>All schedules to all residential zones:</b></p> <p><b>"Maximum 1.5 metre height in streets in Road Zone Category 1                      1.2 metre maximum height for other streets"</b></p> <ul style="list-style-type: none"> <li>If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3.</li> </ul> <p><b>Table B3 Maximum front fence height</b></p> <table border="1"> <thead> <tr> <th><b>Street Context</b></th> <th><b>Maximum front fence height</b></th> </tr> </thead> <tbody> <tr> <td>Streets in a Road Zone, Category 1</td> <td>2 metres</td> </tr> <tr> <td>Other streets</td> <td>1.5 metres</td> </tr> </tbody> </table>	<b>Street Context</b>	<b>Maximum front fence height</b>	Streets in a Road Zone, Category 1	2 metres	Other streets	1.5 metres	<p>✓ <b>Standard met</b>                      1.2m high front fence proposed.</p> <p>✓ <b>Standard met</b>                      1.2m high front fence proposed.</p>
<b>Street Context</b>	<b>Maximum front fence height</b>							
Streets in a Road Zone, Category 1	2 metres							
Other streets	1.5 metres							
<b>Decision Guidelines</b>	<p>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</p> <p>The design response.</p> <p>The setback, height and appearance of front fences on adjacent properties.</p> <p>The extent to which slope and retaining walls reduce the effective height of the front fence.</p> <p>Whether the fence is needed to minimise noise intrusion.</p> <p>To encourage front fence design that respects the existing or preferred neighbourhood character.</p>							
<b>Objective</b>								

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

**Clause 55.06-3 Common property objectives**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B33</b>	Developments should clearly delineate public, communal and private areas.  Common property, where provided, should be functional and capable of efficient management.	<b>Standard met</b> Public, communal and private areas are clearly delineated.  <b>Standard met</b> Common areas can be managed.
<b>Objectives</b>	To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.  To avoid future management difficulties in areas of common ownership.	

**Clause 55.06-4 Site services objectives**

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<b>Standard B34</b>	The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.  Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.  Bin and recycling enclosures should be located for convenient access by residents.	<b>Standard met</b>  <b>* Standard not met</b> Bin storage shown on the development plan within the front setback does not blend with the development. The landscape plan shows bin storage within each dwelling. Permit conditions can require bin storage to be within each dwelling, not within the front setback.  <b>* Standard not met</b> Bin storage shown on the development plan within the front setback. This is not convenient to residents. The landscape plan shows bin storage within each dwelling. Permit conditions can require bin storage to be within each dwelling, not within the front setback.
<b>Decision Guidelines</b>	Mailboxes should be provided and located for convenient access as required by Australia Post.  The design response.	<b>Standard met</b> Mailboxes at the entrance.
<b>Objectives</b>	To ensure that site services can be installed and easily maintained.	Bin storage shown on the development plan within the

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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088)  
(Cont.)**

	<p>To ensure that site facilities are accessible, adequate and attractive.</p>	<p>front setback does not blend with the development and is not convenient to residents. The landscape plan shows bin storage within each dwelling. Permit conditions can require bin storage to be within each dwelling, not within the front setback.</p>
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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088)  
(Cont.)**

**STATUTORY PLANNING APPLICATIONS**

**TOWN PLANNING APPLICATION – NO.11 KING STREET, DANDENONG  
(PLANNING APPLICATION NO. PLN21/0088)**

**ATTACHMENT 5**

**CLAUSE 52.06 ASSESSMENT**

**PAGES 6 (including cover)**

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



**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

**Assessment Table - Clause 52**

**Clause 52.06-9 Design standards for car parking**

Plans prepared in accordance with Clause 52.06-8 must meet the design standards of Clause 52.06-9, unless the responsible authority agrees otherwise. Design standards 1, 3, 6 and 7 do not apply to an application to construct one dwelling on a lot.

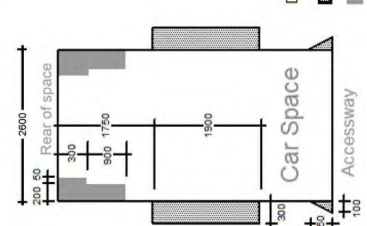
Design Standards	Assessment	Requirement met/Requirement not met/NA
Design standard 1 - Accessways	Accessways must:	✓ <b>Standard met</b> The accessway is at least 3m wide.
	• Be at least 3 metres wide.	
	• Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.	✓ <b>Standard met</b> The accessway is 6 metres wide at changes of direction.
	• Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.	✓ <b>Standard met</b> All vehicles can exit forwards.
	• Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres.	✓ <b>Standard met</b> 2.5m clearance provided.
	• If the accessway serves four or more car spaces or connects to a road in a Road Zone, the accessway must be designed to that cars can exit the site in a forward direction.	✓ <b>Standard met</b> All vehicles can exit forwards
	• Provide a passing area at the entrance at least 5 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in Road Zone.	NA. The accessway serves less than 10 car parking spaces.
	• Have a corner splay or area at least 50 percent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.	✓ <b>Standard met</b> Corner splay provided.
	If an accessway to four or more car parking spaces is from land in a Road Zone, the access to the car spaces must be at least 6 metres from the road carriageway.	NA, the site is not on a road zone.
	If entry to the car space is from a road, the width of the accessway may include the road.	NA

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

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

<p><b>Design standard 2 – Car parking spaces</b></p>	<p>Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.</p> <p><b>Table 2: Minimum dimensions of car parking spaces and accessways</b></p> <table border="1"> <thead> <tr> <th>Angle of car parking spaces to access way</th> <th>Accessway width</th> <th>Car space width</th> <th>Car space length</th> </tr> </thead> <tbody> <tr> <td>Parallel</td> <td>3.6 m</td> <td>2.3 m</td> <td>6.7 m</td> </tr> <tr> <td>45°</td> <td>3.5 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td>60°</td> <td>4.9 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td>90°</td> <td>6.4 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td></td> <td>5.8 m</td> <td>2.8 m</td> <td>4.9 m</td> </tr> <tr> <td></td> <td>5.2 m</td> <td>3.0 m</td> <td>4.9 m</td> </tr> <tr> <td></td> <td>4.8 m</td> <td>3.2 m</td> <td>4.9 m</td> </tr> </tbody> </table> <p><i>Note to Table 2: Some dimensions in Table 2 vary from those shown in the Australian Standard AS2890.1-2004 (off street). The dimensions shown in Table 2 allocate more space to aisle widths and less to marked spaces to provide improved operation and access. The dimensions in Table 2 are to be used in preference to the Australian Standard AS2890.1-2004 (off street) except for disabled spaces which must achieve Australian Standard AS2890.6-2009 (disabled).</i></p>	Angle of car parking spaces to access way	Accessway width	Car space width	Car space length	Parallel	3.6 m	2.3 m	6.7 m	45°	3.5 m	2.6 m	4.9 m	60°	4.9 m	2.6 m	4.9 m	90°	6.4 m	2.6 m	4.9 m		5.8 m	2.8 m	4.9 m		5.2 m	3.0 m	4.9 m		4.8 m	3.2 m	4.9 m	<p>✓ Standard met</p>
Angle of car parking spaces to access way	Accessway width	Car space width	Car space length																															
Parallel	3.6 m	2.3 m	6.7 m																															
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**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

	<p> <b>✓ Standard met</b> </p> <p>                 A wall, fence, column, tree, tree guard or any other structure that abuts a car space must not encroach into the area marked 'clearance required' on Diagram 1, other than:             </p> <ul style="list-style-type: none"> <li>• A column, tree or tree guard, which may project into a space if it is within the area marked 'tree or column permitted' on Diagram 1.</li> <li>• A structure, which may project into the space if it is at least 2.1 metres above the space.</li> </ul> <p> <b>Diagram 1 Clearance to car parking spaces</b> </p>  <p>                 Car spaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.             </p> <p>                 Where parking spaces are provided in tandem (one space behind the other) an additional 500mm in length must be provided between each space.             </p> <p>                 Where two or more car parking spaces are provided for a dwelling, at least one space must be under cover.             </p> <p>                 Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6:2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.             </p>
	<p> <b>★ Standard not met</b>                  Garage 1 does not meet the minimum dimensions. Permit conditions can ensure car spaces are at least 6 x 3.5m.             </p> <p> <b>✓ Standard met</b>                  No tandem spaces proposed             </p> <p> <b>✓ Standard met</b>                  All dwellings have a garage.             </p> <p> <b>NA</b> </p>

ORDINARY COUNCIL MEETING - AGENDA

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

<b>Design standard 3: Gradients</b>	<p>Accessway grades must not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.</p> <p>Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 and be designed for vehicles travelling in a forward direction.</p>	<p>✓ <b>Standard met</b> No ramps proposed. The site is generally flat.</p>													
	<p><b>Table 3: Ramp gradients</b></p> <table border="1" data-bbox="399 851 606 1556"> <thead> <tr> <th>Type of car park</th> <th>Length of ramp</th> <th>Maximum grade</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Public car parks</td> <td>20 metres or less</td> <td>1:5 (20%)</td> </tr> <tr> <td>longer than 20 metres</td> <td>1:6 (16.7%)</td> </tr> <tr> <td rowspan="2">Private or residential car parks</td> <td>20 metres or less</td> <td>1:4 (25%)</td> </tr> <tr> <td>longer than 20 metres</td> <td>1:5 (20%)</td> </tr> </tbody> </table>	Type of car park	Length of ramp	Maximum grade	Public car parks	20 metres or less	1:5 (20%)	longer than 20 metres	1:6 (16.7%)	Private or residential car parks	20 metres or less	1:4 (25%)	longer than 20 metres	1:5 (20%)	<p>✓ <b>Standard met</b> No ramps proposed. The site is generally flat.</p>
Type of car park	Length of ramp	Maximum grade													
Public car parks	20 metres or less	1:5 (20%)													
	longer than 20 metres	1:6 (16.7%)													
Private or residential car parks	20 metres or less	1:4 (25%)													
	longer than 20 metres	1:5 (20%)													
	<p>Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.</p>	<p>✓ <b>Standard met</b> No ramps proposed. The site is generally flat.</p>													
<b>Design standard 4: Mechanical parking</b>	<p>Plans must include an assessment of grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart for clearances, to the satisfaction of the responsible authority.</p>	<p>✓ <b>Standard met</b> No ramps proposed. The site is generally flat.</p>													
	<p>Mechanical parking may be used to meet the car parking requirement provided:</p> <ul style="list-style-type: none"> <li>At least 25 per cent of the mechanical car parking spaces can accommodate a vehicle clearance height of at least 1.8 metres.</li> <li>Car parking spaces the require the operation of the system are not allowed to visitors unless used in a valet parking situation.</li> <li>The design and operation is to the satisfaction of the responsible authority.</li> </ul>	<p>✓ <b>Standard met</b> No mechanical parking proposed.</p>													
		<p>✓ <b>Standard met</b> No mechanical parking proposed.</p>													
		<p>✓ <b>Standard met</b> No mechanical parking proposed.</p>													
		<p>✓ <b>Standard met</b> No mechanical parking proposed.</p>													
<b>Design standard 5: Urban design</b>	<p>Ground level car parking, garage doors and accessways must not visually dominate public space.</p>	<p>✓ <b>Standard met</b></p>													
	<p>Car parking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.</p>	<p>✓ <b>Standard met</b></p>													

ORDINARY COUNCIL MEETING - AGENDA

**2.3.2 Town Planning Application -No. 11 King Street, Dandenong (Planning Application No. PLN21/0088) (Cont.)**

	Design of car parks must take into account their use as entry points to the site.	✓ Standard met
	Design of new internal streets in developments must maximise on street parking opportunities.	✓ Standard met
<b>Design standard 6: Safety</b>	Car parking must be well lit and clearly signed.	✓ Standard met
	The design of car parks must maximise natural surveillance and pedestrian visibility from adjacent buildings.	✓ Standard met
	Pedestrian access to car parking areas from the street must be convenient.	✓ Standard met
	Pedestrian routes through car parking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.	✓ Standard met
<b>Design standard 7: Landscaping</b>	The layout of car parking areas must provide for water sensitive urban design treatment and landscaping.	✓ Standard met
	Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.	✓ Standard met
	Ground level car parking spaces must include trees planted with flush grilles. Spacing of trees must be determined having regard to the expected size of the selected species at maturity.	✓ Standard met

### 3 QUESTION TIME - PUBLIC

**Question Time at Council meetings provides an opportunity for members of the public in the gallery to address questions to the Councillors, Delegates and/or officers of the Greater Dandenong City Council. Questions must comply with s. 4.5.8 of Council's Governance Rules.**

#### QUESTIONS FROM THE GALLERY

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

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

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

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

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

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

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

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

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**3 QUESTION TIME - PUBLIC (Cont.)**

- f) The Chairperson shall call on members of the gallery who have submitted an accepted question to ask their question verbally if they wish.
- g) The Chairperson, Chief Executive Officer or delegate may then direct that question to be answered by a nominated Councillor or member of Council staff.
- h) No debate on, or discussion of, a question or an answer will be permitted other than for the purposes of clarification.
- i) A Councillor, Delegated Committee Member or member of Council staff nominated to answer a question may:
- i) seek clarification of the question from the person who submitted it;
  - ii) seek the assistance of another person in answering the question; and
  - iii) defer answering the question, so that the answer may be researched and a written response be provided within ten (10) working days following the Meeting (the question thereby being taken on notice).
- j) Question time for verbal presentations is limited in duration to not more than twenty (20) minutes. If it appears likely that this time is to be exceeded then a resolution from Council will be required to extend that time if it is deemed appropriate to complete this item.
- k) The text of each question asked and the response will be recorded in the minutes of the Meeting.

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## **4 OFFICERS' REPORTS - PART TWO**

### **4.1 POLICY AND STRATEGY**

#### **4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews**

File Id:	A7770618
Responsible Officer:	Director Community Services
Attachments:	Draft Diversity, Access and Equity Policy Draft Community Development Framework Draft Community Hubs Framework

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### **1. Report Summary**

This report presents drafts of three related documents: the Draft Diversity, Access and Equity Policy – superseding the 2015 policy of the same name, and the Draft Community Development and Community Hubs Frameworks.

The Draft Diversity, Access and Equity Policy expresses Council's acknowledgment and respect for the diversity of residents in Greater Dandenong, describing the way it seeks to engage and serve this community. The accompanying frameworks supplement the Policy, pointing the direction and intent of Council activities in the field of community development, and in the establishment, operation, and support of community hubs.

The Language and Communication Policy is now redundant, as the reviewed and updated sections have been incorporated into the revised Draft Diversity, Access and Equity Policy.

### **2. Recommendation Summary**

This report recommends that Council adopt the Draft Diversity, Access and Equity Policy, and the Draft Community Development and Community Hubs Frameworks. It also recommends that the Language and Communication Policy be formally revoked.



**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)****3. Background and Discussion**

The Draft Diversity, Access and Equity Policy refines and expands the 2015 Policy, while incorporating and aligning specific content of the now-expired Language and Communication Policy.

The Draft Diversity, Access and Equity Policy holds particular significance for Greater Dandenong, where the variety of birthplaces, languages and faiths among its residents is unparalleled in Victoria. Two out of three residents were born overseas, four in five children have overseas-born parents, two-thirds of all residents speak languages other than English in their homes and one in seven has limited fluency in the use of spoken English. One in six residents' lives with a disability, and one in six is a member of the LGBTIQ community. (2017 Population Health Survey, Census 2016).

Our diversity makes each of us unique, and may include differences in gender, age, ability, health, birthplace, language, culture, faith, sexual orientation, income levels, educational attainments, and other attributes. The Draft Policy expresses Council's acknowledgement and respect for the diversity of backgrounds, abilities, values, beliefs and lifestyles of all residents.

The Draft Policy emphasises the importance of access, inclusion, and collaboration, describing how these practices may be reflected in partnership and leadership; advocacy; communication; public acknowledgement and celebration of diversity; fostering community and civic participation; development of inclusive places and spaces; and involving residents in service planning and delivery.

It declares that Council will pursue these goals in a way that takes account of the differing needs and priorities of residents, setting a standard of fairness, inclusion and transparency in Council conduct, and extending opportunities for all people to participate in their community.

The Draft Community Development Framework expresses the intent and directions of Council's partnership with stakeholders and the community, as it identifies and responds to the issues of importance to them. The Draft Framework affirms the importance of inclusion, equity, empowerment, collaboration and the harnessing of community strengths in Council's interaction with the community. It also expresses Council's resolve to engage with residents in a way that helps to identify actions that are relevant and beneficial to the community and ensures that projects achieve their intended goals.

To this end, the Draft Community Development Framework places emphasis upon authentic, respectful and effective engagement with community, ensuring that the voices of residents are heard, and that their views inform the development and delivery of council services and programs. The Draft Framework prescribes the application of deliberative engagement, providing representative selections of residents with an opportunity to thoroughly consider issues of relevance to them.

Community hubs form an essential link and accessible location for residents avail themselves of local services, activities, learning, information, and opportunities for social and civic participation. The Draft Community Hubs Framework outlines the nature, functions, and features of community hubs, setting out Council's role in planning, developing, and supporting such facilities. It also outlines Council's approach to the operation and support of hubs, including the importance of considering local needs and conditions, community participation, sound governance, and an optimum balance of services and facilities.

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#### **4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**

### **4. Proposal**

This report proposes that Council adopts the Draft Diversity, Access and Equity Policy and the Draft Community Development and Community Hubs Frameworks. It also proposes that the expired Language and Communication Policy be formally revoked.

### **5. Financial Implications**

There are no financial implications associated with this report.

### **6. Consultation**

The Draft Policy and Frameworks were open for public consultation from 1-28 February 2021 and other consultations were conducted as discussions with members of community organisations including a senior citizens organisation, and a parent's group. Reference groups were also consulted including the Positive Ageing Committee, Disability Advisory Committee and the Multicultural and People Seeking Asylum Advisory Committee, numbering 86 persons in total - as well as with a variety of Council staff and business units.

Feedback obtained through these consultations was taken into consideration in the preparation of the Draft Policy and Frameworks.

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

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

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

##### People

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

##### Place

- *Safety in Streets and Places – Feeling and being safe*
- *Travel and Transport – Easy to get around*

##### Opportunity

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

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#### **4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**

### **8. Council Plan 2017-21**

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

#### People

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

#### Place

- *A healthy, liveable and sustainable city*

#### Opportunity

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

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

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This Draft Policy gives expression to these principles by:

- seeking the best outcomes for the municipal community, including future generations (S. 9b). In particular, the Draft Policy seeks to ensure that all residents are accorded respect, and that considerations of their needs, preferences and circumstances influences the development of Council services, plans and policies
- addressing the economic, social and environmental sustainability of the municipal district, including efforts to ease the impact of climate change and lessen its risks (S. 9c). The Draft Policy and Frameworks have no direct economic and environmental impact upon the community but contributes to social sustainability through the promotion of equal opportunity and participation among diverse segments of the community
- ensuring the municipal community is included in strategic planning and strategic decision making (S. 9d). The Draft Policy and Frameworks emphasise participation in decision-making and engagement by the community, including residents of diverse genders, ages, abilities, cultural background, spoken languages, race and socioeconomic circumstances
- maintaining innovation and continuous improvement (S. 9e). The Draft Policy incorporates provisions to monitor activities to inform staff about the Policy and its implications for their work, and to adjust such promotional efforts where required
- collaboration with other councils and governments and statutory bodies (S. 9f). The Draft Policy and Frameworks are based in part, upon an inspection of similar policies and plans among other councils

**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**

- supporting transparency of council decisions, actions and information (S. 9h and S. 58).

Transparency is reflected in the preparation and content of the Draft Policy and Frameworks, which have been formed after consultation with the community, written in plain English to improve its accessibility, and will be disseminated to residents through appropriate media and means.

**10. Victorian Charter of Human Rights and Responsibilities**

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

The Draft Diversity, Access and Equity Policy and its accompanying Draft Community Development and Community Hubs Frameworks, emphasise the right of all members of the community to be consulted and heard by Council, to freely express their views and concerns, to give unstifled and open expression to their culture and other aspects of their personal identity, and to enjoy as equals, the opportunity to participate in all cultural, social, economic and civic aspects of community life.

Accordingly, these documents are consistent the following sections of the Charter:

- Freedom of thought, conscience, religion and belief (S. 14)
- Freedom of expression (S. 15)
- Peaceful assembly and freedom of association (S. 16)
- Taking part in public life (S. 18)
- Cultural rights (S. 19).

**11. The Gender Equality Act 2020**

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

The *Gender Equality Act 2020* requires that Councils "...take positive action towards achieving workplace gender equality". This policy explicitly advances this purpose, with its consideration of the needs, concerns and circumstances of women and men, in its emphasis upon positive efforts to engage women in community programs and activities, and in affirming the importance of the prevention of violence and respect for the rights of women and others in our community to respect and equal opportunity.

In addition, Part One, Section 1(a) of the *Gender Equality Act 2020* requires gender assessments when "...developing or revising any policy of, or program or service provided by, the entity that has a direct and significant impact upon the public" - a provision which took effect on March 31, 2021.

The Draft Diversity, Access and Equity Policy is a foundational document that supports the principles of the *Gender Equality Act 2020* and therefore should inform the process of determining the requirement for gender assessments.

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**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**

## **12. Consideration of Climate Change and Sustainability**

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

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

The Draft Policy and Frameworks do not influence the generation of waste, pollution or greenhouse emissions, nor in any other manner hold the potential to adversely affect the environment or exert an impact upon the Council’s Declaration of a Climate and Ecological Emergency, Council’s Climate Change Emergency Strategy 2020-2030, or Section 9C of the *Local Government Act 2020*, in relation to the overarching principle on climate change and sustainability.

## **13. Related Council Policies, Strategies or Frameworks**

The following plans, strategies and policies, developed and endorsed by the City of Greater Dandenong, relate to the implementation of the Draft Policy and Frameworks.

Imagine 2030 Community Plan

Council Plan (2017-21)

Community Wellbeing Plan (2017-21)

Community Safety Plan (2015-22)

Children’s Plan (2015-19)

Disability Action Plan (2017-23)

Springvale Community Hub Strategic Plan (2020-25)

Community Engagement Policy (2021-25)

Community Engagement Planning Framework 2019

Reconciliation Action Plan (2021-23)

Make Your Move Greater Dandenong Physical Activity Strategy 2020-2030

Greater Dandenong People Seeking Asylum and Refugees Action Plan 2018-21

Workplace Adjustment Guidelines.

**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**

These policies and plans are relevant to the Draft Diversity, Access and Equity Policy, and the Draft Community Engagement and Community Hubs Frameworks, owing to their emphasis upon the right of all residents to express their views about Council decisions which affect their lives, and be heard. Also, in the consideration and respect which they accord to the diversity of needs, priorities, perceptions and circumstances of residents. The same principles are echoed in the content of the Draft Policy and Frameworks which are submitted for consideration by Council.

**14. Recommendation****That Council:**

- 1. adopts the Draft Diversity, Access and Equity Policy;**
- 2. adopts the Draft Community Engagement Framework;**
- 3. adopts the Draft Community Hubs Framework; and**
- 4. revokes the 2015 Language and Communication Policy.**

**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**

**OTHER**

**LANGUAGE AND COMMUNICATION; DIVERSITY, ACCESS AND EQUITY  
POLICIES; COMMUNITY DEVELOPMENT AND COMMUNITY HUBS  
FRAMEWORKS REVIEWS**

**ATTACHMENT 1**

**DRAFT DIVERSITY, ACCESS AND EQUITY  
POLICY**

**PAGES 14 (including cover)**

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

#### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)



## DRAFT Diversity, Access and Equity Policy

Policy Superseded by this Policy:	Diversity, Access and Equity Policy 2015		
Directorate:	Community Services		
Responsible Officer:	Manager, Community Development, Sport and Recreation		
Policy Type:	Discretionary		
File Number:	A7209932	File Number:	A7770625
1 <sup>st</sup> Adopted by Council	Minute No. 1157	Re Adopted by Council	Minute No.
Review Period:	Four Years	Review Period:	Four Years



**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**

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**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**



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**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**



DRAFT

## 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)

### 1. POLICY OBJECTIVE (OR PURPOSE)

This policy describes the nature of diversity and the way Council seeks to support its diverse community through engagement, communication, service delivery and advocacy.

It formalises Council's acknowledgement of, and respect for, the diversity of backgrounds, abilities, values, beliefs, and lifestyles of all residents. It also outlines the approach that Council will adopt to acknowledge and respect the diversity of this community:

- in planning and delivering services and infrastructure in a way that takes account of the needs and circumstances of all residents
- in creating opportunities for all people to participate in the social and economic life of this community
- in setting a standard of fairness, inclusion, and transparency in all aspects of its conduct.

### 2. BACKGROUND

Diversity makes us all unique. Council recognises diversity as an essential feature of all people and communities, which should be acknowledged, respected, and celebrated.

This policy recognises that diversity is inclusive of, but not limited to:

- age
- gender
- physical, mental, visual, sensory, or intellectual ability
- mental or physical health
- income or educational level
- birthplace or cultural identity
- language and communication requirements
- religious or other beliefs
- family structure and conditions
- sexual orientation or status, and gender identity.

Many people experience exclusion due to impairments affecting mobility, communication, or self-care; financial or housing insecurity; lack of educational or employment opportunity; limited family or social support; family violence and/or abuse; and other socio-economic conditions. Others face discrimination on the basis of their ethnicity, ability, sex, gender identity and other attributes. Many residents experience multiple forms of vulnerability or discrimination, which interact upon each other and aggravate disadvantage.

In response, Council acknowledges differences among members of the community and adapts its services and amenities to meet their diverse needs. Council will conduct its service planning and provision to help reduce inequality and improve social, economic, and civic opportunities for residents.

### 3. SCOPE

This policy applies to all Councillors, Council staff, contract staff and volunteers.

It guides Council's efforts to address discrimination, promote inclusiveness and partnership, and foster community participation in social, civic, and economic life. It applies to Council service planning and delivery; the development of infrastructure, open spaces and community facilities; engagement and consultation with residents; advocacy; and other Council functions.

### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)

It commits Council to meeting its requirements under all diversity, access and equity-related legislation. In some instances, legislation may stipulate how Council must deliver specific services, such as regulatory, building, occupational health and safety and planning services.

#### 4. POLICY

This policy emphasises the importance of access, partnership, advocacy, language and communication, acknowledgement and celebration of diversity, community and civic participation, the development of inclusive places and spaces, and the involvement of residents in service planning and delivery.

Council will seek to achieve this by:

- enhancing its capacity to identify and respond appropriately to diversity
- providing opportunities for participation in decision-making to residents and adapting services and programs to their diverse needs
- addressing barriers which impede access and opportunity for residents.

In order to address disadvantage, inequality, inequity and marginalisation, certain community members will require focus and priority support. Throughout the duration of this policy Council commits to hosting celebrations, advocating with service providers and peak bodies to promote inclusion, and implementing programs and services to support the community, including:

- Aboriginal and Torres Strait Islander peoples
- children
- family type and composition
- older people
- people from diverse cultures
- people identifying as Lesbian Gay Bisexual Transgender Intersex Queer (LGBTIQ+)
- people living in conditions of socio-economic disadvantage
- people with physical, mental, emotional, or other disabilities
- refugees and People Seeking Asylum
- victims and survivors of family violence
- women
- young people.

The following policy statements reflect the approach that Council will adopt to acknowledge and respect the diversity of backgrounds, values, beliefs, circumstances and lifestyles of residents.

#### 4.1 PARTNERSHIPS AND LEADERSHIP

Council supports the opportunity for participation in community life for all residents. To achieve this, Council will:

- Collaborate with local organisations to develop more effective, accessible services and programs for diverse and vulnerable communities.
- Support and engage residents and community groups to participate in Council decision-making, noting that service provision and planning are improved where residents have an opportunity to communicate their views.
- Serve as a leading organisation which repudiates discrimination, bullying, harassment, and violence; acknowledges the benefits of diversity; and extends equal opportunity to its staff in recruitment, promotion, and training.



## ORDINARY COUNCIL MEETING - AGENDA

**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)****4.2 ADVOCACY**

Council will represent the needs of the whole community, advocating to all levels of government and a variety of public and private institutions for funding and services to address the needs of diverse groups and individuals. To advocate on behalf of all residents, Council will:

- consult with the community to seek guidance in identifying issues for advocacy
- advocate for resources to redress disadvantage in Greater Dandenong
- advocate for the development of built environments, open spaces and streetscapes that are accessible to all and appealing to diverse groups
- advocate for funding for programs to ease financial hardship, alleviate housing insecurity, prevent family violence, advance gender equality, reduce unemployment and prevent discrimination.

**4.3 LANGUAGE AND COMMUNICATION**

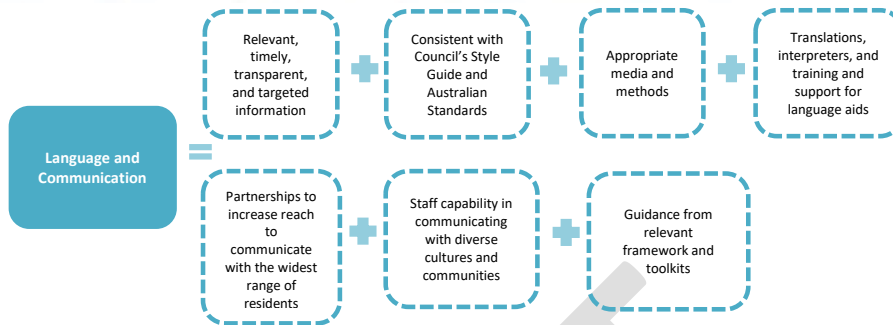
Access to information is the right of all residents, contributing to an engaged and inclusive community. Accordingly, it is important that residents are aware of the sources of information available to them, and informed of Council services, programs, events, and facilities.

Council's communication with residents should be simple and concise and accommodate a variety of personal circumstances. These include, people with limited formal education, limited English fluency or literacy, having specific requirements associated with a disability, and the language preferences among many cultural groups. It also includes the needs of recent migrants who may favour family and social networks, culturally specific media, community leaders and migrant service providers as sources of information. In addition, Council will seek the guidance of residents, community organisations and community leaders, in shaping its approach to communication.

To communicate effectively with residents and to accommodate their diverse circumstances and language needs, Council will:

- supply relevant, timely, transparent, and accurate information, in languages, formats and media appropriate to the needs of residents
- communicate in a way that is plain, clear, and concise
- select appropriate media, such as face-to-face discussion; social and other electronic media; the use of visual, audio or video content; hard copy resources such as brochures, cards, and posters; and others
- provide translations and interpreters, where required, to overcome barriers to communication for residents of diverse preferred languages
- work with key partners, including cultural media organisations, community leaders and service providers, to reach an appropriate range of residents and segments of the community
- help staff to reach the highest standards in communicating with residents, including the provision of formal training; language guidelines and toolkits; guidance in working with diverse cultures and communities; guidance in operating with translations, and interpreters; relevant language data; and other assistance in multi-cultural communication
- use the relevant frameworks and toolkits to guide communication and engagement with residents.

**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**

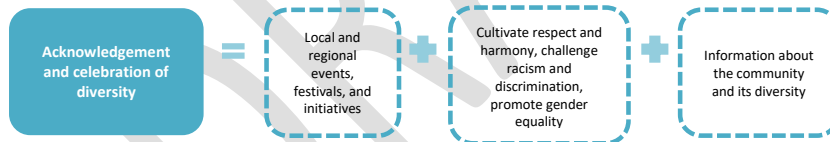


**4.4 ACKNOWLEDGEMENT AND CELEBRATION OF DIVERSITY**

Council seeks to create an inclusive community that recognises, values, and celebrates diversity, while rejecting discrimination and prejudice. Support for celebrations and festivals acknowledges these values and promotes the participation of residents.

Council will:

- advocate for, and support, local and regional events, festivals and other initiatives that promote pride, generate respect and foster inclusion
- work with the community to cultivate respect and harmony, challenge racism and discrimination, and promote gender equality
- disseminate accurate and timely information about the community and its diversity.



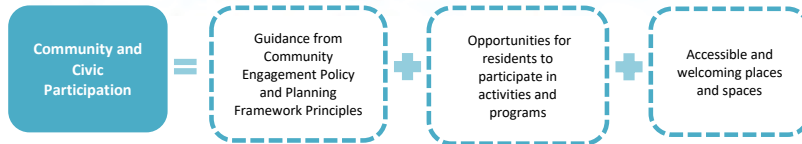
**4.5 COMMUNITY AND CIVIC PARTICIPATION**

All residents should have an opportunity to participate in civic life, enjoying the freedom to enjoy social opportunities, participate in learning and education, and engage in volunteering and employment. Council therefore strives to enhance the strengths of each individual, redress disadvantage, foster a cohesive community and provide the means for people to connect to others.

Council will:

- apply the principles outlined in the Community Engagement Policy and Greater Dandenong Community Engagement Planning Framework 2019 to guide engagement with the community when undertaking community consultations
- promote opportunities for residents to participate in Council activities and programs
- provide accessible and welcoming places and spaces that encourage residents to be involved in community life.

**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**



**4.6 INCLUSIVE PLACES AND SPACES**

Accessible built infrastructure and open spaces are essential features of a healthy and inclusive community. Infrastructure should be welcoming, safe and relevant to all people.

Council will:

- seek to ensure equity, access, and the diversity of the community in the way open spaces, infrastructure and facilities are designed, used and operated
- encourage the shared use of facilities and co-location of services to maximise their use and improve access for all groups in the community
- consult with Greater Dandenong’s diverse communities when considering how public spaces, infrastructure and facilities are planned, designed, and delivered
- seek to update and renew infrastructure to a standard that meets formal accessibility requirements.



**4.7 SERVICE PLANNING AND DELIVERY**

Council provides programs and services which are equitable, accessible, high in quality, efficient and which respond to the needs of the community. These services are most effective, and more widely used, when they are designed in partnership with our community.

Council will:

- apply principles of access and equity to all service and program planning
- direct services and programs to the most disadvantaged residents
- consider opportunities for involving residents in the planning of services and facilities
- provide staff with training and guidance to promote access to services and the inclusion of residents in their planning and development.





### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)

#### 4.8 CAPABILITIES

The availability of sufficient resources to enable Council to respond to the needs of the community and deliver equitable outcomes is an important consideration in this policy.

Council will:

- incorporate the principles of this policy into planning by Council business units
- provide staff with access to training about equity and access in decision-making and planning for a diverse community.



#### 4.9 PERFORMANCE

Efficient, open reporting, coupled with rigorous and consistent review mechanisms, play an essential part in measuring Council's performance against these policy principles.

Council will:

- assemble and disseminate key statistics about diverse population groups and social conditions to its staff and residents
- incorporate principles of diversity, access, and equity into relevant strategic documents.



### 5. RESPONSE TO THE OVERARCHING GOVERNANCE PRINCIPLES OF THE LOCAL GOVERNMENT ACT 2020

Section 9 of the *Local Government Act 2020* states that a council must in the performance of its role, put into effect to the overarching governance principles. This policy gives expression to these principles by:

- seeking the best outcomes for the municipal community, including future generations (S. 9b). In particular, the policy seeks to ensure that all residents are accorded respect, and that considerations of their needs, preferences and circumstances influences the development of Council services, plans and policies
- addressing the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks (S. 9c). The policy has no direct economic and environmental impact upon the community but contributes to social sustainability through the promotion of equal opportunity and participation, among diverse segments of the community
- ensuring the municipal community is included in strategic planning and strategic decision making (S. 9d). The policy emphasises participation in decision-making and engagement by the community, including residents of diverse genders, ages, abilities, cultural background, spoken languages, race and socioeconomic circumstances

#### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)

- maintaining innovation and continuous improvement (S. 9e). The policy incorporates provisions to monitor activities to inform staff about the policy and its implications for their work, and to adjust such promotional efforts where required
- collaboration with other councils and governments and statutory bodies (S. 9f). This policy is based in part, upon an inspection of similar policies and plans among other councils
- supporting transparency of council decisions, actions and information (S. 9h and S. 58). Transparency is reflected in the preparation and content of this policy, which has been formed after consultation with the community, written in plain English to improve its accessibility, and will be disseminated to residents through appropriate media and means.

#### 6. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 – COMPATIBILITY STATEMENT

The *Victorian Charter of Human Rights and Responsibilities Act 2006* has been considered in relation to whether any human rights under the Charter are restricted or contravened by the enactment of any part of this policy.

It is considered that the policy is consistent with the rights outlined in the Charter, and in particular, that it advances the following rights, through its emphasis upon respect and consideration of social diversity in all aspects of Council conduct and in its consideration of engagement, inclusion and participation by all residents in our community:

- Freedom of thought, conscience, religion and belief (S. 14)
- Freedom of expression (S. 15)
- Peaceful assembly and freedom of association (S. 16)
- Taking part in public life (S. 18)
- Cultural rights (S. 19).

#### 7. RESPONSE TO THE GENDER EQUALITY ACT 2020

The *Gender Equality Act 2020* requires that Councils "...take positive action towards achieving workplace gender equality". This policy explicitly advances this purpose, with its consideration of the needs, concerns and circumstances of women and men, in its emphasis upon positive efforts to engage women in community programs and activities, and in affirming the importance of the prevention of violence and respect for the rights of women and others in our community to respect and equal opportunity.

In addition, Part One, Section 1(a) of the *Gender Equality Act 2020* requires gender assessments when "...developing or revising any policy of, or program or service provided by, the entity that has a direct and significant impact upon the public" - a provision which takes effect on March 31, 2021.

The Diversity, Access and Equity Policy is a foundational document that supports the principles of the *Gender Equality Act 2020* and therefore should be considered in the process of determining the requirement for gender assessments.

#### 8. CONSIDERATION OF CLIMATE CHANGE AND SUSTAINABILITY

This policy does not influence the generation of waste, pollution or greenhouse emissions, nor in any other manner hold the potential to adversely affect the environment, or exert an impact upon the Council's Declaration of a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030, or Section 9C of the *Local Government Act 2020*, in relation to the overarching principle on climate change and sustainability.

#### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)

### 9. RESPONSIBILITIES

Responsibility will rest with the Community Development Unit for informing Council staff and residents about the content and meaning of this policy. This may entail promotions on The Source, through the Council website, emails, presentations, print and social media and other means.

The Community Development Unit will also monitor levels of knowledge and understanding of the policy among staff and residents, if such steps are warranted.

### 10. REPORTING, MONITORING AND REVIEW

The Community Development Unit will report upon the details and outcomes of its efforts to inform residents about the policy, and apprise staff of its application and relevance to their work, with measures which may include, but are not limited to:

- the nature of efforts to inform staff about the policy and its importance
- levels of staff familiarity with the policy
- staff perceptions of its relevance and importance to their work.

### 11. REFERENCES AND RELATED DOCUMENTS

- Adopted at the Ordinary Council Meeting on 12 July 2021.
- Supersedes Diversity, Access and Equity Policy 2015

The following policies, strategies, procedures, legislation, or guidelines relate to the implementation of this policy.

#### Relevant Commonwealth legislation:

A variety of Federal laws support the rights of people of diverse circumstances or characteristics, seeking to deter or redress unfavourable discrimination, or vilification, on account of gender, age, disability, marital status, pregnancy or family responsibility, sexual orientation and identity, race, colour, national origin or ethnic identity. Among them are:

- *Age Discrimination Act 2004*
- *Disability Discrimination Act 1992*
- *Equal Opportunity for Women in the Workplace Act 1999*
- *Fair Work Act 2009*
- *Human Rights Commission Act 1986*
- *Human Rights (Sexual Conduct) Act 1994*
- *National Disability Insurance Scheme (NDIS) Act 2013*
- *Racial Discrimination Act 1975*
- *Racial Hatred Act 1995*
- *Sex Discrimination Act 1984*
- *Work Health and Safety Act 2011*
- *Workplace Gender Equality Act 2012.*

#### Relevant State legislation:

Victorian Acts which seek to promote tolerance of diversity and prevent discrimination on the basis of various personal characteristics and circumstances, include:

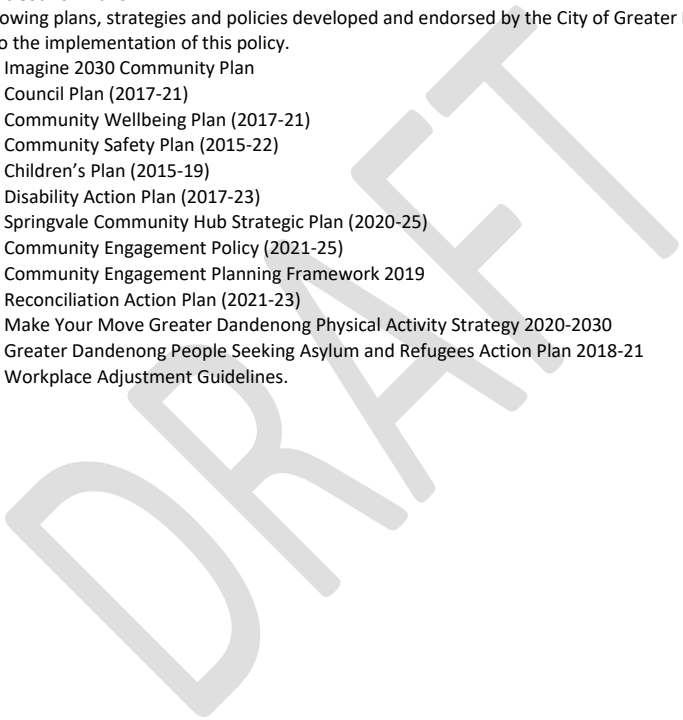
- *Carers Recognition Act 2012*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Disability Act 2006*

**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**

- 
- *Equal Opportunity Act 2010*
  - *Gender Equality Act 2020*
  - *Local Government Act 2020*
  - *Multicultural Victoria Act 2011*
  - *Occupational Health and Safety Act 2004*
  - *Planning and Environment Act 1987*
  - *Public Administration Act 2004*
  - *Public Health and Wellbeing Act 2008*
  - *Racial and Religious Tolerance Act 2001.*

**Relevant Council Plans:**

The following plans, strategies and policies developed and endorsed by the City of Greater Dandenong relate to the implementation of this policy.

- Imagine 2030 Community Plan
  - Council Plan (2017-21)
  - Community Wellbeing Plan (2017-21)
  - Community Safety Plan (2015-22)
  - Children's Plan (2015-19)
  - Disability Action Plan (2017-23)
  - Springvale Community Hub Strategic Plan (2020-25)
  - Community Engagement Policy (2021-25)
  - Community Engagement Planning Framework 2019
  - Reconciliation Action Plan (2021-23)
  - Make Your Move Greater Dandenong Physical Activity Strategy 2020-2030
  - Greater Dandenong People Seeking Asylum and Refugees Action Plan 2018-21
  - Workplace Adjustment Guidelines.
- 

**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**

**OTHER**

**LANGUAGE AND COMMUNICATION; DIVERSITY, ACCESS AND EQUITY  
POLICIES; COMMUNITY DEVELOPMENT AND COMMUNITY HUBS  
FRAMEWORKS REVIEWS**

**ATTACHMENT 2**

**DRAFT COMMUNITY DEVELOPMENT  
FRAMEWORK**

**PAGES 16 (including cover)**

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

#### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)



## Draft Community Development Framework

Policy Endorsement:			
Policy Superseded by this Policy:	Community Development Framework November 2015		
Directorate:	Community Services		
Responsible Officer:	Hayden Brown		
Policy Type:	Discretionary		
File Number:	A3524129	Version No:1	A7770637
1 <sup>st</sup> Adopted by Council	Minute No.1221 - 151214	Last Adopted by Council:	Minute No.
Review Period:	4 years	Next Review:	April 2025

**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**

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### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)



#### 1. Purpose

The purpose of the Community Development Framework is to guide Council's engagement with the community to enable the fair and equitable distribution of resources.

