



**GREATER
DANDENONG**
City of Opportunity

MINUTES

COUNCIL MEETING

TUESDAY, 15 MARCH 2022
Commencing at 7:00 PM

COUNCIL CHAMBERS
225 Lonsdale Street, Dandenong VIC 3175

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1 MEETING OPENING

1.1 ATTENDANCE

Apologies

Cr Lana Formoso

Councillors Present

Cr Jim Memeti (Chairperson)

Cr Tim Dark, Cr Eden Foster, Cr Rhonda Garad, Cr Richard Lim OAM, Cr Angela Long, Cr Bob Milkovic, Cr Sean O'Reilly, Cr Sophie Tan, Cr Loi Truong.

Officers Present

John Bennie PSM, Chief Executive Officer, Kevin Van Boxtel, Acting Director Business, Engineering and Major Projects, Jody Bosman, Director City Planning, Design and Amenity, Martin Fidler, Director Community Services, Kylie Sprague, Executive Manager Communications and Customer Service, Michelle Hansen, Executive Manager Finance and Information Technology, Lisa Roberts, Manager Governance.

1.2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS OF THE LAND

Council acknowledges the Traditional Owners and Custodians of this land, the Bunurong people and pay our respects to their Elders past, present and emerging while also recognising their deep and continuing connections to climate, culture and country.

We also pay our respect to all Aboriginal and Torres Strait Islander peoples and their Elders and acknowledge their journey.

1.3 OFFERING OF PRAYER

Cr Rhonda Garad read the following prayer provided prior to the meeting by Mrs Ursula Aruma from the Sri Sathya Sai Organisation, a member of the Greater Dandenong Interfaith Network.

" I strongly believe that there is no one nobler than You, to shower me with your Grace. Tell me is this the reason why I am at your lotus feet? I strongly believe that you will respond quickly, when I do pray and plead, tell me isn't this the reason why I am crying out loud for you? I strongly believe that you are always by my side, to guide me in the right steps. Tell me if this isn't why I am yours through day and night? A firm believer that you can never say 'No' to whatever I ask of You. Tell me if this isn't why, I am longing for a glance from you. What have you designed for me this time? Why is this dire delay in offering benevolence? For however long You make me wait and wait, I will not leave, I will stand still. Until Your eyes full of love turn towards me. Amen."

1.4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Meeting of Council held 28 February 2022.

Recommendation

That the minutes of the Meeting of Council held 28 February 2022 be confirmed.

MINUTE 403

Moved by: Cr Angela Long
Seconded by: Cr Sophie Tan

That the minutes of the Meeting of Council held 28 February 2022 be confirmed.

CARRIED

1.5 DISCLOSURES OF INTEREST

Nil.

2 OFFICERS' REPORTS - PART ONE

2.1 DOCUMENTS FOR SEALING

2.1.1 Documents for Sealing

File Id:	A2683601
Responsible Officer:	Manager Governance

Report Summary

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

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

Recommendation Summary

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

2.1.1 Documents for Sealing (Cont.)

Item Summary

There is one [1] item being presented to Council's meeting of 15 March 2022 for signing and sealing as follows:

1. A letter of recognition to Judi McNeill, Community Services for 10 years of service to the Greater Dandenong City Council.

Recommendation

That the listed documents be signed and sealed.

MINUTE 404

Moved by: Cr Eden Foster
Seconded by: Cr Loi Truong

That the listed documents be signed and sealed.

CARRIED

2.2 DOCUMENTS FOR TABLING

2.2.1 Petitions and Joint Letters

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

Report Summary

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

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

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

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

Note: On occasions, submissions are received that are addressed to Councillors which do not qualify as petitions or joint letters under Council's current 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 15 March 2022.

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.

MINUTE 405

Moved by: Cr Loi Truong
Seconded by: Cr Eden Foster

That this report and Attachment be received and noted.