Council is committed to building a stronger, more inclusive community, valuing diversity and enabling residents to help shape the community in which they live.

#### 2. Background

Greater Dandenong is a community of broad cultural diversity and ongoing migrant settlement. As the most culturally diverse community in Australia, two-thirds of its residents were born overseas in over 150 different birthplaces and speak languages other than English. In addition, this community experiences a high rate of migrant settlement, including many refugees and people seeking asylum.

Greater Dandenong also faces the challenges of low-income levels, high unemployment, unfavourable educational outcomes, a substantial level of homelessness, lower levels of mental and physical health than the Victorian average, and elevated crime rates.

Council has a responsibility, and important opportunity, to help residents to understand the structure, roles and responsibilities of government, and extend an opportunity to them to participate in governance processes.

Associated with these conditions is a variety of social and service requirements, such as resettlement, housing, education, and employment. The Community Development Framework outlines an approach that recognises the strengths of this diverse community which may be harnessed to address its challenges.

#### Local Government Sector Reform

The *Victorian Local Government Act 2020* represents the most significant reform to the local government sector in over 30 years and aims to improve local government democracy, accountability, and service delivery for the community. One of the key changes is the requirement for the use of deliberative engagement practices.

Deliberative engagement is a distinctive approach, involving a representative group of people in decision-making where they are given the time to consider an issue in depth before they reach an informed viewpoint. While the legislation only requires the use of deliberative engagement in Council's strategic planning process, including planning and financial management, the 'Imagine 2030' Community Plan (long-term vision) and the Council Plan, the intent of the new Act is to encourage positive and productive community engagement, by assisting councils to build capacity in deliberative engagement so that this way of working with the community becomes standard practice, rather than an exceptional exercise.

Council recognises that collaborative ways of working with the community and stakeholders offers the most effective means to identify new solutions for some of the most complex problems communities face, improve policy outcomes and build trust between the community, stakeholders and Council. This principle forms a basis for this Framework and is reflected in its principles and approach.



**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)****The Local Policy Context**

At the local level, the policy context for the Community Development Framework is provided by three plans: Imagine 2030, the Council Plan 2017-21 and the Community Wellbeing Plan 2017-21.

Imagine 2030 outlines the long-term aspirations of members of the Greater Dandenong community, describing the city they want to see in 2030. Underlying the community's top priorities was a desire for a harmonious community, to live in a place one can be proud of, and to enjoy opportunities for educational advancement, employment and raising a family. These priorities form a long-term goal for Council and the community.

The Council Plan 2017-21 sets the shorter-term strategic direction for Council and the achievement of its vision for a safe, vibrant city of opportunity for all. The plan specifies six objectives to realize that vision, relating to infrastructure renewal and development; enhanced public transport links and accessibility; improved educational opportunities; sport and recreation options; long-term employment solutions; business investment; and improved health and wellbeing. The Community Development Framework advances Strategic Objective 2 of the Council Plan, 'A creative city that respects and embraces its diversity'.

The Community Wellbeing Plan 2017-21 demonstrates Council's commitment to work closely with the community, local service providers and other levels of government, to promote health and wellbeing among the residents of this community. It also identifies key priorities and objectives across Council that address the changing health needs of Greater Dandenong residents. The Wellbeing Plan acknowledges that many social, economic, and environmental factors influence the health and wellbeing of the community. Council recognises the importance of tailoring efforts to meet community needs and takes a people-centred and place-based approach to improving health and wellbeing. These approaches are central to the Community Development Framework.

**An integrated Policy Framework**

The Community Development Framework forms part of a policy framework which is guided by the Diversity, Access and Equity Policy, and includes the Community Engagement Framework and the Community Hubs Framework. These documents support community participation in social, civic, and economic life and help realise Council's vision for a safe, vibrant city of opportunity for all.

On the following page, Table 1 illustrates the policy framework for supporting community engagement and participation in social, civic, and economic life.

**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**



**Table 1: Policy Framework**

Diversity, Access and Equity Policy	Community Development Framework	Community Engagement Framework	Community Hubs Framework
<ul style="list-style-type: none"> <li>• Affirms Council's recognition of, and respect for, the diversity of backgrounds, abilities, values, beliefs and lifestyles of all residents</li> <li>• Guides Council's efforts to address discrimination, promote inclusiveness and partnership, and foster community participation in social, civic and economic life</li> </ul>	<ul style="list-style-type: none"> <li>• Guides a flexible, approach for working in partnership with stakeholders and the community to identify and respond to the issues that are important to them</li> <li>• Ensuring those impacted by outcomes, particularly the most vulnerable within the community, are represented in community development processes</li> </ul>	<ul style="list-style-type: none"> <li>• Recommends the level of community participation based on the type of decision being made and the process</li> <li>• Provides approaches to support inclusive and engaging participation of all residents in decision making, democratic processes, and social and civic life</li> </ul>	<ul style="list-style-type: none"> <li>• Guides Council's role in the planning, design, delivery, support, advocacy, and facilitation of the places and spaces where people gather in the community, physical and virtual, the various functions of these places and spaces, and the relationships and partnerships associated with these spaces</li> </ul>

**3. Scope**

The Community Development Framework applies to all Councillors, Council staff, contract staff and volunteers. It bears upon all aspects of Council's roles and responsibilities in service planning and delivery; the development of infrastructure, open spaces, and community hubs; engagement and consultation with residents; advocacy; and other Council functions.

**4. Policy Statement**

Council is committed to working in partnership with the community, with emphasis upon engaging marginalised and vulnerable communities. Its goal is to build a stronger, more inclusive community that values diversity, provides people the opportunity to play a role in shaping the community in which they live.

Community development entails partnership with stakeholders and the community, offering support, encouragement and guidance to help them identify and respond to the issues which are important to them. Central to this process is Council's respect for their knowledge and wisdom, and its conviction that community members are experts in their lives and communities.

The process is flexible and may be tailored to the needs of individual communities.

**4.1 Objectives**

The objectives for the Community Development Framework are to:

1. Promote a consistent and respectful approach for engaging residents
2. Strengthen their capacity to exert a positive influence upon their community

## ORDINARY COUNCIL MEETING - AGENDA

**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**


3. Ensure the voices and views of diverse communities inform Council decisions and activities
4. Encourage the participation of members of the community in social, civic and economic life.

**4.2 Principles**

The principles for the Community Development Framework below, guide the process Council uses to engage the community in identifying and responding to the issues which are important to them.

Principle	Practice
<b>Inclusion and Equity</b>	<ul style="list-style-type: none"> <li>• Providing genuine and meaningful opportunities for residents to participate in processes whose outcomes affect their advancement and wellbeing</li> <li>• Valuing all people equally, extending particular consideration to marginalised or vulnerable individuals, who often face difficulties in affirming their rights and participating in engagement</li> <li>• Considering the diversity of needs and interests of all people and organisations throughout the process</li> <li>• Enabling members of the community to have a say in their own future, make their own decisions, contribute to solutions to issues that are important to their lives, and foster connections with others.</li> </ul>
<b>Collaboration</b>	<ul style="list-style-type: none"> <li>• Linking communities, individuals, groups, agencies and Council</li> <li>• Establishing partnerships to achieve favourable outcomes for residents by encouraging different communities to work together and build lasting, constructive relationships</li> <li>• Fostering and maintaining trust among participants.</li> </ul>
<b>Empowerment</b>	<ul style="list-style-type: none"> <li>• Working and learning together to help increase understanding, awareness, and empathy for each other.</li> </ul>
<b>Place Based</b>	<ul style="list-style-type: none"> <li>• Focusing on neighbourhoods and places where people meet, to identify opportunities for improvement</li> <li>• Defining and working within specific precincts, locations, and suburbs to co-ordinate planning and activities within those localities.</li> </ul>
<b>Strength based</b>	<ul style="list-style-type: none"> <li>• Identifying strengths which exist among the community, encouraging individuals, local organisations and institutions to unite to apply and build upon those attributes. Strengths may include physical spaces, skills, local knowledge, associations and networks, as well as financial resources</li> <li>• Such strengths may be viewed and defined differently by different individuals, and influenced by their experience</li> </ul>

#### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)



Principle	Practice
<b>Collective Action</b>	<ul style="list-style-type: none"> <li>Gathering people and organisations together to enable them to speak with a united, strong and confident voice</li> <li>A vision for change is developed, including a community understanding of the issue and an approach to tackling it.</li> </ul>
<b>Building Capacity</b>	<ul style="list-style-type: none"> <li>Individuals, families, and communities are encouraged to identify strengths, needs, and supported to develop solutions at a local level</li> <li>Helping members of the community to cultivate and harness their talents and enjoy a fulfilling life.</li> </ul>
<b>Responsiveness</b>	<ul style="list-style-type: none"> <li>Reacting promptly to societal changes and local issues as they emerge</li> <li>Operating in an honest and forthright way that encourages openness amongst others</li> <li>Welcoming and responding to feedback from the community</li> <li>Setting processes in place to monitor progress and outcomes.</li> </ul>

### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)

## 5. Approach

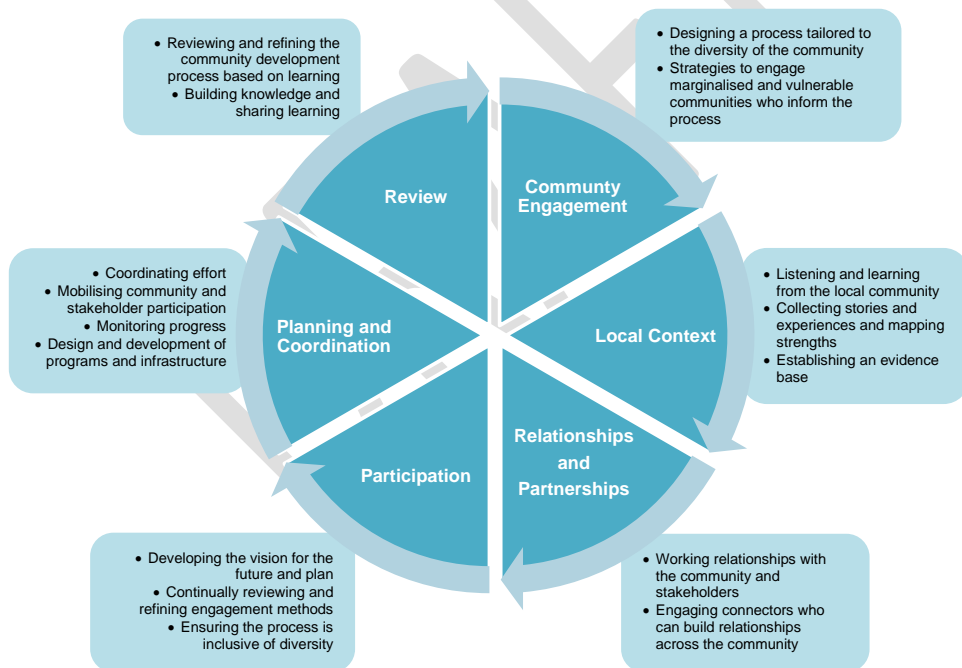
The City of Greater Dandenong's community development approach is flexible and tailored to the needs of individual communities.

It emphasises working in partnership with the community to empower and strengthen communities and encourage cooperative practices inclusive of the diversity of the community.

Central to this process is the belief that community members are experts in their lives and communities, and that the knowledge and wisdom of residents should be valued.

Figure 1 illustrates Council's community development approach. Each stage of the process informs the next in a continuous learning cycle, connected by the active participation of the community in each stage.

Figure 1



### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)



#### Community Engagement

Community engagement is central to the design of a community development process that is tailored to the diversity of the community. Council's Community Engagement Framework provides guidance regarding the level of community participation and engagement that is appropriate to decision-making processes.

The key levels of community participation include:

<b>Inform</b>	To provide the public with balanced and objective information to help them understand problems, alternatives and/or solutions
<b>Consult</b>	To obtain public feedback on analysis, alternatives and/or decisions
<b>Involve</b>	To work with the public throughout the process to ensure that issues and concerns are understood and considered
<b>Collaborate</b>	To partner with the public in each aspect of the decision including consideration of alternatives and the identification of a preferred solution
<b>Empower</b>	To place final decision making in the hands of the public

The engagement process adopted for Council's community development processes will aim to involve, collaborate, and empower people. However, the process of engaging with the community is a dynamic one, which means there is likely to be movement back and forth through the different levels of participation as an engagement process is implemented. This is because the community can have different levels of influence at different stages of the process and some groups within the community may be more directly impacted than others.

A wide range of engagement mechanisms will enable the active participation of the community and stakeholders in the process.

#### Understanding the local context

Developing an understanding of the local context begins by listening to people's views about an issue or situation that is important to them.

Every community is unique. Learning about the diversity of experiences and perspectives provides the foundation for establishing relationships of trust, dialogue, partnership and collaboration between Council and the community.

Engaging with the diversity of the community, local networks and other residents forms the basis for learning about the community and their experience.

A further essential step is to establish an evidence base, including demographic profile and societal trends.

Documenting the strengths of the community generates an appreciation of the broad range of strengths and opportunities that are often hidden in the community, including the physical spaces, skills, local knowledge, local groups and associations and networks and financial resources.

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### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)



#### Partnerships and Relationships

Establishing connections will help Council to draw on the strengths and opportunities within the community and working relationships developed with communities to respond to issues.

Partnerships with key community organisations, agencies and other stakeholders also contribute to the success of the process.

#### Participation

Forming a vision for the future, which describes the community's aspirations, and identifies the activities and initiatives relevant to the local community to realise this vision, is a focus for this stage.

Broader stakeholder analysis helps to identify methods to ensure residents are included in identifying communities' aims, the vision for the future and the plan to get there.

The review and refinement of the tools and methods for engagement will ensure approaches are tailored to support inclusive and engaging participation for all residents in the community development process.

#### Planning and coordination

Facilitating the planning, coordination, and management of resources to ensure projects and processes achieve their goals is crucial to the process. This includes working in partnership with the community by supporting, encouraging, and guiding their participation in the design and development of programs and infrastructure.

Where possible, opportunities should be sought to support the community to take an active role in coordinating and implementing initiatives, including community-led advocacy to the government, as well as using connections and knowledge among partners to secure additional funding by applying for grants, thereby drawing additional resources into the community.

An important role of the project facilitator is to identify the additional skills and capacities which may help to achieve the plan, while also encouraging the residents to enhance their own capacities and skills.

#### Review

Monitoring, evaluation, and incorporation of learning processes provides valuable insight into the community development process and its success in achieving its objectives.

Evaluation also provides an opportunity to inform future processes.

## 6. Roles and responsibilities

The roles and responsibilities of Council for community development processes are outlined in Table 3 on the following page.

**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**



**Table 3:** Council's Roles and Responsibilities

Role	Responsibilities
<b>Facilitator</b>	<ul style="list-style-type: none"> <li>Enabling and encouraging the participation of the diverse community in processes</li> <li>Facilitating processes and supporting, encouraging, and guiding the community to work together</li> <li>Leading advocacy to other levels of government for change, where appropriate</li> <li>Ensuing participants are supported to have an active voice and to contribute their perspectives to the process.</li> </ul>
<b>Visible Presence</b>	<ul style="list-style-type: none"> <li>Being a direct and visible access point for members of the community within local neighbourhoods</li> <li>Serving as a resource and point of assistance for community leaders, residents, and other local stakeholders.</li> </ul>
<b>Advocate</b>	<ul style="list-style-type: none"> <li>Representing and advocating for the community and their aspirations for the future</li> <li>Seeking funding from Council and other sources.</li> </ul>
<b>Planning and Resources</b>	<ul style="list-style-type: none"> <li>Prioritising effort and ensuring the appropriate resources are allocated to priorities.</li> </ul>

**7. Victorian Human Rights and Responsibilities Charter 2006 – Compatibility Statement**

All matters relevant to the *Victorian Human Rights and Responsibilities Charter 2006* have been considered in the preparation of this policy and are consistent with the standards set by the Charter. In particular this policy is consistent with:

- *Section 14: affirming the right to freedom of religion and belief*
- *Section 17: recognising right of children and families to protection and freedom from discrimination*
- *Section 18: recognising rights to participate in the conduct of public affairs*
- *Section 19: acknowledging the right to freedom to maintain cultural identity and expression, kinship ties and traditional relationship to the land and other resources.*

**8. Review**

The review period for this framework is four years from the date of endorsement.

**9. References and Related Documents**

- Adopted at the Ordinary Council Meeting on 12 July 2021
- Supersedes Community Development Framework 2015

The following policies, strategies, procedures, legislation, or guidelines relate to the implementation of this policy.



## ORDINARY COUNCIL MEETING - AGENDA

**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)****9.1 Applicable Legislation:**

- *Child Safety Act (2015)*
- Commission for Children and Young People Child Safe Standards
- *Equal Opportunity Act (2010)*
- *Public Administration Act (2004)*
- *Public Health and Wellbeing Act (2008)*
- *The Victorian Charter of Human Rights and Responsibilities Act (2006)*
- *Victorian Local Government Act (2020)*

**9.2 Council Plans, Strategies and Policies****Plans**

- Children's Plan (2015-19)
- Council Plan (2017-21)
- Community Safety Plan (2015-22)
- Community Wellbeing Plan (2017-21)
- Disability Action Plan (2017-23)
- Imagine 2030 Community Plan
- People Seeking Asylum and Refugees Plan (2018-21)
- Reconciliation Action Plan (2020-2023)
- Springvale Community Hub Strategic Plan (2020-2025)

**Strategies**

- Arts and Cultural Heritage Strategy
- Cycling Strategy (2017-22)
- Housing Strategy (2014-2024)
- Local Economic and Employment Development Strategy (2011)
- Library Strategy (2018-23)
- Make Your Move Physical Activity Strategy (2020-2030)
- Neighbourhood Houses Strategic Directions (2016)
- Playground Strategy (2013-23)
- Positive Ageing Strategy (2017-25)
- Walking Strategy (2015-23)
- Youth Strategy (2020-25)

**Policies and Frameworks**

- Activity Centre's Placemaking Framework
- Community Hubs Framework
- Community Engagement Policy and Framework
- Diversity Policy
- Disability Policy
- Indigenous Policy
- Multipurpose Use of Community Facilities Policy

#### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)

### 10. Definitions

Term	Meaning
<b>Access</b>	Fair and equal opportunity for all residents to use Council services and participate in its programs.
<b>Activation</b>	The variety of ways that inspire and involve local people in community hubs.
<b>Activities</b>	Developed and performed to meet a community need. Can form part of a service or be delivered as standalone, independent events.
<b>Community</b>	<ul style="list-style-type: none"> <li>• People who live in the City of Greater Dandenong</li> <li>• People and organisations who are ratepayers in the City of Greater Dandenong; and</li> <li>• People and organisations who conduct activities in City of Greater Dandenong</li> <li>• Community of place (based on geographic location)</li> <li>• Community of practice (based on common interests and activities such as cultural, conservation, the environment, bike-riding)</li> <li>• Community of identity (based on an individual shared perspective such as particular age groups or a religious community).</li> </ul>
<b>Community development</b>	Involves a community working together, with support, encouragement, and guidance, to identify its needs and find solutions. The process is flexible and tailored to the needs of individual communities.
<b>Community engagement</b>	Community engagement is about involving the community in decision making processes, which is essential in the successful development of acceptable policies and decisions in affecting local government and the community.
<b>Community facilities</b>	Community facilities refers to buildings that are owned by Council or where Council is the Committee of Management, that support community services or provide community benefit, and include health, individual, family and community support, education, arts and culture, information, community development, employment and training, and active and passive recreation opportunities.
<b>Community hubs</b>	Community hubs reflect the outcomes of the combined elements of place, function, social networks, and relationships, that come together and are brought to life and

#### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)

Term	Meaning
	strengthened through the activation of community spaces to form the foundation of strong neighbourhoods.
<b>Council</b>	Greater Dandenong City Council.
<b>Councillors</b>	Person who has been elected to the office of "Councillor" of Greater Dandenong City Council and surrounding municipalities if appropriate.
<b>Council staff</b>	A current member of Greater Dandenong City Council staff with the authority to engage in activities on behalf of Council.
<b>Government</b>	State and Federal Government departments, Offices and Agencies, Local Government Sector, Federal, State and Local Members and politicians.
<b>Inclusive</b>	To comprise and welcome a broad range of backgrounds and interests, considering issues of language, ethnicity and culture, gender, gender identity, sexual orientation, age, socio-economic status, and disability.
<b>Integrated services</b>	Services and organisations working together as one to deliver services and activities that are more comprehensive and cohesive, as well as services being more accessible and responsive to the needs of the community.
<b>Methods</b>	Refers to the many types of engagement that can be employed such as online or in person, public meetings and community panels, surveys, ideas boards, public competitions, focus groups, interviews.
<b>Not for profit organisations</b>	Types of organisations that do not earn profits for its owners. All the money earned or donated to a not-for-profit organisation is used to continue carrying out its mission.
<b>Partner</b>	An individual, organisation or sector that forms a partnership to work with Council.
<b>Partnerships</b>	Occur when two or more people or organisations work together to realise or achieve a goal. Partnerships provide opportunities for mutual benefit and results beyond what any single individual, organisation or sector could realise alone.
<b>Placemaking</b>	Placemaking is the process of creating places that people inherently understand, participate in, and feel ownership of.
<b>Residents</b>	<ul style="list-style-type: none"> <li>• Owners and renters – residential and business</li> <li>• Residents streets, suburbs, or wards</li> </ul>

## ORDINARY COUNCIL MEETING - AGENDA

**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**

Term	Meaning
	<ul style="list-style-type: none"> <li>Resident and ratepayer representative groups.</li> </ul>
<b>Services</b>	A group of programs and projects primarily focussed on external recipients, which collectively provide support or guidance to the community to achieve the objectives of Greater Dandenong Council's Vision and Council Plan. A combination of tangible and intangible benefits that can be produced and consumed.
<b>Stakeholders</b>	<ul style="list-style-type: none"> <li>Sections of the community involved in engagement because of impact, interest, or responsibility to deliver on an outcome</li> <li>Can also refer to external organisations, and other levels of government involved in a decision</li> <li>Also includes internal decision makers and implementers of decision outcomes.</li> </ul>
<b>Volunteer</b>	Formally recognised, unpaid member of the public who assists with the provision of Council services e.g. Visitor Information Centre, Library.
<b>Volunteer organisations</b>	An organisation which relies on occasional or regular volunteers for its operations and may or may not have paid staff.

**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**

**OTHER**

**LANGUAGE AND COMMUNICATION; DIVERSITY, ACCESS AND EQUITY  
POLICIES; COMMUNITY DEVELOPMENT AND COMMUNITY HUBS  
FRAMEWORKS REVIEWS**

**ATTACHMENT 3**

**DRAFT COMMUNITY HUBS FRAMEWORK**

**PAGES 18 (including cover)**

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

#### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)



## Draft Community Hubs Framework

Policy Endorsement:			
Policy Superseded by this Policy:	Community Hubs Framework November 2015		
Directorate:	Community Services		
Responsible Officer:	Hayden Brown		
Policy Type:	Discretionary		
File Number:	A6820207	Version No:	A7770646
1 <sup>st</sup> Adopted by Council	Minute No.1221 - 151214	Last Adopted by Council:	Minute No.
Review Period:	4 years	Next Review:	April 2025

**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**

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### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)



#### 1. Purpose

The purpose of the Community Hubs Framework is to establish a shared understanding of community hubs in the City of Greater Dandenong. Community hubs reflect the outcomes of the combined elements of place, function, social networks, and relationships, that come together, and are brought to life through the activation of community spaces to form the foundation of strong neighbourhoods.

The framework outlines Council's commitment to supporting the participation, access, and equity of all residents, including the most vulnerable, in community life and to improving their quality of life regardless of age and diversity of experience through the development of community hubs. The framework also includes the objectives, principles, and approach to guide Council's various roles and involvement in the development of community hubs, in recognition of how these spaces vary depending on the unique location, physical or virtual, as well as the diversity of local needs across the community.

A shared understanding of community hubs will help Council to take a place-based community development approach in leveraging assets and responding to community needs at a local and municipal level, as well as determining the fluid and adaptable role that community hubs will play in supporting the achievement of Council's vision for a safe, vibrant city of opportunity for all.

The Community Hubs Framework is guided by the Diversity, Access and Equity Policy that provides direction for an integrated policy framework that also includes, The Community Engagement Framework and The Community Development Framework. The Community Hubs Framework informs Council's involvement in community hubs across the municipality, recognising that a community hub may look, feel and function differently in every community.

#### 2. Background

Community hubs are vital for service delivery, place-making and social interaction for all residents, including the most vulnerable, regardless of age and diversity of experience. They offer a space for people to meet and participate in community life, while enlivening neighbourhoods and supporting the social, physical, and emotional health and wellbeing of the local community.

Greater Dandenong City Council works with its residents to facilitate positive outcomes for the community through the provision of services, funding community programs, facilities, open spaces, and development initiatives that allow the community to socialise, recreate, learn and develop.

Across both state and local government policy there is a strong desire to provide multi-purpose and integrated community spaces through optimising the use of existing and new facilities, while reducing maintenance costs of community assets and increasing opportunities for communities to connect. There is also a drive for greater community access and co-location of community infrastructure with primary and secondary school facilities such as kindergartens, libraries, meeting spaces and recreational facilities.

Community hubs are favoured by the Victorian State Government as a method for local, integrated service delivery which aids Council in securing State Government funding. Community hubs are also reflected in the following Greater Dandenong City Council policies, strategies, and plans.



**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**



Imagine 2030 Community Plan provides the overarching strategic direction for Council and the community for the long term, articulated through a series of vision statements. Particularly relevant to community hubs is the vision statement for Sense of Place, One City Many Neighbourhoods. Creating a place where people of all backgrounds and circumstances are respected and included in community life; and a harmonious community where people respect themselves and each other is a key part of this vision statement and is central to community hubs in the City of Greater Dandenong.

The Council Plan 2017-21 sets the strategic direction of the Greater Dandenong City Council and describes how the community’s vision of a safe, vibrant city of opportunity for all will be achieved. Community hubs respond to the objectives relating to:

- a vibrant, connected and safe community
- a creative city that respects and embraces its diversity, • a healthy, liveable and sustainable city
- a city planned for the future
- and a diverse and growing economy.

Community hubs are central to achieving Council’s Community Wellbeing Plan 2017-21 key priorities to improve health and wellbeing outcomes so that residents can live rewarding, healthy and socially connected lives.

**An integrated policy framework**

The Community Hubs Framework forms part of an integrated policy framework guided by the Diversity, Access, and Equity Policy, and including the Community Development Framework and the Community Engagement Framework. These policy documents are designed to work together to support community participation in social, civic, and economic life and help realise Council’s vision for a safe, vibrant city of opportunity for all.

Table 1 shows the integrated policy framework for supporting community participation in social, civic, and economic life.

Diversity, Access and Equity Policy	Community Development Framework	Community Engagement Framework	Community Hubs Framework
<ul style="list-style-type: none"> <li>• Council’s acknowledgement of, and respect for, the diversity of backgrounds, abilities, values, beliefs and lifestyles of all residents</li> <li>• Guides Council’s efforts to address discrimination, promote inclusiveness and partnership, and foster community participation in social, civic and economic life</li> </ul>	<ul style="list-style-type: none"> <li>• Guides a flexible, approach for working in partnership with stakeholders and the community to identify and respond to the issues that are important to them</li> <li>• Ensuring those impacted by outcomes, including those most vulnerable within the community, are represented in community development processes is a priority</li> </ul>	<ul style="list-style-type: none"> <li>• Recommends the level of community participation based on the type of decision being made and the process</li> <li>• Provides the tools and methods to tailor approaches to support inclusive and engaging participation of all residents in decision making, democratic processes, and social and civic life</li> </ul>	<ul style="list-style-type: none"> <li>• Guides Council’s role in the planning, design, delivery, support, advocacy, and facilitation of the places and spaces where people gather in the community, physical and virtual, the various functions of these places and spaces, and the relationships and partnerships associated with these spaces</li> </ul>

### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)

**Table 1:** Integrated Policy Framework

#### 3. Scope

This framework applies to all Councillors, Council staff, contract staff and volunteers.

This framework should be applied to Council's various roles and involvement in the planning, design, delivery, support, advocacy, and facilitation including:

- the places and spaces where people gather in the community, physical and virtual, including, but not limited to:
  - Council-owned facilities including sports pavilions, leisure centres, libraries, early years facilities, neighbourhood houses, community centres, community arts centres, senior citizens centres, youth spaces, open spaces, community gathering spaces, public halls, community meeting spaces, community arts and activity spaces, men's sheds, community gardens, aquatic centres and local pools
  - non-Council-owned facilities such as primary and secondary schools, community health centres, churches and places of worship
  - local business and activity centres
  - virtual spaces
- the various functions of these places and spaces
- the relationships and partnerships associated with these places and spaces both now and into the future
- the future development of community hub designs and planning for future improvements to local spaces, including facility upgrades, improvements to existing public space, reenergising underused areas, and support for community-led initiatives.

The application of this framework should be fluid, adaptable and responsive to the ever changing, complex and diverse needs of the community. As a result, a community hub may look, feel and function differently in every community.

Council will continue to advocate and support all the places where people gather, as well as any community hubs in the future as necessary in response to local emerging needs.

This framework does not provide a statutory control over community-based organisations seeking to establish community hubs, although it may be used as guiding document for work associated with planning approvals or facilities.

#### 4. Policy statement

Council is committed to supporting the participation, access, and equity of all residents in community life, including the most vulnerable, and to improving their quality of life regardless of age and diversity of experience through the development of community hubs. These important community spaces have a unique role to play in delivering outcomes for different local areas and diverse communities.

**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**







**4.1 Defining community hubs in the City of Greater Dandenong**

Greater Dandenong City Council's definition for community hubs is unique. Tailored to the local context, Council's definition is informed by local knowledge and expertise, evidence-based practice, and reflects the diversity of the community.

Council recognises that community hubs are more than a cluster of services, activities, and the buildings or spaces in which they are delivered. For the City of Greater Dandenong community hubs reflect the outcomes of the combined elements of place, function, social networks, and relationships, that come together and are brought to life and strengthened through the activation of community spaces to form the foundation of strong neighbourhoods.

The definition of community hubs for the City of Greater Dandenong reflects the complex interplay between each of the elements of place, function, social networks, and relationships. These elements are defined in Table 2 below.

 Place	 Function	 Social Networks	 Relationships
<ul style="list-style-type: none"> <li>• The space, indoor, outdoors, physical or virtual where people gather in the community</li> </ul>	<ul style="list-style-type: none"> <li>• The role the space plays for the people who use it in delivering the objectives of community hubs</li> <li>• The services and activities that address the social, physical, and emotional health and wellbeing of the community</li> </ul>	<ul style="list-style-type: none"> <li>• A social structure made up of as individuals and/or organisations</li> </ul>	<ul style="list-style-type: none"> <li>• Connections and interactions between people, organisations and services that allow them to feel supported and connected, but still feel independent</li> <li>• Communication and boundaries are the two major components of strong and productive relationships</li> </ul>

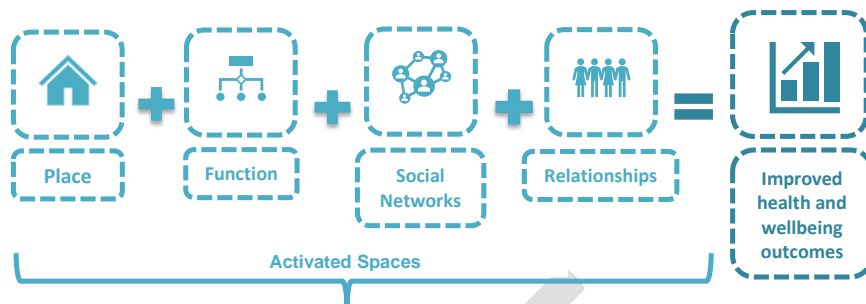
**Table 2:** The elements of community hubs

Each of these elements are interrelated and must be considered in combination when contemplating the role of community hubs in addressing the social, physical, and emotional health and wellbeing of individuals, families and groups who make up the local community.

When each of these elements are combined and brought to life through the activation of community spaces their impact is strengthened, and residents are inspired to become more involved in community life.

Figure 1 on the following page illustrates the Greater Dandenong City Council's definition of community hubs and shows how the elements combine to improve health and wellbeing outcomes for all the community.

**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**



**Figure 1:** Defining community hubs in the City of Greater Dandenong

**4.2 Community hubs in the City of Greater Dandenong**

Community hubs play an important role in achieving positive health and wellbeing outcomes for the community by providing diverse settings to deliver locally based services, community development opportunities and space for the formal and informal development of social networks and relationships. Community hubs can provide a valuable link and central location for residents to access local services, activities, support structures, learning options, community information and provide opportunities for social and civic participation.

Community hubs can be large and contain services (Council and non-Council), which serve a local community or neighbourhood, or they can be smaller in size and cater for smaller areas. They may include indoor and outdoor spaces for a wide range of accessible, inclusive, and appropriate services and activities. They may also include informal places where the community gathers and be virtual or physical.

A snapshot of community hubs in the City of Greater Dandenong where Council is involved is outlined in Figure 2.

### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)



**Figure 2:** A snapshot of community hubs in the City of Greater Dandenong

#### 4.3 Objectives for community hubs

The objectives for community hubs in the City of Greater Dandenong are to:

1. Promote a consistent understanding and approach for the development and activation of community spaces to inform decision making, build relationships and strengthen communities
2. Realise sustainable social, physical, and emotional health and wellbeing outcomes that benefit the community and reflect their involvement and participation in community spaces, with a key focus on the most marginalised and vulnerable communities
3. Build belonging, social connections, networks, and relationships so residents can live rewarding, healthy and socially connected lives.

#### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)

#### 4.4 Principles for community hubs

The principles for community hubs have been designed to guide the Greater Dandenong City Council's involvement through the development and activation of community hubs.

Principle	Practice
<b>Multi-purpose space</b>	<ul style="list-style-type: none"> <li>Providing support to deliver locally based services and activities by Council, volunteer community groups and not-for-profit organisations to maximise utilisation and improve access to facilities for all groups in the community</li> </ul>
<b>Integrated and connected</b>	<ul style="list-style-type: none"> <li>Building connections between services and organisations to work together as one to deliver services and activities that are more comprehensive and cohesive, as well as services that are more accessible and responsive to the needs of the community</li> </ul>
<b>Equitable and fair</b>	<ul style="list-style-type: none"> <li>Developing and activating spaces where all community members, including vulnerable communities, can access services, activities, and information, have something to do, and feel connected to their community free of discrimination and according to need</li> <li>Priority should be given to people in the most marginalised or vulnerable situations who face the biggest barriers to realising their rights to access resources</li> </ul>
<b>Flexible and adaptable</b>	<ul style="list-style-type: none"> <li>Responding to the ever changing, complex and diverse needs of all the community</li> <li>Plans and approaches are nimbly revised to incorporate new innovations, overcome challenges, and utilise opportunities as they emerge</li> </ul>
<b>Partnerships</b>	<ul style="list-style-type: none"> <li>Prioritising shared visions, values, transparency, mutual accountability and encourage autonomy and independence. Ensuring roles and responsibilities are agreed</li> <li>Sharing learning and agreed outcomes amongst all partners. Opportunities to share resources are maximised</li> </ul>
<b>Vibrant, inclusive, appropriate</b>	<ul style="list-style-type: none"> <li>Working with the community to create appealing, welcoming spaces that everyone can use, that encourage formal and informal interaction between residents</li> <li>These community centred spaces will meet the diverse local needs and aspirations of all community members regardless of their age, culture, interests, economic position, and experience</li> </ul>
<b>Driven by the community</b>	<ul style="list-style-type: none"> <li>Engaging with the community in a genuine and meaningful way and involving the community, including vulnerable communities in all aspects of community hubs</li> <li>Responding to community needs and aspirations identified through consultation and engagement</li> <li>Enabling the community to work together, with support, encouragement, and guidance, to identify its needs and find solutions</li> </ul>

**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**

Principle	Practice
<b>Safe, welcoming, and accessible</b>	<ul style="list-style-type: none"> <li>• Where feasible community hubs will be in places where people already visit</li> <li>• Community hubs will be intergenerational spaces, services and activities that celebrate the diversity of our community and meet community needs</li> <li>• Fostering the use of public transport, walking and cycling, and encourage transport choice to enable the community to access community facilities within a 20-minute journey</li> </ul>
<b>Good governance and sustainability</b>	<ul style="list-style-type: none"> <li>• Establishing governance structures and management models that represent the interests of the community and stakeholders</li> <li>• Ensuring mechanisms and processes for decision making and accountability are in place</li> <li>• Practice and decision making will be environmentally responsible and promote long-term economic, health and wellbeing benefits</li> </ul>

**Table 3:** Principles for community hubs

**5. Approach**

Council's approach for community hubs is comprised of four stages that are essential to achieving Council's objectives for community hubs. They are: local needs, develop, activate and sustain. These stages are described below.

**Local needs**

Understanding the local needs is an essential first step in the approach for community hubs. This includes undertaking a needs analysis to determine the strategic intent for the community hub; evaluating the recent and longer term demographic profile of the local community; assessing the current service and facility provision; and the current and future demand for community services, activities and spaces.

Engagement with the community to identify local needs and assets, inclusive of the diversity of the population, is a priority, with efforts made to engage with the disadvantaged population. Outcomes should reflect the diversity of aspirations and hopes for the future.

Establishing an appropriate governance structure, including the management model, that involves the community and other stakeholders, such as not-for-profit organisations and volunteer groups, are important aspects of this first stage.

Beginning with this first stage, the approach will enable the community to work together, with support, encouragement, and guidance, to identify its needs and find solutions. The process is fluid, flexible and tailored to the needs of individual communities.

Council believes that better outcomes are achieved by working in partnership with the community, ensuring the views of its diverse community are heard to help guide decision-making processes for community hubs. Council will also take a people-centred approach by working with specific age groups within our diverse community, including children, young people, and older people to ensure their unique needs are appropriately and adequately reflected in community hubs.



**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)****Develop**

Based on the needs analysis this stage will consider the feasibility of a range of options and make recommendations for a community hub model that best responds to identified local needs and harnesses the strengths and assets of the community.

The development of partnerships with the community, while continuing to build relationships with not-for-profit organisations and volunteer groups is a priority as it is at all stages of the approach. These partnerships and relationships will form a central part in the co-design of a shared vision for the recommended community hub model. Once the vision is agreed, effort can be focused on determining the appropriate level of integration and the operating model that will help realise the vision.

At this stage it will be important to secure resources and support and determine the appropriate funding mix to ensure the viability of the community hub.

**Activate**

This stage involves designing and establishing the variety of ways to inspire and involve local people in community hubs. As for each stage, the community's views, and contribution to decisions regarding service and activities, as well as the look and feel of the space is essential. This will be informed in part by the needs' analysis, but regular and ongoing engagement and involvement of the community will ensure services and activities remain relevant and responsive. This will help Council to better translate the needs, aspirations and ideas of residents and stakeholders into practical solutions.

Council's Community Engagement Framework will assist in selecting and implementing the most effective methods to maximise appropriate levels of community participation in planning, decision making and project implementation.

While the look and feel of a physical space is important, the programming or incidental interactions provided for by a space are often considered the most important to building community connections and social cohesion.

**Sustain**

Evaluation provides important information to understand how well a community hub is achieving its objectives. All aspects of the community hub should be assessed and measured against the achievement of improved health and wellbeing outcomes, with a focus on vulnerable communities including, but not limited to: governance, management, operating model, level of integration, partnerships, community participation and engagement; services and activities; funding mix; and the approach to community hubs itself.

Evaluation also helps determine what works well and what could be improved for the community hub. Evaluation results can be used to:

- Demonstrate the improved health and wellbeing outcomes that have been achieved
- Suggest improvements for continuous improvement and ongoing efforts
- Provide evidence to seek additional support to further develop, or continue the services and activities; or to validate the benefits of funding
- Gather information on the approach that can be shared with others and inform practice
- Help determine if an approach would be appropriate to replicate in other locations with similar needs



### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)

Figure 3 below provides an illustration of the approach for community hubs in the City of Greater Dandenong.



**Figure 3:** Approach for community hubs in the City of Greater Dandenong

#### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)

### 6. Roles and responsibilities

Council has a variety of ways they are involved in the provision of services and the development and activation of community hubs in the City of Greater Dandenong including:

Provide	Advocate	Facilitate
<ul style="list-style-type: none"><li>• Council directly funds and delivers services and hubs</li><li>• Council currently provides services as well as capital funding annually to build, renew or upgrade community hubs</li></ul>	<ul style="list-style-type: none"><li>• Council advocates on behalf of the City of Greater Dandenong community for funding and delivery of services or hubs</li><li>• Council commonly advocates to State and Federal Governments to fund infrastructure</li></ul>	<ul style="list-style-type: none"><li>• Council facilitates outcomes for the community through co-investment, building or brokering partnerships, promoting opportunities and building the capacity of community members and organisations</li></ul>

### 7. Victorian Human Rights and Responsibilities Charter 2006 – Compatibility Statement

All matters relevant to the *Victorian Human Rights and Responsibilities Charter 2006* have been considered in the preparation of this policy and are consistent with the standards set by the Charter. In particular this policy is consistent with:

- *Section 14: affirming the right to freedom of religion and belief*
- *Section 17: recognising right of children and families to protection and freedom from discrimination*
- *Section 18: recognising rights to participate in the conduct of public affairs*
- *Section 19: acknowledging the right to freedom to maintain cultural identity and expression, kinship ties and traditional relationship to the land and other resources.*

### 8. Review

The review period for this framework is four years from the date of endorsement.

### 9. References and Related Documents

- Adopted at the Ordinary Council Meeting on 12 July 2021
- Supersedes Community Hubs Framework 2015

The following policies, strategies, procedures, legislation, or guidelines relate to the implementation of this policy.

#### 9.1 Applicable Legislation

- *Child Safety Act (2015)*
- Commission for Children and Young People Child Safe Standards
- *Equal Opportunity Act (2010)*

## ORDINARY COUNCIL MEETING - AGENDA

**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**

- *Public Administration Act (2004)*
- *Public Health and Wellbeing Act (2008)*
- *The Victorian Charter of Human Rights and Responsibilities Act (2006)*
- *Victorian Local Government Act (2020)*

**9.2 Council plans, strategies and policies****Plans**

- Children's Plan (2015-19)
- Council Plan (2017-21)
- Community Safety Plan (2015-22)
- Community Wellbeing Plan (2017-21)
- Disability Action Plan (2017-23)
- Imagine 2030 Community Plan
- People Seeking Asylum and Refugees Plan (2018-21)
- Reconciliation Action Plan (2020-2023)
- Springvale Community Hub Strategic Plan (2020-2025)

**Strategies**

- Arts and Cultural Heritage Strategy
- Cycling Strategy (2017-22)
- Housing Strategy (2014-2024)
- Local Economic and Employment Development Strategy (2011)
- Library Strategy (2018-23)
- Make Your Move Physical Activity Strategy (2020-2030)
- Neighbourhood Houses Strategic Directions (2016)
- Playground Strategy (2013-23)
- Positive Ageing Strategy (2017-25)
- Walking Strategy (2015-23)
- Youth Strategy (2020-25)

**Policies and Frameworks**

- Activity Centre's Placemaking Framework
- Community Development Framework
- Community Engagement Policy and Framework
- Diversity Policy
- Disability Policy
- Indigenous Policy
- Multipurpose Use of Community Facilities Policy

**9.3 References**

- AECOM, Community Hubs, International Research Project, Final Report (2015), <https://www.statedevelopment.qld.gov.au/resources/chaps/community-hubs-international-research-report-aecom-opt.pdf>
- Baw Baw Shire Council, Connecting Communities Through Spaces, Aspirational Community Hubs Strategy (2019), <https://www.bawbawshire.vic.gov.au/Our-Community/Connecting-Communities-Through-Spaces>
- Department of Planning and Community Development, A Guide to Governing Shared Community Facilities (2009),

**4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)**



- [https://www.localgovernment.vic.gov.au/\\_data/assets/pdf\\_file/0025/48625/Guide-to-Governing-Shared-Community-Facilities.pdf](https://www.localgovernment.vic.gov.au/_data/assets/pdf_file/0025/48625/Guide-to-Governing-Shared-Community-Facilities.pdf)
- Knox City Council, Community Facilities Planning Policy (2019), [https://www.knox.vic.gov.au/files/CityDev/Community\\_Facilities\\_Planning\\_Policy.pdf](https://www.knox.vic.gov.au/files/CityDev/Community_Facilities_Planning_Policy.pdf)
- Liverpool City Council, Community Facilities Strategy, A Blueprint for a Modern Network of Community Facilities, <https://www.liverpool.nsw.gov.au/council/corporate-information>
- Melbourne City Council, Community Infrastructure Development Framework (2014), <https://www.melbourne.vic.gov.au/building-and-development/urban-planning/community-housing/Pages/community-infrastructure-development-framework.aspx>
- Moonee Valley City Council, MV 2040 Action Plan, Community Facilities, <https://mvcc.vic.gov.au/my-council/what-we-do/planning-for-our-future/>
- Queensland Government, Socio-Economic Assessment Report, Community Hubs and Partnerships Program (2018), <https://www.statedevelopment.qld.gov.au/resources/report/chaps/chaps-report-02-socio-economic-assessment-report.pdf>

**10. Definitions**

Term	Meaning
<b>Access</b>	Fair and equal opportunity for all residents to use Council services and participate in its programs.
<b>Activation</b>	The variety of ways that inspire and involve local people in community hubs.
<b>Activities</b>	Developed and performed to meet a community need. Can form part of a service or be delivered as standalone, independent events.
<b>Community</b>	<ul style="list-style-type: none"> <li>• People who live in the City of Greater Dandenong</li> <li>• People and organisations who are ratepayers in the City of Greater Dandenong; and</li> <li>• People and organisations who conduct activities in City of Greater Dandenong</li> <li>• Community of place (based on geographic location)</li> <li>• Community of practice (based on common interests and activities such as cultural, conservation, the environment, bike-riding)</li> <li>• Community of identity (based on an individual shared perspective such as particular age groups or a religious community).</li> </ul>
<b>Community development</b>	Involves a community working together, with support, encouragement, and guidance, to identify its needs and find solutions. The process is flexible and tailored to the needs of individual communities.

#### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)

Term	Meaning
<b>Community engagement</b>	Community engagement is about involving the community in decision making processes, which is essential in the successful development of acceptable policies and decisions in affecting local government and the community.
<b>Community facilities</b>	Community facilities refers to buildings that are owned by Council or where Council is the Committee of Management, that support community services or provide community benefit, and include health, individual, family and community support, education, arts and culture, information, community development, employment and training, and active and passive recreation opportunities.
<b>Community hubs</b>	Community hubs reflect the outcomes of the combined elements of place, function, social networks, and relationships, that come together and are brought to life and strengthened through the activation of community spaces to form the foundation of strong neighbourhoods.
<b>Council</b>	Greater Dandenong City Council.
<b>Councillors</b>	Person who has been elected to the office of "Councillor" of Greater Dandenong City Council and surrounding municipalities if appropriate.
<b>Council staff</b>	A current member of Greater Dandenong City Council staff with the authority to engage in activities on behalf of Council.
<b>Government</b>	State and Federal Government departments, Offices and Agencies, Local Government Sector, Federal, State and Local Members and politicians.
<b>Inclusive</b>	To comprise and welcome a broad range of backgrounds and interests, considering issues of language, ethnicity and culture, gender, gender identity, sexual orientation, age, socio-economic status, and disability.
<b>Integrated services</b>	Services and organisations working together as one to deliver services and activities that are more comprehensive and cohesive, as well as services being more accessible and responsive to the needs of the community.
<b>Methods</b>	Refers to the many types of engagement that can be employed such as online or in person, public meetings and community panels, surveys, ideas boards, public competitions, focus groups, interviews.

#### 4.1.1 Language and Communication; Diversity, Access and Equity Policies; Community Development and Community Hubs Frameworks Reviews (Cont.)

Term	Meaning
<b>Not for profit organisations</b>	Types of organisations that do not earn profits for its owners. All the money earned or donated to a not-for-profit organisation is used to continue carrying out its mission.
<b>Partner</b>	An individual, organisation or sector that forms a partnership to work with Council.
<b>Partnerships</b>	Occur when two or more people or organisations work together to realise or achieve a goal. Partnerships provide opportunities for mutual benefit and results beyond what any single individual, organisation or sector could realise alone.
<b>Placemaking</b>	Placemaking is the process of creating places that people inherently understand, participate in, and feel ownership of.
<b>Residents</b>	<ul style="list-style-type: none"> <li>• Owners and renters – residential and business</li> <li>• Residents streets, suburbs, or wards</li> <li>• Resident and ratepayer representative groups.</li> </ul>
<b>Services</b>	A group of programs and projects primarily focussed on external recipients, which collectively provide support or guidance to the community to achieve the objectives of Greater Dandenong Council's Vision and Council Plan. A combination of tangible and intangible benefits that can be produced and consumed.
<b>Stakeholders</b>	<ul style="list-style-type: none"> <li>• Sections of the community involved in engagement because of impact, interest, or responsibility to deliver on an outcome</li> <li>• Can also refer to external organisations, and other levels of government involved in a decision</li> <li>• Also includes internal decision makers and implementers of decision outcomes.</li> </ul>
<b>Volunteer</b>	Formally recognised, unpaid member of the public who assists with the provision of Council services e.g. Visitor Information Centre, Library.
<b>Volunteer organisations</b>	An organisation which relies on occasional or regular volunteers for its operations and may or may not have paid staff.

#### **4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022**

File Id:	A7721674
Responsible Officer:	Manager Governance
Attachments:	Fixed Asset Accounting 2021-2022 Policy – For Adoption Fixed Asset Accounting 2021-2022 Policy – Marked Up

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### **1. Report Summary**

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

Council adopted the revised Fixed Asset Accounting Policy in June 2020 with the provision of reviewing the policy after twelve (12) months. 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.

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

### **2. Recommendation Summary**

This report recommends that the Fixed Asset Accounting Policy be readopted as provided in Attachment 1.

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#### 4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

### 3. 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 and consistent direction for Council and address specific objectives as outlined in the Council Plan 2017-21 or as required by legislation.

The Fixed Asset Accounting Policy is designed to provide guidance regarding expenditure that is to be capitalised and the associated accounting treatment for non-current assets in Council's fixed asset register and should be read in conjunction with the relevant legislation and the Fixed Asset Accounting Guidelines

A Council policy is considered to be automatically revoked upon re-adoption of the last version of that policy. Policies that are superseded or superfluous to Council's needs require formal abolition by Council.

The revised Fixed Asset Accounting Policy in Attachment 1 to this report will become effective immediately it is endorsed by Council.

### 4. Proposal

It is proposed that the Fixed Asset Accounting Policy be re-adopted by Council. This policy is updated each financial year and the changes made in the 2021-2022 version are highlighted in red in Attachment 2 to this report.

A summary of the changes are as follows:

- Council's new policy template which is compliant with *Local Government Act 2020* has been used.
- There is revised wording re Council's Land Under Roads (LUR) Policy. There is no change to Council's policy - the previous status update has been removed.
- A new section has been included on Leased/Right-of-Use assets as per AASB16 Leases.
- References have been changed from *Local Government Act 1989* to *Local Government Act 2020*.
- References have been changed from *Local Government (Planning and Reporting) Regulations 2014* to *Local Government (Planning and Reporting) Regulations 2020*.
- Appendix A: Library books – amendments have been made to clarify the distinction between hard copy e-books and e-audio books versus downloaded/subscription based digital content. The former is capitalised and the latter is not considered capital in nature as it generally has a life of one year.



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#### 4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

- Appendix A: Computer software has been moved from Plant and Equipment to Intangibles (which is a new asset category) but no change has been made in capitalisation threshold or useful life.
- Appendix A: Leased assets – a new category has been included for Right-of-Use (ROU) assets with a capitalisation threshold of \$10,000 and a life of the earlier of the end of the useful life of ROU asset or lease term.

### 5. Financial Implications

No financial resources are impacted by the suggested changes made to the Fixed Asset Accounting Policy.

### 6. Consultation

Prior to reporting to Council the Fixed Asset Accounting Policy was reviewed and evaluated by the:

- Executive Management Team; and
- Crowe, Internal Auditors.

The policy was presented to the Audit and Risk Committee on 18 June 2021 for noting.

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

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

#### Community Plan 'Imagine 2030'

##### Opportunity

- *Education, Learning and Information – Knowledge*
- *Jobs and Business Opportunities – Prosperous and affordable*
- *Leadership by the Council – The leading Council*

### 8. 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:

##### Place

- *A city planned for the future*

##### Opportunity

- *An open and effective Council*

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#### **4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)**

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

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

The Fixed Asset Accounting policy considers the overarching governance principles outlined in section 9 of the *Local Government Act 2020* and has taken the financial management principles in section 101 into account.

The policy is predominantly administrative in nature and outlines the accounting treatment and assumptions regarding asset transactions. It does not impact on existing and future budgets.

The policy is required to comply with the *Local Government Act 2020*, *Local Government (Planning and Reporting) Regulations 2020* and relevant Australian Accounting Standards. The annual review and approval of the Fixed Asset Accounting policy ensures the transparency of Council decisions, actions and information in relation to fixed asset accounting transactions.

Council is required to prepare financial statements pursuant to:

- Section 98 of the *Local Government Act 2020*; and
- Section 14 of the *Local Government (Planning and Reporting) Regulations 2020*.

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

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

The Charter of *Human Rights and Responsibilities Act 2006* has been considered in the preparation of the Fixed Asset Accounting Policy but is not relevant to its content. The Policy is purely administrative in its nature and does not have the potential to influence human rights and responsibilities.

### **11. The Gender Equality Act 2020**

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

The *Gender Equality Act 2020* has been considered in the preparation of the Fixed Asset Accounting policy but is not relevant to its contents. The policy is purely administrative in its nature and does not have the potential to influence broader social norms and gender roles.

### **12. Consideration of Climate Change and Sustainability**

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

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#### **4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)**

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

The Fixed Asset Accounting Policy is purely administrative in its nature and does not have the potential to influence future asset planning or sustainability, climate or energy.

#### **13. Related Council Policies, Strategies or Frameworks**

The Greater Dandenong City Council Fixed Asset Accounting Guidelines are relevant to the content of the policy and are designed to provide consistency regarding the classification and capitalisation of Council’s assets.

#### **14. Recommendation**

**That minor changes made to the Fixed Asset Accounting Policy be noted and the policy be readopted as provided in Attachment 1.**

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**4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)**

**POLICY AND STRATEGY**

**REVIEW OF COUNCIL POLICY – FIXED ASSET ACCOUNTING 2021-2022**

**ATTACHMENT 1**

**FIXED ASSET ACCOUNTING 2021-2021  
POLICY - FOR ADOPTION**

**PAGES 17 (including cover)**

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

**4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)**



## Fixed Asset Accounting Policy

Policy Endorsement:	Endorsement required by Council		
Policy Superseded by this Policy:	Not applicable		
Directorate:	Corporate Services		
Responsible Officer:	Manager Finance and IT		
Policy Type:	Discretionary		
File Number:	A4266134	Version No:	008
1 <sup>st</sup> Adopted by Council	Minute No. 225 24 June 2013	Last Adopted by Council:	Minute No. 1480 22 June 2020
Review Period:	Annually	Next Review:	June 2021

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**4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)**

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**4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)**



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## 4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

### 1. POLICY OBJECTIVE (OR PURPOSE)

This policy is designed to provide guidance regarding expenditure that is to be capitalised and the associated accounting treatment for non-current assets in Council's fixed asset register.

This revision of the Fixed Asset Accounting Policy is effective from 1 July 2021.

### 2. BACKGROUND

Accounting standards, including AASB 116 Property, Plant and Equipment, require a distinction to be made between expenditure that is consumed immediately in operations (or within one financial year) and expenditure on fixed assets that will provide service over more than one financial year.

#### Accounting and Guideline issues

##### Local Government (Planning and Reporting) Regulations 2020

The Local Government (Planning and Reporting) Regulations 2020 require the financial statements of Council to be prepared in accordance with the Local Government Model Financial Report (LGMFR). The LGMFR specifies certain fixed asset categories and classes in the Statement of Capital Works and fixed asset disclosure notes. Refer to **Appendix A** for a list of the asset categories and classes and the measurement basis of each asset class.

##### Land Under Roads (LUR)

Council's accounting policy regarding the treatment of LUR is to recognise all land under roads post 1 July 2008 using the cost method of valuation.

### 3. SCOPE

This policy includes the accounting treatment of all Council's non-current assets.

### 4. DEFINITIONS

Unless otherwise specified within this policy, the following words and phrases are defined to mean the following in terms of this policy.

<i>Assets</i>	Resources controlled by Council as a result of past events and from which future economic benefits or service potential are expected to flow to Council.
<i>Capitalisation threshold</i>	The new, upgrade or renewal value of an asset, below which the project cost is normally expensed and above which it is normally capitalised.
<i>Capital expenditure</i>	Expenditure on a non-current asset which meets the adopted recognition criteria for the Asset Class or Asset Component.
<i>Useful life</i>	The time period over which an asset is expected to be available for use by Council.



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## 4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

### 5. POLICY

#### 5.1 CAPITALISATION

Capitalisation of fixed assets is determined by a materiality threshold at which items of expenditure will be recognised as assets in Council's Balance Sheet.

The useful life of each asset class forms the basis of the calculation of annual depreciation charges and assessment of an assets written down replacement value (refer Appendix A).

Appendix A details the asset categories and classes required in the Local Government Model Financial Report (LGMFR).

Expenditure is to be capitalised when:

- It is probable that the future economic benefits embodied in an asset will eventuate.
- The item of expenditure is in excess of the asset capitalisation threshold (refer Appendix A).
- In limited circumstances, where the value of individual assets falls below the asset threshold for capitalisation, but the assets form part of a bulk purchase (such as office furniture), the aggregate value of the bulk purchase will be recognised where it exceeds the capitalisation threshold (refer to section 7.2.5 of the Fixed Asset Accounting Guidelines).
- Acquisition costs of assets with less than these capitalisation threshold values will be treated as operating expenses.
- All capitalised expenditure is to be recorded in Council's fixed asset register. For each asset, a determination shall be made of its total life, remaining useful life, cost for accounting purposes and method of depreciation.

Note - certain costs are not capitalised when incurred and are charged as an expense in the period in which they are incurred (for example, Christmas decorations, IT software upgrades and building audits).

#### 5.2 ACQUISITION OF ASSETS

Assets acquired by Council are to be recorded based on acquisition or construction cost (fair value) plus costs incidental to acquisition including architect's fees, engineering fees and all other costs incurred in preparing the asset ready for use.

#### 5.3 GIFTED ASSETS (ACQUIRED FOR NIL CONSIDERATION)

Assets which are gifted or contributed to Council by developers or other bodies (i.e. - acquired for nil consideration) are to be recorded at fair value at the date of acquisition, based on currently assessed replacement rates or developer costs (whichever is the best information source at the time).

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## 4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

### 5.4 REVALUATION OF NON-CURRENT ASSETS

All infrastructure assets (except recreational, leisure and community facilities and parks, open space and streetscapes) and property assets (land and buildings excluding land under roads and leasehold improvements) shall be revalued on a regular basis such that the carrying values are not materially different from fair value where fair value is determined to be the current replacement cost of the asset less accumulated depreciation. Appendix A identifies the basis for measurement for each asset class.

### 5.5 INTERNALLY CONSTRUCTED ASSETS

The cost of assets constructed by Council shall include the cost of all materials used in construction, direct labour employed and an appropriate proportion of variable and fixed overheads.

### 5.6 FIXED ASSETS REGISTER

The fixed assets register is to record individual assets in sufficient detail as to permit their identification and control. The fixed assets register is to be updated at least annually. The fixed assets register is to be used for the purpose of revaluing and depreciating assets.

### 5.5 IMPAIRMENT OF ASSETS

Fixed assets will be reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount (which is the higher of the present value of future cash outflows or value in use).

For assets whose economic benefits are not dependent on the ability to generate cash flows, and where the future economic benefits would be replaced if Council were deprived thereof, the value in use (infrastructure assets) is the depreciated replacement cost.

### 5.8 INVESTMENT PROPERTY

Investment property, comprising retail complexes, are held to generate long-term rental yields. Investment property is measured initially at cost, including transaction costs. Cost incurred subsequent to initial acquisition are capitalised when it is probable that future economic benefit in excess of the originally assessed performance of the asset will flow to the Council. Subsequent to initial recognition at cost, investment property is carried at fair value, determined annually by independent valuers. Changes to fair value are recorded in the Comprehensive Income Statement in the period that they arise. Investment property are not subject to depreciation. Rental income from the leasing of investment properties is recognised in the Comprehensive Income Statement on a straight line basis over the lease term.

### 5.9 LEASED/RIGHT-OF-USE (ROU) ASSETS

Leased assets relate mainly to information technology (IT) and office related equipment, as well as a number of property leases. As a lessee, Council recognises a ROU asset and a lease liability at the lease commencement date (unless the lease term is less than 12 months or the ROU asset is low-value (under \$10,000)). The ROU asset is initially measured at cost and is subsequently depreciated using the straight-line method from the commencement date to the earlier of the end of the useful life of the ROU asset or the end of the lease term.

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#### 4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

### 6. RESPONSE TO THE OVERARCHING GOVERNANCE PRINCIPLES OF THE LOCAL GOVERNMENT ACT 2020

This policy considers the overarching governance principles outlined in section 9 of the *Local Government Act 2020* and has taken the financial management principles in section 101 into account. This policy is predominantly administrative in nature and outlines the accounting treatment and assumptions regarding asset transactions. It does not impact on existing and future budgets. The policy is required to comply with the *Local Government Act 2020*, *Local Government (Planning and Reporting) Regulations 2020* and relevant Australian Accounting Standards. The annual review and approval of this policy ensures the transparency of Council decisions, actions and information in relation to fixed asset accounting transactions.

Of particular relevance to this policy, Council is required to prepare financial statements pursuant to:

- Section 98 of the *Local Government Act 2020*
- Section 14 of the *Local Government (Planning and Reporting) Regulations 2020*

### 7. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 – COMPATIBILITY STATEMENT

The *Charter of Human Rights and Responsibilities Act 2006* has been considered in the preparation of this policy but is not relevant to its contents.

The policy is purely administrative in its nature and does not have the potential to influence human rights and responsibilities.

### 8. RESPONSE TO THE GENDER EQUALITY ACT 2020

The *Gender Equality Act 2020* has been considered in the preparation of this policy but is not relevant to its contents.

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

### 9. CONSIDERATION OF CLIMATE CHANGE AND SUSTAINABILITY

Acknowledge that this policy has no impact on Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 or the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability and why it does not have any impact.

The policy is purely administrative in its nature and does not have the potential to influence future asset planning or sustainability, climate or energy.

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## 4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

### 10. RESPONSIBILITIES

Council is responsible for ensuring this policy remains consistent with the Greater Dandenong Council Plan and Strategic Resource Plan.

Chief Executive Officer is responsible for ensure overall compliance with relative legislation.

The Asset Management team in Engineering Services (with the assistance of the Financial Services department in Corporate Services) are responsible for maintaining, capturing and recording fixed assets in the asset register in Council's asset management system. The Financial Services department are responsible for recording asset transactions in Council's general ledger and reconciling the general ledger to the asset register.

All Council staff are responsible for compliance with this policy and the requirements within it.

This policy will be reviewed and updated annually by the Financial Services department.

Consultation on proposed changes to the policy each year will occur with:

- Asset Management team in Engineering Services directorate.
- External auditors.

### 11. REPORTING, MONITORING AND REVIEW

The current policy complies with Local Government legislation and Australian Accounting Standards and has been subject to internal and external audits.

Each year the policy will be reviewed and updated to ensure compliance with Local Government legislation and Australian Accounting Standards is maintained and that policy directions remain relevant.

The success of the policy will be measured by its compliance with the relevant legislation and Accounting Standards and a clear external audit opinion.

### 12. REFERENCES AND RELATED DOCUMENTS

#### Legislation

- *Australian Accounting Standards*
- *Local Government Act 1989 and 2020*
- *Local Government (Planning and Reporting) Regulations 2020*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Gender Equality Act 2021*

#### Related Council and Other Policies, Procedures, Strategies, Protocols, Guidelines

- Greater Dandenong City Council Fixed Asset Accounting Guidelines
- City of Greater Dandenong Council Plan

4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

13. APPENDIX A – BASIS OF MEASUREMENT, CAPITALISATION THRESHOLDS AND USEFUL LIVES

Asset class	Description	Measurement basis	CAP THRESHOLD		USEFUL LIFE	
			2020-21	2021-22	2020-21	2021-22
			\$	\$	Years	Years
<b>PROPERTY</b>						
<b>Land</b>	Land owned or controlled by Council. Land either has a fair value classification of level 3 - 'specialised land' or level 2 - 'non-specialised land'.	Fair value (indep val'n)	0	0	N/A	N/A
	Land under roads (LUR) (excluding lanes, private roads and Council roads in parks and reserves) acquired after 1 July 2008. All LUR have a fair value level 3 classification - 'specialised land'.	Cost	0	0	N/A	N/A
<b>Land improvements</b>	Not applicable - allocated to other asset classes such as 'Recreational, leisure and community facilities' and 'Parks, open space and street escapes'.	N/A	N/A	N/A	N/A	N/A
<b>Buildings</b>	Buildings, building improvements and multi-story car park buildings. All buildings have a fair value level 3 classification - 'specialised buildings'. Buildings include Class 1 to Class 9 buildings as defined in the Building Code of Australia including all corporate, community and commercial buildings managed / controlled / owned by Council and multi-story car park buildings. This includes both habitable and non-habitable buildings. Non-habitable buildings as defined in class 10A of the Building Code of Australia. Examples include garages, workshops, kiosks, stand-alone administration buildings/offices, public conveniences, sheds, stores, undercroft car parking, sporting pavilions and sporting clubrooms. Includes structures that link or are attached to the building or structures which form part of the building. Such examples are paths, access ramps or steps, verandas, pergolas, carports, toilets and shade/shelter structures (only totally freestanding structures will be considered separate assets). Includes other general building services, site engineering services and central plant that form part of the building structure, that are attached to or hidden behind the building fabric and which may feed from or to fixtures and fittings. Some examples are general electrical, gas and water supply, attached stormwater drainage / guttering and sewerage. Includes trunk reticulated building systems such as lifts, escalators, heating and cooling systems, cranes, hoists, sanitary plumbing, air-conditioning and ventilation (refrigerated plant, terminal units, heating oils, fans, pumps), fire protection and security alarm systems, access control systems, building management systems (BMS), electrical distributions (mains cables, switch gear and distribution equipment), CCTV, solar panels and lighting installations, communications (telephone and call systems), boilers and specialist services in kitchens or laundries (ovens, dishwashers, etc). It also includes fixed equipment that can be recognised as part of the building fit-out (such as indoor swimming pools, pool pumps, fixed sporting equipment, etc). Buildings or structures less than two square metres in size and less than \$5,000 in value will be recognised as a minor structure in the 'Recreational, leisure and community facilities asset class'.	Fair value (indep val'n)	5,000	5,000	50-100	50-100

4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

Asset class	Description	Measurement basis	CAP THRESHOLD		USEFUL LIFE	
			2020-21 \$	2021-22 \$	2020-21 Years	2021-22 Years
<b>PROPERTY</b>						
<b>Building improvements</b>	Not applicable - included in buildings above.	N/A	N/A	N/A	N/A	N/A
<b>Leasehold improvements</b>	Land improvements, buildings and other improvements to property assets leased by Council or on land leased by Council. Leasehold improvements to buildings include fit-outs, security enhancements and/or renovations of leased office accommodation or leased property. Examples are recarpeting, immovable fixtures such as the installation of air-conditioning or CCTV, and structural improvements to a leased property upon commencement of a lease (initial office/residential fit-out), and any subsequent refurbishment of office/residential leased accommodation.	Cost	0	0	Lease term	Lease term
<b>Heritage buildings</b>	Not applicable - defined as heritage buildings as listed on the Victorian Heritage Register.	Fair value (indep val'n)	N/A	N/A	N/A	N/A

4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

Asset class	Description	Measurement basis	CAP THRESHOLD		USEFUL LIFE	
			2020-21	2021-22	2020-21	2021-22
			\$	\$	Years	Years
<b>PLANT AND EQUIPMENT</b>						
<b>Heritage plant and equipment</b>	Not applicable.	N/A	N/A	N/A	N/A	N/A
<b>Plant, machinery and equipment</b>	Heavy plant and equipment (such as graders, trucks, tractors, tippers, scissor lifts and loaders). Buses, quads and trailers. Light plant and equipment (such as rollers, mowers, tools and blowers), passenger vehicles, light commercial vehicles (<= 3 tonne). Also includes lifters, generators, powersaws, floor polishers, steam cleaners, sweepers, winches, compressors, surveying equipment, people counting systems, rotators, outdoor cleaning equipment and submersible pumps.	Cost	3,000	3,000	7	7
		Cost	3,000	3,000	10	10
		Cost	3,000	3,000	5	5
<b>Fixtures, fittings and furniture</b>	Office furniture and equipment (workstations, mobile shelving, chairs, office bins, lockers, tables, desks, filing cabinets), kitchen appliances and equipment (fridges), hand dryers, display units/stands, dividers/privacy screens, safes, podiums, trolleys and other miscellaneous fixtures, fittings (eg - window furnishings) and furniture. Excludes Christmas decorations (not capital). Musical instruments. Art works (paintings, pictures, murals, heritage).	Cost	3,000	3,000	6	6
		Cost	3,000	3,000	20	20
		Cost	3,000	3,000	N/A	N/A
<b>Computers and telecomm's</b>	Hardware, servers, hubs, cabling, faxes, printers, telephones, mobile phones/devices, photocopiers, computers, laptops, microwave links, wireless links, firewall, scanners, GPS, Book-a-Court system and audio visual equipment (such as stereos, speakers, amplifiers, antenna, cameras, video recorders, microphones, televisions, DVD players, electronic whiteboards, two way radios, hearing loop, projectors, etc). Includes library books, CDs, DVDs and tapes, hard copy e-books and e-audio books (excludes downloaded/subsription based digital content such as e-books and e-audio books, annual online licences or subscriptions, annual platform access to e-formats, periodicals and newspapers - these items are expensed as they generally have a life of one year or less).	Cost	3,000	3,000	5	5
<b>Library books</b>		Cost	0	0	5	5

4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

Asset class	Description	Measurement basis	CAP THRESHOLD		USEFUL LIFE	
			2020-21	2021-22	2020-21	2021-22
			\$	\$	Years	Years
<b>INFRASTRUCTURE</b>						
<b>Roads</b>	Road seal (surface) comprises the wearing surface of a road pavement or laneway. Re construction, resurfacing (asphalt overlays and spray seals) and rehabilitation of road seal are capital. Surface patching treatments (major or minor) such as pothole repairs, crack sealing or repairs, slurry seals are considered maintenance treatments aimed at ensuring the road seal asset reaches its intended useful life (expensed). Linemarking is also not capital. Sub-categories include: Seal/surface (spray seal). Seal/surface (asphalt, concrete, brick, granite setts and gravel).	Fair value	20,000	20,000	12	12
		Fair value	20,000	20,000	20	20
	Road substructure (pavement). Road substructure is the constructed material layer(s) beneath the wearing surface of a road pavement or laneway. Usually unaffected by periodic replacements of the wearing surface and would normally only be created where a new pavement was built or an existing pavement was totally reconstructed/rehabilitated.	Fair value	20,000	20,000	100	100
	Kerb and channel. Includes concrete, bluestone and asphalt kerb and channel on local roads. Also includes kerb laybacks/aprons (which are part of 'crossings/drive ways'), usually provided for vehicle, bicycle or pedestrian access across the kerb and channel.	Fair value	5,000	5,000	80	80
	On street car parks (seal) - asphalt, brick paves, concrete and gravel). On-street car parks include car parks located within the road reserve (ie - indented parking bays, parallel parking bays, etc).	Fair value	5,000	5,000	20-25	20-25
	On street car parks (substructure).	Fair value	5,000	5,000	100	100
	Local Area Traffic Management (LATM) - splitter islands, roundabouts, speed humps.	Fair value	5,000	2,000	20	20
	LATM - slow points.	Fair value	5,000	2,000	5	5
	LATM - traffic signal controller.	Fair value	5,000	2,000	15	15
	LATM - traffic signal hardware.	Fair value	5,000	2,000	30	30



4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

Asset class	Description	Measurement basis	CAP THRESHOLD		USEFUL LIFE	
			2020-21	2021-22	2020-21	2021-22
			\$	\$	Years	Years
<b>Bridges</b>	Includes major culverts, deck and substructure. Bridges include all structures which convey a road, footpath or cycleway across another physical feature (including waterways and other roads) and includes major culverts. Bridge components include the foundation, column, girder, decking, wearing course, railing, paths and guardrails. Items such as lighting, signage and paths are not included. Boardwalks are also included in this asset class (constructed pathways above ground either in steel/concrete or timber).	Fair value	5,000	5,000	20 - 100	20 - 100
<b>Footpaths and cycleways</b>	Footpaths (concrete, brick/pavers and granite). Footpaths and cycleways includes footpaths leading to bridges, and pedestrian access features, ramps, pram crossings and path widenings. Paths in playgrounds that provide a direct access between playground items are not considered part of the path asset class (included in playgrounds). Footpaths (asphalt). Footpaths (gravel, granitic).	Fair value	0	0	50	50
		Fair value	0	0	25	25
		Fair value	0	0	10	10
<b>Drainage</b>	Underground drainage/stormwater pipes. Drainage pits Gross pollutant traps (GPTs).	Fair value	5,000	5,000	100	100
		Fair value	5,000	2,000	100	100
		Fair value	5,000	5,000	50	50

4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

Asset class	Description	Measurement basis	CAP THRESHOLD		USEFUL LIFE	
			2020-21	2021-22	2020-21	2021-22
			\$	\$	Years	Years
<b>Recreational, leisure &amp; community facilities</b>	Recreational equipment and facilities. Recreation equipment includes sports and leisure equipment at recreation centres such as bench seats, TV cardio and aerobic stereos, pool cover rollers, gym equipment, pool vacuums, dividing curtains, internal scoreboards, cleaning equipment, aquatic equipment, various items of smaller transportable pool equipment, thermal blankets and gym mats.	Cost	3,000	3,000	10-20	10-20
		Cost	3,000	3,000	5	5
		Cost	3,000	3,000	10-20	10-20
		Cost	3,000	3,000	10-20	10-20
<b>Waste management</b>	Major outdoor LED screens (ie - 'the big screen'). Minor outdoor electronic screens and scoreboards, electronic variable message signs/sensors. Sportsgrounds, sports fields, sporting grass (turf), courts (eg - netball, basketball, tennis), athletic tracks, wickets, hardstand, general sporting surfaces. Note - Turf installed on a sportsground is capital, turf in general areas is not considered capital (expensed). Minor structures, sporting structures and equipment (such as goal posts, cricket nets, outdoor exercise equipment, skate ramps/park, basketball towers/backboards, rebound walls, canopies/shade structures, structures without walls (such as bike sheds and racks, display and information shelters, picnic shelters, rotundas and stages without a roof) and buildings which are less than two square metres and less than \$5,000 in value). Playgrounds (outdoor and indoor). Playgrounds such as swing sets or climbing apparatus. Also includes interconnecting paths between equipment and path edging. Fixed play items associated with a playing surface (such as goal posts) are considered part of the playing surface they relate to and are not recorded as a playground item. Other assets in or near playgrounds (whether enclosed by a fence or not) such as drink fountains, bins, signs, picnic tables, seats or shade structures are considered part of their respective asset class and not a playground item unless their primary function is as a piece of play equipment. Mulch and soffitfall are capitalised when part of a new playground. Ongoing mulch/soffitfall works - rubber soffitfall (capitalised), bark or plastic mulch (expensed). Irrigation, sports field drainage, controllers, sensors, water tanks/pumps and water systems. Outdoor pools	Cost	3,000	3,000	10-20	10-20
		Cost	3,000	3,000	50	50
		N/A	N/A	N/A	N/A	N/A
		N/A	N/A	N/A	N/A	N/A

4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

Asset class	Description	Measurement basis	CAP THRESHOLD		USEFUL LIFE	
			2020-21 \$	2021-22 \$	2020-21 Years	2021-22 Years
<b>Parks, open space and streetscapes</b>	Open space furniture (street furniture such as bicycle racks, tree guards, planter boxes, seats and park furniture such as seats, drinking fountains, tables, root barriers/guards and BBQ's).	Cost	3,000	3,000	10	10
	Open space furniture (bus shelters).	Cost	3,000	3,000	20	20
	Open space furniture (litter bins).	Cost	3,000	3,000	12	12
	Signs (unless attached to another asset such as a building or playground, includes heritage markers).	Cost	3,000	3,000	20	20
	Landscaping, passive grass/surface and gardens.	Cost	3,000	3,000	10-20	10-20
	Water quality devices - wetlands, rain gardens and bioretention swales.	Cost	3,000	3,000	10	10
	Surface drainage - formed open drains (generally made of concrete, eg - spoon drains).	Cost	3,000	3,000	50	50
	Surface drainage - unformed open drains.	Cost	3,000	3,000	10	10
	Flood prevention - retarding/detention basins.	Cost	3,000	3,000	20	20
	Lighting (public, flood lights, solar, car parks, sportsground, security and street) including light poles and any attached CCTV.	Cost	3,000	3,000	10-50	10-50
	Fencing, bollards, gates, retaining walls and poles.	Cost	3,000	3,000	10	10
	Parking meters, ticket machines and equipment.	Cost	3,000	3,000	50	50
	Public art (memorials, monuments, murals, plaques, sculptures and statues).	Cost	3,000	3,000	20	20
	Guard rails.	Cost	3,000	3,000	20	20
	<b>Aerodromes</b>	Not applicable.	N/A	N/A	N/A	N/A
<b>Off street car parks</b>	Off street car park and access road (asphalt, brick paved, concrete, gravel).	Fair value	5,000	5,000	20-25	20-25
	Off street car park and access road (substructure/pavement).	Fair value	5,000	5,000	100	100
	Off street car park and access road (kerb and channel).	Fair value	5,000	5,000	80	80
<b>Other infrastructure</b>	Not applicable. Marine assets - piers, jetties, groins, sea walls, caravan parks, markets and saleyards.	N/A	N/A	N/A	N/A	

4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

Asset class	Description	Measurement basis	CAP THRESHOLD		USEFUL LIFE	
			2020-21 \$	2021-22 \$	2020-21 Years	2021-22 Years
<b>WORK IN PROGRESS</b>						
Work in progress	Capital expenditure on projects not yet completed.	Cost	N/A	N/A	N/A	N/A
<b>INVESTMENT PROPERTY</b>						
Investment property	Land and buildings	Fair value	0	0	N/A	N/A
<b>INTANGIBLES</b>						
Computer software	Software (implementation only not subsequent upgrades). Items that can be capitalised as computer software include software licenses, interworking, configuration support, implementation planning, database planning, quality planning and acceptance testing. Software items to be expensed include software maintenance, data conversion/migration, training, helpdesk support and website costs.	Cost	3,000	3,000	3	3
<b>LEASED ASSETS</b>						
Right-of-use (ROU) assets	Includes information technology (IT) equipment such as monitors, desktop computers and laptops, office related equipment and property leases.	Cost	10,000	10,000	Earlier of end of useful life of ROU assets or lease term	Earlier of end of useful life of ROU assets or lease term

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**4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)**

**POLICY AND STRATEGY**

**REVIEW OF COUNCIL POLICY – FIXED ASSET ACCOUNTING 2021-2022**

**ATTACHMENT 2**

**FIXED ASSET ACCOUNTING  
2021-2021 POLICY - MARKED UP**

**PAGES 17 (including cover)**

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

**4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)**



## Fixed Asset Accounting Policy

Policy Endorsement:	Endorsement required by Council		
Policy Superseded by this Policy:	Not applicable		
Directorate:	Corporate Services		
Responsible Officer:	Manager Finance and IT		
Policy Type:	Discretionary		
File Number:	A4266134	Version No:	008
1 <sup>st</sup> Adopted by Council	Minute No. 225 24 June 2013	Last Adopted by Council:	Minute No. 1480 22 June 2020
Review Period:	Annually	Next Review:	June 2021

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**4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)**

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**4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)**



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## 4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

### 1. POLICY OBJECTIVE (OR PURPOSE)

This policy is designed to provide guidance regarding expenditure that is to be capitalised and the associated accounting treatment for non-current assets in Council's fixed asset register.

This revision of the Fixed Asset Accounting Policy is effective from 1 July 2021.

### 2. BACKGROUND

Accounting standards, including AASB 116 Property, Plant and Equipment, require a distinction to be made between expenditure that is consumed immediately in operations (or within one financial year) and expenditure on fixed assets that will provide service over more than one financial year.

#### Accounting and Guideline issues

##### Local Government (Planning and Reporting) Regulations 2020~~14~~

The Local Government (Planning and Reporting) Regulations 2020~~14~~ require the financial statements of Council to be prepared in accordance with the Local Government Model Financial Report (LGMFR). The LGMFR specifies certain fixed asset categories and classes in the Statement of Capital Works and fixed asset disclosure notes. Refer to **Appendix A** for a list of the asset categories and classes and the measurement basis of each asset class.

##### Land Under Roads (LUR)

Council's ~~does not propose to make changes to its~~ accounting policy regarding the treatment of LUR ~~and will continue~~ is to recognise all land under roads post 1 July 2008 using the cost method of valuation. ~~Council monitored the sector position on land under roads both during and post the 2017-18 financial year, received audit clearance and did not experience any issues pertaining to the policy position.~~

### 3. SCOPE

This policy includes the accounting treatment of all Council's non-current assets.

### 4. DEFINITIONS

Unless otherwise specified within this policy, the following words and phrases are defined to mean the following in terms of this policy.

<i>Assets</i>	Resources controlled by Council as a result of past events and from which future economic benefits or service potential are expected to flow to Council.
<i>Capitalisation threshold</i>	The new, upgrade or renewal value of an asset, below which the project cost is normally expensed and above which it is normally capitalised.
<i>Capital expenditure</i>	Expenditure on a non-current asset which meets the adopted recognition criteria for the Asset Class or Asset Component.
<i>Useful life</i>	The time period over which an asset is expected to be available for use by Council.

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## 4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

### 5. POLICY

#### 5.1 CAPITALISATION

Capitalisation of fixed assets is determined by a materiality threshold at which items of expenditure will be recognised as assets in Council's Balance Sheet.

The useful life of each asset class forms the basis of the calculation of annual depreciation charges and assessment of an assets written down replacement value (refer Appendix A).

Appendix A details the asset categories and classes required in the Local Government Model Financial Report (LGMFR).

Expenditure is to be capitalised when:

- It is probable that the future economic benefits embodied in an asset will eventuate.
- The item of expenditure is in excess of the asset capitalisation threshold (refer Appendix A).
- In limited circumstances, where the value of individual assets falls below the asset threshold for capitalisation, but the assets form part of a bulk purchase (such as office furniture), the aggregate value of the bulk purchase will be recognised where it exceeds the capitalisation threshold (refer to section 7.2.5 of the Fixed Asset Accounting Guidelines).
- Acquisition costs of assets with less than these capitalisation threshold values will be treated as operating expenses.
- All capitalised expenditure is to be recorded in Council's fixed asset register. For each asset, a determination shall be made of its total life, remaining useful life, cost for accounting purposes and method of depreciation.

Note - certain costs are not capitalised when incurred and are charged as an expense in the period in which they are incurred (for example, Christmas decorations, IT software upgrades and building audits).

#### 5.2 ACQUISITION OF ASSETS

Assets acquired by Council are to be recorded based on acquisition or construction cost (fair value) plus costs incidental to acquisition including architect's fees, engineering fees and all other costs incurred in preparing the asset ready for use.

#### 5.3 GIFTED ASSETS (ACQUIRED FOR NIL CONSIDERATION)

Assets which are gifted or contributed to Council by developers or other bodies (i.e. - acquired for nil consideration) are to be recorded at fair value at the date of acquisition, based on currently assessed replacement rates or developer costs (whichever is the best information source at the time).

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## 4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

### 5.4 REVALUATION OF NON-CURRENT ASSETS

All infrastructure assets (except recreational, leisure and community facilities and parks, open space and streetscapes) and property assets (land and buildings excluding land under roads and leasehold improvements) shall be revalued on a regular basis such that the carrying values are not materially different from fair value where fair value is determined to be the current replacement cost of the asset less accumulated depreciation. Appendix A identifies the basis for measurement for each asset class.

### 5.5 INTERNALLY CONSTRUCTED ASSETS

The cost of assets constructed by Council shall include the cost of all materials used in construction, direct labour employed and an appropriate proportion of variable and fixed overheads.

### 5.6 FIXED ASSETS REGISTER

The fixed assets register is to record individual assets in sufficient detail as to permit their identification and control. The fixed assets register is to be updated at least annually. The fixed assets register is to be used for the purpose of revaluing and depreciating assets.

### 5.5 IMPAIRMENT OF ASSETS

Fixed assets will be reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount (which is the higher of the present value of future cash outflows or value in use).