CARRIED

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
22/02/22	<p>PETITION: CONCEPT DESIGN OF THE DANDENONG COMMUNITY HUB</p> <p>So that the Dandenong Community Hub is successful and well used, Dandenong residents request Greater Dandenong Council to revise the concept design that has been exhibited to:</p> <p>a) put children's services including children's services playgrounds on the ground floor so children can experience the earth and so that it is a facility that parents want to send their children to</p> <p>b) expand the public playground to be at least the same size as the Keysborough South Community Hub and Springvale Community Hub playgrounds so it is a successful drawcard for visitors to the Dandenong Community Hub and Dandenong Market</p> <p>c) leave the cafe and community lounge on the ground floor so it interfaces with the public playground</p> <p>and to achieve this by using more of the publicly owned land available on the site bordered by Clow St, Stuart St, King St and Sleeth Avenue.</p> <p>It should be noted that this petition was previously tabled at the 29 November 2021 Council Meeting with 238 signatures. A detailed response was sent from the relevant business unit to the head petitioner on 16 December 2021.</p>	<p>238 (as at 14/12/21)</p> <p>Further 70 (as at 22/02/22)</p>	<p>In progress</p>	<p>Tabled at CM 29/11/21</p> <p>Responsible Officer: Director Community Services</p> <p>Response sent 16/12/21</p> <p>(Re)Tabled at CM 28/02/22</p> <p>Responsible Officer: Director Community Services</p>

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

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	• Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
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2.2.1 Petitions and Joint Letters (Cont.)

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2.3 STATUTORY PLANNING APPLICATIONS

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100)

File Id:	329130
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Submitted Plans Existing Condition Plans

Application Summary

Applicant:	Matt Gorman, C/- LiquorPlan
Proposal:	Amendment to Planning Permit PLN17/0608.01 which allowed the use and development of land for Industry (Microbrewery) and Manufacturing Sales, the sale and consumption of liquor and to provide car parking spaces on another site.
Zone:	Industrial 1 Zone
Overlay:	No Overlays
Ward:	Dandenong

This application is brought before the Council as Council's Instrument of Delegation requires all liquor licence application decisions (with the exception of those associated with a food and drink premises) to be determined by Council.

The application is seeking to amend planning permit PLN17/0608.01 by:

- Amending the preamble by deleting the words 'Industry (Microbrewery)';
- Amending Condition 1.3 and Condition 2 of the permit (to permit 12 instead of 10 of the required car spaces to be provided on an adjacent site, and to enter into a S173 Agreement in that regard); and
- Amending the endorsed plans by extending the outdoor dining Red Line Area (area where liquor is sold and consumed) and to provide 12 instead of 10 of the required car spaces to be provided on an adjacent site.

The applicant has applied for an amendment to Planning Permit PLN17/0608.01 under Section 72 of the *Planning and Environment Act 1987*. Pursuant to Section 72(1) *a person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*

**2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100)
(Cont.)**

Advertising Summary

The application was advertised to the surrounding area through the erection of a notice on-site and the mailing of notices to adjoining and surrounding owners and occupiers.

No objections were received to the application.

Assessment Summary

This amendment seeks to make changes to a Planning Permit that was previously approved at a Council meeting on 26 March 2018 for the use of the land as a Microbrewery and Manufacturing Sales, the sale and consumption of liquor and to provide car parking spaces on another site. This report is limited to the amendments sought under the 'Proposal' section of this application.

The proposed amendment is not considered to result in adverse amenity impacts on the surrounding area, subject to conditions that ensure that the licensed premises is appropriately controlled and maintained.

Recommendation Summary

As assessed, the proposal is consistent with and appropriately responds to the provisions of the Greater Dandenong Planning Scheme. This report recommends that the application be supported, and that an **Amended Permit** be granted subject to amended conditions as set out in the recommendation.

If the application was considered by VCAT, it is the officer's view that it is highly likely that VCAT would also issue an amended permit for this proposal.