For assets whose economic benefits are not dependent on the ability to generate cash flows, and where the future economic benefits would be replaced if Council were deprived thereof, the value in use (infrastructure assets) is the depreciated replacement cost.

### 5.8 INVESTMENT PROPERTY

Investment property, comprising retail complexes, are held to generate long-term rental yields. Investment property is measured initially at cost, including transaction costs. Cost incurred subsequent to initial acquisition are capitalised when it is probable that future economic benefit in excess of the originally assessed performance of the asset will flow to the Council. Subsequent to initial recognition at cost, investment property is carried at fair value, determined annually by independent valuers. Changes to fair value are recorded in the Comprehensive Income Statement in the period that they arise. Investment property are not subject to depreciation. Rental income from the leasing of investment properties is recognised in the Comprehensive Income Statement on a straight line basis over the lease term.

### 5.9 LEASED/RIGHT-OF-USE (ROU) ASSETS

Leased assets relate mainly to information technology (IT) and office related equipment, as well as a number of property leases. As a lessee, Council recognises a ROU asset and a lease liability at the lease commencement date (unless the lease term is less than 12 months or the ROU asset is low-value (under \$10,000)). The ROU asset is initially measured at cost and is subsequently depreciated using the straight-line method from the commencement date to the earlier of the end of the useful life of the ROU asset or the end of the lease term.

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#### 4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

### 6. RESPONSE TO THE OVERARCHING GOVERNANCE PRINCIPLES OF THE LOCAL GOVERNMENT ACT 2020

This policy considers the overarching governance principles outlined in section 9 of the *Local Government Act 2020* and has taken the financial management principles in section 101 into account. This policy is predominantly administrative in nature and outlines the accounting treatment and assumptions regarding asset transactions. It does not impact on existing and future budgets. The policy is required to comply with the *Local Government Act 2020*, *Local Government (Planning and Reporting) Regulations 2020* and relevant Australian Accounting Standards. The annual review and approval of this policy ensures the transparency of Council decisions, actions and information in relation to fixed asset accounting transactions.

Of particular relevance to this policy, Council is required to prepare financial statements pursuant to:

- Section 98 of the *Local Government Act 2020*
- Section 14 of the *Local Government (Planning and Reporting) Regulations 2020*

### 7. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 – COMPATIBILITY STATEMENT

The *Charter of Human Rights and Responsibilities Act 2006* has been considered in the preparation of this policy but is not relevant to its contents.

The policy is purely administrative in its nature and does not have the potential to influence human rights and responsibilities.

### 8. RESPONSE TO THE GENDER EQUALITY ACT 2020

The *Gender Equality Act 2020* has been considered in the preparation of this policy but is not relevant to its contents.

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

### 9. CONSIDERATION OF CLIMATE CHANGE AND SUSTAINABILITY

Acknowledge that this policy has no impact on Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 or the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability and why it does not have any impact.

The policy is purely administrative in its nature and does not have the potential to influence future asset planning or sustainability, climate or energy.

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## 4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

### 10. RESPONSIBILITIES

Council is responsible for ensuring this policy remains consistent with the Greater Dandenong Council Plan and Strategic Resource Plan.

Chief Executive Officer is responsible for ensure overall compliance with relative legislation.

The Asset Management team in Engineering Services (with the assistance of the Financial Services department in Corporate Services) are responsible for maintaining, capturing and recording fixed assets in the asset register in Council's asset management system. The Financial Services department are responsible for recording asset transactions in Council's general ledger and reconciling the general ledger to the asset register.

All Council staff are responsible for compliance with this policy and the requirements within it.

This policy will be reviewed and updated annually by the Financial Services department.

Consultation on proposed changes to the policy each year will occur with:

- Asset Management team in Engineering Services directorate.
- External auditors.

### 11. REPORTING, MONITORING AND REVIEW

The current policy complies with Local Government legislation and Australian Accounting Standards and has been subject to internal and external audits.

Each year the policy will be reviewed and updated to ensure compliance with Local Government legislation and Australian Accounting Standards is maintained and that policy directions remain relevant.

The success of the policy will be measured by its compliance with the relevant legislation and Accounting Standards and a clear external audit opinion.

### 12. REFERENCES AND RELATED DOCUMENTS

#### Legislation

- *Australian Accounting Standards*
- *Local Government Act 1989 and 2020*
- *Local Government (Planning and Reporting) Regulations 2020*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Gender Equality Act 2021*

#### Related Council and Other Policies, Procedures, Strategies, Protocols, Guidelines

- Greater Dandenong City Council Fixed Asset Accounting Guidelines
- City of Greater Dandenong Council Plan

4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

13. APPENDIX A – BASIS OF MEASUREMENT, CAPITALISATION THRESHOLDS AND USEFUL LIVES

Asset class	Description	Measurement basis	CAP THRESHOLD		USEFUL LIFE	
			2020-21 \$	2021-22 \$	2020-21 Years	2021-22 Years
<b>PROPERTY</b>						
<b>Land</b>	Land owned or controlled by Council. Land either has a fair value classification of level 3 - 'specialised land' or level 2 - 'non-specialised land'. Land under roads (LUR) (excluding lanes, private roads and Council roads in parks and reserves) acquired after 1 July 2008. All LUR have a fair value level 3 classification - 'specialised land'.	Fair value (indep val'h)	0	0	N/A	N/A
		Cost	0	0	N/A	N/A
<b>Land improvements</b>	Not applicable - allocated to other asset classes such as 'Recreational, leisure and community facilities' and 'Parks, open space and streetscapes'.	N/A	N/A	N/A	N/A	N/A
<b>Buildings</b>	Buildings, building improvements and multi-story car park buildings. All buildings have a fair value level 3 classification - 'specialised buildings'. Buildings include Class 1 to Class 9 buildings as defined in the Building Code of Australia including all corporate, community and commercial buildings managed / controlled / owned by Council and multi-story car park buildings. This includes both habitable and non-habitable buildings. Non-habitable buildings as defined in class 10A of the Building Code of Australia. Examples include garages, workshops, kiosks, stand-alone administration buildings/offices, public conveniences, sheds, stores, undercroft car parking, sporting pavilions and sporting clubrooms. Includes structures that link or are attached to the building or structures which form part of the building. Such examples are paths, access ramps or steps, verandas, pergolas, carports, toilets and shade/shelter structures (only totally free-standing structures will be considered separate assets). Includes other general building services, site engineering services and central plant that form part of the building structure, that are attached to or hidden behind the building fabric and which may feed from or to fixtures and fittings. Some examples are general electrical, gas and water supply, attached stormwater drainage / guttering and sewerage. Includes trunk reticulated building systems such as lifts, escalators, heating and cooling systems, cranes, hoists, sanitary plumbing, air-conditioning and ventilation (refrigerated plant, terminal units, heating oils, fans, pumps), fire protection and security alarm systems, access control systems, building management systems (BMS), electrical distributions (mains cables, switch gear and distribution equipment), CCTV, solar panels and lighting installations, communications (telephone and call systems), boilers and specialist services in kitchens or laundries (ovens, dishwashers, etc). It also includes fixed equipment that can be recognised as part of the building fit-out (such as indoor swimming pools, pool pumps, fixed sporting equipment, etc). Buildings or structures less than two square metres in size and less than \$5,000 in value will be recognised as a minor structure in the 'Recreational, leisure and community facilities asset class'.	Fair value (indep val'h)	5,000	5,000	50-100	50-100

4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

Asset class	Description	Measurement basis	CAP THRESHOLD		USEFUL LIFE	
			2020-21 \$	2021-22 \$	2020-21 Years	2021-22 Years
<b>PROPERTY</b>						
<b>Building improvements</b>	Not applicable - included in buildings above.	N/A	N/A	N/A	N/A	N/A
<b>Leasehold improvements</b>	Land improvements, buildings and other improvements to property assets leased by Council or on land leased by Council. Leasehold improvements to buildings include fit-outs, security enhancements and/or renovations of leased office accommodation or leased property. Examples are recarpeting, immovable fixtures such as the installation of air-conditioning or CCTV, and structural improvements to a leased property upon commencement of a lease (initial office/residential fit-out), and any subsequent refurbishment of office/residential leased accommodation.	Cost	0	0	Lease term	Lease term
<b>Heritage buildings</b>	Not applicable - defined as heritage buildings as listed on the Victorian Heritage Register.	Fair value (indep val'n)	N/A	N/A	N/A	N/A

4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

Asset class	Description	Measurement basis	CAP THRESHOLD		USEFUL LIFE	
			2020-21	2021-22	2020-21	2021-22
			\$	\$	Years	Years
<b>PLANT AND EQUIPMENT</b>						
<b>Heritage plant and equipment</b>	Not applicable.	N/A	N/A	N/A	N/A	N/A
<b>Plant, machinery and equipment</b>	Heavy plant and equipment (such as graders, trucks, tractors, tipper, scissor lifts and loaders). Buses, quads and trailers. Light plant and equipment (such as rollers, mowers, tools and blowers), passenger vehicles, light commercial vehicles (<= 3 tonne). Also includes lifters, generators, powersaws, floor polishers, steam cleaners, sweepers, winches, compressors, surveying equipment, people counting systems, rotators, outdoor cleaning equipment and submersible pumps.	Cost	3,000	3,000	7	7
		Cost	3,000	3,000	10	10
		Cost	3,000	3,000	5	5
<b>Fixtures, fittings and furniture</b>	Office furniture and equipment (workstations, mobile shelving, chairs, office bins, lockers, tables, desks, filing cabinets), kitchen appliances and equipment (fridges), hand dryers, display units/stands, dividers/privacy screens, safes, podiums, trolleys and other miscellaneous fixtures, fittings (eg - window furnishings) and furniture. Excludes Christmas decorations (not capital). Musical instruments. Art works (paintings, pictures, murals, heritage).	Cost	3,000	3,000	6	6
<b>Computers and telecom's</b>	Hardware, servers, hubs, cabling, faxes, printers, telephones, mobile phones/devices, photocopiers, computers, laptops, microwave links, wireless links, firewall, scanners, GPS, Book-a-Court system and audio visual equipment (such as stereos, speakers, amplifiers, antenna, cameras, video recorders, microphones, televisions, DVD players, electronic whiteboards, two way radios, hearing loop, projectors, etc). <del>Software (implementation only not subsequent upgrades) - items that can be capitalised as computer software include software licenses, networking, configuration support, implementation planning, database planning, quality planning and acceptance testing - Software items to be expensed include software maintenance, data conversion/migration, training, helpdesk support and website costs. (Reclassification to new asset category - Intangibles)</del>	Cost	3,000	3,000	20	20
		Cost	3,000	3,000	N/A	N/A
		Cost	3,000	3,000	5	5
<b>Library books</b>	Includes library books, CDs, DVDs and tapes, <del>hard copy e-books and e-audio books</del> (excludes <del>downloaded/subsription based</del> digital content such as e-books and e-audio books, annual online licences or subscriptions, annual platform access to e-formats, periodicals and newspapers - these items are expensed as they generally have a life of one year or less).	Cost	0	0	5	5



4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

Asset class	Description	Measurement basis	CAP THRESHOLD		USEFUL LIFE	
			2020-21	2021-22	2020-21	2021-22
			\$	\$	Years	Years
<b>INFRASTRUCTURE</b>						
<b>Roads</b>	Road seal (surface) comprises the wearing surface of a road pavement or laneway. Re construction, resurfacing (asphalt overlays and spray seals) and rehabilitation of road seal are capital. Surface patching treatments (major or minor) such as pothole repairs, crack sealing or repairs, slurry seals are considered maintenance treatments aimed at ensuring the road seal asset reaches its intended useful life (expensed). Linemarking is also not capital. Sub-categories include: Seal/surface (spray seal). Seal/surface (asphalt, concrete, brick, granite setts and gravel).	Fair value	20,000	20,000	12	12
		Fair value	20,000	20,000	20	20
	Road substructure (pavement). Road substructure is the constructed material layer(s) beneath the wearing surface of a road pavement or laneway. Usually unaffected by periodic replacements of the wearing surface and would normally only be created where a new pavement was built or an existing pavement was totally reconstructed/rehabilitated.	Fair value	20,000	20,000	100	100
	Kerb and channel. Includes concrete, bluestone and asphalt kerb and channel on local roads. Also includes kerb laybacks/aprons (which are part of 'crossings/drive ways'), usually provided for vehicle, bicycle or pedestrian access across the kerb and channel.	Fair value	5,000	5,000	80	80
	On street car parks (seal) - asphalt, brick paves, concrete and gravel). On-street car parks include car parks located within the road reserve (ie - indented parking bays, parallel parking bays, etc).	Fair value	5,000	5,000	20-25	20-25
	On street car parks (substructure).	Fair value	5,000	5,000	100	100
	Local Area Traffic Management (LATM) - splitter islands, roundabouts, speed humps.	Fair value	5,000	2,000	20	20
	LATM - slow points.	Fair value	5,000	2,000	5	5
	LATM - traffic signal controller.	Fair value	5,000	2,000	15	15
	LATM - traffic signal hardware.	Fair value	5,000	2,000	30	30

4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

Asset class	Description	Measurement basis	CAP THRESHOLD		USEFUL LIFE	
			2020-21	2021-22	2020-21	2021-22
			\$	\$	Years	Years
<b>INFRASTRUCTURE</b>						
<b>Bridges</b>	Includes major culverts, deck and substructure. Bridges include all structures which convey a road, footpath or cycleway across another physical feature (including waterways and other roads) and includes major culverts. Bridge components include the foundation, column, girder, decking, wearing course, railing, paths and guardrails. Items such as lighting, signage and paths are not included. Boardwalks are also included in this asset class (constructed pathways above ground either in steel/concrete or timber).	Fair value	5,000	5,000	20 - 100	20 - 100
<b>Footpaths and cycle ways</b>	Footpaths (concrete, brick/pavers and granite). Footpaths and cycleways includes footpaths leading to bridges, and pedestrian access features, ramps, pram crossings and path widenings. Paths in playgrounds that provide a direct access between playground items are not considered part of the path asset class (included in playgrounds). Footpaths (asphalt). Footpaths (gravel, granitic).	Fair value Fair value	0 0	0 0	50 25 10	50 25 10
<b>Drainage</b>	Underground drainage/stormwater pipes. Drainage pits Gross pollutant traps (GPTs).	Fair value Fair value Fair value	5,000 5,000 5,000	5,000 2,000 5,000	100 100 50	100 100 50

4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

Asset class	Description	Measurement basis	CAP THRESHOLD		USEFUL LIFE	
			2020-21	2021-22	2020-21	2021-22
			\$	\$	Years	Years
<b>INFRASTRUCTURE</b>						
<b>Recreational, leisure &amp; community facilities</b>	Recreational equipment and facilities. Recreation equipment includes sports and leisure equipment at recreation centres such as bench seats, TV cardio and aerobic stereos, pool cover rollers, gym equipment, pool vacuums, dividing curtains, internal scoreboards, cleaning equipment, aquatic equipment, various items of smaller transportable pool equipment, thermal blankets and gym mats.	Cost	3,000	3,000	10-20	10-20
	Major outdoor LED screens (ie - 'the big screen').	Cost	3,000	3,000	5	5
	Minor outdoor electronic screens and scoreboards, electronic variable message signs/sensors.	Cost	3,000	3,000	10-20	10-20
	Sportsgrounds, sports fields, sporting grass (turf), courts (eg - netball, basketball, tennis), athletic tracks, wickets, hardstand, general sporting surfaces. Note - Turf installed on a sportsground is capital, turf in general areas is not considered capital (expensed).	Cost	3,000	3,000	10-20	10-20
	Minor structures, sporting structures and equipment (such as goal posts, cricket nets, outdoor exercise equipment, skate ramps/park, basketball towers/backboards, rebound walls, canopies/shade structures, structures without walls (such as bike sheds and racks, display and information shelters, picnic shelters, rotundas and stages without a roof) and buildings which are less than two square metres and less than \$5,000 in value).	Cost	3,000	3,000	10-20	10-20
	Playgrounds (outdoor and indoor). Playgrounds such as swing sets or climbing apparatus. Also includes interconnecting paths between equipment and path edging. Fixed play items associated with a playing surface (such as goal posts) are considered part of the playing surface they relate to and are not recorded as a playground item. Other assets in or near playgrounds (whether enclosed by a fence or not) such as drink fountains, bins, signs, picnic tables, seats or shade structures are considered part of their respective asset class and not a playground item unless their primary function is as a piece of play equipment. Mulch and softfall are capitalised when part of a new playground. Ongoing mulch/softfall works - rubber softfall (capitalised), bark or plastic mulch (expensed).	Cost	3,000	3,000	15	15
	Irrigation, sports field drainage, controllers, sensors, water tanks/pumps and water systems.	Cost	3,000	3,000	10-20	10-20
	Outdoor pools	Cost	3,000	3,000	50	50
<b>Waste management</b>	Not applicable.	N/A	N/A	N/A	N/A	N/A

4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

Asset class	Description	Measurement basis	CAP THRESHOLD		USEFUL LIFE	
			2020-21	2021-22	2020-21	2021-22
			\$	\$	Years	Years
<b>INFRASTRUCTURE</b>						
<b>Parks, open space and streetscapes</b>	Open space furniture (street furniture such as bicycle racks, tree guards, planter boxes, seats and park furniture such as seats, drinking fountains, tables, root barriers/guards and BBQ's).	Cost	3,000	3,000	10	10
	Open space furniture (bus shelters).	Cost	3,000	3,000	20	20
	Open space furniture (litter bins).	Cost	3,000	3,000	12	12
	Signs (unless attached to another asset such as a building or playground, includes heritage markers).	Cost	3,000	3,000	20	20
	Landscaping, passive grass/surface and gardens.	Cost	3,000	3,000	10-20	10-20
	Water quality devices - wetlands, rain gardens and bioretention swales.	Cost	3,000	3,000	10	10
	Surface drainage - formed open drains (generally made of concrete, eg - spoon drains).	Cost	3,000	3,000	10	10
	Surface drainage - unformed open drains.	Cost	3,000	3,000	50	50
	Flood prevention - retarding/detention basins.	Cost	3,000	3,000	10	10
	Lighting (public, flood lights, solar, car parks, sportsground, security and street) including light poles and any attached CCTV.	Cost	3,000	3,000	20	20
		Cost	3,000	3,000	10-20	10-20
	Fencing, bollards, gates, retaining walls and poles.	Cost	3,000	3,000	10-50	10-50
	Parking meters, ticket machines and equipment.	Cost	3,000	3,000	10	10
	Public art (memorials, monuments, murals, plaques, sculptures and statues).	Cost	3,000	3,000	50	50
Guard rails.	Cost	3,000	3,000	20	20	
<b>Aerodromes</b>	Not applicable.	N/A	N/A	N/A	N/A	
<b>Off street car parks</b>	Off street car park and access road (asphalt, brick paved, concrete, gravel).	Fair value	5,000	5,000	20-25	20-25
	Off street car park and access road (substructure/pavement).	Fair value	5,000	5,000	100	100
	Off street car park and access road (kerb and channel).	Fair value	5,000	5,000	80	80
<b>Other Infrastructure</b>	Not applicable. Marine assets - piers, jetties, groins, sea walls, caravan parks, markets and saleyards.	N/A	N/A	N/A	N/A	

4.1.2 Review of Council Policy - Fixed Asset Accounting 2021-2022 (Cont.)

Asset class	Description	Measurement basis	CAP THRESHOLD		USEFUL LIFE	
			2020-21 \$	2021-22 \$	2020-21 Years	2021-22 Years
<b>WORK IN PROGRESS</b>						
Work in progress	Capital expenditure on projects not yet completed.	Cost	N/A	N/A	N/A	N/A
<b>INVESTMENT PROPERTY</b>						
Investment property	Land and buildings	Fair value	0	0	N/A	N/A
<b>INTANGIBLES (new asset class - reclassification of computer software from Plant &amp; Equipment)</b>						
Computer software	Software (implementation only not subsequent upgrades). Items that can be capitalised as computer software include software licenses, interworking, configuration support, implementation planning, database planning, quality planning and acceptance testing. Software items to be expensed include software maintenance, data conversion/migration, training, helpdesk support and website costs.	Cost	3,000	3,000	3	3
<b>LEASED ASSETS</b>						
Right-of-use (ROU) assets	Includes information technology (IT) equipment such as monitors, desktop computers and laptops, office related equipment and property leases.	Cost	10,000	10,000	Earlier of end of useful life of ROU assets or lease term	Earlier of end of useful life of ROU assets or lease term

## 4.2 OTHER

### 4.2.1 Audit and Risk Committee Charter

File Id:	A7806577
Responsible Officer:	Chief Executive Officer
Attachments:	Audit and Risk Committee Charter for Adoption

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## 1. Report Summary

With the implementation of the *Local Government Act 2020*, Council was required under the Act to adopt a revised Audit and Risk Committee Charter before 1 September 2020.

At that point in time, the Audit and Risk Committee determined it would recommend to Council slight amendments to the previous Charter to meet the new legislative requirements. It did this on the basis that it would conduct a full review of the Charter by June 2021.

Council subsequently adopted the recommended Charter in July 2020.

The Audit and Risk Committee has now completed its full review of the Charter and recommends to Council the adoption of the proposed Charter as provided in Attachment 1.

## 2. Recommendation Summary

This report recommends that Council adopt the proposed Charter for the Audit and Risk Committee as provided in Attachment 1 to this report.

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#### **4.2.1 Audit and Risk Committee Charter (Cont.)**

### **3. Background**

Councils Audit and Risk Committee performs a valuable and independent oversight of Councils Finances and Risk.

The Committee is comprised of three externally appointed independent members and two Councillors. The Committee currently meets four times per annum.

Following the introduction of the *Local Government Act 2020*, the Audit and Risk Committee made minor amendments to the previous Committee Charter to comply with the requirements of the Act. Council subsequently adopted the Charter in July 2020.

As part of the Committee's Annual Work Plan, it was determined that the Committee would undertake a full and comprehensive review of the Charter in June 2021.

This has now been undertaken and has resulted in a full re-write of the Charter based on a review of best practice Charters across several other municipalities.

Some changes of note for the benefit of Council include:

- moving from the Committee appointing the Chairperson to this being an annual appointment by Council; and
- introducing an automatic indexation of the external members sitting fees in line with percentage increases in Council allowances.

The Audit and Risk Committee considered the draft Charter at its meeting held 18 June 2021 and now recommends its adoption by Council.

### **4. Proposal**

This report recommends that Council adopt the proposed Charter for the Audit and Risk Committee.

### **5. Financial Implications**

There are no financial implications associated with this report.

### **6. Consultation**

The Audit and Risk Committee has reviewed the draft Charter and has recommended its adoption by Council.

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#### 4.2.1 Audit and Risk Committee Charter (Cont.)

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

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

#### Community Plan 'Imagine 2030'

##### Opportunity

- *Leadership by the Council – The leading Council*

### 8. 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*

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

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

The Audit and Risk Committee Charter is largely administrative in nature, but it does establish a framework for the effective oversight of finance and risk management for Council and plays an important role in Council delivering on the financial management principles in the Act.

The Committee further considers internal audits across a range of matters that deal with many of the overarching principles including strategic planning and decision making and climate change.

The role of the Committee is further aimed at ensuring Council continuously improves its systems of internal controls and risk management.

Whilst meetings of the Committee are not open to the public, the Committee tables its minutes to subsequent Council meetings including a summary of the topics discussed. The Committee is required to transparently report to Council its activities twice per annum and table a summary of its performance evaluation of the Committee annually.

### 10. Victorian Charter of Human Rights and Responsibilities

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



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#### **4.2.1 Audit and Risk Committee Charter (Cont.)**

The *Charter of Human Rights and Responsibilities Act 2006* has been considered in the preparation of this report but is not relevant to its contents given its administrative nature.

### **11. The Gender Equality Act 2020**

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

The content of this report is purely administrative in nature and does not benefit any one gender group over any other.

### **12. Consideration of Climate Change and Sustainability**

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

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

Council’s Declaration on a Climate and Ecological Emergency, Council’s Climate Change Emergency Strategy 2020-2030 and the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability have been considered in the preparation of this report but are not relevant to its contents.

### **13. Recommendation**

**That Council adopts the proposed Charter for the Audit and Risk Committee as provided in Attachment 1 to this report.**

**4.2.1 Audit and Risk Committee Charter (Cont.)**

**OTHER**

**AUDIT AND RISK COMMITTEE CHARTER**

**ATTACHMENT 1**

**AUDIT AND RISK COMMITTEE CHARTER  
FOR ADOPTION**

**PAGES 11 (including cover)**

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

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**4.2.1 Audit and Risk Committee Charter (Cont.)**



## Audit and Risk Committee Charter

Date Last Approved: 12 July 2021

**4.2.1 Audit and Risk Committee Charter (Cont.)**

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**4.2.1 Audit and Risk Committee Charter (Cont.)**



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## 4.2.1 Audit and Risk Committee Charter (Cont.)

### 1. PURPOSE

Council has established an independent Audit and Risk Committee (the Committee) pursuant to section 53 of the *Local Government Act 2020* (the Act). The primary purpose of the Committee is to support Council in discharging its oversight responsibilities related to financial reporting, risk management, maintenance of sound systems of internal control, assurance activities including internal and external audit and Council's performance with regard to legislative and regulatory compliance including its Codes of Conduct and governing principles.

The Committee acts in this capacity by monitoring, reviewing, endorsing, and advising on matters as set out in this Charter. This Charter has been developed in accordance with Section 54 of the Act.

The Committee has no executive authority and no delegated financial responsibilities and is therefore independent of management.

### 2. AUTHORITY

The Committee is directly responsible to Council for discharging its responsibilities as set out in this Charter. The Committee has no delegated authority from Council unless specifically provided by Council from time to time and any such authority shall be temporary and may only relate to specific matters as directed by Council.

The Committee has authority to:

- endorse key documents and reports that must be approved by Council, including annual financial reports, annual performance statements, new or revised policies and other documents that assist in maintaining a sound internal control environment;
- endorse for Council internal and external audit plans, including internal audit plans with an outlook greater than one year;
- provide advice and make recommendations to Council on matters within its areas of responsibility;
- subject to consultation with, and approval of, the CEO, retain appropriate independent specialists to advise the Committee or assist in the conduct of an investigation;
- seek any information it requires to properly discharge its responsibilities from Councillors, Council staff (including senior management, all of whom are directed to co-operate with the Committee's requests) and external parties; and
- meet with Council staff, internal and external auditors, or outside counsel, as necessary.

The Committee will, through the Chief Executive Officer, have access to appropriate management support to enable it to discharge its responsibilities effectively.

### 3. MEMBERSHIP. TENURE AND APPOINTMENT

The Committee will comprise of five Members appointed by Council, three of whom must be independent members. Council employees cannot be members of the Committee.

Details of membership and tenure are set out below:

- One (1) independent Chairperson;
- Two (2) independent Members; and
- Two (2) Councillors (plus option of one alternate Councillor).

All members shall have full and equal voting rights unless a member is unable to vote due to a conflict of interest.

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### 4.2.1 Audit and Risk Committee Charter (Cont.)

#### 3.1 *Independent Members*

- 3.1.1 Independent members must collectively have senior business audit or financial management/reporting knowledge, risk management knowledge, be conversant with the financial and other reporting requirements of the Local Government sector and have experience in public sector management.
- 3.1.2 Independent members will be appointed for a maximum three-year term at their commencement subject to the needs noted below to stagger retirement dates.
- 3.1.3 Independent members may be reappointed for two additional three-year terms subject to mutual agreement and satisfactory performance. As far as possible, terms of appointment will be staggered to ensure membership retirement dates ensure that only one member retires at a single point in time.
- 3.1.4 The maximum continuous term of an external member shall be nine years.
- 3.1.5 Appointments of independent members shall be made by Council resolution.
- 3.1.6 Remuneration will be paid to each independent member of the Committee as approved by Council from time to time. Annual increases in the remuneration of Committee members will be limited to the same increases as applied to Councillor allowances and adjusted annually on 1 July.
- 3.1.7 Prior to the retirement/resignation of an independent member, Council will establish an appropriate process to appoint a new independent member. A panel comprising the Chair of the Committee, the CEO and a senior Council Executive will be convened to make a recommendation on a suitable candidate to Council.
- 3.1.8 New independent member positions will be publicly advertised in appropriate places such as state-wide newspapers, Council's website, the online 'Directors Opportunities' listing provided by the Australian Institute of Company Directors and other channels.
- 3.1.9 If Council proposes to remove a member of the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard at a Council meeting.

#### 3.2 *Councillor Members*

- 3.2.1 Councillor members shall be appointed annually at the Council Meeting to elect the Mayor and also appoint Councillors to Committees.
- 3.2.2 The Mayor is automatically a member of the Audit and Risk Committee and Council shall appoint one Councillor as a member and has the option of appointing an alternate member should either the Mayor or the Councillor appointment be unable to attend the meetings.
- 3.2.3 Other Councillors may attend Audit and Risk Committee meetings in an observer capacity.

#### 3.3 *Chairperson*

- 3.3.1 The Chairperson shall be an external independent member annually appointed by Council. The Chairperson shall have a casting vote on occasions where there is an equal tally of votes on a matter.
- 3.3.2 In the absence of the Chairperson from a meeting, the meeting will appoint an acting Chairperson.

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#### 4.2.1 Audit and Risk Committee Charter (Cont.)

### 4. MEETINGS

- 4.1 The Committee shall meet a minimum of four times per year and at least once every quarter. Additional meetings shall be convened at the discretion of the Chairperson, at the written request by a member of the Committee, or by the internal or external auditor. All Committee members are expected to attend each meeting.
- 4.2 A schedule of meetings will be developed and agreed to by the members annually. As an indicative guide, meetings will be arranged to coincide with relevant Council reporting deadlines.
- 4.3 Council shall provide secretarial and administrative support to the Committee in the preparation of Agendas and Minutes. The Committee will frequently review matters that are confidential in nature and as such the meetings of the Committee are not open to the public.
- 4.4 The Agenda and supporting documentation will be circulated to members of the Committee at least one week in advance of each meeting.
- 4.5 The Chairperson will sign the minutes following confirmation of the minutes at a subsequent meeting. The unconfirmed minutes will be reported to Council within two months of the Committee meeting.
- 4.6 The Committee will develop and maintain an annual work plan.

#### 4.7. *Quorum*

A quorum shall be three (3), comprising at least two (2) external independent members. If necessary, Committee members can attend the meeting via dial in or video conference and will be included as part of the quorum.

#### 4.8. *Officers in Attendance*

- 4.8.1 The Chief Executive Officer and Internal auditor should attend all meetings, except when the Committee chooses to meet in camera. Other members of Council or Council staff may be invited to attend at the discretion of the Committee, to advise and provide information when required.
- 4.8.2 Representatives of the external auditor will be invited to attend at the discretion of the Committee but must attend meetings at which the draft annual financial report, annual performance statement and results of the external audit are considered.
- 4.8.3 The Committee has the discretion to meet in camera without any Council officers in attendance. The Committee can further request the attendance of internal or external auditors to meet with the Committee without the attendance of Council officers. An in-camera meeting should be held at least annually.

#### 4.9. *Conduct*


Members of the Committee are required to comply with Sections 123, 125 and Part 6, Division 2: sections 126-131 of the Act, which includes, amongst other things, the following requirements.

- Members will submit six monthly interest returns on the form specified by Council, noting this is in accordance with good governance practices (for external members) rather than a legislative requirement under the Act;
- Members will declare and manage any conflicts of interest which arise in accordance with the Act;



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#### 4.2.1 Audit and Risk Committee Charter (Cont.)

- 
- Members will not misuse their position on the Committee for personal benefit or to the detriment of Council;
  - Members will not disclose confidential information obtained through their role on the Committee;
  - Members of the Committee must be fully aware of their responsibilities with regard to management of interests in relation to the discharge of their duties as a member of the Committee. Management of interests includes the proper management of any conflicts of interest as they may arise;
  - Members of the Committee must also be fully aware of the statutory definitions of general and material conflicts of interest as set out in Part 6 Division 2 of the Act.

Failure to comply with the provisions of the Act with regard to conflicts of interest may result in prosecution and the member's appointment being terminated by Council.

#### 5. REPORTING

- 5.1 The Committee may report to Council on any matters of significance as determined by the Committee.
- 5.2 The Committee Chairperson must provide a bi-annual report to the Chief Executive Officer which summarises the activities of the Committee during the past six months, provide any findings and recommendations in relation to the functions of the Committee and request that the CEO table this report at the next Council meeting.
- 5.3 The Chairperson is entitled to attend any Councillor Briefing Session at any other time to bring any particular matters to the attention of Councillors which the Chairperson or Committee sees fit. Such meetings may be held with or without management present at the determination of the Chairperson following consultation with the Mayor.
- 5.4 The Committee Charter and details of its Members will be published on Council's website.
- 5.5 Council's Annual Report will contain information on the composition of the Committee, number of meetings held and attended by Committee members, audit processes, details of any remuneration paid to independent members during the reporting period and a summary of the work undertaken by the Committee for the year.

#### 6. PERFORMANCE EVALUATION

The Committee will evaluate its own performance on an annual basis and provide a report on the outcomes of the assessment.

A copy of the annual assessment will be provided to the Chief Executive Officer for tabling at the next Council meeting.

#### 7. DUTIES AND RESPONSIBILITIES

The duties and responsibilities of the Committee include:


##### 7.1 *External Reporting*

The Committee will:

- 7.1.1 review Council's draft annual financial report and annual performance statement focusing on:

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#### 4.2.1 Audit and Risk Committee Charter (Cont.)

- 
- o the reporting requirements of accounting policies and Approved Accounting Standards; and
  - o changes to the reporting requirements due to changes in accounting policies and Approved Accounting Standards;
  - o the assumptions used and processes applied in making significant accounting estimates;
  - o significant adjustments to the annual financial report and the annual performance statement (if any) arising from the audit process; and
  - o Compliance with accounting standards and other reporting requirements.
- 7.1.2 review and recommend adoption of the Annual Financial and Performance Statements to Council and review any significant changes and the reasons for the changes that may arise subsequent to any such recommendation but before the final report is signed; and
- 7.1.3 review the completeness of corporate governance processes as prescribed in the Governance and Management checklist of the Local Government (Planning and Reporting) Regulations.

#### 7.2 External Audit

The Committee will:

- 7.2.1 be briefed at least annually by the External Auditor on the audit strategy prior to the commencement of each year's audit process;
- 7.2.2 discuss and review with the External Auditor the scope and planning of the audit;
- 7.2.3 discuss and review with the External Auditor issues arising from the audit, including all significant Management Letter items and the potential impact of those items on Council's system of internal control;
- 7.2.4 ensure significant findings and recommendations made by the external auditor and management's proposed responses are received, discussed, and appropriately actioned by management; and
- 7.2.5 review on an annual basis the performance of the External Auditor.

#### 7.3 Systems of Internal Control

The Committee will:

- 7.3.1 maintain an awareness of local government performance audits undertaken by VAGO and any other relevant reviews undertaken by Australian and Victorian public sector integrity bodies, including Australian National Audit Office, the Independent Broad-Based Anti-Corruption Commission (IBAC), the Local Government Inspectorate and Victorian Ombudsman and consider relevant recommendations for action or implementation where appropriate;
- 7.3.2 confirm that management are aware of these external reviews and have considered the relevant recommendations for action or implementation;
- 7.3.3 review the adequacy and effectiveness of key systems and controls as a basis for providing a sound internal control framework; and
- 7.3.4 monitor the compliance of Council policies and procedures with the overarching governance principles, the *Local Government Act 2020* and regulations and Ministerial directions.

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#### 4.2.1 Audit and Risk Committee Charter (Cont.)

##### 7.4 *Internal Audit*

The Committee will:

- 7.4.1 be kept informed by Council officers of any process to appoint or terminate Council's internal audit service provider;
- 7.4.2 review the level of resources allocated to internal audit and the scope of its authority;
- 7.4.3 review the scope of the internal audit plan and programme and the effectiveness of the function. This review should consider whether over a period of three years the internal audit plan systematically addresses:
  - o internal controls over significant areas of risk, including non-financial management control systems;
  - o internal controls over revenue, expenditure, assets, and liability processes;
  - o the efficiency, effectiveness, and economy of significant Council programmes; and
  - o compliance with regulations, policies, best practice guidelines, instructions, and contractual arrangements.
- 7.4.4 recommend to Council the approval of the Internal Audit Plan for the coming three-year period;
- 7.4.5 review any special internal audit assignments undertaken by internal audit at the request of Council or the Chief Executive Officer;
- 7.4.6 review internal audits reports and monitor the implementation of recommendations by management;
- 7.4.7 facilitate the liaison between Internal Audit and External Auditors to promote compatibility, to the extent appropriate, between their audit programmes;
- 7.4.8 critically analyse and follow up any internal or external audit report that raises significant issues relating to risk management, internal controls, financial reporting and other accountability or governance issues and any other matters relevant under the Committee's Charter. Review management's response to, and actions undertaken because of the issues raised;
- 7.4.9 Review, on an annual basis, the performance of the Internal Auditor, including adherence to appropriate professional and quality standards, and where performance is not considered satisfactory, report to Council and make recommendations, which may, in extreme cases, include a recommendation that Council terminate the Internal Audit contract and undertake the tender process for the appointment of a new Internal Auditor; and
- 7.4.10 ensure that representatives of the Committee and a member of the Council's Executive Leadership team, not directly involved in the management of the Internal Audit Contract are included on the tender evaluation panel tasked with making recommendations to Council for the appointment of a new Internal Auditor.

##### 7.5 *Risk Management*

The Committee will:

- 7.5.1 monitor Council's risk profile and changes therein and the plans to mitigate risk by determining if management has appropriate processes and adequate information systems in place;
- 7.5.2 monitor the implementation of recommendations arising from reports presented and review the effectiveness of Council's internal control systems; and
- 7.5.3 annually review the effectiveness of the Enterprise Risk Management Framework to enable effective risk management.

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#### 4.2.1 Audit and Risk Committee Charter (Cont.)

##### 7.6 Ethical Behaviour

The Committee will:

- 7.6.1 receive updates from management of any suspected cases of fraud, corruption or serious misconduct impacting Council;
- 7.6.2 recommend any specific measures or investigations identified as necessary or desirable by the Committee to the Council and/or management;
- 7.6.3 monitor and provide advice on fraud prevention systems and controls; and
- 7.6.4 monitor any subsequent investigation, including the investigation of any suspected cases of fraud, corruption, serious misconduct, or breaches of conflict of interest.

##### *Matters Referred to the Committee by Council*

The Committee will address issues brought to its attention, including responding to requests from Council for advice.

## 8. REVIEW OF COMMITTEE CHARTER

The Committee will review the Committee Charter at least every two years, or as required following changes to the Act or other related Acts and Regulations and recommend any changes to Council for approval.

The next review date will be June 2023

#### **4.2.2 Audit and Risk Committee Self Assessment**

File Id: A7807377  
Responsible Officer: Chief Executive Officer

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### **1. Report Summary**

Under Section 54 (4) (a) of the Local Government Act 2020, the Audit and Risk Committee must undertake an annual assessment of its performance against its Audit Committee Charter and provide a copy of this assessment to the Chief Executive Officer for tabling at the next Council meeting.

The Audit and Risk Committee completed the performance assessment at its meeting held 18 June 2021 and this report tables the outcome of that assessment to Council.

### **2. Recommendation Summary**

This report recommends that Council notes the annual assessment of performance against the Charter by the Audit and Risk Committee.

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#### 4.2.2 Audit and Risk Committee Self Assessment (Cont.)

### 3. Background

Under Section 54 (4) (a) of the Local Government Act 2020, the Audit and Risk Committee must undertake an annual assessment of its performance against its Audit Committee Charter and provide a copy of this assessment to the Chief Executive Officer for tabling at the next Council meeting.

In order to complete this requirement, the Committee established a detailed survey based on the requirements of the Charter and issued the survey out to all Committee members (five) and three members of the Executive (CEO, Director Corporate Services and Manager Finance and IT) for completion.

Seven responses to the survey were completed with the assessment based on a score out of five across a range of questions aligned to the Committee's charter. In all 41 questions were rated with the ability at the conclusion of the survey to provide some general comments.

Ratings were extremely positive with only five questions scoring lower than 4.5/5 (5 being excellent). The areas that scored lower than 4.5 were:

- Ensuring that Council maintains and periodically reviews the Councillor and staff code of conducts (4.4).
- Ensuring annual reviews are carried out in respect of the procurement framework (4.3).
- That management provides regular fraud awareness training to staff (4.3).
- Monitored the risk exposure of Council by regular reviews of risk processes, risk information systems and business continuity plans (4.3).
- Monitored Councils performance and actions against Councils Internal Control Environment Framework (4.3).

In terms of these assessments, the following observations are noted:

- A report has previously been provided to the Audit and Risk Committee noting Councils review of its Councillor Code of Conduct. The staff code of conduct that is required to be reviewed prior to 31 December 2021 has not previously been provided to the Committee.
- Several internal audits related to procurement have previously been provide to the Committee and a review of the procurement policy is due to be tabled at the Committee prior to 31 December 2021 in line with legislative requirements.
- Fraud awareness training was provided to most Council staff in December 2020.
- Improvements in risk reporting to the Committee has been a regular point the Committee has sought, and it is acknowledged that further work in this area is required.
- Similarly, the Committee has sought improvements in the reporting on Councils Internal Control Environment which should now largely be in place.

In terms of the general observations of the performance of the Committee the following comments were noted in the survey responses:

- Make some improvements to better focus on the most important matters and reduce the length of the meetings.

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#### **4.2.2 Audit and Risk Committee Self Assessment (Cont.)**

- Maintain committed independent members, Councillors, and senior staff. Without these people the ARC would not function.
- Maintain Councillor attendance and a range of skills on the Committee.
- At times we spend too much time on some matters that are not critical, and we are then challenged in giving enough time to the key matters.
- Further enhancement of cover papers to be well structured and succinct with all supporting documents list.
- I would like to see the impacts of Climate Change considered in all aspects of the committee's work.

Overall, the performance of the Audit and Risk Committee has been sound over the past twelve months with a focus moving forward on improvements in risk reporting, internal control environment, quality of reporting and time management within meetings.

The Audit and Risk Committee considered these outcomes at its meeting held 18 June 2021 and now tables the review to Council in accordance with the Act.

#### **4. Proposal**

This report recommends that Council notes the annual assessment of performance against the Charter by the Audit and Risk Committee.

#### **5. Financial Implications**

There are no financial implications associated with this report.

#### **6. Consultation**

The Audit and Risk Committee considered these outcomes at its meeting held 18 June 2021 and now tables the review to Council in accordance with the Act.

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

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

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

###### Opportunity

- *Leadership by the Council – The leading Council*

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#### **4.2.2 Audit and Risk Committee Self Assessment (Cont.)**

### **8. 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*

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

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

The Audit and Risk Committee Self-Assessment is largely administrative in nature, but it does establish a framework for the effective oversight of finance and risk management for Council and plays an important role in Council delivering on the financial management principles in the Act.