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

Subject Site and Surrounds

Subject Site

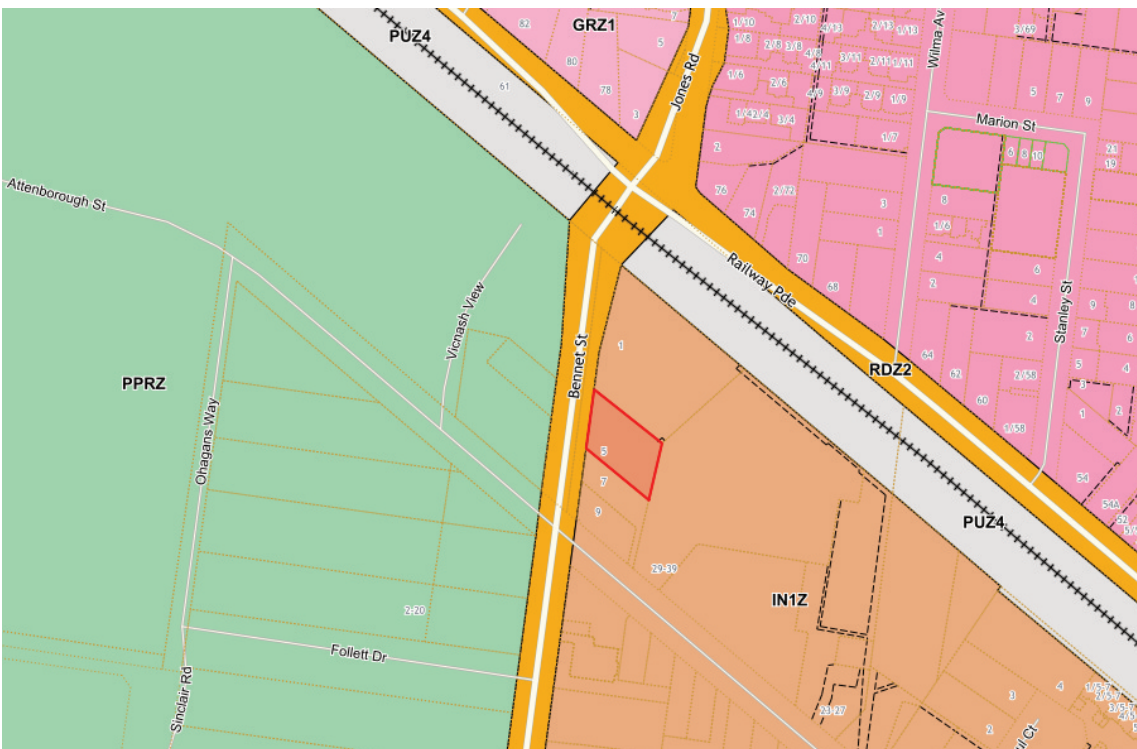
- The subject site is located on Bennet Street, Dandenong within an established industrial area. The site is irregular in shape, with an east-west orientation.
- The existing building has a total area of approximately 770sqm. The building is currently used as a microbrewery as stipulated under the permit PLN17/0608.01 granted to the site.
- The site is accessed via a 6.4m wide crossover, providing access to six (6) existing car parking spaces on the site. The site also has access to a further ten (10) car spaces available on the adjoining site at 1 Bennet Street stipulated under Planning Permit PLN17/0608.01.
- The land provides low shrubbery within the front setback area. There is no significant vegetation on the subject land.

Surrounding Area

- The adjoining land to the north at No. 1 Bennet Street is used for warehouse purposes. There are 44 car spaces on the site.
- The broader surrounding area is characterised by a mixture of residential development to the north, industrial to the west and south and public recreation to the west.
- The industrial land is of older stock, with a mixture of building sizes, mostly of standard building proportions.
- The site is located opposite the Greaves Reserve, used for public recreation.
- The site is located nearby to a number of transportation links, including bus routes along Railway Parade (100m to the north) and railway stations at Dandenong (1km to the east) and Yarraman (1km to the west).
- The nearest residential zone is located 115m to the north.