The tabling of this report to Council also follows the transparency principles in the Act.

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

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

The *Charter of Human Rights and Responsibilities Act 2006* has been considered in the preparation of this report but is not relevant to its contents given its administrative nature.

### **11. The *Gender Equality Act 2020***

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

The content/topic/issue (of this report) is purely administrative in nature and does not benefit any one gender group over any other.

### **12. Consideration of Climate Change and Sustainability**

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



**4.2.2 Audit and Risk Committee Self Assessment (Cont.)**

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

Council’s Declaration on a Climate and Ecological Emergency, Council’s Climate Change Emergency Strategy 2020-2030 and the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability have been considered in the preparation of this report but are not relevant to its contents.

**13. Recommendation**

**That Council notes the annual assessment of performance against the Charter by the Audit and Risk Committee.**

#### **4.2.3 Naming Proposal for New Contemporary Art Gallery in Greater Dandenong**

File Id:	A7772669
Responsible Officer:	Director Community Services
Attachments:	Locality Plan

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#### **1. Report Summary**

Construction of a new contemporary art gallery in central Dandenong has commenced and it is anticipated to open to the public in early 2022. The naming of the gallery will be important to set the tone, vision and identity of the facility and encourage engagement with community.

#### **2. Recommendation Summary**

This report recommends that the proposed name: 'Dandenong New Art' (DNA) be progressed to the required public exhibition and consultation phase as required under the *Naming Rules for Places In Victoria*. The outcomes of public consultation will be brought back to Council to endorse a formal name for the new gallery so that it can be submitted to the Registrar of Geographic Names for consideration.

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#### 4.2.3 Naming Proposal for New Contemporary Art Gallery in Greater Dandenong (Cont.)

### 3. Background

Council's new gallery in central Dandenong will deliver state-of-the-art exhibition space and program facilities to display contemporary art for our community.

The redeveloped building (at the current site of the old Freemason's Hall in Mason Street, Dandenong) will include:

- two main exhibition spaces, with museum standard environmental control facilities;
- two smaller exhibition spaces;
- a large contemporary extension spanning two floors, anticipated to be activated via arts programming with capacity to engage local schools in education opportunities;
- office space for on site administrative support;
- space to house a possible future café tenant or small retail offer; and
- a surrounding terrace.

The new state-of-the art gallery will lift the prominence of art in Greater Dandenong. This architectural landmark has been redesigned to welcome and draw the community in and make contemporary art as accessible as possible. The idea is simple - to bring exciting, new art to Greater Dandenong and build a creative community in the process. The vision is to offer an inspiring space where people are free to express themselves, to meet, connect, share and learn. A place they value and a place they return to. Working with the best emerging and established artists from across the country, Council will curate a full program of exhibitions inspired by our local population and ensure that our doors are open to everyone with free entry.

Underpinning the program will be artist residencies, mentoring opportunities for local artists and educational and creative workshops for the local community. Poised as a new cultural destination in Melbourne, this gallery will serve the local population, attract visitors from outside the area and generate a creative energy that will bring many benefits.

Significant review and initial consultation with Council's Arts Advisory Board has already been undertaken. This has led to the proposed new gallery name of 'Dandenong New Art' which in turn could colloquially be known as the 'DNA'.

In naming any place, feature or road, Council, as a naming authority, must comply with *Naming Rules for Places in Victoria: Statutory Requirements for Naming Roads, Features and Localities 2016* and Council's Naming of Places & Naming & Numbering of Roads Policy.

### 4. Proposal

It is proposed that the gallery be named 'Dandenong New Art' (DNA) and that the statutory processes required under the *Naming Rules for Places in Victoria* be commenced. Following public consultation, a further report will be presented to Council confirming the proposed name and then Council officers will seek to have the name considered by the Victorian Registrar of Geographic Names.

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#### 4.2.3 Naming Proposal for New Contemporary Art Gallery in Greater Dandenong (Cont.)

### 5. Financial Implications

There are no financial implications associated with this report. This project is being funded via the Major Projects Fund and has been accommodated within the Assets Plan and CIP accordingly.

However, it should be noted that if the naming process required is quite protracted and there is a risk that the gallery may be required to open without final approval having been secured from the Registrar of Geographic Names. In this instance the gallery would be required to open with temporary signage only, an additional expense that has not been accommodated within the existing project budget.

### 6. Consultation

An open community consultation process will be conducted to name the gallery 'Dandenong New Art' in accordance with *Naming Rules for Places in Victoria: Statutory Requirements for Naming Roads, Features and Localities 2016* and Council's Naming of Places & Naming & Numbering of Roads Policy.

Consultation has already been completed with the Greater Dandenong City Council's Arts Advisory Board who unanimously support the proposed name.

Councillors were briefed about this naming process at a Councillor Briefing Session held on 7 June 2021.

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

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

#### Community Plan 'Imagine 2030'

##### People

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

##### Place

- *Sense of Place* – One city many neighbourhoods
- *Appearance of Places* – Places and buildings

##### Opportunity

- *Education, Learning and Information* – Knowledge
- *Tourism and visitors* – Diverse and interesting experiences

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#### 4.2.3 Naming Proposal for New Contemporary Art Gallery in Greater Dandenong (Cont.)

### 8. Council Plan 2017-21

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

#### People

- *A creative city that respects and embraces diversity*

#### Place

- *A city planned for the future*

#### Opportunity

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

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

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

This report has been drafted with consideration to the overarching principles that guide the *Local Government Act 2020*. Such considerations have included, but are not limited to:

- consideration of impact on community and provision of a transparent community engagement period in order to provide community with agency to respond to proposal;
- direct engagement with stakeholders including the Greater Dandenong Arts Advisory Board;
- consideration of financial impacts on existing and future budgets and cost mitigation; and
- strategic planning work to place the proposed name in context of other local and state based cultural facilities.

### 10. Victorian Charter of Human Rights and Responsibilities

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

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

- Section 15 – Right to freedom of expression;
- Section 16 – Right to peaceful assembly and freedom of association;
- Section 18 – Right to have the opportunity to take part in public life and to vote;

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#### **4.2.3 Naming Proposal for New Contemporary Art Gallery in Greater Dandenong (Cont.)**

- Section 19 – Right to enjoy one’s culture, practice religion or use one’s own language; and
- Section 24 - Right to a fair hearing.

### **11. The Gender Equality Act 2020**

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

Council’s Diversity, Access and Equity Policy and the *Gender Equality Act 2020* have been considered in the preparation of this report but are not relevant to its contents.

The content of this report does not have a direct and significant impact on members of the Greater Dandenong community therefore a gender impact assessment is not required. Names have been considered with respect to promoting equality, inclusion and access throughout our municipality.

### **12. Consideration of Climate Change and Sustainability**

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

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

The proposal to name a facility has no impact on Council’s Declaration on a Climate and Ecological Emergency, Council’s Climate Change Emergency Strategy 2020-2030 or the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability.

### **13. Related Council Policies, Strategies or Frameworks**

The following Council policies and documents have been considered in the context of this report:

- Greater Dandenong City Council Greater Dandenong City Council Activity Centre’s Placemaking Framework 2016;
- Greater Dandenong City Council Arts and Cultural Heritage Strategy 2016;
- Greater Dandenong City Council Asylum Seeker and Refugee Communities Action Plan 2014 - 2017;
- Greater Dandenong City Council Community Facilities Management Policy;
- Greater Dandenong City Council Community Hub Framework 2006;
- Greater Dandenong City Council Naming of Places and Naming and Numbering of Roads;
- Greater Dandenong City Council Multi-Purpose Use of Community Facilities Policy 2018;

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**4.2.3 Naming Proposal for New Contemporary Art Gallery in Greater Dandenong (Cont.)**

- Greater Dandenong City Council Wellbeing Plan 2017 - 2021;
- Greater Dandenong City Council Youth Strategy Action Plan 2016-2019.

**14. Recommendation**

**That:**

1. **Council endorses, “in principle”, the proposed name for the new gallery in central Dandenong as ‘Dandenong New Art’ (DNA);**
2. **Council officers commence the statutory processes required under the *Naming Rules for Places in Victoria* and Council policy; and**
3. **a further report be presented to Council for formal endorsement of a name for the new gallery after the required public consultation has been undertaken.**

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**4.2.3 Naming Proposal for New Contemporary Art Gallery in Greater Dandenong (Cont.)**

**OTHER**

**NAMING PROPOSAL FOR NEW CONTEMPORARY ART GALLERY IN  
GREATER DANDENONG**

**ATTACHMENT 1**

**LOCALITY PLAN**

**PAGES 2 (including cover)**

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



**4.2.3 Naming Proposal for New Contemporary Art Gallery in Greater Dandenong (Cont.)**

**Locality Plan: 5 Mason Street, Dandenong**



*Architect's Impression of new gallery*

#### **4.2.4 Draft Minutes of Community Safety Advisory Committee Meeting - 12 May 2021**

File Id:	A7689815
Responsible Officer:	Director Community Services
Attachments:	Draft Minutes of the Community Safety Advisory Committee Meeting on 12 May 2021

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### **1. Report Summary**

At the Council meeting held 23 April 2018, Council resolved in part to *invite Advisory Committees and Reference Groups to submit meeting minutes for Council endorsement*. This resolution also allowed interested Councillors (and those that attend these Committees and Reference Groups) to speak to the meeting about items discussed at these meetings.

### **2. Recommendation Summary**

This report recommends that the Draft Minutes of the Community Safety Advisory Committee meeting on 12 May 2021 provided in Attachment 1 to this report be noted and endorsed by Council.

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#### 4.2.4 Draft Minutes of Community Safety Advisory Committee Meeting - 12 May 2021 (Cont.)

### 3. Background

Greater Dandenong Council is represented on a wide range of Committees, Reference Groups and Advisory Groups which frequently reflect the interests of individual Councillors in serving the broader community in their role. A full listing of these appointments is confirmed each November at Council's Annual meeting to elect the Mayor and Deputy Mayor and is available via Council's website.

The resolution of Council made on 23 April 2018 provides for Minutes of meetings held by Advisory Committees and Reference Groups to be submitted to Council for information purposes, for noting and for endorsement (not adoption).

As such, the Draft Minutes of the Community Safety Advisory Committee on 12 May 2021 are provided as Attachment 1 to this report.

### 4. Financial Implications

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

### 5. Consultation

There is no public consultation associated with the development and submission of this report.

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

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

#### Community Plan 'Imagine 2030'

##### People

- *Pride – Best place best people*
- *Cultural Diversity – Model multicultural community*
- *Outdoor Activity and Sports – Recreation for everyone*
- *Lifecycle and Social Support – The generations supported*

##### Place

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

##### Opportunity

- *Education, Learning and Information – Knowledge*

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#### 4.2.4 Draft Minutes of Community Safety Advisory Committee Meeting - 12 May 2021 (Cont.)

- *Jobs and Business Opportunities – Prosperous and affordable*
- *Tourism and visitors – Diverse and interesting experiences*
- *Leadership by the Council - The leading Council.*

### 7. Council Plan 2017-21

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

#### People

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

#### Place

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

#### Opportunity

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

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

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

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

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

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**4.2.4 Draft Minutes of Community Safety Advisory Committee Meeting - 12 May 2021 (Cont.)**

**9. Victorian Charter of Human Rights and Responsibilities**

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

**10. The Gender Equality Act 2020**

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

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

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

**11. Consideration of Climate Change and Sustainability**

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

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

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

**12. Recommendation**

**That Council notes the Draft Minutes of the Community Safety Advisory Committee meeting on 12 May 2021 as provided in Attachment 1 to this report.**

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**4.2.4 Draft Minutes of Community Safety Advisory Committee Meeting - 12 May 2021 (Cont.)**

**OTHER**

**DRAFT MINUTES OF COMMUNITY SAFETY  
ADVISORY COMMITTEE MEETING**

**ATTACHMENT 1**

**COMMUNITY SAFETY ADVISORY  
COMMITTEE MEETING ON 12 MAY 2021**

**PAGES 6 (including cover)**

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

**4.2.4 Draft Minutes of Community Safety Advisory Committee Meeting - 12 May 2021 (Cont.)**

**Advisory Committee or Reference Group Name:** Community Safety Advisory Committee

**Date of Meeting:** 12 May 2021

**Time of Meeting:** 3-5pm

**Meeting Location:** Dandenong Civic Centre and via Teams

**Attendees:**

Mayor Cr Angela Long (City of Greater Dandenong [CGD]), Deputy Mayor Cr Sophie Tan (CGD), Cr Lana Formoso (CGD), Cr Rhonda Garad (CGD), Inspector Mark Langhorn Victoria Police [VicPol], Senior Sergeant Colin Huth (VicPol), Senior Sergeant Trelawney Dewe (VicPol), Kevin Hecker (Wayss), Christopher Cornish-Raley (Monash Health Needle Syringe Program [MHNSP]), Fiona Jacobi (Launch Housing [Launch]), Wendy Tran (Department of Justice and Community Safety Victoria [DJCS]), Dawn Vernon (Neighbourhood Watch Greater Dandenong [NHW]), Jess Dawson (Department of Families, Fairness and Housing [DFFH]), Yvette Shaw (DFFH), Kylie Boorer (DFFH), Sarah Lalley (Youth Advocacy and Support Service [YSAS]), Manager Community Development, Sport and Recreation (CGD), Coordinator Community Development (Chairperson) (CGD), Manager Business and Revitalisation (CGD), Coordinator Place Making and Revitalisation (CGD), Team Leader Public Safety and Security (CGD), Organisational Development Consultant (CGD), Community Advocacy Officer (CGD).

**Apologies:**

Senior Sergeant Brett Skurka (VicPol), Senior Sergeant Kent Standish (Vic Pol), Senior Sergeant Debra Lay (Vic Pol), Detective Senior Sergeant Dean Grande (VicPol), Sergeant Bret Lavars (VicPol), Detective Sergeant Jenny Williams (VicPol), Senior Constable Kim Gammon (VicPol), Catherine McGrath (DFFH), Tom Bell (DJCS), Zoe Francis (Women's Health in the South East [WHISE]), Deb Pugsley (WHISE), Karren Walker (Launch), Suzanne Bumpstead (Monash Health Accident and Emergency [MHA&E]), Deb Alexander (Monash Health Drug and Alcohol Services [MHAOD]), Sean Quigley (Wayss), Derlie Mateo-Babiano (Melbourne University), Manager Communications and Customer Service (CGD), Emergency Management Coordinator (CGD), Municipal Recovery Manager and Fire Prevention Coordinator (CGD), Place Manager Activity Centre's Revitalisation (CGD).

**Minutes:** Community Development Business Support Officer (CGD).

Item No.	Item	Action	Action By
1.	<b>Welcome and Introductions</b> <ul style="list-style-type: none"> <li>The Mayor Cr Angela Long acknowledged the Traditional Owners of the Land.</li> <li>The Chair welcomed attendees and noted apologies.</li> </ul>		
2.	<b>Minutes of Previous Meeting and Business Arising</b>		
2a	<b>Feedback on Metro Trains and local Police links to scope potential feed from Dandenong Station CCTV camera footage to local Police monitors</b> <ul style="list-style-type: none"> <li>VicPol reported on the complexity involved in feeding Metro Trains CCTV footage to VicPol due to further infrastructure needed to specifically link into Transit Police's system.</li> <li>VicPol will continue to liaise with Metro Trains to determine if requirements can be met to link the two systems.</li> </ul>	VicPol to liaise with Metro Trains and update at next CSAC meeting.	VicPol
2b	<b>Report on scoping the development of a new Community Safety Plan (CSP) for 2023</b> <ul style="list-style-type: none"> <li>The development of the new CSP through a Council community consultation process will commence in the new financial year, once the Community Wellbeing Plan and Council Plan have been integrated into a new Council Plan and adopted.</li> </ul>		

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



## ORDINARY COUNCIL MEETING - AGENDA

## 4.2.4 Draft Minutes of Community Safety Advisory Committee Meeting - 12 May 2021 (Cont.)

2c	<p><b>Feedback on Building Safer Communities Grant (BSCG) application for Hemmings Street Precinct</b></p> <ul style="list-style-type: none"> <li>The BSCG application was submitted and the State Government expects to announce successful recipients by early to mid-June.</li> </ul>		
2d	<p><b>Report on actions for 38 Robinson/301-315 Thomas Streets (patrols, potential infrastructure and CCTV, increased cleansing)</b></p> <ul style="list-style-type: none"> <li>Addressing the challenging hotspot safety concerns at the rear of 38 Robinson St has led to collaboration between property owners and tenants, VicPol, and Council. The area was cleaned up and will undergo regular monitoring by Council and VicPol, who have delegated a key Officer to manage the portfolio. Council land abuts the property and a Council's relocatable CCTV camera has been re-installed. VicPol will continue monitoring concerns.</li> <li>The number of persons sleeping rough in Coles' carpark off Cleeland St appears to fluctuate, whilst begging upstairs outside the front entrance is ongoing. Launch continues to outreach regularly, to offer assistance and housing options. VicPol reported that they increased patrols and have received fewer callouts to the location.</li> </ul>	Obtain owners/tenants feedback and update at next CSAC meeting.	Council
2e	<p><b>Report on requirements to hold an online safety forum for Keysborough South</b></p> <ul style="list-style-type: none"> <li>Cr Garad met with VicPol and will aim to undertake Keysborough South community consultation due residents' concern about perceived high levels of crime.</li> </ul>	Provide feedback at next CSAC meeting.	Cr Garad/ VicPol
2f	<p><b>Feedback on strategies to address Corrigan Rd/Noble Park shopping precinct issues</b></p> <ul style="list-style-type: none"> <li>VicPol will follow-up further with Cr Tan on community concerns raised about Corrigan Rd and/or the Noble Park shopping precinct.</li> </ul>	Provide feedback at next CSAC meeting.	Cr Tan/ VicPol
2g	<p><b>Report on lighting timings for new Dandenong Park activity zone on Pultney St</b></p> <ul style="list-style-type: none"> <li>Lights in Dandenong Park on Pultney St's activities zone are timed to go off at 10pm.</li> </ul>		
2h	<p><b>Feedback on options for speakers to present at NHW forums</b></p> <ul style="list-style-type: none"> <li>Council's Coordinator Community Development and Senior Sergeant Deb Lay will present at the next NHW Forum at 7.30pm on Wednesday 19 May.</li> </ul>		
3.	<p><b>Community Safety Plan 2015-22</b></p> <ul style="list-style-type: none"> <li>Community Safety Night was held on 6 April 2021 and received positive feedback by councillors and VicPol. The opportunity to attend a face-to-face event after the long COVID-19 restrictions period was welcomed.</li> <li>Thirty-eight new Police Officers will be deployed to the Division across Greater Dandenong, Cardinia, and Casey. These officers will be allocated workloads dependent on local priorities. Springvale Station is likely to gain nine to 10, and Dandenong Station five to six additional officers.</li> </ul>		
4.	<p><b>Hemming Street Precinct Action Plan Update</b></p> <ul style="list-style-type: none"> <li>The DFFH representative updated attendees on the Department's proposed collaboration with Council and other stakeholders to implement the Hemmings Street Precinct Action Plan. The Department aims to form a Work Group with Council and other key stakeholders to reinvigorate a Men's Shed adjacent to Dandenong West Primary School. The Shed can provide a key meeting place for social programs and activities for the broader Precinct community.</li> <li>An Anti-Car Theft community stall will be held at the Hemmings Street shopping precinct in late July.</li> </ul>		

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



## ORDINARY COUNCIL MEETING - AGENDA

**4.2.4 Draft Minutes of Community Safety Advisory Committee Meeting - 12 May 2021 (Cont.)**

	<ul style="list-style-type: none"> <li>It will support commencement of the Action Plan's promotion and connections with the Precinct community. NHW, VicPol, and Wayss will attend to provide service information and gauge interest in attending tours of the Precinct to assess safety issues.</li> </ul>		
5.	<p><b>Homelessness</b></p> <p><b>Wayss</b></p> <ul style="list-style-type: none"> <li>Wayss reported it has been able to increase access and in-person service delivery as COVID-19 restrictions eased.</li> <li>There has been a noticeable rise in persons requesting assistance with eviction notices due to significant rent arrears. This has occurred since the eviction embargo was lifted, combined with the end of Job Keeper and the COVID-19 supplement.</li> <li>Single persons and families of four, five or more continue to stay in hotel accommodation. Longer term exit points are becoming more difficult with reduced housing affordability in Greater Dandenong, Casey, and Cardinia.</li> <li>Eligible applicants of the 'Homelessness to Homes' initiative have been notified with four-hundred housing units and related support packages across the southern region being funded by the State Government. While beneficial this number is below what will be required to provide sufficient exit points for those experiencing homelessness.</li> <li>Orange Door should commence operation in Dandenong within the next few months.</li> </ul>		
6.	<p><b>Roundtable Updates</b></p> <p><b>Council</b></p> <ul style="list-style-type: none"> <li>On Saturday 1 May, the ABC nightly news covered a positive story on the Springvale Hub and its safe design approach.</li> <li>Council anticipates over 760,000 visitors yearly to the Hub. Community consultation revealed the requirement for a safe place to enjoy and use. Key safer design elements incorporated into the Hub include: <ul style="list-style-type: none"> <li>Clear sightlines across the Precinct, and mature trees planted from inception, with clean trunks/high canopies.</li> <li>Passive surveillance through clear sightlines from surrounding roads and houses, the large expanse of window areas in the Hub.</li> <li>Good lighting across the Precinct assisting visitors to feel safe moving about, ensuring no dark or entrapment spots.</li> <li>Universal access principles promote space activation by community members of all ages, abilities, and demographics. Access to all the Precinct, Library, activity zones, and outdoor programs in the evening.</li> <li>The Hub's large screen also projects light into the parkland and 28 CCTV cameras will be installed.</li> <li>Connecting paths and wayfinding signage assist visitors to easily access their preferred zones, with multiple entry/exits points and substantial carparking on-site.</li> </ul> </li> </ul> <p><b>Cr Tan (CGD)</b></p> <ul style="list-style-type: none"> <li>Council is investigating the purchase of land through collaboration with a key community benefactor, which will aim to house women and children leaving family violence.</li> </ul> <p><b>Cr Garad (CGD)</b></p> <ul style="list-style-type: none"> <li>There have been reports noted of what appears to be intoxicated young people in the vicinity of Stud Road shops.</li> </ul> <p><b>Cr Formoso (CGD)</b></p> <ul style="list-style-type: none"> <li>Community concerns have been raised about high-risk driving, known as 'hooning', in the Corrigan Road area, and loud car racing noise from an event at Sandown Racecourse.</li> </ul>		

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

ORDINARY COUNCIL MEETING - AGENDA

**4.2.4 Draft Minutes of Community Safety Advisory Committee Meeting - 12 May 2021 (Cont.)**

<ul style="list-style-type: none"> <li>In response, VicPol provided an overview of their comprehensive targeting of hooning in Noble Park and other locations:             <ul style="list-style-type: none"> <li>Operation Sumatra is a long-term state-wide Police operation that includes coordinated proactive patrols and increased officer numbers at known sites at peak hooning times.</li> <li>A Mobile CCTV trailer is relocated as needed, and traffic counters highlight unusual vehicle activity.</li> <li>VicPol has purchased another CCTV trailer with financial support from Cardinia Shire Council. This second trailer will be used across the Division, ie, Casey and Cardinia as well as Greater Dandenong where possible.</li> <li>VicPol works closely with Council on solutions for this issue, eg, on traffic calming treatments, consideration of temporary barriers on peak hoon nights, and parking restrictions in hotspot areas.</li> </ul> </li> <li>Concern was expressed for the safety of Dandenong High students walking through Hemmings Park after school. In response VicPol reported that this area is regularly patrolled and managed with uniform and car patrols.</li> <li>Noted instances of small nitrous oxide (laughing gas) cylinders are being used as an inhalant, known as 'chroming', and being thrown from moving vehicles in Noble Park. This can be considered a community/road safety concern. The cylinders are also found by Council cleansing staff in the 8 Balmoral Avenue carpark. In response VicPol reported they have not had this specific issue previously reported to them. Council will liaise with alcohol and other drug services to gain an understanding of the issue from a health perspective.</li> <li>Noted instances of discarded syringes are being found. It was reiterated that community members should continue to call and report them to Council or use the Snap Send Solve app and the issue will be addressed within 24 hours. Most likely the same day.</li> </ul> <p><b>Organisational Development Consultant (CGD)</b></p> <ul style="list-style-type: none"> <li>A new interactive map, 'YourGround' is a mechanism developed for female-identifying and gender-diverse Victorians over the age of 18 to anonymously record their experiences and perceptions of safety of public spaces, eg, streets, parks, trails, railway stations, carparks and recreational areas.</li> <li>The project is a collaboration between Monash University's XYX Lab, a team of researchers focused on gender-sensitive design practices, and digital consultant Crowd Spot. Currently, 18 local councils are involved with the project.</li> <li>The app has been designed for ease of use with participant able to simply dropping a digital pin on the map with the option of describing why they felt safe or unsafe in that location. The app is accessible until the end of July 2021.</li> <li>CSAC members were asked to promote the project within their networks and drop pins in the CGD area. Council will promote the project to all staff and through social media.</li> <li>Monash University will provide their project findings.</li> </ul> <p><b>MHNSP</b></p> <ul style="list-style-type: none"> <li>The Needle Syringe Program (NSP) noted that several outdoor metal syringe disposal bins have been removed and not replaced. Ensuring safe syringe disposal is an action in the Community Safety Plan, and Council and the NSP will collaborate in the new financial year to investigate options and map locations for new outdoor bins.</li> </ul>	<p>Provide feedback at next CSAC meeting.</p>	<p>Council</p>
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*If the details of the attachment are unclear please contact Governance on 8571 5235.*

ORDINARY COUNCIL MEETING - AGENDA

**4.2.4 Draft Minutes of Community Safety Advisory Committee Meeting - 12 May 2021 (Cont.)**

	<ul style="list-style-type: none"> <li>Attendees noted that the recent media reports on expanding the number of safe injecting facilities, including to Dandenong, does not have the support of the State Government. It therefore is not a current consideration for local stakeholders.</li> </ul> <p><b>YSAS</b></p> <ul style="list-style-type: none"> <li>YSAS will be informed shortly about further funding for the Embedded Youth Outreach Project. This project is a collaboration with VicPol, and the Pivot Program which works with high risk youth and their families.</li> <li>Gatehouse will also be supported to hold a group program and individual support at the Dandenong site for young women at risk of sexual exploitation, while a peer-led dance program is also commencing. Anyone wishing to hold a dance event can contact Sarah Lalley at YSAS.</li> </ul> <p><b>DCJS</b></p> <ul style="list-style-type: none"> <li>The DJCS will collaborate with councils, including Greater Dandenong, to conduct a major event in Community Safety Month in October this year.</li> </ul> <p><b>DFFH</b></p> <ul style="list-style-type: none"> <li>A DFFH-funded project with the Centre for Multicultural Youth (CMY), the Dandenong based Community Support Group (CSG), has noted an increase in homelessness amongst South Sudanese youth.</li> <li>There is a reported increase in mental health and suicide ideation amongst youth across the south east corridor. The Department will be conducting suicide prevention trials for people seeking asylum and migrants. Better Place Australia and the Southern Migrant and Refugee Centre will take the lead on this.</li> <li>The Department will also be working in partnership with Council and neighbourhood houses on projects to increase social participation and community connectedness.</li> </ul> <p><b>VicPol</b></p> <ul style="list-style-type: none"> <li>VicPol noted the reform to public drunkenness laws had gone through Parliament and is likely to impact on several stakeholders and authorities' capabilities to maintain public and intoxicated individuals' safety.</li> </ul> <p><b>NHW</b></p> <ul style="list-style-type: none"> <li>The next NHW forum will be the first one held in-person for over a year. VicPol and Council were thanked for their assistance and promotion for NHW and its forums.</li> <li>Personal and under-door alarms are available from NHW for \$10. Feedback from community members highlights their success in alerting others in the vicinity of a safety issue.</li> </ul>		
<p>Meeting closed 4.45pm  <b>Next Meeting:</b> 11 August 2021 3-4.30pm  <b>Location:</b> To Be Confirmed and on Teams</p>			

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

#### **4.2.5 Draft Minutes of Disability Advisory Committee Meeting -17 May 2021**

File Id:	A7760456
Responsible Officer:	Director Community Services
Attachments:	Draft Minutes of Disability Advisory Committee Meeting on 17 May 2021

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### **1. Report Summary**

At the Council meeting held 23 April 2018, Council resolved in part to *invite Advisory Committees and Reference Groups to submit meeting minutes for Council endorsement*. This resolution also allowed interested Councillors (and those that attend these Committees and Reference Groups) to speak to the meeting about items discussed at these meetings.

### **2. Recommendation Summary**

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

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#### 4.2.5 Draft Minutes of Disability Advisory Committee Meeting -17 May 2021 (Cont.)

### 3. Background

Greater Dandenong Council is represented on a wide range of Committees, Reference Groups and Advisory Groups which frequently reflect the interests of individual Councillors in serving the broader community in their role. A full listing of these appointments is confirmed each November at Council's Annual meeting to elect the Mayor and Deputy Mayor and is available via Council's website.

The resolution of Council made on 23 April 2018 provides for Minutes of meetings held by Advisory Committees and Reference Groups to be submitted to Council for information purposes, for noting and for endorsement (not adoption).

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

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

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

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

#### Community Plan 'Imagine 2030'

##### People

- *Pride – Best place best people*
- *Cultural Diversity – Model multicultural community*
- *Outdoor Activity and Sports – Recreation for everyone*
- *Lifecycle and Social Support – The generations supported*

##### Place

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

##### Opportunity

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

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#### 4.2.5 Draft Minutes of Disability Advisory Committee Meeting -17 May 2021 (Cont.)

### 5. Council Plan 2017-21

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

#### People

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

#### Place

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

#### Opportunity

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

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

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

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

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

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#### **4.2.5 Draft Minutes of Disability Advisory Committee Meeting -17 May 2021 (Cont.)**

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

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

### **8. The *Gender Equality Act 2020***

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

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

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

### **9. Consideration of Climate Change and Sustainability**

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

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

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

### **10. Recommendation**

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

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**4.2.5 Draft Minutes of Disability Advisory Committee Meeting -17 May 2021 (Cont.)**

**OTHER**

**DRAFT MINUTES OF DISABILITY ADVISORY COMMITTEE  
MEETING**

**ATTACHMENT 1**

**DISABILITY ADVISORY COMMITTEE  
MEETING HELD ON 17 MAY 2021**

**PAGES 4 (including cover)**

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



**4.2.5 Draft Minutes of Disability Advisory Committee Meeting -17 May 2021 (Cont.)**

**Advisory Committee or Reference Group Name:** Disability Advisory Committee Meeting

**Date of Meeting:** Monday 17 May 2021

**Time of Meeting:** 4.00pm – 5.30pm

**Meeting Location:** Room 2NE/NW  
City of Greater Dandenong Civic Centre  
225 Lonsdale Street, Dandenong

Also via Microsoft Teams

**Attendees:**  
Mandy Gatliff (Chair), Cr Angela Long - Mayor, Cr Loi Truong, Pradeep Hewavitharana, Lyn Bates, Phillip Toovey (part), Catherine Rampant, Sharon Harris, Jayne Kierce, Chris Stewart, Jenny Vong (minute taker)

**Apologies:**  
Martin Fidler, Jennifer La Brooy, Lionel Gee, Estell Carew

**Guests:**  
Wendy Dunstan – Outside the Square Creative Consulting

**Minutes:**

Item No.	Item	Action	Action By
1.	<p><b>Welcome and Introductions</b> The chair welcomed all present. Phillip advised that with great sadness he will be resigning from the Committee and as CEO of The Bridge. Phillip talked about the privilege to work in the disability sector over the past 33 years and requested special mention he had served 2 years longer than the Disability Planning Officer.</p> <p>The chair, on behalf of Council, thanked Phillip for his significant contributions to the development and implementation of the Disability Action Plan as well as his advocacy for the adoption and improvements of the NDIS.</p> <p>Phillip advised of the redevelopment on Chandler Road with disability units facilitating up to 10 beds.</p> <p>The chair informed the Committee that Estell will also be resigning.</p> <p>Call from nominations for a new chair will be discussed at the next meeting.</p>	<p>Organise letter of recognition under Common Seal</p> <p>Follow up more information on the project</p> <p>Add to next meeting agenda</p>	<p>Manager Community Care</p> <p>Disability Planning Officer</p> <p>Coordinator Community Access</p>
2.	<p><b>Previous Minutes &amp; Business Arising</b></p> <ul style="list-style-type: none"> <li>Draft March 2021 minutes were accepted – moved Lyn Bates and seconded Pradeep Hewavitharana</li> </ul>		

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

## ORDINARY COUNCIL MEETING - AGENDA

**4.2.5 Draft Minutes of Disability Advisory Committee Meeting -17 May 2021 (Cont.)**

	<ul style="list-style-type: none"> <li>• Apologies noted</li> </ul>		
3.	<p><b>All Abilities Playground Update</b> The Coordinator Community Access provided a photo update on the All Abilities Playground at Ross Reserve.</p> <p>Stage 1 of the project is progressing well with three of the seven distinct themes of the play areas under construction.</p> <p>Construction is due to be completed by the end of 2021 with further details of the opening to be provided at the next meeting.</p>	Add to next meeting agenda	Coordinator Community Access
4.	<p><b>Disability Parking Permit Process</b> The Coordinator Community Access presented the new Australian Disability Parking (ADP) Scheme introduced in March 2021. The ADP scheme has replaced the application process for applying for a Disabled Parking Permits through Council.</p> <p>All existing permit holders can continue to use their Council issued permits until they expire or 30 June 2023 whichever date occurs first. Once the permit expires, a new application will need to be lodged through the ADP Scheme.</p> <p>There are three types of Accessible Parking Permits available to Victorian residents:</p> <ul style="list-style-type: none"> <li>• An Australian Disability Parking (ADP) Permit (for individuals)</li> <li>• A Victorian Double Time Permit (for individuals)</li> <li>• An Australian Disability Parking (ADP) Permit (for organisations)</li> </ul> <p>Further information is provided on Council's website or customer service can assist with any queries.</p>	Email FAQs to Committee members	Coordinator Community Access
5.	<p><b>NDIS Update</b> The Disability Planning Officer discussed the interesting article written by Phil Hayes-Brown, CEO of Wallara, on the introduction of independent assessments by health professionals to review the eligibility of users.</p> <p>Discussion was held on the new appointed Minister for the NDIS, Senator Linda Reynolds. As the NDIS quarterly report is expected to be released soon, the Committee expressed their anticipation the new Minister will help deliver positive changes within the disability sector and the NDIS.</p>	Email a copy of the article to Committee members	Disability Planning Officer
6.	<p><b>Consultation for the Proposed Dandenong Community Hub</b> The Consultant provide background on the Dandenong Community Hub project in central Dandenong.</p>		

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

## ORDINARY COUNCIL MEETING - AGENDA

**4.2.5 Draft Minutes of Disability Advisory Committee Meeting -17 May 2021 (Cont.)**

	<p>The multi-purpose community facilities will provide a range of complementary services in a single accessible location with a range of shared facilities and functions for the community, groups and organisation.</p> <p>The Committee contributed feedback on what the facility should include such as:</p> <ul style="list-style-type: none"> <li>• Community focused for social connections and interactions</li> <li>• A safe and welcoming environment</li> <li>• Shade for outdoor areas with a community veggie garden</li> <li>• A celebration of central Dandenong</li> <li>• Designed with good accessibility, treatment of paving flat and wide for wheelchair users and those with walking difficulties</li> <li>• Appropriate good way finding signage and surfaces</li> <li>• Changing places toilet and a scooter charging station</li> <li>• Multicultural as well as multigenerational focused</li> <li>• Onsite management who will oversee the safety of groups and provide assistance</li> <li>• Capacity for the bookable spaces for groups</li> </ul>	Provide any further ideas to the Manager Community Care	Committee Members
7.	<p><b>Other Business</b> Committee member requested a MLAK key.</p>	Contact Catherine with further details	Disability Planning Officer
<b>Meeting Closed at 5.23pm</b>			

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

#### **4.2.6 Draft Minutes of Arts Advisory Board Meeting - 25 May 2021**

File Id:	A7790604
Responsible Officer:	Director Community Services
Attachments:	Draft Minutes of Arts Advisory Board Meeting on 25 May 2021

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### **1. Report Summary**

At the Council meeting held 23 April 2018, Council resolved in part to *invite Advisory Committees and Reference Groups to submit meeting minutes for Council endorsement*. This resolution also allowed interested Councillors (and those that attend these Committees and Reference Groups) to speak to the meeting about items discussed at these meetings.

### **2. Recommendation Summary**

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

---

**4.2.6 Draft Minutes of Arts Advisory Board Meeting - 25 May 2021 (Cont.)**

### **3. Background**

Greater Dandenong Council is represented on a wide range of Committees, Reference Groups and Advisory Groups which frequently reflect the interests of individual Councillors in serving the broader community in their role. A full listing of these appointments is confirmed each November at Council's Annual meeting to elect the Mayor and Deputy Mayor and is available via Council's website.

The resolution of Council made on 23 April 2018 provides for Minutes of meetings held by Advisory Committees and Reference Groups to be submitted to Council for information purposes, for noting and for endorsement (not adoption).

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

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

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

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

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

##### People

- *Pride – Best place best people*
- *Cultural Diversity – Model multicultural community*

##### Place

- *Sense of Place – One city many neighbourhoods*
- *Appearance of Places – Places and buildings*

##### Opportunity

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

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#### 4.2.6 Draft Minutes of Arts Advisory Board Meeting - 25 May 2021 (Cont.)

### 5. Council Plan 2017-21

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

#### People

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

#### Place

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

#### Opportunity

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

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

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

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

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

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**4.2.6 Draft Minutes of Arts Advisory Board Meeting - 25 May 2021 (Cont.)**

**7. Victorian Charter of Human Rights and Responsibilities**

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

**8. The *Gender Equality Act 2020***

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

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

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

**9. Consideration of Climate Change and Sustainability**

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

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

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

**10. Recommendation**

**That Council notes the draft Minutes of meeting for the Arts Advisory Board as provided in Attachment 1 to this report.**

---

**4.2.6 Draft Minutes of Arts Advisory Board Meeting - 25 May 2021 (Cont.)**

**OTHER**

**DRAFT MINUTES OF ARTS ADVISORY BOARD MEETING**

**ATTACHMENT 1**

**ARTS ADVISORY BOARD MEETING ON  
25 MAY 2021**

**PAGES 4 (including cover)**

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



**4.2.6 Draft Minutes of Arts Advisory Board Meeting - 25 May 2021 (Cont.)**

**Advisory Committee or Reference Group Name:** Arts Advisory Board Meeting

**Date of Meeting:** 25 May 2021

**Time of Meeting:** 6:00pm to 8:00 pm

**Meeting Location:** Walker Street Gallery, Dandenong / Microsoft Teams (remote)

**Attendees:**

Roh Singh (Chair), Shelley McSpedden (remote), Mish Eisen, Oz Malik, Cr. Rhonda Garad (remote), Tilla Buden, Dani Johnson (guest) – minutes taken by Holli Taylor

**Apologies:** Priya Srinivasan (temporary leave of absence), Susan Strano

**Minutes:**

Item No.	Item	Action	Action By
1	Welcome, apologies and introductions	<ul style="list-style-type: none"> <li>Apologies noted.</li> <li>Members and guest were introduced.</li> <li>Attendees were provided with an overview of exhibitions currently on view at Walker Street Gallery</li> </ul>	
2	Conflicts of interest	<ul style="list-style-type: none"> <li>No Conflicts of Interest were declared.</li> </ul> <p><b>Actions:</b>                      Governance Officer to be invited to next Arts Advisory Board meeting to provide context on Conflict of Interest obligations.</p>	CGD Officers
3	Review of Minutes	<ul style="list-style-type: none"> <li>Minutes of Arts Advisory Board Meeting, 2 March 2021</li> <li>Minutes of Arts Advisory Board Special Meeting, 21 May 2021</li> </ul> <p>Both sets of Minutes were reviewed and approved by the board.</p> <p>Moved by: Mish Eisen                      Seconded by: Roh Singh</p> <p><b>Actions:</b>                      Minutes will be tabled at Council Meeting for formal record.</p>	CGD Officers
4	Summary of Council's Plan Consultation	<p>A short presentation was provided by guest, Dani Johnson, Council's Corporate Planning Officer.</p> <p>Board members were updated on the consultation outcomes thus far and asked to provide feedback.</p>	

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

## ORDINARY COUNCIL MEETING - AGENDA

## 4.2.6 Draft Minutes of Arts Advisory Board Meeting - 25 May 2021 (Cont.)

		<p><b>Actions:</b> To circulate copies of the summary report to board Members.</p> <p>To seek feedback, comments and or general statements from board members by July 2021.</p>	<p>CGD Officers</p> <p>CGD Officers/ Board members</p>
5	Development of a new Arts & Cultural Heritage Strategy	<p>A short presentation was provided to give the members context on the strategy and its link to the new Council Plan outcomes.</p> <p>Board members were advised as to anticipated strategy consultation dates between October 2021 and March 2022. With discussion as to engagement of both the board and subsidiary working groups.</p>	
6	Working Group Administration	<p><b>Drum Working Group</b> It was acknowledged that Priya Srinivasan has taken a temporary leave of absence. During this time, it was proposed that Shelley McSpedden take on responsibility to chair The Drum Working Group on a temporary basis. This outcome was unanimously endorsed by the board membership.</p> <p>Moved by: Oz Malik Seconded by: Mish Eisen</p> <p><b>Public Art Working Group</b> The board discussed the establishment of the Working Group and proposed membership. Member recommendations proposed by Working Group Chair Mish Eisen were unanimously endorsed by the board.</p> <p>Moved by: Roh Singh Seconded by: Oz Malik</p> <p><b>Community Connections Working Group</b> The board were provided with an update on the status of working group membership with chair Oz Malik confirming an Expression of Interest process would be undertaken imminently.</p> <p><b>Sponsorship Working Group</b> The board acknowledged that the establishment of this proposed group be paused at the current time.</p> <p><b>Actions:</b> To engage with all working group chairs to provide administrative support in relation to membership and establishment of inaugural meetings.</p>	<p>CGD Officers/ Working Group Chairs</p>
7	Facility Updates & Discussion	<p>Short updates were provided by Officers on the following:</p> <ul style="list-style-type: none"> <li>• The Drum</li> <li>• New gallery</li> <li>• PEP</li> <li>• Walker Street Gallery</li> </ul>	

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

ORDINARY COUNCIL MEETING - AGENDA

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**4.2.6 Draft Minutes of Arts Advisory Board Meeting - 25 May 2021 (Cont.)**

8	Other business	<p>An update was provided to the board in relation to the Epic Self-Assessment project being undertaken by Council Officers in consultation with Multicultural Arts Victoria. This piece of work sets out to consider organisational frameworks with a cultural equity lens, seeking to ultimately make recommendations for improvement in this area.</p> <p><b>Actions:</b> To engage the board on providing advice in support of the information gathering phase of the project.</p> <p>Meeting closed at: 7:59pm</p> <p>Next Meeting: Tuesday 24 August 2021, 6-8:00pm</p>	CGD Officers
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DRAFT

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

#### **4.2.7 Draft Minutes of Springvale Community Hub Committee Meeting - 25 May 2021**

File Id:	A7751889
Responsible Officer:	Director Community Services
Attachments:	Draft Minutes of Springvale Community Hub Committee Meeting on 25 May 2021

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### **1. Report Summary**

At the Council meeting held 23 April 2018, Council resolved in part to *invite Advisory Committees and Reference Groups to submit meeting minutes for Council endorsement*. This resolution also allowed interested Councillors (and those that attend these Committees and Reference Groups) to speak to the meeting about items discussed at these meetings.