**2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100)
(Cont.)**

Locality Plan



Map Subject Site Melways Map 90A7 North é

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

Background

Previous Applications

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

- Planning Permit No. 1996/466 was issued on 23/10/1996 for automotive dismantling and salvaging.
- Planning Application No. PLN07/0615 submitted for a take away food van was withdrawn on 12/10/2007.
- Planning Permit PLN17/0608 was issued on 28/3/2018 for the use and development of land for Industry (Microbrewery) and Manufacturing Sales, the sale and consumption of liquor and to provide car parking spaces on another site. The permit was amended on 14/6/2019 by amending Conditions 2, 10 and 11 and renumbered to PLN17/0608.01. It is noted that the permit required 10 car spaces at 1 Bennet Street (adjoining land to the north) to be used by the subject site (5 Bennet Street). It is also noted that Conditions 11 and 12 restrict the following hours of operation and number of patrons:
 11. Except with the prior written consent of the Responsible Authority, the sale of liquor may only occur between the following hours:
 1. 3:00pm to 11:00pm: Thursday
 2. 1:00pm to 11:00pm: Friday
 3. 12:00pm to 11:00pm: Saturday and Sunday
 4. 12:00pm to 6:00pm: ANZAC day
 12. Except with the prior written consent of the Responsible Authority, no more than seventy five (75) seats (internal and external seating) may be made available at any one time to patrons.

Proposal

The application is seeking to amend planning permit PLN17/0608.01 by:

- Amending the preamble by deleting the words 'Industry (Microbrewery)';
- Amending Condition 1.3 and Condition 2 of the permit (to permit 12 instead of 10 of the required car spaces to be provided on an adjacent site, and to enter into a S173 Agreement in that regard); and
- Amending the endorsed plans by extending the outdoor dining Red Line Area (area where liquor is sold and consumed).

The current hours of operation and number of patrons are not proposed to be altered.

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

The specific amendments sought are as follows:

Amendment to Preamble

The preamble is proposed to be amended by deleting the words 'Industry (brewery)'.

The preamble currently reads as follow:

- Use and development of land for Industry (Microbrewery) and Manufacturing Sales, the sale and consumption of liquor and to provide car parking spaces on another site.

The preamble is proposed to be amended to read as follows:

- Use and development of land for Manufacturing Sales, the sale and consumption of liquor and to provide car parking spaces on another site.

The reason for the request for this change is the use of 'Industry (Microbrewery)' no longer requires a planning permit in this instance.

Amendment to Conditions

Condition 1.3

Condition 1.3 is proposed to be amended by increasing the number of car spaces at 1 Bennet Street allocated to the subject site from 'ten (10)' to 'twelve (12)'.

Condition 1.3 currently reads as follow:

3. A revised car parking allocation plan (including the table descriptions) to only allow the allocation of ten (10) car parking spaces to the land at 1 Bennet Street for the approved use of land. Any reference to Manufacturing Sales (Taverns and Restaurants) must be deleted.

Condition 1.3 is proposed to be amended to read as follows:

3. A revised car parking allocation plan (including the table descriptions) to only allow the allocation of twelve (12) car parking spaces to the land at 1 Bennet Street for the approved use of land. Any reference to Manufacturing Sales (Taverns and Restaurants) must be deleted.

Condition 2

Condition 2 requires the entering into a Section 173 Agreement. The Agreement has not been finalised. The operator currently serves liquor on the site under a Producers Licence.

Condition 2 is proposed to be amended by removing the requirement for the owners of 1 Bennet Street and 5 Bennet Street to be related and the requirement that the land at 1 Bennet Street must only be utilised for a Warehouse or other such use which generate a car parking requirement equal to or less than the statutory rate of a warehouse.

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

Condition 2 currently reads as follow:

2. Within two months of the date of the amended planning permit (PLN17/0608.01), the owner must enter into an agreement under section 173 of the Planning and Environment Act 1987 with the Responsible Authority to provide for the following:
 1. The use of land at 5 Bennet Street, DANDENONG VIC 3175 (Lot 4 PS066772) may only be used for a microbrewery as detailed within PLN17/0608 so long as the following requirements are met:
 1. The registered proprietors of 1 Bennet Street, DANDENONG VIC 3175 (Lot 1 TP145027G) and 5 Bennet Street, DANDENONG VIC 3175 (Lot 4 PS066772) are Related Persons

Related Persons means a person who is related to another person in accordance with any of the following provisions:

- a. Natural persons are related persons if one of them is a relative of the other;
- b. Companies are related persons if a director of the company is also a director of the other company, or is a relative of a director of the other company;
- c. A natural person and a company are related persons if the natural person is a director of the company or a relative of the natural person is a director of the company;
- d. Persons are related persons if one of those persons is a related person of a person of whom the other of those persons is a related persons.

‘Relative’ means the spouse, de facto partner, parent or remoter lineal ancestor, child or remoter issue, or brother or sister of the person.

2. 2. 1 Bennet Street, DANDENONG VIC 3175 (Lot 1 TP 145027G) is utilised for a warehouse or other such use which generates a car parking requirement equal to or less than the statutory rate of a warehouse as detailed within the Greater Dandenong Planning Scheme.
3. The ten (10) car parking spaces as detailed within the endorsed plans of Planning Permit PLN17/0608 remain available during the operating hours of microbrewery.
3. The agreement referred to in Condition 2 of this Planning Permit under section 173 of the Planning and Environment Act 1987 must recorded on the Certificates of Title to both 1 Bennet Street, DANDENONG VIC 3175 (Lot 1 TP145027G) and 5 Bennet Street, DANDENONG VIC 3175 (Lot 4 PS066772)

The owner must pay for all reasonable costs (including legal costs) associated with preparing, reviewing, executing and registering the agreement on the certificate of title to the land (including those incurred by the Responsible Authority).

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

Condition 2 is proposed to be amended to read as follows:

2. Within two months of the date of the amended planning permit (PLN17/0608.01), the owner must enter into an agreement under section 173 of the Planning and Environment Act 1987 with the Responsible Authority to provide for the following:
 1. The registered proprietors of 1 Bennet Street, DANDENONG VIC 3175 (Lot 1 TP145027G) must provide, in the car park of 1 Bennet Street, 12 car parking spaces to be occupied by staff and / or patrons of the Manufacturing Sales use at 5 Bennet Street, DANDENONG VIC 3175 (Lot 4 PS066772) pursuant to Planning Permit PLN17/0608. The 12 car spaces (which must be as per the locations shown on the plans endorsed under Planning Permit PLN17/0608) must remain available during the operating times for the sale of liquor (part of the Manufacturing Sales use) approved by Permit PLN17/0608.

2.2 The agreement referred to in Condition 2 of this Planning Permit under section 173 of the Planning and Environment Act 1987 must be recorded on the Certificates of Title to both 1 Bennet Street, DANDENONG VIC 3175 (Lot 1 TP145027G) and 5 Bennet Street, DANDENONG VIC 3175 (Lot 4 PS066772).

The owner must pay for all reasonable costs (including legal costs) associated with preparing, reviewing, executing and registering the agreement on the certificate of title to the land (including those incurred by the Responsible Authority).

Amendment to endorsed plans

It is proposed to amend the endorsed plans by extending the outdoor dining Red Line Area (area where liquor is sold and consumed). As a consequence of this amendment, the following would be amended:

- The outdoor dining Red Line Area (area where liquor is sold and consumed) would be located over an existing accessible car space at the front of the site (5 Bennet Street).
- Two (2) existing standard car spaces converted into one accessible car space.
- The number of car spaces on the subject site would be reduced from six (6) to four (4) as a result of the above amendments.
- Provision of 2 additional car spaces at 1 Bennet Street for the use of the land at 5 Bennet Street. The permit currently requires ten (10) car spaces at 1 Bennet St to be made available for the use by 5 Bennet Street. The amendment would increase the number of car spaces available to 5 Bennet Street at 1 Bennet Street from ten (10) to twelve (12).

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

A copy of the existing condition plans is included as Attachment 2.

Victorian Charter of Human Rights and Responsibilities

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

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

Financial Implications

No financial resources are impacted by this report.

Planning Scheme and Policy Frameworks

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

- Clause 33.01-1 (Industrial 1 Zone): A planning permit is required for the use of the land for Manufacturing Sales.
- Clause 33.01-4 (Industrial 1 Zone): A planning permit is required to construct a building or construct or carry out works.
- Clause 52.06-3 (Car Parking): A planning permit is required to provide some or all of the car parking spaces required under Clause 52.06-5 on another site.
- Clause 52.27 (Licenced Premises): A planning permit is required to use land to sell or consume liquor.