### **2. Recommendation Summary**

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

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#### 4.2.7 Draft Minutes of Springvale Community Hub Committee Meeting - 25 May 2021 (Cont.)

### 3. Background

Greater Dandenong Council is represented on a wide range of Committees, Reference Groups and Advisory Groups which frequently reflect the interests of individual Councillors in serving the broader community in their role. A full listing of these appointments is confirmed each November at Council's Annual meeting to elect the Mayor and Deputy Mayor and is available via Council's website.

The resolution of Council made on 23 April 2018 provides for Minutes of meetings held by Advisory Committees and Reference Groups to be submitted to Council for information purposes, for noting and for endorsement (not adoption).

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

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

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

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

#### Community Plan 'Imagine 2030'

##### People

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

##### Opportunity

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

### 5. Council Plan 2017-21

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

##### People

- *A creative city that respects and embraces diversity*

##### Opportunity

- *An open and effective Council*

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#### 4.2.7 Draft Minutes of Springvale Community Hub Committee Meeting - 25 May 2021 (Cont.)

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

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

The establishment of the Springvale Community Hub Committee and the work that it undertakes gives particular consideration to the following overarching governance principles:

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

### 7. Victorian Charter of Human Rights and Responsibilities

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

### 8. The *Gender Equality Act 2020*

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

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

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

### 9. Consideration of Climate Change and Sustainability

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

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**4.2.7 Draft Minutes of Springvale Community Hub Committee Meeting - 25 May 2021 (Cont.)**

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

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

**10. Recommendation**

**That Council notes the draft Minutes of meeting for the Springvale Community Hub Committee as provided in Attachment 1 to this report.**

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**4.2.7 Draft Minutes of Springvale Community Hub Committee Meeting - 25 May 2021 (Cont.)**

**OTHER**

**DRAFT MINUTES OF SPRINGVALE COMMUNITY HUB  
COMMITTEE MEETING**

**ATTACHMENT 1**

**SPRINGVALE COMMUNITY HUB  
COMMITTEE MEETING ON 25 MAY 2021**

**PAGES 3 (including cover)**

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



**4.2.7 Draft Minutes of Springvale Community Hub Committee Meeting - 25 May 2021 (Cont.)**

**Advisory Committee or Reference Group Name:** Springvale Community Hub Committee

**Date of Meeting:** 25 May 2021

**Time of Meeting:** 5.30pm – 7pm

**Meeting Location:** Community Room 2/3, Springvale Community Hub and Online - Microsoft Teams

**Attendees:**

Dani Holl (DH) (Chair), Anna Leticia Demuth (AD), Lissette Brearley (LB), Heather Duggan (HD), Mmaskepe Sejoe (MS), Vivienne Fernandes (VF), Sarita Kulkarni (SK), (Community Representatives), Chris Keys (CK) (acting chair) (Springvale and District Historical Society), Cr Richard Lim (RL) (Greater Dandenong Councillor), Martin Fidler (MF), Sarah Hill (SH) and Clara Yip (CY) (Greater Dandenong Council Officers).

**Apologies:**

Cr Loi Truong (Greater Dandenong Councillor)  
Melanie Virtue (Community Representative)

**Minutes:**

Clara Yip

Item No.	Item	Action	Action By
1. Welcome	<ul style="list-style-type: none"> <li>Welcome and apologies by Acting Chairperson CK.</li> <li>Acknowledgement of traditional ownership.</li> </ul>	<ul style="list-style-type: none"> <li>Committee requested for name badges at subsequent meetings.</li> <li>Committee request for a tour of SCH at next meeting.</li> </ul>	CY  CY
2. SCH update	<ul style="list-style-type: none"> <li>SCH update including visitation numbers, community engagement activities.</li> </ul>	<ul style="list-style-type: none"> <li>Council officers to investigate providing this earlier, including information on promotional activities.</li> </ul>	SH/ CY
3. Action plan discussion	<ul style="list-style-type: none"> <li>Committee discussed SCH action plan, including potential priority topics the committee were interested in.</li> <li>Committee to share action plan within their organisation/community and discuss how they can contribute.</li> <li>Committee discussed use of community spaces including utilisation, venue hire charges and what types of groups are using the spaces.</li> </ul>	<ul style="list-style-type: none"> <li>Committee requested officers to provide an action plan update / list of upcoming actions for the committee to review and provide feedback.</li> <li>Committee to share action plan within their organisation/community and discuss how</li> </ul>	SH/ CY  All

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

**4.2.7 Draft Minutes of Springvale Community Hub Committee Meeting - 25 May 2021 (Cont.)**

		<p>they can contribute.</p> <ul style="list-style-type: none"> <li>Committee requested a list of rooms/spaces in SCH including costs.</li> </ul>	CY
<b>4. Community Celebration</b>	<ul style="list-style-type: none"> <li>SCH provided overview of plans for the SCH community celebration later in 2021.</li> <li>Committee were invited to provide any further suggestions or ideas.</li> <li>Expression of interest for involvement in community celebration will be forwarded to committee members for distribution to the broader community.</li> <li>Committee discussed the administration and process for registering a stall/food stall for a festival can be a barrier to participation.</li> </ul>	<ul style="list-style-type: none"> <li>Expression of interest for involvement in community celebration will be forwarded to committee members.</li> <li>Council officers to investigate opportunities to support groups in completing Expression of Interest.</li> </ul>	<p>SH/CY</p> <p>SH/CY</p>
<b>5. General business</b>	<ul style="list-style-type: none"> <li>ABS Census will have a presence at SCH in August.</li> <li>They are looking to recruit Community Field Officers who speak a language other than English.</li> </ul>	<ul style="list-style-type: none"> <li>Committee to forward Community Field Officer job advertisement to potential applicants.</li> </ul>	All
<p><b>Next meeting date:</b>                  20 July 2021 (final inductions)</p>			

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

#### **4.2.8 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 1 June 2021**

File Id:	A7747262
Responsible Officer:	Director Community Services
Attachments:	Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting on 1 June 2021

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### **1. Report Summary**

At the Council meeting held 23 April 2018, Council resolved in part to *invite Advisory Committees and Reference Groups to submit meeting minutes for Council endorsement*. This resolution also allowed interested Councillors (and those that attend these Committees and Reference Groups) to speak to the meeting about items discussed at these meetings.

### **2. Recommendation Summary**

This report recommends that the Draft Minutes of the Multicultural and People Seeking Asylum Advisory Committee meeting on 1 June 2021 provided in Attachment 1 to this report be noted by Council.

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#### **4.2.8 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 1 June 2021 (Cont.)**

### **3. Background**

Greater Dandenong Council is represented on a wide range of Committees, Reference Groups and Advisory Groups which frequently reflect the interests of individual Councillors in serving the broader community in their role. A full listing of these appointments is confirmed each November at Council's Annual meeting to elect the Mayor and Deputy Mayor and is available via Council's website.

The resolution of Council made on 23 April 2018 provides for Minutes of meetings held by Advisory Committees and Reference Groups to be submitted to Council for information purposes, for noting and for endorsement (not adoption).

As such, the Draft Minutes of the Multicultural and People Seeking Asylum Advisory Committee on 1 June 2021 are provided as Attachment 1 to this report.

### **4. Financial Implications**

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

Funding of costs for sale of the land, including the statutory procedures, legal costs associated with transfer and marketing costs will be taken from the proceeds of the sale of the land.

An operational budget has not been assigned to accommodate the continued operation of Walker Street Gallery & Arts Centre following the opening of the new contemporary art gallery in Mason Street, Dandenong. Accordingly, following the transition of service delivery to the new venue, a decision is required to accommodate a potential sale of the asset or alternative funding sources will be required to retain this asset.

### **5. Consultation**

There is no public consultation associated with the development and submission of this report.

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

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

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

##### People

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

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#### **4.2.8 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 1 June 2021 (Cont.)**

##### Place

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

##### Opportunity

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

### **7. Council Plan 2017-21**

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

##### People

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

##### Place

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

##### Opportunity

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

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

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

- priority is given to achieving the best outcomes for the municipal community, including future generations (section 9(b) of the LGA2020)
- the municipal community is engaged in strategic planning and strategic decision making (section 9(d) of the LGA2020);
- innovation and continuous improvement is pursued (section 9(e) of the LGA2020);

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#### **4.2.8 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 1 June 2021 (Cont.)**

- collaboration with other councils, governments and statutory bodies is sought (section 9(f) of the LGA2020);
- the ongoing financial viability of Council is ensured (section 9(g) of the LGA2020);
- regional, state and national plans and policies are taken into account in strategic planning and decision making – diverse representation within these groups ensures this occurs (section 9(h) of the LGA2020); and
- the transparency of Council decisions, actions and information is ensured by this regular reporting mechanism (section 9(i) of the LGA2020).

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

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

### **10. The Gender Equality Act 2020**

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

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

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

### **11. Consideration of Climate Change and Sustainability**

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

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

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

**4.2.8 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 1 June 2021 (Cont.)**

**12. Recommendation**

**That Council notes the Draft Minutes of the Multicultural and People Seeking Asylum Advisory Committee meeting on 1 June 2021 as provided in Attachment 1 to this report.**

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**4.2.8 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 1 June 2021 (Cont.)**

**OTHER**

**DRAFT MINUTES OF MULTICULTURAL AND PEOPLE SEEKING  
ASYLUM ADVISORY COMMITTEE MEETING – 1 JUNE 2021**

**ATTACHMENT 1**

**MULTICULTURAL AND PEOPLE  
SEEKING ASYLUM ADVISORY  
COMMITTEE MEETING ON  
1 JUNE 2021**

**PAGES 4 (including cover)**

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



## ORDINARY COUNCIL MEETING - AGENDA

**4.2.8 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 1 June 2021 (Cont.)**

<b>Advisory Committee or Reference Group Name:</b>	Multicultural and People Seeking Asylum Advisory Committee
<b>Date of Meeting:</b>	1 June 2021
<b>Time of Meeting:</b>	3-5pm
<b>Meeting Location:</b>	Online via Teams Meeting

**Attendees:**

Kylie Reid- Chairperson (Chisholm), Wendy Dunstan (Outside the Square Creative Consulting), Sarita Kulkami (Community Member), Siv Yoganathan (Life Without Barriers [LWB]), Sean Quigley (WAYSS), Binita Maskey (Women's Association South East Melbourne Australia [WASEMA]), Sri Samy (Friends of Refugees [FOR]), Kadira Pethiyagoda (Community Member), Cr Eden Foster (City of Greater Dandenong [CGD]), Community Development Coordinator (CGD), Community Advocacy Officer (CGD).

**Apologies:**

Jane Lazzari (Red Cross), Jacquie McBride (Monash Health), Chaw Po (Community Member).

**Minutes:** Community Development Business Support Officer (CGD).

Item No.	Item	Action	Action By
1.	<b>Welcome and Apologies</b> The Chair acknowledged the Traditional Owners of the Land, welcomed attendees, and noted the apologies.		
2.	<b>Endorsement of Minutes of Previous Meeting</b> Committee endorsed the previous meeting minutes.		
3.	<b>Review of Outstanding Action Items</b> Childcare and playgroups available for families who are seeking asylum.	Report at next meeting.	Community Advocacy Officer.
4.	<b>Feedback – Proposed Dandenong Hub</b> Wendy Dunstan (Outside the Square) is appointed by Council to develop a business case and concept designs for the proposed Dandenong Community Hub. Wendy asked for members' ideas/feedback which was given. Further ideas from all members can be emailed to Wendy at <a href="mailto:ots.cc@bigpond.com">ots.cc@bigpond.com</a> .		
5.	<b>Update – Multicultural Communities Network</b> The Multicultural Communities Network is currently seeking Expressions of Interest (EOI) which closes Monday 7 June. Due to low response, EOI closing date may be extended. Kylie Reid has shared with TAFE students.	Report at next meeting.	Community Advocacy Officer.
6.	<b>Proposed Anti-Racism Initiatives Discussion</b> Community Advocacy Unit investigated the work that Greater Dandenong Council is involved with in terms of anti-racism. The investigations highlighted a high level of Council activity in promoting social cohesion and harmony, however less involvement in explicit		

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

ORDINARY COUNCIL MEETING - AGENDA

**4.2.8 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 1 June 2021 (Cont.)**

	<p>anti-racism activities.</p> <p>Two anti-racism initiatives were presented in the meeting, and the committee decided to first proceed with a one-year community engagement project in partnership with Victoria University and Casey Council for 2021-2022 financial year.</p> <p>The Victoria University led partnership will work towards developing adequate supports and reporting services for Greater Dandenong and Casey residents experiencing racism, as well as, a local network to respond to such instances of racism.</p> <p>The need for the second proposal (to install anti-racism signs, flags and other media options) will be then assessed and based on the recommendations from the anti-racism community network, that will be formed as an output from the Victoria University project.</p> <p>MAPSAAC members also suggested activation of a broader community education piece that would help people understand what racism is.</p> <p>Council currently has videos from the 2012 campaign that are still relevant to the current 'Racism. It Stops with Me' work and could be utilised to promote this initiative through some additional social media or big screen focus.</p>	<p>Discuss options with Media and Communications regarding re-promoting the videos from the 'Racism. It Stops With Me' campaign.</p>	<p>Community Advocacy Officer.</p>
<p>7.</p>	<p><b>Part B Action Plan Progress Report Discussion</b> Members updated actions not started which include:</p> <ul style="list-style-type: none"> <li>• Action 1.2</li> <li>• Action 3.2</li> <li>• Action 3.5</li> <li>• Action 4.1.1</li> <li>• Action 5.1</li> <li>• Action 5.2</li> </ul>		
<p>8.</p>	<p><b>Information Sharing WAYSS</b> Open for Homeless and Family Violence support at 20 Princes Hwy Dandenong Mon-Fri 9am-5pm. Operating under skeleton staff during this latest lockdown, ideally it is better if people call the mainline on 9791 6111 or 1800 512 402 as assessments are now being conducted over the phone as opposed to face-to-face.</p> <p><b>Chisholm TAFE</b> People on Bridging Visa E, TPV and SHEV visas are now eligible for the Reconnect Program. Reconnect provides up to 18 months of wrap around support to assist high need learners in the community to start and stay in education. There's also help with literacy and numeracy, as well as specialist support services in health, personal relationships, mentoring and accommodation. <a href="#">Reconnect   Chisholm TAFE</a></p> <p>Course Information Zoom Sessions: <a href="#">Information Sessions and Open Nights   Chisholm TAFE</a></p>		

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

ORDINARY COUNCIL MEETING - AGENDA

**4.2.8 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 1 June 2021 (Cont.)**

	<p>Chisholm Skills and Jobs Centre Free Weekly workshops:  <a href="#">Chisholm Skills and Jobs Centre Events   Eventbrite</a></p> <p><b>Red Cross</b>                  Red Cross helps people to move on from their experiences of human trafficking and forced marriage. Their case workers can help people to recover and rebuild their lives by:</p> <ul style="list-style-type: none"> <li>- Providing support for mental and physical health.</li> <li>- Helping to gain confidence and learn new skills.</li> <li>- Helping to find options for a new life, and</li> <li>- Helping to make informed decisions about their future.</li> </ul> <p>This work is funded by the Department of Social Services under the Support for Trafficked People Program.                  There is also a Victoria Forced Marriage Network that Red Cross chairs and this consists of various community agencies in Victoria. Interested agencies should contact Kudzayi Nhatarikwa – <a href="mailto:knhatarikwa@redcross.org.au">knhatarikwa@redcross.org.au</a></p>		
9.	<p><b>Other Business</b>                  N/A</p>		
	<p><b>Meeting closed:</b> 5.00pm  <b>Next meeting:</b> Tuesday 3 August  <b>Location:</b> To Be Advised</p>		

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

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#### 4.2.9 Proposal to Sell Council Land at 1-9 Walker Street, Dandenong

File Id:	A7760456
Responsible Officer:	Manager Governance
Attachments:	Locality Plan Locality Plan Showing Division of Subject Site and Proposed Site for Sale

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### 1. Report Summary

Council owns a parcel of land known as 1-9 Walker Street, Dandenong. The property is known as the Walker Street Gallery & Arts Centre. The part of the site that includes the gallery building and carpark are considered surplus to Council requirements as Council will open a new contemporary art gallery in late 2021 at 5 Mason Street, Dandenong (through redevelopment of the old Masonic Hall). Furthermore, this part of the property is not deemed appropriate to retain for any other possible council purpose. It is proposed that the part of the site that contains open space and public art will remain in Council ownership.

It is therefore proposed that Council officers undertake the statutory procedures required under section 114 of the *Local Government Act 2020* (LGA2020).

### 2. Recommendation Summary

This report recommends that Council resolves for Council officers to commence the statutory processes required under the LGA2020 to sell part of 1-9 Walker Street, Dandenong by a public marketing campaign and that the sale price should be in excess of the reserve established by reference to a market valuation.

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#### **4.2.9 Proposal to Sell Council Land at 1-9 Walker Street, Dandenong (Cont.)**

### **3. Background**

Council owns the property at 1-9 Walker Street Dandenong known as crown allotment 11 section 2 shown on TP793320R, more particularly described as certificate of title volume 8617 folio 116. The site is shown on the locality plan provided in Attachment 1 and has an approximate land area of 1072 square metres. It is proposed that the site be subdivided and that the part of the land used for the gallery and the carpark be considered for sale. This is a proposed land area of approximately 1000 square metres and is shown on Attachment 2 (Land). In order to retain the public art and open space on the northern end of the site, it is proposed that the northern portion of the land be retained by Council and integrated into the proposed infrastructure and greening works encompassed within the Mason Street realignment project.

Council purchased this site in 1988 from the Country Fire Authority (CFA) for \$920,000 and it has been used as a gallery since that time. The land parcel is irregular in shape, it adjoins the commercial precinct of the Dandenong central activity district (CAD) and it has a gentle slope up to the north. The land is unencumbered by any easements and is currently used as a gallery and a carpark for nine cars.

The land was purchased from the CFA for the purpose of formalising the establishment of an arts and cultural facility. It previously operated for this purpose subject to a lease arrangement with the CFA. There are no issues relating to the acquisition of the site which restrict Council from selling the asset.

### **4. Proposal**

It is considered timely to commence the statutory procedures for a proposal to sell part of the land at 1-9 Walker Street, Dandenong as it is no longer required for gallery purposes. Alternative arts and cultural space will be provided at the new contemporary gallery to be opened in early 2022 at 5 Mason Street, Dandenong when the old Masonic Hall is redeveloped.

### **5. Financial Implications**

In order to determine the reserve for the sale of the Land and satisfy the requirements of the statutory procedures under section 189 of the LGA, a market valuation will be required before the sale of the land.

Funding of costs for sale of the land, including the statutory procedures, legal costs associated with transfer and marketing costs will be taken from the proceeds of the sale of the land.

An operational budget has not been assigned to accommodate the continued operation of Walker Street Gallery & Arts Centre following the opening of the new contemporary art gallery in Mason Street, Dandenong. Accordingly, following the transition of service delivery to the new venue, a decision is required to accommodate a potential sale of the asset or alternative funding sources will be required to retain this asset.

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#### 4.2.9 Proposal to Sell Council Land at 1-9 Walker Street, Dandenong (Cont.)

### 6. Consultation

A detailed internal referral process has been carried out in relation to the proposal to sell this land and comments received were as follows:

Council's Business and Revitalisation unit have no objection to the proposal. This presents an opportunity for open market to secure a prime strategic site for future potential redevelop to align with the aspirations of the Revitalising Central Dandenong project.

Council's Planning and Design Unit advised that the land is contained in a Comprehensive Development zone. The land is also within the Revitalising Central Dandenong Declared Project Area, where the Minister for Planning may have jurisdiction as outlined in the planning schedule to Clause 61.01 of the Greater Dandenong Planning Scheme.

Council's Strategic Planning, Parks and Engineering Units have no objection to the proposal. Also, there are no services within the land that need to be protected.

Should this proposal be adopted then a public consultation process will be commenced as required under section 114 of the LGA2020. Public notices will be placed in the local papers generally circulating in Greater Dandenong and on Council's website.

Council's Community Engagement Policy under the LGA2020 and Council's Community Engagement Planning Framework have been considered when developing a communication plan in relation to this project. It is recommended that the consultation include engagement with Council's Arts Advisory Board, subsidiary Working Groups and more broadly interested community stakeholders – including engagement of existing hirers within the facility.

Council should note that the legislation affecting Council's power to sell or exchange land came into force on 1 July 2021 under the *Local Government Act 2021*. The robust community consultation process outlined above complies with the new legislation.

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

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

#### Community Plan 'Imagine 2030'

##### People

- *Pride* – Best place best people
- *Cultural Diversity* – Model multicultural community

##### Place

- *Appearance of Places* – Places and buildings

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#### 4.2.9 Proposal to Sell Council Land at 1-9 Walker Street, Dandenong (Cont.)

##### Opportunity

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

### 8. Council Plan 2017-21

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

##### People

- *A 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*

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

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

This report has been drafted with consideration to the overarching principles that guide the *Local Government Act 2020*. Such considerations have included, but are not limited to:

- Consideration of impact on community and provision of a community engagement period in order to provide community with agency to respond to the proposal. The community engagement process will align with Council's Community Engagement Policy;
- Direct engagement of existing hirers within the facility who will be encouraged to participate within the community consultation process. Furthermore, should a sale of the asset proceed every effort will be made to work alongside these hirers to ensure appropriate facilities be provided to accommodate ongoing activities; and
- Consideration of financial viability impacts on existing and future budgets and cost mitigation.

### 10. Victorian Charter of Human Rights and Responsibilities

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

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#### **4.2.9 Proposal to Sell Council Land at 1-9 Walker Street, Dandenong (Cont.)**

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, in particular the following:

- Section 15 – Right to freedom of expression;
- Section 18 – Right to have the opportunity to take part in public life and to vote; and the
- Section 24 - Right to a fair hearing.

### **11. The Gender Equality Act 2020**

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

Council's Diversity, Access and Equity Policy and the *Gender Equality Act 2020* have been considered in the preparation of this report but are not relevant to its contents:

The content and topic of this report is purely administrative in nature and does not benefit any one gender group over any other.

### **12. Consideration of Climate Change and Sustainability**

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

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

This proposal to sell land has no impact on Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 or the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability.

### **13. Related Council Policies, Strategies or Frameworks**

Council's Disposal or Sale of Council Assets and Land Policy recognises that, over time, some land parcels may become redundant or surplus to Council needs and as such are to be sold in accordance with the Policy.

The policy establishes principles in relation to such land, in that the land must be sold by a market tested campaign and Council will ensure that the property is suitably prepared for market to reduce risks associated with the sale of land.



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#### **4.2.9 Proposal to Sell Council Land at 1-9 Walker Street, Dandenong (Cont.)**

Furthermore, the State Government has developed guidelines for the sale of Council land, titled "Local Government Best Practice Guidelines for the Sale and Exchange of Land" (the Guidelines). While Council is not bound by these Guidelines, they do provide that all sales or transfers should be in the best interest of the community. Furthermore, the Guidelines propose that all sales should be by a market tested sales campaign, unless there are some benefits that accrue for the community by selling land by some other method. As such, if a decision is made by Council to sell the land, it is proposed that an independent real estate agent be appointed to sell the land by public auction.

#### **14. Conclusion**

If it is considered that the Land is no longer required for a gallery and is therefore surplus to Council's requirements and in order to proceed with a proposal to sell the Land, Council will need to give public notice of its intention to sell the land and hear submissions if received.

#### **15. Recommendation**

**That Council, being of the opinion that part of 1-9 Walker Street, Dandenong as shown in Attachment 2, is surplus to Council requirements:**

- 1. authorises Council officers to commence the statutory procedures required under section 114 of the *Local Government Act 2020* and publishes notices in the local papers circulating in Greater Dandenong and on Council's website proposing that the subject land is no longer required for a gallery and car parking and that the land be sold;**
- 2. if submissions are received, authorises Council officers to establish a Special Committee of Council comprised of the Mayor and Councillors Memeti and \_\_\_\_\_.  
Submitters wishing to be heard will be notified of the time and place of the Special Committee meeting and a summary of the results of the hearing will be reported back to Council;**
- 3. if no submissions are received, a further report will be provided to Council in order to make a decision about the proposal to sell the Land as shown in Attachment 2 known as part of 1-9 Walker Street, Dandenong; and**
- 4. notes that the above process incorporates consultation under Council's Community Engagement Policy to comply with the requirements of the *Local Government Act 2020* which came into force on 1 July 2021 in relation to restrictions on Council to sell land (section 114) and as outlined in this report.**

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**4.2.9 Proposal to Sell Council Land at 1-9 Walker Street, Dandenong (Cont.)**

**OTHER**

**PROPOSAL TO SELL LAND AT 1-9 WALKER STREET, DANDENONG**

**ATTACHMENT 1**

**LOCALITY PLAN**

**PAGES 2 (including cover)**

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

4.2.9 Proposal to Sell Council Land at 1-9 Walker Street, Dandenong (Cont.)



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**4.2.9 Proposal to Sell Council Land at 1-9 Walker Street, Dandenong (Cont.)**

**OTHER**

**PROPOSAL TO SELL LAND AT 1-9 WALKER STREET, DANDENONG**

**ATTACHMENT 2**

**LOCALITY PLAN SHOWING DIVISION OF  
SUBJECT SITE AND PROPOSED SITE FOR  
SALE**

**PAGES 2 (including cover)**

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



**4.2.9 Proposal to Sell Council Land at 1-9 Walker Street, Dandenong (Cont.)**



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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law)

File Id:	A7672147
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	S.223 Public Consultation Responses City of Greater Dandenong Local Law No.2 (General Local Law)

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### 1. Report Summary

To present for making and adoption by Council, the City of Greater Dandenong Local Law No.2 (General Local Law) and all incorporated documents, in accordance with the provisions of the *Local Government Act 1989*.

### 2. Recommendation Summary

This report recommends that Council:

1. Notes the outcome of the public consultation process conducted in accordance with the requirements of s.223 of the *Local Government Act 1989*.
2. Notes that in accordance with s.223 of the *Local Government Act 1989*, Council officers will notify the submitters in writing of the reasons and the decisions made to address their issues within the proposed Local Law.
3. In accordance with the requirements of s.119 of the *Local Government Act 1989* makes the City of Greater Dandenong Local Law No.2 (General Local Law) and authorises it, and its incorporated documents to come into operation on 24 July 2021.
4. Repeals, on 24 July 2021, the:
  - a. Greater Dandenong City Council Local Law No. 2 (Municipal Amenity)
  - b. Greater Dandenong City Council Local Law No.3 (Road Management and Asset Protection), and
  - c. Greater Dandenong City Council Local Law No.4 (Municipal Places)
3. Authorises the Chief Executive Officer to follow and comply with ss. 119(3) and 119(4) of *Local Government Act 1989* regarding the notification requirements of making a local law.

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

### 3. Background

Local Laws are a form of local regulation that enable councils to make legislative controls that reflect the different circumstances of each municipality. The Local Law-making power attributed to councils comes from the *Local Government Act 1989*.

It should be noted that although the State Government has introduced the new *Local Government Act 2020* (the new Act), under the transitional arrangements for the new Act, the provisions relating to the making of a local law did not come into force until 01 July 2021.

S.328(2) of the new Act further provides that any decision, action, proceeding or matter made, taken or commenced under a relevant provision of the *Local Government Act 1989*, which has since been repealed by the new Act, may be implemented or continued under the *Local Government Act 1989*, as if the relevant provision had not been repealed by the new Act.

Therefore, as Council commenced the process of reviewing and making the Local Law prior to 01 July 2020, it has been required to ensure that the new local law has been made in accordance with the provisions of the *Local Government Act 1989* (the Act)

The review of the current Greater Dandenong City Council's Local Law No.2 (Municipal Amenity), Local Law No.3 (Road Management and Asset Protection) and Local Law No.4 (Municipal Places) (current Local Laws), is in response to the fact that these current Local Laws are due to sunset on 25 July 2021.

Council must have a Local Law, otherwise all the controls and powers used by Council to protect council's assets, or control activities on Council's land via the issuance of permits would be lost. It is thus important that the City of Greater Dandenong has its new Local Law in place, to seamlessly transition from the current local laws when they expire on 25 July 2021.

The proposed City of Greater Dandenong Local Law No.2 (General Local Law) (proposed Local Law) was presented to the Ordinary meeting of Council held on 24 May 2021. At that meeting Council resolved to give public notice of its intention to make the Local Law and to invite public submissions in accordance with s.223 of the Act.

As per the requirements of s.119 of the Act, public notices advising of Council's intention to make a local law were placed on Council's website, in the 25 May 2021 edition of the Dandenong Star, and in the Victoria Government Gazette on 27 May 2021.

Additionally, copies of the proposed City of Greater Dandenong Local Law No.2 (General Local Law) and Community Impact Statement were made available on Council's website, and at all of Council's customer service centres for perusal by the community if required.

In accordance with s.223 of the Act, Council is required to receive and consider any submissions made regarding the making a Local Law. Additionally, those submitters who state in their written submission that they wish to be heard in support of their written submission, are entitled to be heard by Council.

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#### **4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

Council is also required to notify in writing, each person who has made a submission, of the decision, and the reasons for the decision to address their issue within the proposed Local Law.

At the closing date for submissions on Tuesday 22 June 2021 one public submission had been received, with no requests being made to be heard by Council as per s.223 of the Act. That submission has been reproduced in Attachment 1.

Additionally, one submission was received from Council's Community Arts, Culture and Libraries Department, requesting that the current process for prohibiting those that display repeated poor behaviour in Council's libraries, be included in Clause 45 of the proposed Local Law. (Attachment 1)

Officers and Council's legal representatives have reviewed the matters raised in the public submission and the internal submission.

As a result of the public submission, Clause 34(3), (relating to the use of non-Council approved crossovers when accessing or egressing land), of the proposed Local Law has been amended to better reflect the purpose of the Clause, and to appropriately reflect where the liability for compliance in regard to crossovers should be directed.

Additionally, in response to the "internal" submission from Council staff, Clause 45 has been amended by incorporating a modified version of the process that is contained in Council's current Local Law No.4 (Municipal Places). This change details:

- the verbal and written warning process,
- the prohibition notice process,
- the matters an authorised officer must consider when issuing a prohibition notice, and
- the intended scope of Clause 45,

when staff are required to respond to those whose poor behaviour, or continuing poor behaviour, interrupts the ability for other members of the public to enjoy Council's libraries or other facilities, or whose behaviour puts staff at risk.

These amendments are not material in nature, and by incorporating them into the proposed Local Law (Attachment 2) they improve the clarity, transparency, and enforceability of the proposed Local Law.

#### **4. Proposal**

The City of Greater Dandenong has undertaken a review of its current Local Laws.

This review was necessary as Council's current Local Laws expire on 25 July 2021.

The outcome of the review, and subsequent public exhibition of the proposed City of Greater Dandenong Local Law No.2 (General Local Law), is the City of Greater Dandenong Local Law No.2 (Attachment 2).



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#### **4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

As per the requirements of S.119 of the Act, Council has followed its statutory obligations by publicly exhibiting the proposed Local Law for 28 days, and inviting written submissions regarding it, in accordance with S.223 of the Act.

At the completion of the exhibition period one public submission (Attachment 1) had been received, whilst one internal submission from Council's Community Arts, Culture and Libraries Department, (Attachment 1) had been received.

No request was received from the submitter indicating that they wished to address Council in relation to their submission.

This report proposes that Council, having followed the requirements of Ss.119 and 223 of the Act, and after taking consideration of the submissions received, resolves to make the City of Greater Dandenong Local Law No.2 (General Local Law) (Attachment 2) come into force on 24 July 2021.

### **5. Financial Implications**

There are no financial implications associated with this report.

The review of Council's current local laws, and the costs associated with the preparation of the draft, and the subsequent making of the City of Greater Dandenong Local Law No.2 (General Local Law) (Attachment 2) has been funded and resourced from within Council's budget for the 2020-2021 financial year.

### **6. Consultation**

As per Council's resolution at its ordinary meeting on 24 May 2021,

- In accordance with s 223 of the Act, public notice of Council's intent to make a Local Law was given in the Dandenong Star and in the Victoria Government Gazette.
- The public notices invited any interested person to make a written submission and advised that they could request that they be heard by Council in support of that submission.
- The Community Impact Statement and the proposed Local Law was also placed on the "Have Your Say" section on Council's website, and any interested party was invited, to again make a written submission and advised that they could request that they be heard by Council in support of that submission.
- Copies of the Community Impact Statement and the proposed Local Law were made available for review at each of Council's customer service centres.
- After the expiration of the 28 day public consultation period, one written submission had been received from the public (Attachment 1), and one internal submission from Council's Community Arts, Culture and Libraries Department had been received. (Attachment 1)

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

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

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

#### Community Plan 'Imagine 2030'

##### People

- *Pride – Best place best people*
- *Outdoor Activity and Sports – Recreation for everyone*

##### Place

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

##### Opportunity

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

### 8. Council Plan 2017-21

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

##### People

- *A vibrant, connected and safe community*

##### Place

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

##### Opportunity

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

### 9. Victorian Charter of Human Rights and Responsibilities

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

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#### **4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

The rights prescribed under the Charter have been reviewed to determine whether the City of Greater Dandenong Local Law No.2 (General Local Law) is incompatible with any of those rights.

The Local Law provides procedural fairness and limits any impacts under the Charter through a person's ability to appeal a decision or permit made under this Local Law.

The impact is further reduced by a person's right to have an enforcement penalty, if one is imposed, referred to a Court of competent jurisdiction for a decision.

In conclusion, it is the officers' view that all matters relevant to the Victorian Human Rights Charter have been considered in the preparation of this report, and that the report and the Local Law are consistent with the standards set by the Charter.

#### **10. The Gender Equality Act 2020**

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

The City of Greater Dandenong Local Law No.2 (General Local Law) is purely legislative based in nature and does not benefit any one gender group over any other.

#### **11. Consideration of Climate Change and Sustainability**

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

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

Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 and the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability have been considered in the preparation of this report but are not relevant to its contents, as the local law does not materially impact the overarching governance principle on climate change and sustainability.

#### **12. Related Council Policies, Strategies or Frameworks**

Although the making of a local law does not require a council policy to support any local law, it is important that an underlying justification and rationale for a local law is provided.

In preparing the City of Greater Dandenong Local Law No.2 (General Local Law), care has been taken to ensure consistency with existing Council Policies, such as for events, permit issuance, and outdoor dining.

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**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

Some policies have been incorporated (as amended from time to time) into the City of Greater Dandenong Local Law No.2 (General Local Law), however this only occurs where the policy is so detailed that it stands in place of discretionary guidelines that are available to officers.

It should be noted that once incorporated, these Council Policies become part of the Local Law.

**13. Recommendation**

**That Council:**

1. notes the outcome of the public consultation process for the City of Greater Dandenong Local Law No.2 which has been conducted in accordance with the requirements of s.223 of the *Local Government Act 1989*;
2. notes that in accordance with s.223 of the *Local Government Act 1989*, Council officers will notify the submitters in writing of the reasons and the decisions made to address their issues within the proposed Local Law;
3. makes the City of Greater Dandenong Local Law No.2 (General Local Law) as detailed in Attachment 2 to this report;
4. authorises for the City of Greater Dandenong Local Law No.2 (General Local Law) to commence operating at 12.00am on 24 July 2021 throughout the whole of the municipal district;
5. resolves that the:
  - (a) Greater Dandenong City Council Local Law No. 2 (Municipal Amenity)
  - (b) Greater Dandenong City Council Local Law No.3 (Road Management and Asset Protection), and
  - (c) Greater Dandenong City Council Local Law No.4 (Municipal Places);
6. will cease to operate at 11.59pm 23 July 2021; and
7. authorises the Chief Executive Officer to send a copy of the City of Greater Dandenong Local Law No.2 (General Local Law) to Minister for Local Government in accordance with s.119(4) of the *Local Government Act 1989*.

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**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

**OTHER**

**CITY OF GREATER DANDENONG LOCAL LAW NO.2 (GENERAL LOCAL  
LAW)**

**ATTACHMENT 1**

**S.223 SUBMISSION OUTCOMES**

**PAGES 6 (including cover)**

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

ORDINARY COUNCIL MEETING - AGENDA

**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

No.	Feedback from	Feedback	Request to be heard	Officers Response
1	Community Member	<p><b>Definition Busk and Busking</b> – “means entertainment that involves playing any musical instrument, singing, haranguing, reciting, performing, juggling, dancing or engaging in miming or puppetry, and any like performance for money, gifts or other reward”. This definition should reflect definitions as per the dictionary of “performance for a voluntary donation or gratitude”</p> <p><b>Definition Animal</b> - <i>includes every species of four-footed animal and every species of bird (including, without limitation, poultry).</i> Does this legislation not intend to include reptiles, fishes etc? Perhaps a better selection of wording would allow you to define the genres of animals you are intending to capture within this legislation</p>	No	<p>Council’s legal representatives have checked and reviewed this definition in the draft local law and are satisfied that it is compliant and fit for purpose.</p> <p>No change is recommended.</p> <p>Council’s legal representatives have checked and reviewed this definition in the draft local law and are satisfied that it is compliant and fit for purpose. This is particularly the case given councils are only tasked with the management of domestic animals, not the wildlife mentioned, which is control via the State’s <i>Wildlife Regulations 2013</i> and managed by officers from the State Government’s Department of Environment, Land, Water and Planning.</p> <p>No change is recommended.</p>
		<p><b>S7 Incorporation Documents.</b> These documents listed here are not easily searchable on the council’s website or not actually accessible on the website. If the documents are not accessible it should not form any part of the proposed laws. Furthermore, penalty points should not be applied to rules or instructions provided in separate documents. Especially when these documents do not need to follow the process and scrutiny required for a Local Law.</p> <p>In addition to this concern, the website is typically a place that is constant updated and documents that are included on the website</p>		<p>As per Section 112(1) of the <i>Local Government Act 1989</i> a Council via its local law “may apply, adopt or incorporate any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any authority or body whether— (a) wholly or partially or as amended by the local law; or</p>

ORDINARY COUNCIL MEETING - AGENDA

**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

	<p>typically an after thought which means any updates to additional documents tend not to be updated. Therefore, raising further concerns on the ability ensure that the latest documents are available to the public or those of concern.</p>	<p>(b) as formulated, issued, prescribed or published at the time the local law is made or at any time before then; or (c) as formulated, issued, prescribed or published from time to time.</p> <p>It should also be noted that as per the provisions of Section 76 of the Local Government Act 2020 any change to an incorporated document can only come into force once any change proposed is published, advertised and confirmed on Council's internet site.</p> <p>Additionally, once made Sections 75 and 76(4) of the Local Government Act 2020 requires that a Council must ensure that its local laws, and any associated incorporated document must be available for inspection on Council's website, and at its offices.</p> <p>The use of Incorporated Documents is a common practice in the Local Government sector and their use is governed and controlled by the Local Government Act 2020. As the City of Greater Dandenong will comply with the requirements affecting the use of incorporated documents by having all incorporated documents available for sighting wherever the local law is available, and by only changing an incorporated document in accordance with the provisions of the Local Government Act 2020, no change is recommended regarding the use of incorporated documents.</p>
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**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

	<p><b>S34 (3)</b> states that a person must not access or egress land in a vehicle other than via a Council approved vehicle crossing. How does a person know it is a Council approved vehicle crossing? Unlike building provisions which typically takes time, driving a vehicle does not provide the opportunity for the driver to make relevant searches or enquiries to determine if the crossing has been approved. As such, a penalty is harsh and not enforceable</p> <p><b>S41 (2)(c) and (3)(a)</b> refers to the Nature Strip Guidelines. This is not accessible from the website. Any references to documents should be easily accessible by the public</p> <p><b>Hoon Event provisions</b> – this should be covered by State legislation and should not be attempted to legislate through individual local councils as this will raise a number of areas of concerns, but can be summarised as follows:</p>	<p>Agreed. The purpose of this clause is to ensure that land owners or occupiers only enter or egress or allow another to access or egress, that land via a properly constructed and approved vehicle crossing. This is to ensure that crossings are fit for purpose and that Council assets or other service industry infrastructure under the crossings are properly protected.</p> <p>A Change to the draft Local Law is Recommended.</p> <p>Clause 34(3) has therefore been amended in the draft local law for Council's consideration to properly reflect the purpose of the local law, by removing the liability from the driver of a vehicle to the owner or occupier of the land.</p> <p>See comments regarding the Incorporation of Documents above.</p> <p>No Change is Recommended</p> <p>This clause (Clause 47) has been included at the request of the Victoria Police to provide them with the enforcement tools to assist them to proactively respond to the increasing incidences of arranged "hoon events" across the municipality, in lieu of amendments to the <i>Road Safety Act 1986</i> being made.</p>
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ORDINARY COUNCIL MEETING - AGENDA

**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

	<ul style="list-style-type: none"> <li>• Policing individual council laws by the police department will be problematic and inconsistent</li> <li>• Parking in an area that may be associated with a council defined "Hoon Event" raises a lot of issues including what happens if the parking was for a legal purpose, happened prior to the event etc</li> <li>• Being in the area for legal purpose prior and during the council defined "Hoon Event"</li> <li>• What happens when "Hoon Events occur near the boundary of the council area? In this situation consistency and the capability to accurately police the area is problematic</li> </ul>	<p>Given the legislative constraints placed on Council staff, Clause 47 can and will only be enforced by the Victoria Police.</p> <p>Sworn members of the Victoria Police already police/enforce numerous local laws for councils in Victoria, and no issues regarding consistency or any other matter have arisen. In fact, the <i>Local Government Act 1989</i> makes specific provisions for Police to be authorised officers of a Council.</p> <p>As an example, if a local law provides for the regulation of the use, possession, or consumption of alcohol then as per the provisions of S.224A only Victoria Police can enforce such provisions.</p> <p>As with any legislation the onus will be on the Police Officer, to prove the allegation made, ultimately to the satisfaction a Magistrates Court.</p> <p>As per officers' comment above.</p> <p>Given that the draft Local Law would only apply within the City of Greater Dandenong, then the applicable local law will not operate in a neighbouring municipality. This is no different to</p>
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**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

2	Staff - Community Arts, Culture and Libraries Department	Request that the current process as contained in Local Law No.4 (Municipal Places), be included into Clause 45 of the proposed Local Law for issuing verbal and written warnings; and prohibition notices for those that repeatedly display poor behaviour in Council's libraries.	No	<p>other Council Local Laws, nor with State legislation that the Police enforce in State border areas.</p> <p>No Change is Recommended</p> <p>Agreed. To improve the clarity, transparency, and consistency when responding to those who repeatedly display poor behaviour, the inclusion of the process for issuing verbal and written warnings, and prohibition notices, should be included in the proposed local law.</p> <p>A Change to the draft Local Law is Recommended.</p> <p>Clause 45 of the proposed Local Law has been amended by the inclusions of sub-clauses (2) to (7) which detail:</p> <ul style="list-style-type: none"> <li>• the verbal and written warning process,</li> <li>• the prohibition notice process,</li> <li>• the matters an authorised officer must consider when issuing a prohibition notice, and</li> <li>• the intended scope of Clause 45.</li> </ul> <p>This amendment is consistent with the current process contained in Local Law No.4 (Municipal Places).</p>
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**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

**OTHER**

**CITY OF GREATER DANDENONG LOCAL LAW NO.2 (GENERAL LOCAL  
LAW)**

**ATTACHMENT 2**

**CITY OF GREATER DANDENONG LOCAL  
LAW NO.2 (GENERAL LOCAL LAW)**

**PAGES 55 (including cover)**

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

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**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

**City of Greater Dandenong**

**Local Law No. 2  
(General Local Law)**

**Date: 24 July 2021**

As Made - Greater Dandenong City Council Local Law No.2 – 24 July 2021.

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**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

**Notes on the City of Greater Dandenong Local Law No.2 (Community Amenity)**

1. This document is a consolidation and re-structure of Council's previous:
  - *Greater Dandenong City Council Local Law No.2 of 2011* (Municipal Amenity)
  - *Greater Dandenong City Council Local Law No.3 of 2011* (Road Management and Asset Protection)
  - *Greater Dandenong City Council Local Law No.4 of 2011*(Municipal Places)

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**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

**City of Greater Dandenong**

**Local Law No. 2 of 2021**

**(General Local Law)**

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**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

**CITY OF GREATER DANDENONG**

**LOCAL LAW NO.2 of 2021  
(General Local Law)**

**PART 1 - PRELIMINARY PROVISIONS**

**1. Title**

This is the City of Greater Dandenong Local Law No. 2 of 2021 (General Local Law).

**2. Purpose**

The purpose of this Local Law is to provide for the safety, order and good governance of the City of Greater Dandenong in a way that is complementary to *Council's* Council Plan by:

- (1) managing the uses and activities on *roads* and *Council land* so that *Council* is aware of uses or activities which may:
  - (a) interfere with the safety and convenience of people travelling on or using *roads* or *land*; and
  - (b) impede free and safe access for people, in particular for those with sight and movement impairment or disabilities; and
  - (c) cause damage to *Council* and community assets; and
  - (d) create a danger or expose others to risk; and
  - (e) be detrimental to the amenity of the area or the enjoyment of facilities on *roads* or *land*;
- (2) managing, regulating and controlling uses and activities which may:
  - (a) be dangerous, cause a nuisance or be detrimental to the amenity of the area or the environment; and
  - (b) interfere with a healthy and safe environment in the municipal district for residents, workers and visitors;
- (3) identifying uses and activities where a *permit* is not required but conditions are applicable to the use or activity so that the purposes identified in sub-clauses (1) and (2) are achieved; and
- (4) providing for the administration of *Council's* powers and functions.

**3. Authorising Provision**

This Local Law is made under Section 111(1) of the *Local Government Act 1989* and Section 42 of the *Domestic Animals Act 1994*.

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

##### **4. Commencement, revocation and area of operation**

This Local Law:

- (1) commences on 1 July 2021;
- (2) ceases to operate on 30 June 2031, unless revoked earlier; and
- (3) operates throughout the whole municipal district.

##### **5. Revocation of other Local Laws**

From the date of commencement of this Local Law, the following local laws are revoked:

- (1) *Greater Dandenong City Council General Local Law's No.2 of 2011(Municipal Amenity)*;
- (2) Greater Dandenong City Council General Local Law's No.3 of 2011(Road Management and Asset Protection); and
- (3) Greater Dandenong City Council General Local Law's No.4 of 2011(*Municipal Places*).

##### **6. Definitions of Words used in this Local Law**

In this Local Law:

<i>Act</i>	means the <i>Local Government Act 1989</i> .
<i>advertising sign</i>	means any placard, sign, real estate signage/pointer board, notice, poster, mobile billboards, banner or projected image or other similar device, whether portable or affixed or attached to any bicycle or <i>vehicle</i> , which is used for the purposes of: <ul style="list-style-type: none"><li>• soliciting sales including:<ul style="list-style-type: none"><li>○ advertising real estate open for inspections or pending sales or auctions;</li></ul></li><li>• notifying the presence or location of a property where goods or services may be obtained;</li><li>• advertising and seeking support for a candidate in an upcoming political election; or</li><li>• notifying an event or competition, including a political, community or recreational event,</li></ul> but does not include an advertising sign which requires and has been granted a permit under the <i>Planning Scheme</i> .
<i>animal</i>	includes every species of four-footed animal and every species of bird (including, without limitation, poultry).
<i>animal litter device</i>	means a device suitable for the purpose of collecting, removing and disposing of an <i>animal's</i> faeces and includes a paper or plastic bag.

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

<i>appropriate fee</i>	means the fee determined by <i>Council</i> and listed in <i>Council's</i> Annual Budget documents.
<i>Asset Protection Permit</i>	means a written <i>permit</i> issued by <i>Council</i> for the protection of public assets and infrastructure during <i>building works</i> .
<i>authorised officer</i>	means a person appointed pursuant to Section 224 of the <i>Local Government Act 1989</i> as an authorised officer for the purposes of this Local Law.
<i>barbeque</i>	Means any fixed or portable device designed exclusively for meals preparation and fired by gas, electricity or a flammable material.
<i>builder</i>	means: <ul style="list-style-type: none"><li>• the person who is nominated as the builder in a building permit issued under the <i>Building Act 1993</i> allowing <i>building works</i> to be conducted on a <i>building site</i>; or</li><li>• the person in charge of any <i>building works</i> being carried out on a <i>building site</i>; and/or</li><li>• the owner of a <i>building site</i>.</li></ul>
<i>builder's refuse</i>	includes any solid or liquid domestic or commercial waste, debris or rubbish, and, without limiting the generality of the above, includes any glass, metal, plastic, paper, fabric, wood, food, vegetation, soil, sand, concrete, rocks and other waste material, substance or thing generated by or in connection with <i>building works</i> .
<i>building</i>	includes any structure or building, whether temporary or permanent, or part of such structure or building.
<i>building site</i>	includes any <i>land</i> on which <i>building works</i> are being undertaken.
<i>building works</i>	Includes any work that is involved with: <ul style="list-style-type: none"><li>• the construction, demolition, renovation or removal of a <i>building</i>, including landscaping and concreting; or</li><li>• the delivery of machinery, products or materials used or intended to be used in the construction, demolition, renovation or removal of a <i>building</i>; or</li><li>• excavation, <i>road</i> making, drainage or any other preparatory or ancillary works relating to a <i>building site</i>.</li></ul>
<i>bulk rubbish container</i>	means a bin, container or other structure designed or used for holding a substantial quantity of rubbish that is unable to be lifted or relocated without mechanical assistance but does not include bins or containers used in connection with the regular collection of domestic, commercial, industrial or trade waste.

## ORDINARY COUNCIL MEETING - AGENDA

**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

<i>busk and busking</i>	means entertainment that involves playing any musical instrument, singing, haranguing, reciting, performing, juggling, dancing or engaging in miming or puppetry, and any like performance for money, gifts or other reward.
<i>camp</i>	means using a tent, caravan, motorhome, <i>vehicle</i> , shipping container, or any other movable or temporary form of accommodation (including sleeping bags or swags).
<i>carriageway</i>	means the portion of the <i>road</i> generally available for traffic by <i>vehicles</i> (whether sealed, formed or unconstructed).
<i>charity bin</i>	includes <i>clothing recycling bin</i> and any other receptacle used to collect donated goods for charities.
<i>Chief Executive Officer</i>	means the Chief Executive Officer of <i>Council</i> .
<i>Civil Works Permit</i>	means the written consent from <i>Council</i> where <i>Council</i> is the coordinating road authority to undertake any activity which digs up or opens any part of a <i>road reserve</i> or <i>Council land</i> .  This includes the: <ul style="list-style-type: none"> <li>• digging up;</li> <li>• excavating;</li> <li>• trenching,</li> <li>• core sampling; or</li> <li>• connecting of services such as: <ul style="list-style-type: none"> <li>○ water;</li> <li>○ gas;</li> <li>○ stormwater;</li> <li>○ communication infrastructure; and</li> <li>○ underground power.</li> </ul> </li> </ul> <p>It also includes any works associated with the:</p> <ul style="list-style-type: none"> <li>• reinstatement of: <ul style="list-style-type: none"> <li>○ footpaths;</li> <li>○ nature strips;</li> <li>○ laneways;</li> <li>○ car parks; or</li> <li>○ roadways.</li> </ul> </li> </ul>
<i>clothing recycling bin</i>	means a bin or similar container used for the collection of used clothing.
<i>commercial premises</i>	means premises used: <ul style="list-style-type: none"> <li>• primarily for commercial purposes, including educational purposes; or</li> <li>• as a hostel, rooming house or student dormitory; or</li> <li>• for short-term accommodation or other accommodation, for financial gain.</li> </ul>
<i>construction period</i>	means the period during which <i>building works</i> are carried out.

**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

<i>Council</i>	means Greater Dandenong City Council.
<i>Council assets and public assets</i>	means footpaths, kerb and channel, nature strips, parking signs, irrigation or sprinkler systems, trees, shrubs and other vegetation, street furniture, <i>vehicle crossings</i> or other <i>Council</i> property or works forming part of a <i>road</i> or <i>Council land</i> .
<i>Council land</i>	means <i>land, buildings</i> and facilities which are owned or occupied by or vested in <i>Council</i> or in respect of which <i>Council</i> has the care and management and to which the public has access (whether an entry fee is paid or not), and includes a <i>public place</i> and <i>roads</i> and <i>road related areas</i> .
<i>crane</i>	has the same meaning as the <i>Occupational Health and Safety Regulations 2017</i> .
<i>declared road</i>	means a <i>road</i> for which the Department of Transport or Head, Transport for Victoria is the co-ordinating road authority under the <i>Road Management Act 2004</i> .
<i>designate and designated by Council</i>	means designated by <i>Council</i> , or an <i>authorised officer</i> through the exercise of a delegated power or performance of a delegated function, the details of which appear on <i>Council's</i> website.
<i>footpath</i>	means the area between the property boundary and the kerbside of a <i>road</i> that is provided for use by pedestrians, cyclists, people in wheelchairs, or persons pushing a pram or similar.
<i>emergency services worker</i>	means a member of the Country Fire Authority, a member of Fire Rescue Victoria, an Ambulance Victoria paramedic, or any other worker called to the scenes of an emergency or crime and whose role is to minimise risk after an event or to provide assistance to those individuals at the scene of an emergency or crime.
<i>heavy vehicle</i>	has the same meaning as in Rule 200(3) of the <i>Road Safety Road Rules 2017</i> .
<i>Hoon Event</i>	means one or more <i>vehicles</i> being driven in a manner that intentionally or recklessly leads to the <i>vehicle/s</i> : <ul style="list-style-type: none"> <li>• losing traction;</li> <li>• racing;</li> <li>• time trialling; or</li> <li>• emitting undue noise or smoke.</li> </ul>
<i>incorporated document</i>	means any document identified by clause 7 of this Local Law as incorporated into this Local Law.

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

<i>itinerant trading</i>	means: <ul style="list-style-type: none"><li>• offering goods or services free of charge;</li><li>• selling or offering for sale goods or services;</li><li>• hiring or offering to hire goods or services; or</li><li>• conducting market research</li></ul> from a temporary location, from place to place, from a <i>vehicle</i> or by going from door to door.
<i>land</i>	has the same meaning as in the <i>Planning and Environment Act 1987</i> .
<i>local street</i>	means a <i>road</i> which is not a <i>declared road</i> .
<i>minor building works</i>	means <i>building works</i> valued at less than \$5,000 but excludes demolition and removal of <i>buildings</i> and other structures (regardless of value).
<i>penalty unit</i>	means the amount prescribed by Section 110(2) of the <i>Sentencing Act 1991</i> for a local law.
<i>permit</i>	means: <ul style="list-style-type: none"><li>• a permit issued under this Local Law which authorises a use or activity;</li><li>• an <i>Asset Protection Permit</i>;</li><li>• a <i>Civil Works Permit</i>; or</li><li>• a <i>Vehicle Crossing Permit</i></li></ul> and, if applicable, may also include a licence or a lease.
<i>place, placed, places, placing and placement</i>	means permitting the relevant object or skip bin to remain on a <i>footpath</i> or <i>road</i> , as well as the actual act of putting the object or skip bin on a <i>footpath</i> or <i>road</i> .
<i>Planning Scheme</i>	means the Greater Dandenong Planning Scheme operating in the municipal district and made under the provisions of the <i>Planning and Environment Act 1987</i> .
<i>planter boxes</i>	means a container made of any material designed to display plants on <i>footpaths</i> or for segregating parts of the <i>footpath</i> (whether containing plants or not).
<i>Police Officer</i>	means a sworn member of the Victoria Police.
<i>public body</i>	means a body established for a public purpose by or under any Act.
<i>public place</i>	has the same meaning as in the <i>Summary Offences Act 1966</i> .
<i>public space event</i>	means an organised sporting, recreational, cultural, commercial, political rallies, protests or social gathering of thirty (30) or more people, including a market, promotional activity or wedding, which is held on a <i>road</i> or <i>Council land</i> .
<i>redundant</i>	means no longer required or of use, whether because of a change in the use of the <i>land</i> in respect of which the <i>vehicle crossing</i> was constructed or otherwise.

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

<i>refuse facility</i>	means a suitable rubbish receptacle capable of retaining all waste material and <i>builder's refuse</i> within the <i>building site</i> and preventing removal by unauthorised persons or the intervention of wind or water.
<i>registered</i>	means, in respect of a <i>vehicle</i> or <i>trailer</i> , registered by the Department of Transport or Head, Transport for Victoria under the <i>Road Safety Act 1986</i> or by an equivalent registration authority in another State or Territory.
<i>reserve</i>	means any park, garden, reserve or other place of public recreation or resort which is owned or maintained by <i>Council</i> .
<i>residential premises</i>	means premises used primarily for residential purposes.
<i>road</i>	includes: <ul style="list-style-type: none"><li>• a street;</li><li>• a right of way;</li><li>• a laneway;</li><li>• any <i>land</i> reserved or proclaimed as a street or <i>road</i> under the <i>Crown Land (Reserves) Act 1978</i> or the <i>Land Act 1958</i>;</li><li>• a road as defined by the <i>Road Management Act 2004</i>;</li><li>• a passage;</li><li>• a cul de sac;</li><li>• a by-pass;</li><li>• a bridge or ford;</li><li>• a <i>footpath</i>, bicycle path or nature strip; and</li><li>• any culvert or kerbing or other <i>land</i> or works forming part of the <i>road</i>.</li></ul>
<i>road related area</i>	has the same meaning as in rule 13 of the <i>Road Safety Road Rules 2017</i> .
<i>screen</i>	means a covered frame or the like, movable or fixed, serving as a partition between the <i>footpath</i> and the <i>road</i> or segregating parts of the <i>footpath</i> .
<i>security bond</i>	means a payment or guarantee made to <i>Council</i> for the purposes of securing <i>public assets</i> and infrastructure from the cost of reinstating damage caused during <i>building works</i> .
<i>senior officer</i>	means the member of <i>Council</i> staff holding the office or position to which has been delegated a power by the <i>Chief Executive Officer</i> , under the provisions of Section 78(d) of the <i>Act</i> and clause 64 of this Local Law.
<i>standard condition</i>	means any condition identified as a standard condition by <i>Council</i> .

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

<i>stormwater system</i>	means a system which provides for the conveyance of stormwater run-off, including kerb and channel, open channels, underground pipe systems and natural waterways.
<i>street party</i>	means an organised social gathering of up to 150 people which is held on a <i>road</i> or <i>Council land</i> for the sole purpose of bringing together people in an area or community.
<i>temporary vehicle crossing</i>	means a <i>Council</i> approved crossing, that extends from the boundary of <i>land</i> over any <i>public assets</i> such as <i>footpaths</i> , nature strips, kerbs and channels to the <i>road</i> , and is designed to minimise damage to <i>public assets</i> caused by <i>vehicles</i> and materials entering and leaving the <i>land</i> during the currency of <i>building works</i> .
<i>trailer</i>	has the same meaning as in the <i>Road Safety Act 1986</i> .
<i>unregistered</i>	means, in respect of a <i>vehicle</i> or <i>trailer</i> , a vehicle or trailer that is not <i>registered</i> .
<i>vehicle</i>	has the same meaning as 'motor vehicle' in the <i>Road Safety Act 1986</i> but does not include a bicycle, motorised scooter or tram.
<i>vehicle crossing</i>	means a concrete slab structure constructed in accordance with <i>Council's</i> engineering standards which allows or facilitates access from a <i>road</i> to <i>land</i> which abuts that <i>road</i> .

#### **7. Incorporation of Documents**

- (1) The document titled "*Footpath Activity Code of Practice*", as made and amended by *Council* from time to time and published on *Council's* website, is hereby incorporated into this Local Law.
- (2) The document titled "*Policy – Use of Fireworks*", as made and amended by *Council* from time to time and published on *Council's* website, is hereby incorporated into this Local Law.
- (3) The document titled "*Nature Strip Guidelines*", as made and amended by *Council* from time to time and published on *Council's* website, is hereby incorporated into this Local Law.

#### **8. Interpretation**

- (1) The provisions of the *Interpretation of Legislation Act 1994* are to be applied to assist in the interpretation of this Local Law, and in ensuring the delivery of the objectives of this Local Law.
- (2) Any activity or other matter that requires consent or approval of *Council* under the *Road Management Act 2004* is to be evidenced by way of the grant of a *permit* under this Local Law.
- (3) Introductions to Parts and Notes do not form part of this Local Law. They are provided to assist understanding.

As Made - Greater Dandenong City Council Local Law No.2 – 24 July 2021.

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

### **PART 2 - ACTIVITIES AND USES REQUIRING A PERMIT**

#### **9. Introduction to Part 2.**

In this Part, provision is made for a *permit* or consent (as the case may be) to be obtained from *Council* **before** a person carries out the following uses or activities:

- o *placing* footpath objects as specified in clause 11;
- o *placing advertising signs* as specified in clause 12;
- o *itinerant trading* as specified in clause 13;
- o occupation of a *road* as specified in clause 14;
- o opening or excavation of a *road or road related areas* as specified in clause 15;
- o having a *public space event* as specified in clause 16;
- o holding a *street party* as specified in clause 17;
- o *busking* as specified in clause 18;
- o fundraising and promotional activities and any form of street stall as specified in clause 19;
- o placing *bulk rubbish containers* as specified in clause 20;
- o connecting into *Council* drains except where exempted by clause 21,
- o keeping excess numbers of *animals* as specified in clause 22;
- o commencing, carrying out or allowing to be carried out *building works* as specified in clause 23;
- o carrying out works where those works may damage *Council assets* as specified in clause 24;
- o discharging fireworks as specified in clause 25; and
- o keeping or allowing to be kept a heavy vehicle on residential premises as specified in clause 26.

#### **DIVISION 1 – MANAGEMENT BY PERMIT**

#### **10. Permits and Offences**

- (1) A person who fails to obtain a *permit* when a *permit* is required under this Local Law is guilty of an offence against this Local Law.

**Penalty: 20 penalty units (unless provided otherwise)**

- (2) In addition to the requirement to obtain a *permit*, a person must comply with:
- (a) any requirements or limitations that this Local Law applies to a use or activity under this Part;
  - (b) any requirement that an *incorporated document* applies to the use or activity authorised by the *permit*; and
  - (c) any conditions placed on the issuing of a *permit*.

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**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

**Penalty: 20 penalty units (unless provided otherwise)**

- (3) In deciding whether to grant a *permit* under this Local Law, *Council* may take into consideration whether the proposed use or activity will:
- (a) comply with any related policies of *Council*;
  - (b) cause a danger or hazard to pedestrians, other users or *vehicles*;
  - (c) disturb, annoy or disrupt adjacent property owners or occupiers;
  - (d) be detrimental to the amenity of the area;
  - (e) be done without destruction to vegetation on *roads* or *Council land*;
  - (f) have the potential to cause damage to *Council assets*;
  - (g) require approval or compliance with requirements under any other legislation;
  - (h) require the consent, or should be referred to obtain the opinion, of any other *public authority*;
  - (i) require additional arrangements to be made for wastewater disposal, litter and garbage disposal, lighting and security and *advertising signs*;
  - (j) obstruct a *footpath*; shared user path or cycleway;
  - (k) necessitate the applicant to have insurance against any risk;
  - (l) necessitate a written indemnification of *Council* against liability arising from activities authorised by the *permit*, and
  - (m) require consideration of any other matters relevant to the circumstances of the application.

***DIVISION 2 – EXPANDED REQUIREMENTS, LIMITATIONS AND EXEMPTIONS***

***11. Footpath Activities***

*Permit requirement*

- (1) A *permit* is required to *place* one or more of the following objects on a *footpath*:
- (a) tables;
  - (b) chairs;
  - (c) umbrellas;
  - (d) screens;
  - (e) *planter boxes*;
  - (f) goods for sale; or

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

- (g) other equipment ancillary to a business;

*Criteria for grant of permit*

- (2) In deciding whether to grant a *permit* for the *placement* of an object on a *footpath*, *Council* may have regard to:
  - (a) the effect on pedestrian traffic flows, cyclists, or other persons using an active transport mode and their safety;
  - (b) the impact on the appearance of the street and its surroundings;
  - (c) the impact on residential amenity;
  - (d) the duration of the use;
  - (e) the effect on vehicular traffic flows and safety;
  - (f) safety and compatibility with other uses in the street;
  - (g) whether it is complementary to the primary adjoining use;
  - (h) whether it is less intensive than the primary adjoining use;
  - (i) the applicant's previous record of compliance;
  - (j) any relevant policies of *Council*; and
  - (k) any other matter relevant to the application.

*Placement of footpath objects to comply with Code of Practice*

- (3) A person *placing* an object on a *footpath* must comply with the *Footpath Activity Code of Practice*.

*Offence not to comply with Code of Practice*

- (4) A person who fails to comply with the requirements of the *Footpath Activity Code of Practice* is guilty of an offence against this Local Law.

*Sale and consumption of liquor*

- (5) Liquor can be sold or consumed on a *footpath*, providing this condition has been included in the relevant person's *permit*.

#### **12. Advertising Signs**

*Permit requirement*

- (1) A *permit* is required to place an *advertising sign* on or in a *reserve* or on *Council land*.

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

##### *Advertising Signs Placed on Land That is Not Council Land*

- (2) In order to provide clarity, where an *advertising sign* is proposed to be placed on *land* or fixtures that are not *Council land*, the requirements of the *Planning Scheme* apply, and **not** the provisions of this Local Law.

**Note:** This clause of the local law does not relate to Bill Posting. Bill Posting is a littering offence under the provisions of the *Environment Protection Act 2017*, and *authorised officers* will respond to bill posting under those provisions.

##### *Offence to fail to comply with this clause*

- (3) If an *advertising sign* is *placed* in breach of this clause 12:
- (a) the person who is the owner of the business, event or activity to which the *advertising sign* relates; and
  - (b) the person who has the management and control of premises, property, business, event or activity to which the *advertising sign* relates; and
  - (c) the person who is the promoter of the premises, property, business, event or activity to which the *advertising sign* relates; and
  - (d) the person who is responsible for the *placement*, siting or distribution of the *advertising sign* (including, without limitation, the person who engages another whether as an employee or agent to *place*, site or distribute the *advertising sign*),

is each guilty of an offence against this Local Law, whether or not the person who placed the *advertising sign* is identified or prosecuted.

#### **13. Itinerant Trading**

##### *Permit requirement*

- (1) A *permit* is required to engage in *itinerant trading*, from:
- (a) a *vehicle*; or
  - (b) any other temporary method of transport, including a caravan, bicycle, trailer, table, stall or other similar structure or thing;
- on a *road related area* or in a *public place* adjacent to a *road* or to sell or offer for sale goods or service to a person on a *road* or in a *public place*.

##### *Exemption from permit requirement*

- (2) The requirement to obtain a *permit* for *itinerant trading* does not apply where a person (including a benevolent or charitable organisation) has written permission from *Council* for the provision of free services at a *designated* location.

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**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

**14. Occupation of Roads**

*Permit requirement*

- (1) A *permit* is required to occupy (whether wholly or partially) a *road*:
- (a) for any works that involve/s:
    - (i) fencing off part of the *road*;
    - (ii) erecting a hoarding, scaffolding or overhead protective awning;
    - (iii) using a mobile *crane* or travel tower for any *building works*;
    - (iv) making a hole or excavation;
    - (v) reinstating a hole or excavation; or
    - (vi) leaving or storing any building, paving or other construction materials or any tools, machinery, plant or equipment; or
  - (b) for any other non-road purpose which does not involve a *public space event*.

**15. Opening or Excavation of Roads and Road Related Areas**

- (1) A *Civil Works Permit* is required to open or excavate (whether wholly or partially) a *road* or *road related area*.

*Exemption from permit requirement*

- (2) The requirement to obtain a *Civil Works Permit* or permit under sub-clause (1) does not apply to the works of service authorities:
- (a) in an emergency or urgent circumstance as defined by the *Road Management Act 2004*; or
  - (b) when works are being carried out in accordance with the *Road Management Act 2004*.
- (3) The requirement to obtain a *Civil Works Permit* or permit under sub-clause (1) does not apply to the works of contractors undertaking any works within a *road* or *road related area* for or on behalf of *Council*.
- (4) Nothing in sub-clause (2) or (3) exempts a person from an obligation to notify *Council* of the location of the works prior to them beginning or, in an emergency or urgent circumstances, on the next working day following the works beginning.

*Additional criteria for grant of a permit*

- (5) In considering whether to grant a *permit* to occupy a *road* under sub-clause (1), in addition to the matters specified in clause 10(3) *Council* must have regard to:
- (a) the nature and duration of the works;

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

- (b) the likely hazard that the works may constitute to users of the *road*;
- (c) the impact of the works on the amenity of the adjoining area;
- (d) whether an indemnity/guarantee has been provided to *Council*; and
- (e) any other matter relevant to the circumstances of the application.

#### 16. **Public Space Events**

##### *Permit requirement*

- (1) A *permit* is required to conduct a *public space event* on a *road* or on *Council land*.

##### *Application requirements*

- (2) An applicant for a *permit* to hold a *public space event* must provide:
- (a) details of the event in the format required by *Council*;
  - (b) detailed event operations and management plans;
  - (c) detailed traffic management plans;
  - (d) evidence of support from emergency service providers;
  - (e) proof that approval has been sought for all other regulatory requirements, including (but not limited to) liquor licences, Phonographic Performance Company of Australia Ltd (PPCA) licences and building permits; and
  - (f) a certificate of currency indicating that the applicant has public liability insurance with a cover of at least \$10 million.

##### *Conditions on permit for public space event*

- (3) Without limiting *Council's* powers under Part 5 of this Local Law, in granting a *permit* for a *public space event*, *Council* may require:
- (a) additional applications for *permits* for extended street trading; and
  - (b) additional applications for liquor licences from licensed premises for consideration by *Council*.

##### *Notice to affected persons*

- (4) If *Council* grants a *permit* for a *public space event* then, having regard to the type of *public space event* that is to occur, the applicant must if required in writing by an *authorised officer* to do so:
- (a) provide specific details to affected residents and businesses in writing on the extent of traffic closures and other measures to be taken relating to the *public space event*; and
  - (b) undertake any other notification that *Council* considers relevant to the circumstances or that is required by this Local Law.

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

*Council may alter parking restrictions*

- (5) If *Council* has granted a *permit* for a *public space event*, *Council* may apply revised parking restrictions for the period of the *public space event*.

#### **17. Street party**

*Consent to hold a street party*

- (1) A person must not conduct or hold a street a *street party* without *Council's* written consent to hold a *street party*.

*Consent may be subject to conditions*

- (2) In granting consent to hold a *street party*, *Council* may impose any condition it considers appropriate in the circumstances.

*Street parties not to be held on declared roads*

- (3) A *street party* may be held on a *local street* but **must not be** held on a *declared road*.

#### **18. Busking**

A *permit* is required to *busk* on a *road* or *Council land*.

#### **19. Fundraising and Street Stalls**

A *permit* is required to engage in:

- (a) a fundraising activity; or  
(b) conduct a street stall,

on a *road* or *Council land*.

#### **20. Bulk Rubbish Containers (Skip bins)**

*Permit requirement*

- (1) A *permit* is required to *place* a *bulk rubbish container* on a *road* or *Council land*.

*Additional criteria for grant of a permit*

- (2) In considering whether to grant a *permit* for a *bulk rubbish container* under this clause, in addition to the criteria specified in clause 10(3) *Council* must have regard to:
- (a) whether the *placement* will obstruct the passage of *vehicles* and pedestrians, obscure the view of motorists or present a physical hazard;
- (b) whether the *placement* will contravene any traffic control signs;

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**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

- (c) whether hazard lights can be securely attached on the side nearest passing traffic or placed on a *carriageway*, so as an approaching motorist can identify the extent and form of the container;
- (d) the need to protect *Council assets*;
- (e) whether the activity is covered by appropriate insurance and the applicant has provided an indemnity/guarantee to *Council*; and
- (f) any other matter relevant to the circumstances of the application.

Offence to place unidentified bulk rubbish container

- (3) A person must not *place* or allow to remain on *Council land* a *bulk rubbish container* which does not prominently display the name and contact details of the person responsible for the *bulk rubbish container*.

**21. Connecting into Council drains**

*Permit requirement*

- (1) Subject to sub-clause (2), a *Civil Works permit* is required to tap into or interfere with any *Council* drain.

*Exemption from permit requirement*

- (2) The requirement to obtain a *Civil Works permit* does not apply where *Council* has certified a plan of subdivision or given its approval for the drain to be tapped under other legislation administered by it.



**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

**22. Keeping an excess number of animals or roosters**

*Permit requirement*

- (1) Unless permitted under the *Planning Scheme*, an owner or occupier of *land* must obtain a *permit* to keep or allow to be kept on *land*, any more of each species or group of *animals* than is specified in this clause.

Type of Animal	Property Size 400sqm or less  Maximum numbers allowed.	Property Size More than 401sqm but less than 5000sqm Maximum numbers allowed.	Property Size 5001sqm or more  Maximum numbers allowed.
Birds (including Poultry)	5 (in total combined)	20 (in total combined)	As per any Planning Scheme Requirement
Roosters	NIL	NIL	Allowed
Cats	2	2	4
Dogs	2	2	4
Ferrets, Guinea Pigs, Rabbits or Rodents	3 (in total combined)	8 (in total combined)	As per any Planning Scheme Requirement

**Penalty:10 penalty units**

*Further permit required*

- (2) A *permit* issued under sub-clause (1) is valid for the *animals* named in the *permit* at the address stated in the *permit*. A new *permit* is required if:
- (a) any additional *animals* are acquired; or
  - (b) the *animals* are moved to a new address within the municipal district.

*Standard Permit conditions*

- (3) In addition to any other *permit* conditions required by *Council*, the *standard conditions* for a *permit* allowing an excess number of *animals* to be kept must require:
- (a) the permit holder to comply with any applicable condition or standard imposed by the *Planning Scheme* now or in the future;
  - (b) that poultry or animal housing is located on the property so that the amenity of the area or other premises is not affected by nuisance, noise or odour experienced because of proximity of the poultry or animal housing;
  - (c) the permit holder to only construct or use poultry or animal housing that, in the opinion of an *authorised officer*, has adequate roofing,

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

drainage, is rat proof and has a floor paved with impervious material;  
and

- (d) all poultry and animal housing to be maintained so that it does not cause a nuisance or offensive conditions or harbour vermin.

##### *Period of permit*

- (4) A *permit* for the keeping of excess numbers of *animals* is valid for the life of those *animals* originally permitted.

##### *Animals to be adequately housed*

- (5) An owner or occupier of *land* must keep *animals* housed on that *land* in a way which:
  - (a) is adequate and appropriate for the type and numbers of *animals* being kept;
  - (b) is not offensive;
  - (c) protects adjoining properties from *animal* noise; and
  - (d) does not adversely impact on the amenity of the area.

**Penalty: 10 penalty units**

##### *Offence to keep a rooster on land sized 5000 square metres or less*

- (6) An owner or occupier of a block of *land* sized 5000 square metres or less must not keep, allow to be kept or harbour on that block of *land* any rooster.

**Penalty: 10 penalty units**

#### **23. Building Works – Times When Work Is Not Permitted**

##### *Permit required to work outside of certain hours*

- (1) A *permit* is required to carry out or cause or allow to be carried out any *building works* between the hours of:
  - (a) 6:00 p.m. and 7:00 a.m. Monday to Friday (other than a public holiday); or
  - (b) 6:00 p.m. and 9:00 a.m. on any other day, including a Public Holiday.
- (2) Nothing in this clause applies to *building works* carried out during times allowed in a permit issued under:
  - (a) the *Environment Protection Act 2017*;
  - (b) the *Planning and Environment Act 1987*; or
  - (c) any regulations made under those Acts.

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

##### **24. Asset Protection Permits and Requirements for a Builder**

###### *Permit requirement*

- (1) A *builder* requires an *Asset Protection Permit* prior to commencing, carrying out or allowing to be carried out *building works on land*.

###### *Council may exempt*

- (2) *Council* may exempt a *builder* from the operation of this clause whether in whole or in part.

###### *Conditions on Asset Protection Permit*

- (3) Without limiting *Council's* powers under this Local Law, an *Asset Protection Permit* issued under this clause may be subject to such conditions as *Council* determines including:
- (a) requirement to maintain a public liability insurance policy with a cover of not less than \$10 million per claim, for the duration of the *building works*;
  - (b) to pay a *security bond* in accordance with the provisions of this Local Law
  - (c) requirement that a copy of the *permit* be available on the *building site* always;
  - (d) that all works and deliveries are carried out in accordance with any relevant and specified Construction Standards that *Council* may have adopted;
  - (e) that no works or deliveries affect access to, or the safe navigation of, a *road* or a *road related area* may be undertaken, unless prior approval is granted by an *authorised officer*;
  - (f) that materials may not be stored on a *road* or a *road related area*, unless prior approval is granted by an *authorised officer*;
  - (g) that, where permission is granted to undertake works or material storage on a *road* or a *road related area*, such area must be restored to a safe, clean and tidy condition to *Council's* satisfaction, by conclusion of the works;
  - (h) that any or all *public assets* or infrastructure damaged as a result of the works or deliveries be repaired, replaced or re-instated within a specified time, in accordance with this Local Law;
  - (i) that *Council* be notified prior to the commencement of any works or deliveries, in accordance with the provisions of this Local Law;
  - (j) that *Council* be notified of any pre-existing asset damage prior to the commencement of any works or deliveries, in accordance with the provisions of this Local Law;
  - (k) that *Council* be notified when works have been completed;

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

- (l) that a temporary *vehicle crossing* be installed to *Council's* specification before commencement of any *building works* or deliveries;
- (m) that any construction of any permanent *vehicle crossing* be completed within a specified time; and
- (n) a waiver of the requirements for onsite refuse containers.

##### *Expiry period of an Asset Protection Permit*

- (4) Contrary to any expiry date specified for other *permits* issued under this Local Law, an *Asset Protection Permit* expires on the date specified in the *permit*, or if not specified, 12 months after the date of its issue unless *Council* extends or renews it following application to do so by the *builder*.

##### *Permanent or temporary vehicle crossings required*

- (5) On any *land* at which *building works* are being or is to be carried out, vehicular entry to the *land* must only take place across:
  - (a) a permanent *vehicle crossing*; or
  - (b) a *temporary vehicle crossing* authorised by a *Vehicle Crossing Permit* and an *Asset Protection Permit* issued in respect of that *land*.

##### *Council to be notified of certain event*

- (6) Regardless of whether a building permit has been issued, a *builder* proposing to carry out *building works* must:
  - (a) notify *Council* in writing of the proposed *building works* at least seven (7) days before *building works* commence;
  - (b) provide to *Council* written notice of any prior damage to any part of the *road* or *road related area* at least seven (7) days before *building work* commence or the delivery of any equipment or materials to the *land*; and
  - (c) notify *Council* in writing of the completion of the *building works*, other than minor *building works*, within one (1) business day of such completion.

##### *Effect of failing to notify Council*

- (7) If the *builder* fails to give written notice in accordance with sub-clause (6), such failure will be construed as evidence no part of the *road* or *road related area* was damaged prior to the commencement of the *building works*.

##### *Damaged Council Assets to be repaired*

- (8) The *builder* must:
  - (a) repair to *Council's* satisfaction any damaged:
    - (i) *road*;

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

- (ii) channel;
- (iii) drain;
- (iv) *vehicle crossing*;
- (v) nature strip;
- (vi) street tree; or
- (vii) other asset

vested in *Council* adjacent to the *land* where the *building works* take place, which was not identified in any pre-building inspection report.

- (b) *Council*, at its sole discretion, may accept payment from the *builder* for the likely costs of repairing any such damage, in lieu of the *builder* carrying out the repair.

**Penalty: 20 penalty units**

*Amount of security bonds*

- (9) The value of any *security bond* required under an *Asset Protection Permit* will be proportionate to the likely cost of repairing potential damage to existing assets vested in *Council* and will be set by *Council* as part of its Annual Budget.

*Return or retention of the security bond*

- (10) Upon completion of the *building works*, the amount of the *security bond*:
  - (a) must be refunded to the person who lodged it, provided that:
    - (i) *Council* is satisfied that no damage has been caused to its assets; or
    - (ii) that any damage caused has been repaired by, or on behalf of, that person to *Council's* satisfaction; or that person has paid to *Council* the likely costs of repairing any such damage, in lieu of the *builder* carrying them out.
  - (b) Where damage has been caused and sub-clause (10)(a)(i) does not apply, the *security bond* may be retained by *Council* to offset the costs of carrying out any works in accordance with this Local Law.

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

*Measures required to manage debris and runoff from building sites*

- (11) Where any *building works* are being carried out on a *building site*, the *builder* must, to the satisfaction of *Council*, adopt measures and manage the site to:
- (a) minimise the risks of stormwater pollution from *builder's refuse*;
  - (b) prevent building clean-up, washdown or other wastes being discharged offsite or allowed to enter the *stormwater system*; and
  - (c) minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting *roads* or washed into the *stormwater system*.

**Penalty: 20 penalty units**

*Builders refuse facility requirements*

- (12) Where any *building works* (other than *minor building works*) are being carried out on any *land*, the *builder* carrying out the *building work* on the *building site* must:
- (a) provide a *refuse facility* for the purpose of disposal of *builder's refuse*;
  - (b) place the *refuse facility* on the *land* and keep it in place (except for such periods as are necessary to empty the *refuse facility*) for the *construction period*;
  - (c) not place the *refuse facility* on any *Council land* or *road* without a *permit*; and
  - (d) empty the *refuse facility* whenever full, and, if necessary, provide a replacement *refuse facility* during the emptying process.

**Penalty: 20 penalty units**

- (13) Provided the *refuse facility* referred to in sub-clause (13) contains all *builder's refuse* on the *land* to the satisfaction of *Council*, its size, design and construction will be at the discretion of the *builder*.
- (14) The requirement to provide a *refuse facility* may be waived at *Council's* discretion.

*Builders refuse to be correctly disposed of*

- (15) During *building works*:
- (a) all *builder's refuse* which requires containment must be placed in the *refuse facility* referred to in sub-clause (13);
  - (b) the *builder's refuse* must not be deposited in or on any *land* other than in accordance with sub-clause (13); and
  - (c) the *builder's refuse* must not be deposited in or over any part of the *stormwater system*.

**Penalty: 20 penalty units**

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

*Builder refuse and refuse facility to be removed at the end of building works*

- (16) On any *building site* where *building works* have been carried out, the *builder* must remove and lawfully dispose of all *builder's refuse*, including the *refuse facility* referred to in sub-clause (13), within seven (7) days of completion of the *construction period* or issue of an occupancy permit, whichever occurs later.

**Penalty: 20 penalty units**

#### **25. Fireworks**

*Permit requirement*

- (1) A *permit* is required to discharge or cause or allow to be discharged any fireworks.

**Penalty: 10 penalty units**

*Requirement to comply with the Policy – Use of Fireworks*

- (2) Any person discharging or causing or allowing any fireworks to be discharged must comply with the *Policy – Use of Fireworks*.

**Penalty: 10 penalty units**

**Note:** Any person discharging fireworks must also adhere to and comply with all Worksafe requirements.

#### **26. Heavy Vehicles**

*Permit requirement*

A *permit* is required to keep or allow to be kept a *heavy vehicle* on *residential premises*.

**Penalty: 10 penalty units**

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

### **PART 3 - CONDITIONAL ACTIVITIES AND USES**

#### **27. Introduction to Part 3.**

In this Part, provision is made for a person to observe the requirements of this Local Law applicable to:

- industrial, trade and commercial waste by clause 29;
- *commercial premises* by clause 30;
- domestic waste and recyclable materials by clause 31;
- the location of trees, plants and signs on a property by clause 32;
- the display of property numbers by clause 33;
- *vehicle crossings* by clause 34;
- parking of *vehicles* by clause 35;
- the use of *Council reserves* for organised activities by clause 36;
- the maintenance of stormwater pipes by clause 37; and
- the management of groundwater by clause 38.

#### **DIVISION 1 – MANAGING POTENTIAL NUISANCE USES AND ACTIVITIES**

#### **28. Offences**

A person who fails to comply with the requirements applied to any of the uses or activities in this Part is guilty of an offence against this Local Law and liable to the penalty specified.

**Penalty: 20 penalty units (unless provided otherwise)**

#### **29. General Requirements Applying to Industrial, Trade and Commercial Waste**

*Premises to have adequate waste management arrangements*

- (1) The occupier of a property must ensure that any container used for the storage of industrial, trade or commercial waste is:
- (a) not kept on a *road* or *Council land* and is kept on the property for which the container has been obtained unless *Council* has approved, in writing, an alternative location;
  - (b) constructed of material to prevent leakage, and is water-tight and fly and vermin proof;
  - (c) of a sufficient size to contain all waste generated on the property in between clearances;
  - (d) kept in a clean, sanitary and inoffensive condition; and
  - (e) emptied at least weekly or more regularly if the contents become offensive.



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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

- (2) The occupier of a property must ensure that any area where any container used for the storage of industrial, trade or commercial waste is kept is:
- (a) always maintained in a clean, sanitary and inoffensive condition;
  - (b) adequately screened from adjoining properties; and
  - (c) adequately fenced or otherwise constructed so that access to the public is not possible.

#### **30. Additional requirements applying to commercial premises**

*Commercial premises not to place, store, or keep items on Council Land.*

- (1) An owner or occupier of *commercial premises* must not allow the use of the premises to detrimentally affect the amenity of the neighbourhood or create a nuisance, by allowing any items, *vehicles*, or equipment associated with or used by the *commercial premises*, or forming part of the *commercial premises*' activities, to be *placed*, stored or kept on any *Council land*.

*Activities not to cause nuisance*

- (2) An owner or occupier of *commercial premises* must not create or allow a nuisance or detrimentally affect the amenity of an area through:
- (a) deliveries and collections of goods or waste;
  - (b) noise emissions; or
  - (c) odour or waste emissions

that are associated with the activities of the *commercial premises*.

**Penalty: 10 penalty units**

#### **31. Domestic waste and recyclable materials**

*General obligations in respect of waste*

- (1) An owner or occupier of *residential premises* must:
- (a) *place* all domestic waste and recyclable material for collection in bins ready for collection on the days from time to time specified by *Council*;
  - (b) not use *Council* supplied bins for any other purpose except for domestic waste or recyclable material;
  - (c) *place* bins on the verge of the *vehicle crossing* or *road* abutting the premises or other location confirmed in writing by *Council* not earlier than 24 hours before the day of collection;
  - (d) ensure that once the waste has been collected by or on behalf of *Council*, the empty bins are returned to the premises as soon as practicable but within 24 hours from the collection day;

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

- (e) ensure that any material that may cause a hazard (or a safety risk) is not *placed* in bins provided by *Council* for domestic waste or recycling;
- (f) ensure that, if *Council* has notified occupiers of a green waste or hard garbage collection, the material to be collected (of the type of green waste or hard garbage) is left for collection in accordance with *Council's* instructions;
- (g) ensure that any waste from a *container* that has spilled onto the *road*, nature strip or surrounding area before collection is removed as soon as practicable; and
- (h) ensure that bins are maintained in a clean and tidy manner so that they do not cause a health threat or offence to any person.

**Penalty: 4 penalty units**

*Storage area to be provided and utilised*

- (2) The owner or body corporate of any flats or units must provide a clearly defined storage area for the storage of bins and must ensure every occupier keeps the bin allocated to the flat or unit in that defined storage area.

**Penalty: 4 penalty units**

**NOTE:** If a bin storage area is shown on the plans of an approved planning permit for the applicable development, then the provisions of the *Planning and Environment Act 1987* regarding *Planning Scheme* and permit compliance and enforcement will apply.

*Care and control of waste bins*

- (3) A bin allocated to *residential premises*:
  - (a) is owned by *Council*; and
  - (b) must be kept and remain on the *residential premises* unless it is or has been *placed* out for collection in accordance with this Local Law.

#### **DIVISION 2 – PUBLIC SAFETY AND THE PROTECTION OF ASSETS**

##### **32. The location of trees, plants and signs**

*Pedestrian and vehicular traffic not to be obstructed by overhanging branches etc.*

A person must not plant, locate or allow to be located a tree, plant, sign or other similar object in a way that it is obstructing or interfering with pedestrian or vehicular traffic by:

- (1) overhanging any *footpath* or other part of the *road* used by pedestrians to any extent up to a height of 3 metres or so that it gets in the way of pedestrians or is likely to cause injury or damage; or
- (2) extending over any part of the *road* in such a way that it:
  - (a) obstructs the view between *vehicles* at an intersection; or
  - (b) obstructs the view between *vehicles* and pedestrians; or

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

- (c) obstructs any *Council assets*, including drains; or
- (d) obscures a traffic control item from an approaching *vehicle* or pedestrian; or
- (e) obscures street lighting; or
- (f) constitutes a danger to *vehicles* or pedestrians or compromises the safe and convenient use of the *road*.

**Penalty: 5 penalty units**

#### 33. *Display of property numbers*

Where *Council* has allocated street numbers to a property the owner or occupier of that property must ensure that the number allocated is clearly displayed by ensuring that it can be clearly read in normal lighting conditions from the *road* immediately adjacent to the front boundary.

**Penalty: 2 penalty units**

#### 34. *Vehicle crossings*

*Permit requirement*

- (1) A *permit* is required to construct, or cause to be constructed, a *temporary vehicle crossing* or permanent *vehicle crossing*.

**Penalty: 20 penalty units**

*Power to require construction or repair vehicle crossing*

- (2) An *authorised officer* may, when satisfied:
  - (a) that an owner or occupier of any adjacent *land*, is or may in the future be accessing or egressing the *land* via a *vehicle*; or
  - (b) that any future owner or occupier of the *land* may require access or egress to or from the *land* in a *vehicle*,by giving notice in writing, require the owner or occupier of any adjacent *land*:
  - (c) to construct a *temporary vehicle crossing* or permanent *vehicle crossing*; or
  - (d) repair or reconstruct an existing *vehicle crossing*.

*Land to be accessed by vehicle crossings*

- (3) An owner or occupier of *land* must not:
  - (a) access or egress that *land*;
  - (b) or allow another person to access or egress that *land*in a *vehicle* other than via a *Council* approved *vehicle crossing*.

**Penalty: 10 penalty units**

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

##### *Power to require removal of vehicle crossing*

(4) Council or an authorised officer may, by giving notice in writing, require the owner or occupier of any adjacent land that would be, or is accessed or egressed by a vehicle crossing, to:

- (a) remove the vehicle crossing; and
- (b) reinstate any kerb, drain, footpath, nature strip or other part of a road,

if, in the opinion of Council or an authorised officer, the vehicle crossing:

- (c) is redundant;
  - (d) has been constructed in breach of any provision of this clause or a permit;
  - (e) has not been properly maintained; or
  - (f) is in a state of disrepair.
- (5) Council or an authorised officer may, by giving notice in writing, require the owner or occupier of any adjacent land that is accessed (or is capable of being accessed) or egressed (or is capable of being egressed) by means of access other than a vehicle crossing to:
- (a) reconstruct the means of access to a standard specified by Council; and
  - (b) carry out any related works to the kerb, drain, footpath, nature strip or other part of a road.

##### *Owner / occupier to comply with notice*

(6) An owner or occupier of land to whom a notice in writing is given under sub-clause (2), (4) or (5) must comply with that notice.

**Penalty: 20 penalty units**

(7) Any work in respect of a vehicle crossing must be constructed in accordance with Council's Engineering Standards, as published and made available to the public from time to time.

**Penalty: 10 penalty units**

#### **35. Parking offences**

##### *Operator onus offences*

(1) The offences contained in this clause are "operator onus" offences for the purposes of Part 6AA of the Road Safety Act 1986.

<b>Note:</b> Readers should refer to Part 6AA of the Road Safety Act 1986 for more information about "operator onus" offences.
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##### *Offence to drive or park a vehicle on reserve*

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

- (2) A *permit* is required to drive a *vehicle* or leave a *vehicle* standing on any *reserve* or *Council land*, but not a *road*.

**Penalty: 4 penalty units**

*Council may seek costs to rectify damage*

- (3) Where damage is caused to a *reserve* or *Council land*, or anything in or on a *reserve* or *Council land*, by a person in breach of sub-clause (2), *Council* may institute proceedings to recover the costs incurred by or on behalf of *Council* in rectifying the damage.

*Exemption available to certain classes of persons*

- (4) Sub-clause (2) does not apply:
- (a) to a staff member of *Council* or a *public body* (or other person authorised by *Council* or the *public body* for this purpose), a *Police Officer* or a staff member of an *emergency service* acting in the course of his or her duties, or
  - (b) when a driver is driving a vehicle in that part of a *reserve* or *Council land* designated and constructed as being an area of access or egress to or within the *reserve* or *Council land*, or
  - (c) when a driver leaves standing a vehicle in a designated parking area within a *reserve* or *Council land*.

*Offence to leave unregistered vehicle or trailer in public place*

- (5) A person must not park, or leave standing, an *unregistered vehicle* or *trailer* in a *public place*.

**Penalty: 4 penalty units**

#### **36. Use of Council Reserves**

A *permit* is required to use a *reserve* for the purpose of organised training or conducting an organised sporting activity.

**Penalty: 20 penalty units**

#### **37. Maintenance of stormwater pipes**

An owner of *land* must not allow a stormwater drain (including the legal point of discharge) servicing the *land* to be in disrepair.

**Penalty: 5 penalty units**

#### **38. Ground table water management**

*Prevention of contamination of stormwater systems*

- (1) The owner of any *land* that is developed and on which a groundwater pump and filtration system to pump filtered groundwater into the *stormwater system* operates must, upon being requested by *Council* to do so, provide *Council*

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

with evidence that the pump and filtration system have been serviced within the previous 12 months and are operating in accordance with relevant standards.

*Authorised officer can direct equipment to be serviced*

- (2) An *authorised officer* may direct the owner of *land* to arrange a suitably qualified person to service and test the ground water pump and filtration system, if it has not been serviced within the previous 12 months.

*Owner of land must comply*

- (3) A failure to comply with a request under sub-clause (1) or a direction under sub-clause (2) is an offence.

**Penalty: 10 penalty units**

#### **39. Incinerators, fires and open air burning**

*Open air fires / incinerators not to be lit*

- (1) A person must not, without a *permit*:

- (a) light a fire;
- (b) allow a fire to be lit; or
- (c) allow a fire to remain alight

in the open air or in an *incinerator* on any *land*.

**Penalty: 10 penalty units**

- (2) When considering to issue a *permit* under sub-clause (1), *Council* may only grant a *permit* to burn within the area designated rural, industrial or commercial under the *Planning Scheme* for the purpose of fuel reduction, regeneration of indigenous plants, eradication of prohibited weeds or diseased plants, or for a purpose required under any other legislation, or as is deemed necessary by *Council*.

*Barbecues excepted*

- (3) Subject to the requirements of any other legislation, the prohibition in sub-clause (1) does not apply to a person who uses a *barbecue* for the purposes of cooking food.

*Chimenea & Fire Pits excepted*

- (4) Subject to the requirements of any other legislation, the prohibition in sub-clause (1) does not apply to a person who lights a fire in a chimenea, fire pit or other appliance constructed for the purposes of heating while it is being used for that purpose.

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**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

**Note:** This clause is not intended to adversely affect or impact on the community's use of fire as part of their cultural tradition or religious observance.

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

### **PART 4 - ACTIVITIES AND USES NOT PERMITTED**

#### **40. Introduction to Part 4.**

This Part contains prohibitions on several activities and uses of *land*. Any person who breaches any provision of the Part is guilty of an offence and liable to the penalty which is indicated.

#### **41. Repairing Vehicles on a Road**

A person must not dismantle, paint, carry out maintenance or repair a *vehicle* on a *road* except where it is necessary to enable the *vehicle* to be removed or so that it can be driven away within one hour of receipt of a request by an *authorised officer*.

**Penalty: 20 penalty units**

#### **42. Interfering with Council Assets**

(1) A person must not interfere with or use *Council assets* in such a way that:

- (a) damage or detriment could be caused to *Council assets*; or
- (b) any other person could be injured or suffer loss as a result of that interference or use.

**Penalty: 20 penalty units**

*Nature strip plantings and modifications (exempt if guidelines complied with).*

(2) Notwithstanding sub-clause (1), a person may:

- (a) plant vegetation on; or
- (b) otherwise modify the appearance of

the nature strip immediately outside *land* which they own or occupy if such planting or modification:

- (c) complies with the *Nature Strip Guidelines*; or
- (d) is approved by an *authorised officer*.

(3) A person must not plant out or modify a nature strip outside land which they own or occupy in contravention of:

- (a) the *Nature Strip Guidelines*; or
- (b) an *authorised officer's* written instruction.

**Penalty: 10 penalty units**



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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

**43. Damage from Adjoining Properties**

A person must not allow any tree or plant on *land* owned or occupied by him or her to cause damage to or interfere with a *road* or *Council land* or any drain vested in or under the control of *Council*.

**Penalty: 10 penalty units**

**44. Repair Any Damage**

(1) An *authorised officer* may direct a person who has damaged or interfered with *Council assets* contrary to clause 42 or 43 to repair any damage.

(2) A person to whom a direction is given under sub-clause (1) must comply with that direction.

**Penalty: 20 penalty units**

**45. Behaviour on Council Land**

(1) A person must not behave on *Council land*:

- (a) in a manner which causes interference with the quiet enjoyment by any other person using or living near the *Council land*; or
- (b) contrary to any conditions, or signs that contain conditions applying to the use of, or entry to, the *Council land*.

**Penalty: 10 penalty units**

*Direction by an Authorised Officer*

(2) An *authorised officer*, who believes a person is behaving on *council land* or part of *Council land* in a manner contrary to the requirements of sub-clause (1), may issue a verbal direction:

- (a) requesting the person to cease behaving in a manner contrary to sub-clause (1), or
- (b) directing the person to leave the *Council land*, or part of *Council land* and
- (c) advising the person that a continuation or recurrence of any behaviour contrary to sub-clause (1) may lead to them:
  - (i) receiving a written warning, or
  - (ii) being prohibited from entering *Council land* or a part of *Council land*.

*Written direction by an Authorised Officer*

(3) If a person, within 60 days of receiving a verbal direction issued under sub-clause (2), is behaving on *Council land* in a manner contrary to sub-clause (1), an *authorised officer* may:

- (a) direct the person to leave *Council land*, or a part of *Council land*, and

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

- (b) give a written warning to the person advising that a recurrence of any behaviour contrary to sub-clause (1) may result in the person being prohibited from entering *Council land* or a part of *Council land*.

*Written prohibition direction*

- (4) If a person, within 90 days of receiving a written direction issued under sub-clause (3), is behaving on *Council land* in a manner contrary to sub-clause (1), an *authorised officer* may:
  - (a) give the person written direction that:
    - (i) prohibits the person entering, or remaining on, the parts of *Council land* described in the written advice, and
    - (ii) specifies the period the prohibition of entry to the parts of *Council land* described in the written advice will apply.

*Matters to be considered by an Authorised Officer*

- (5) An *authorised officer* when issuing written advice prohibiting a person entering or remaining on *Council land* or a part of *Council land* under sub-clause (4), and setting the duration the prohibition will apply for, must ensure the duration of the prohibition:
  - (a) is proportionate to the person's behaviour that was in contravention of sub-clause (1), and that resulted in an authorised officer acting under sub-clauses (2) and (3), and
  - (b) is considerate of the effect that the person's behaviour that was in contravention of sub-clause (1) has had on others, including Council staff working on the *Council land*, and
  - (c) does not exceed 30 days.

*Offence to fail to comply with a direction*

- (6) A person to whom a direction is given under sub-clauses (2), (3) or (4) must comply with that direction.

**Penalty: 20 penalty units**

*Intended scope*

- (7) Nothing in this clause:
  - (a) Derogates from *Council's* common law rights as an owner or occupier of land;
  - (b) Obliges an *Authorised Officer* to issue any verbal or written direction;
  - (c) Precludes *Council* from prohibiting a person from entering or remaining on *Council land*, if it is satisfied that the person is likely to commit an offence while present on *Council land*; or
  - (d) Precludes a *Police Officer* from issuing a direction under s.6 of the *Summary Offences Act 1966*.

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

##### **46. Camping and Temporary or Provisional Forms of Accommodation**

*Camping prohibited on Council Land or in a Public Place.*

- (1) A person must not *camp* on any *Council land* or in any *public place* in a *vehicle*, tent, caravan or any other type of temporary or provisional form of accommodation.

**Penalty: 2 penalty units**

*Use of temporary or provisional accommodation not permitted on land.*

- (2) A owner or occupier of *land* must not allow or permit another person or persons, for a period exceeding 28 days in any one calendar year, to inhabit a *vehicle*, tent, caravan or any other type of temporary or provisional form of accommodation, on that *land*, unless the *land* is a licensed caravan park, or that use is permitted under the provisions of the *Planning Scheme*.

**Penalty: 10 penalty units**

##### **47. Behaviour Involving Vehicles**

- (1) A person must not participate in, encourage, or attend a *Hoon Event*.

**Penalty: 10 penalty units**

- (2) The driver of a motor vehicle must not stop or park within 200 metres of a *vehicle* involved in a *Hoon Event*.

**Penalty: 10 penalty units**

##### **48. Consumption of liquor**

*Offence to consume or possess liquor in an unsealed container*

- (1) A person must not:
- (a) in or at a *public place*; or
  - (b) in or on a *vehicle* which is on or at a *public place*

consume any liquor or have in his or her possession or control any liquor other than liquor in a sealed container.

**Penalty: 10 penalty units**

*Exceptions*

- (2) Sub-clause (1) does not apply to a person:
- (a) taking part in a *public space event* in respect of which *Council* has granted a *permit* for persons to consume liquor or to have in their possession or control any liquor other than liquor in a sealed container; or

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

- (b) within authorised premises or licensed premises under the *Liquor Control Reform Act 1998* or any subsequent legislation relating to the serving and consumption of liquor.

*Authorised officer may issue directions*

- (3) Where an *authorised officer* believes on reasonable grounds that a person is contravening or has contravened sub-clause (1), the *authorised officer* may direct the person to seal any container or dispose of or tip out the contents of any unsealed container.

*Offence to fail to comply with a direction*

- (4) A person to whom a direction is given under sub-clause (3) must comply with that direction.

**Penalty: 10 penalty units**

#### **49. Dangerous or unsightly land**

- (1) An owner or occupier of *land* must not allow that *land* to be kept in a manner which is dangerous or unsightly.

**Penalty: 20 penalty units**

- (2) In determining whether *land* is dangerous or unsightly, an *authorised officer* may have regard to whether:

- (a) there are any materials or substances on the *land* that are kept in such a way that they may be flammable or explosive;
- (b) the way in which the *land* is kept, or items are stored on the *land* may constitute or contribute to it being a health hazard;
- (c) the condition of the *land*, or any part of it, may promote the presence of vermin and pests;
- (d) the appearance of the *land* is one of neglect and is out of character with other *land* in the vicinity; or
- (e) any other factor which in the opinion of the authorised officer renders the *land* to be dangerous or unsightly.

#### **50. Clothing/Charity Recycling Bins**

A person must not place a *clothing recycling bin* or a *charity bin* on *Council land*.

**Penalty: 10 penalty units**

#### **51. Animal Litter**

*Animal litter to be collected*

- (1) The owner or person for the time being in charge of an *animal* must immediately collect and remove all the excrement left by the *animal* on a *road* or *Council land* or in a *public place*.

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

**Penalty: 4 penalty units**

*Person in charge of an animal must carry a bag or animal litter device*

- (2) The owner or person for the time being in charge of an *animal* must carry an *animal litter device* in which to place the excrement of the *animal* when with the *animal* on a road or *Council land* or in a *public place*.

**Penalty: 4 penalty units**

#### **52. Shopping Trolleys**

*Shopping Trolley Requirements*

- (1) The proprietor of any premises, or the manager of a shopping complex, which makes shopping trolleys available for use must ensure that each shopping trolley clearly has displayed information that contains:
- (a) the name and address of the of the premises or the shopping complex providing the shopping trolley for use;
  - (b) a message to customers about their responsibility to return the shopping trolley to a recognised collection point; and
  - (c) details of how to report an abandoned shopping trolley belonging to the proprietor of the premises, or the management of a shopping complex, which has made the shopping trolley available for use.

**Penalty: 10 penalty units**

*Proprietors and shopping complex management responsibilities regarding shopping trolleys*

- (2) The proprietor of any premises, or the manager of a shopping complex, which makes shopping trolleys available for use, must
- (a) not allow a shopping trolley to be removed from that premise or complex, or
  - (b) from any carpark area provided by the premise or complex for customer use.

**Penalty: 10 penalty units**

- (3) Notwithstanding the requirements of Sub-Clause (2), the proprietor of any premises, or the manager of a shopping complex, which has made shopping trolleys available for use must collect shopping trolleys ordinarily kept within those premises or complex from:

- (a) *Council land*; or
- (b) any other *land* which is not under the care and control of the owner of the shopping trolley

within 24 hours of being notified to do so by *Council* or an *authorised officer*.

**Penalty: 10 penalty units**

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## 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

### **PART 5 - ADMINISTRATION AND ENFORCEMENT**

#### **53. Introduction to Part 5.**

Part 5 contains provisions setting out how the Local Law will be administered and enforced.

#### **DIVISION 1 - PERMITS, FEES AND DELEGATIONS**

#### **54. Applying for a permit**

- (1) A person who wishes to apply for a *permit* may do so by:
  - (a) lodging with *Council* an application that contains any information required by this Local Law; and
  - (b) paying to *Council* the *appropriate fee*.
- (2) An applicant may be requested to provide additional information before an application for a *permit* or for exemption is dealt with.
- (3) *Council* may require a person making an application for a *permit* to give public notice which will entitle any person to make a submission and to be heard.

#### **55. Fees and Charges**

- (1) *Council* may, from time to time, by resolution determine *security bonds*, fees and charges for the purposes of this Local Law.
- (2) In determining any *security bond*, fees and charges *Council* may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.
- (3) *Council* may waive, reduce or alter a fee or charge with or without conditions.

#### **56. Issue of permits**

Where *Council* receives an application for a *permit*, *Council* may:

- (1) issue a *permit* in the approved form with or without conditions; or
- (2) refuse to issue a *permit*.

#### **57. Duration of permits**

- (1) Subject to a specific clause in this local law, a *permit* is in force until the expiry date indicated on the *permit*, unless it is cancelled before the expiry date.
- (2) If no expiry date is indicated on the *permit*, the *permit* expires on 30 August next after the day on which it is issued.

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

##### **58. Conditional permits**

###### *Power to impose conditions*

- (1) A *permit* may be issued which contains conditions considered to be appropriate in the circumstances including (but not limited to) the following:
  - (a) the payment of a fee or charge;
  - (b) the payment of a *security bond*, other bond or guarantee to *Council* to secure the proper performance of conditions on a *permit* or to rectify any damage caused to *Council assets* as a result of the use or activity allowed by the *permit*;
  - (c) a time limit to be applied specifying the duration, commencement or completion date;
  - (d) that the applicant be insured against the risk and to provide a written indemnification of *Council* against liability arising from the activity or use;
  - (e) the rectification, remedying or restoration of a situation or circumstance;
  - (f) where the applicant is not the owner of the subject property, the consent of the owner; and
  - (g) the granting of some other permit or authorisation.

###### *Standard conditions presumptively imposed*

- (2) Unless *Council* decides otherwise, a *permit* must contain the *standard conditions* contained in any relevant *incorporated document*.

###### *Conditions to be set out in permit*

- (3) The conditions of a *permit* must be set out in the *permit*.

###### *Power to amend conditions*

- (4) An *authorised officer* may, during the currency of a *permit*, amend the conditions of a *permit* if he or she considers it to be appropriate to do so.
- (5) In considering whether it is appropriate to amend the conditions on the permit, an *authorised officer* must have regard to:
  - (a) the purposes for which the conditions were imposed;
  - (b) whether those purposes are adequately achieved by the current conditions;
  - (c) the impact of the proposed amendment on the permit holder and any relevant third parties; and
  - (d) any other relevant matter.

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

*Process to be followed in amending conditions*

- (6) If an *authorised officer* proposes to amend the conditions on a *permit*, he or she must:
- (a) give the *permit* holder an opportunity to make submissions on whether the amendment should be made; and
  - (b) consider those submissions in deciding whether to amend the *permit*.

**59. Cancellation of permit**

*Power to cancel permits*

- (1) A *senior officer* may cancel a *permit* if they consider that:
- (a) there has been a serious or ongoing breach of the conditions of the *permit*;
  - (b) a Notice to Comply has been issued, but not complied with within seven days after the time specified in the Notice to Comply;
  - (c) there was a significant error or misrepresentation in the application for the *permit*, or
  - (d) in the circumstances, the *permit* should be cancelled.

*Process to be followed in cancelling permits*

- (2) If a *senior officer* proposes to cancel a *permit*, they must:
- (a) give the permit holder an opportunity to make submissions on whether the cancellation should occur; and
  - (b) consider those submissions in deciding whether to cancel the *permit*.

**60. Correction of permits**

*Power to make corrections*

- (1) An *authorised officer* may correct a *permit* in relation to:
- (a) an unintentional error or an omission; or
  - (b) an evident material miscalculation or an evident material mistake of description of a person, thing or property.

*Process to be followed in making corrections*

- (2) If an *authorised officer* proposes to correct a *permit*, he or she must:
- (a) give the permit holder an opportunity to make submissions on whether the correction should be made; and
  - (b) consider those submissions in deciding whether to correct the *permit*.



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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

##### **61. Record of Permits Must be Maintained**

*Council* must maintain a record of *permits* issued and refused, including details of corrections or amendments made to *permits* and the reasons why a *permit* was cancelled.

##### **62. Exemptions**

- (1) A *senior officer* may by written notice exempt any person or class of persons from the requirement to have a *permit*, either generally or at specified times.
- (2) In considering whether to grant an exemption under this clause, a *senior officer* must have regard to:
  - (a) the reasons for which the exemption is sought;
  - (b) the period for which the exemption is sought;
  - (c) whether it would be reasonable, in all the circumstances, to grant the applicant an exemption to apply for a *permit*;
  - (d) whether the grant of the exemption would be consistent with the purposes of this Local Law;
  - (e) any benefits or detriments that might arise from the grant of the exemption; and
  - (f) any other relevant matter.
- (3) An exemption may be granted subject to conditions.
- (4) A person must comply with the conditions of an exemption.
- (5) An exemption may be amended, cancelled or corrected as if it were a *permit*.

##### **63. Offences**

A person who makes a false representation or declaration (whether oral or in writing), or who intentionally omits relevant information in an application for a *permit* or exemption is guilty of an offence.

**Penalty: 10 penalty units**

##### **64. Delegations**

In accordance with Section 78(c) of the *Act*, the *Chief Executive Officer* is delegated any and all powers specified in the *Local Law*, including the power to delegate a power to the holder of an office, or to a position or member of *Council* staff, in accordance with Section 78(d) of the *Act*.

#### **DIVISION 2 - ENFORCEMENT**

##### **65. Compliance with directions**

- (1) A person must comply with any reasonable direction or instruction of an *authorised officer*, a *Police Officer* or an *emergency service worker* when

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

requested to do so in urgent circumstances or for public safety reasons whether or not the person has a *permit* issued under this Local Law allowing them to do something, conduct an activity, or to occupy *Council Land*.

**Penalty: 10 penalty units**

##### **66. Power of authorised officer**

An *authorised officer* may, on behalf of *Council*, issue a warning, a Notice to Comply and/or an infringement notice on the person who is breaching the Local Law and commence legal proceedings and may impound items, goods or equipment in accordance with clause 70.

##### **67. Notices to Comply**

- (1) A Notice to Comply must include enough detail and information, to ensure the person served with the Notice to Comply is aware of:
  - (a) the nature of any breach of the Local Law; and
  - (b) the time and date by which the breach must be remedied.
- (2) The time required by a Notice to Comply must be reasonable in the circumstances having regard to:
  - (a) the amount of work involved; and
  - (b) the degree of difficulty; and
  - (c) the availability of necessary materials or other necessary items; and
  - (d) climatic conditions; and
  - (e) the degree of risk or potential risk; and
  - (f) any other relevant factor.

##### **68. Failure to comply with a Notice to Comply**

A person who fails to comply with a Notice to Comply served on that person is guilty of an offence.

**Penalty: 20 penalty units**

<b>Note:</b> Failure to comply with a Notice to Comply may also result in the revocation of a relevant <i>permit</i> under clause 63.
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##### **69. Power of authorised officers to act in urgent circumstances**

- (1) In urgent circumstances arising as a result of a failure to comply with this Local Law an *authorised officer* may take action to remove, remedy or rectify a situation without first serving a Notice to Comply if:
  - (a) the *authorised officer* considers the circumstances or situation to be sufficiently urgent and that the time involved, or difficulties

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

- associated with the serving of a notice, may place a person, *animal*, property or thing at risk or in danger; and
- (b) wherever practicable, a *senior officer* is given prior notice of the proposed action; or
- (2) An *authorised officer* may take action to remove, remedy or rectify a situation where a Notice to Comply has been served on a person and that person has not complied with the Notice to Comply if:
- (a) the *authorised officer* considers the circumstances or situation to be sufficiently urgent and the non-compliance with the notice may place a person, *animal*, property or thing at risk or in danger; and
- (b) wherever practicable, a *senior officer* is given prior notice of the proposed action.
- (3) In deciding whether circumstances are urgent, an *authorised officer* must take into consideration, to the extent relevant:
- (a) whether it is practicable to contact:
- (i) the person by whose default, permission or sufferance the situation has arisen; or
- (ii) the owner or the occupier of the premises or property affected; and
- (b) whether there is an urgent risk or threat to public health, public safety, the environment or *animal* welfare.
- (4) The action taken by an *authorised officer* under sub-clause (1) or (2) must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.
- (5) An *authorised officer* who takes action under sub-clause (1) or (2) must ensure that, as soon as practicable:
- (a) details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken; and
- (b) a report of the action taken is submitted to the *Chief Executive Officer* or a *senior officer* to whom the *authorised officer* reports.

#### **70. Power of authorised officers to impound**

- (1) Where a person owning or responsible for items, goods and equipment has ignored a request from an *authorised officer* to remove them, the items, goods and equipment may be removed and impounded.
- (2) If an *authorised officer* has impounded anything in accordance with this Local Law, *Council* may refuse to release it until the *appropriate fee* or charge for its release has been paid to *Council*.
- (3) As soon as it is reasonably practicable to do so, an *authorised officer* must serve a Notice of Impoundment, on the owner or person responsible for the

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#### 4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)

impounded item setting out the fees and charges payable and time by which the item(s) must be retrieved.

- (4) If, after the time required in a Notice of Impoundment, an impounded item is not retrieved, an *authorised officer* may take action to dispose of the impounded item according to the following principles:
- (a) where the item has no saleable value, it may be disposed of in the most economical way; and
  - (b) where the item has some saleable value the item may be disposed of either by tender, public auction or private sale but failing sale may be treated as in paragraph (a); and
  - (c) where the owner has advised *Council* in writing that *Council* may dispose of the goods because he or she does not intend to retrieve them, *Council* may dispose of them by the method identified in either paragraph (a) or (b).
- (5) When the identity or whereabouts of the owner or person responsible for the impounded item is unknown, the *authorised officer* must take reasonable steps to ascertain the identity or whereabouts of that person and may proceed to dispose of the impounded item in accordance with sub-clause (4) once he or she is satisfied that all reasonable efforts have been made to contact the owner or person responsible for the impounded item.
- (6) Any proceeds from the disposal of impounded items under this Local Law must be paid to the owner or to the person who, in the opinion of *Council*, appears to be authorised to receive the money except for the reasonable costs incurred by *Council* in the administration of this Local Law.
- (7) If a person described in sub-clause (6) cannot be identified or located and the money is held by *Council* for 12 months, *Council* must comply with requirements of the *Unclaimed Money Act 2008*.

#### **71. Infringement Notices**

- (1) As an alternative to a prosecution, an *authorised officer* may issue an infringement notice to any person committing an offence against this Local Law.
- (2) The fixed penalty in respect of an offence for which an infringement is issued is the amount set out in Schedule 1 or if no amount is set out two (2) *penalty units*.

**NOTE:** An offence against this local law is deemed to be an Infringement Offence in line with the requirements of the *Infringements Act 2006*.

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**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

**72. Penalties for continuing offences**

- (1) In accordance with Section 79(1)(b) and (c) of the *Act* a person who after the finding of guilt or conviction by a Court:
- (a) continues to commit the same offence against the Local Law is liable to a penalty not exceeding 2 *penalty units* for each day after the finding of guilt or conviction that the contravention continues; or
  - (b) commits a subsequent offence against the Local Law is liable to a penalty not exceeding 20 *penalty units*.

**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

**Schedule 1 Penalties Fixed for Infringements**

<b>Clause</b>	<b>Offence Summary</b>	<b>Penalty Units</b>
10(1)	Failing to obtain a <i>permit</i>	5
10(2)	Failing to comply with the requirements, limitations or conditions of a <i>permit</i> or <i>incorporated document</i>	5
11(1)	Failing to obtain a <i>permit</i> to place an object on the <i>footpath</i>	5
11(4)	Failure to comply with the <i>Footpath Activity Code of Practice</i>	5
12(1)	Failing to obtain a <i>permit</i> to place an <i>advertising sign</i>	5
12(2)	Placing <i>advertising signs</i> contrary to Local Law	5
13(1)	<i>Itinerant trading</i> , whether house to house or otherwise, without a <i>permit</i>	2.5
14(1)	Occupation of a <i>road</i> without a <i>permit</i>	10
15(1)	Open or excavate a <i>road</i> or a <i>road related area</i> without a <i>permit</i>	10
16(1)	Conducting a <i>public space event</i> without a <i>permit</i>	5
17(1)	Conducting or holding a <i>street party</i> without <i>Council's</i> consent	1
16(2)	Failing to comply with any conditions required by <i>Council</i> consent to hold a <i>street party</i>	1
18	<i>Busking</i> without a <i>permit</i> or being in breach of conditions of a <i>permit</i>	1
19	Failing to obtain a <i>permit</i> to conduct a fundraising activity or street stall or being in breach of conditions of a <i>permit</i>	1
20(1)	Failing to obtain a <i>permit</i> to place a <i>bulk rubbish container</i> on a <i>road</i> or <i>Council land</i>	5
21(1)	Failing to obtain a <i>Civil Works Permit</i> to tap into or interfere with a <i>Council</i> drain	10
22(1)	Keeping of excess <i>animals</i> or birds without a <i>permit</i> or failing to comply with conditions or requirements	2
22(5)	Failing to provide adequate housing for <i>animals</i>	2
22(6)	Keeping a rooster or roosters on <i>land</i> sized under 5000m <sup>2</sup> or less	2
23(1)	Conduct <i>building works</i> outside of the permitted hours	2.5

**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

<b>Clause</b>	<b>Offence Summary</b>	<b>Penalty Units</b>
24(1)	Failing to obtain an <i>Asset Protection Permit</i>	5
24(8)(a)	Failing to repair to the satisfaction of <i>Council</i> a damaged asset vested in <i>Council</i>	5
24(11)	Failing to manage debris and runoff from a <i>building site</i>	5
24(12)	Failing to provide, correctly place or empty a <i>refuse facility</i> on a <i>building site</i>	5
24(15)	Failing to correctly dispose of <i>builder's refuse</i>	5
24(16)	Failing to remove <i>builders refuse</i> or a <i>refuse facility</i> at the completion of <i>building works</i>	5
25(1)	Discharging fireworks without a permit	2.5
25(2)	Failing to comply with <i>Council's Policy – Use of Fireworks</i> when discharging or allowing or causing fireworks to be discharged	2.5
26	Keeping or allowing to be kept a <i>heavy vehicle</i> on residential land without a <i>permit</i>	2.5
29(1)	Failing to comply with requirements applicable to industrial trade and commercial waste	5
29(2)	Failing to ensure the area where a container used for the storage of industrial, trade or commercial waste is kept clean, appropriately screened and adequately fenced	5
30(1)	Failing to comply with requirements applying to <i>commercial premises</i>	5
30(2)	Creating or allowing nuisance or detrimentally affecting amenity	5
31(1)	Failing to comply with requirements applicable to domestic waste and recyclable materials	1
31(2)	Failing to provide or utilise the required bin storage area	1
32	Failing to comply with requirements applicable to trees, plants and signs	2.5
33	Failing to adequately display property numbers	0.5
34(1)	Failing to obtain a <i>permit</i> to construct a <i>temporary vehicle crossing</i> or permanent <i>vehicle crossing</i>	5
34(3)	Accessing <i>land</i> other than via <i>vehicle crossing</i>	2.5
34(6)	Failing to comply with notice	5

**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

<b>Clause</b>	<b>Offence Summary</b>	<b>Penalty Units</b>
34(7)	Failing to perform work in respect of a <i>vehicle crossing</i> to the satisfaction of an <i>authorised officer</i>	5
35(2)	Parking a <i>vehicle</i> or <i>trailer</i> on a <i>reserve</i>	1
35(5)	Parking an <i>unregistered vehicle</i> or <i>trailer</i> in a <i>public place</i>	1
36	Organised training or sporting activity in a <i>reserve</i> without a <i>permit</i>	5
37	Allowing a stormwater drain to be in disrepair	1
38(3)	Failing to comply with a request requiring evidence of the servicing of a groundwater pump and filtration system, or failing to the servicing and testing of a groundwater pump and filtration system	2.5
39(1)	Lighting <i>incinerators</i> and open-air fires	2.5
41	Repairing and maintaining <i>vehicles</i> on a <i>road</i>	5
42(1)	Interfering with <i>Council assets</i>	5
42(3)	Modifying a <i>Council</i> nature strip not in compliance with <i>Council's</i> guidelines or an <i>authorised officer</i> written approval	2
43	Damaging <i>roads</i> or <i>Council land</i> from adjoining property	2
44(2)	Failing to comply with direction to repair damage	5
45(1)(a)	Behaving on <i>Council land</i> contrary to Local Law	1
45(1)(b)	Failing to comply with any conditions or signs that contain conditions that apply to the use of <i>Council land</i>	1
45(6)	Failing to comply with a direction	5
46(1)	Camping on <i>Council land</i>	0.5
46(2)	Permitting the use of temporary or provisional accommodation on <i>land</i>	2.5
47(1)	Participate in, encourage, or attend a <i>Hoon Event</i> without a lawful excuse	2.5
47(2)	Park or stop a motor vehicle near a <i>Hoon Event</i> without a lawful excuse	2.5
48(1)	Consumption or possession of liquor contrary to Local Law	1
48(4)	Failure to comply with a direction to tip out	1



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**4.2.10 City of Greater Dandenong Local Law No.2 (General Local Law) (Cont.)**

<b>Clause</b>	<b>Offence Summary</b>	<b>Penalty Units</b>
49(1)	Allowing <i>land</i> to be kept in a dangerous or unsightly manner	5
50	Placing <i>clothing recycling bin</i> on <i>Council land</i> without a <i>permit</i>	5
51(1)	Failing to remove <i>animal</i> excrement	1
51(2)	Failing to carry a receptacle, bag or similar device in which to place <i>animal</i> excrement	1
52(1)	Making a shopping trolley available without meeting specified requirements	2.5
52(2)	Allowing a shopping trolley to leave a premise, complex or land	2.5
52(3)	Failing to comply with the instruction of an <i>authorised officer</i> or <i>Council</i> to remove a shopping trolley within 24 hours	2.5
63	Making false representation or omission of relevant information in application for a <i>permit</i> , <i>Council's</i> consent or an exemption	5
65	Failing to comply with directions of an <i>authorised officer</i> , <i>Police Officer</i> or and emergency services worker when requested to so in urgent circumstances, or for public safety reasons	2.5
68	Failing to comply with a Notice to Comply	5

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

File Id:	qA283304
Responsible Officer:	Manager Governance
Attachments:	Correspondence Received 21 June – 2 July 2021

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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 21 June – 2 July 2021.

#### **Recommendation**

**That the listed items provided in Attachment 1 for the period 21 June – 2 July 2021 be received and noted.**

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

**OTHER**

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

**ATTACHMENT 1**

**CORRESPONDENCE RECEIVED  
21 JUNE – 2 JULY 2021**

**PAGES 3 (including cover)**

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

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



**Correspondences addressed to the Mayor and Councillors received between 21/06/21 & 02/07/21 - for officer action - total = 3**

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Assigned
An email from a Dandenong North resident offering to supply Lotus plants to Council for nominated ponds in Greater Dandenong.	23-Jun-21	24-Jun-21	fA218945	Infrastructure Services and Planning
An email to Councillor Lim regarding homeless people in the Springvale Shopping Centre.	28-Jun-21	29-Jun-21	fA219254	Mayor & Councillors EA
An email of complaint from a Springvale resident regarding the maintenance condition of, and rubbish along, the Westall Extension Road.	22-Jun-21	22-Jun-21	fA218783	Mayor & Councillors EA

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

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



**Objective**  
CONNECTED. COLLABORATIVE. COMMUNITY.

**Correspondences addressed to the Mayor and Councillors received between 21/06/21 & 02/07/21 - for information only - total = 1**

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Assigned
An email of thanks from the Director of Pomeroy Pacific to Roz Blades (asking that Council passes it onto Roz).	23-Jun-21	24-Jun-21	A7819785	Mayor & Councillors EA

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

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## 5 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 Council's Governance Rules.

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### 5.1 Notice of Motion No. 11- ICAN (International Campaign to Abolish Nuclear Weapons) Cities Appeal

File Id:

Responsible Officer:

Director Community Services

Author:

Cr Eden Foster & Cr Rhonda Garad

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#### Preamble

During the recent National General Assembly 2021, the ALGA unanimously passed a motion calling on the Australian Government to sign and ratify the Treaty on the Prohibition of Nuclear Weapons.

Nuclear weapons are currently the biggest threat to world peace with the risk of a nuclear war greater now, than at any time since the end of the Cold War. (NATO)

It would take less than 100 nuclear warheads to destroy society. There are approximately 15,000 nuclear weapons globally, within nine nuclear weaponized countries.

No one is safe from this threat.

The UN Treaty on the Prohibition of Nuclear Weapons (TPNW) is now in force, but unfortunately Australia is missing.

The United Nations TPNW is the first global treaty to ban nuclear weapons and all activities related to them.

It is important to note that the TPNW does not conflict with or undermine the Nuclear Non-Proliferation Treaty. In fact, the TPNW strengthens the international safeguards system and fully maintains its military alliance with the United States.

A recent opinion poll showed overwhelming support in favour of Australia joining the Treaty.

Local Governments have an important role to play as they are tasked with responsibility of both protecting their citizens and dealing with the aftermath of nuclear detonation.

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**5.1 Notice of Motion No. 11- ICAN (International Campaign to Abolish Nuclear Weapons) Cities Appeal (Cont.)**

THE ICAN\* CITIES APPEAL is a *call to action* for local governments to protect their citizens by requesting the Federal Government ratify the nuclear treaty. As at 2020, 26 Australian Local Governments have endorsed the ICAN Cities Appeal and have called upon the Australian Government to sign and ratify the Treaty.

\* The International Campaign to Abolish Nuclear Weapons

**Motion**

**That Council:**

1. **endorses the ICAN Cities Appeal which states that:**

**Our city is deeply concerned about the grave threat that nuclear weapons pose to communities throughout the world. We firmly believe that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment. Therefore, we warmly welcome the adoption of the Treaty on the Prohibition of Nuclear Weapons by the United Nations in 2018, and we call on our national government to sign and ratify it without delay.**

2. **writes to the Minister for Foreign Affairs, calling for the government to sign and ratify the Treaty on behalf of the Australian people; and**
3. **writes to ICAN to inform them of Councils decision to join the ICAN cities appeal.**

## **6 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 Council's Governance Rules.



## **7 URGENT BUSINESS**

No business may be admitted as urgent business unless it:

- a. Relates to or arises out of a matter which has arisen since distribution of the Agenda.
- b. Cannot safely or conveniently be deferred until the next ordinary meeting and unless agreed to by a majority of those Councillors present at the meeting.