The applicant has applied for an amendment to Planning Permit PLN17/0608.01 under Section 72 of the *Planning and Environment Act 1987*. Pursuant to Section 72(1) *a person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*

The relevant controls and policies are as follows:

Zoning Controls

The subject site is located in an Industrial 1 Zone, as is the surrounding area.

The purpose of the Industrial 1 Zone outlined at Clause 33.01 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

Pursuant to Clause 33.01-1, a permit is not required to use land for Industry subject to conditions including meeting the threshold distance for a purpose listed in the table to Clause 53.10 or 30m for a purpose not listed in Clause 53.10.

Pursuant to Clause 33.01-1 and Clause 33.01-4, a permit is required for the use and development of the land for Manufacturing Sales.

Overlay Controls

No overlays affect the subject site or surrounding area.

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

Planning Policy Framework

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

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

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

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

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

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

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

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

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

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

Local Planning Policy Framework

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

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

- *Greater Dandenong is a net provider of jobs, with a resident workforce of 53,000, and local businesses providing approximately 74,000 jobs. Greater Dandenong businesses provide the third highest number of jobs in metropolitan Melbourne, with the employment sector largely orientated towards manufacturing occupations. Within the metropolitan Melbourne area, Greater Dandenong is ranked – in terms of job stock – first in manufacturing, second in storage, third in road transport and fourth in wholesale trade.*

Greater Dandenong's vision is outlined at **Clause 21.03**. Amongst others, the vision is that Greater Dandenong will be:

- *a healthy community that embraces a sense of pride and belonging and works together to achieve an economically, socially and environmentally sustainable future.*
- *a well-balanced satisfied community, which has easy and equitable access to services important to people's everyday life.*

Particular Provisions

Clause 52.06 Car parking

The purpose of this provision is:

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

Pursuant to Clause 52.06-3, a planning permit is required to provide some or all of the car parking spaces required under Clause 52.06-5 on another site.

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

Clause 52.27 – Licensed Premises

The purposes of this provision are:

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

Pursuant to Clause 52.27, a planning permit is required for the sale and consumption of liquor.

Clause 53.10 – Uses with Adverse Amenity Potential

The purposes of this provision are:

- *To identify those types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood.*

In the Table to Clause 53.10 (Uses with Adverse Amenity Potential), Alcoholic beverage production exceeding 5000 litres per day requires a threshold distance of 500m. The site produces a maximum of 300 litres of alcoholic beverage per day, therefore, requiring a threshold distance of 30m.

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 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.

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

Safe Design Guidelines

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

Referrals

External

Notice of the proposal under Section 52 of the of the Planning and Environment Act 1987 was given to the following external authorities:

- Victoria Police – No objection, no conditions.
- Victorian Commission for Gaming and Liquor Regulation – No objection, no conditions.

Internal

The application was internally referred to Council's Transport Planning, Health Services and Community Services for their consideration. The comments provided have been considered in the assessment of the application.

- Transport Planning – No objection, no conditions.
- Health Services – No objection.
- Community Services – No objection subject to conditions.

Advertising

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

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

The notification has been carried out correctly.

Council has received zero (0) objection to date.

Assessment

The following assessment of each amendment proposed is provided below:

Amendment to Preamble

The preamble is proposed to be amended by deleting the words 'Industry (Microbrewery)'.

Since Planning Permit PLN17/0608 was issued on 28/3/2018, Planning Scheme Amendment VC175 was introduced on 26/5/2020 to Clause 53.10 (Uses with Adverse Amenity Potential).

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

In the amended Table to Clause 53.10 (Uses with Adverse Amenity Potential), Alcoholic beverage production exceeding 5000 litres per day requires a threshold distance of 500m. The site produces a maximum of 300 litres of alcoholic beverage per day, therefore, requiring a threshold distance of 30m. Where the threshold distance is met, a planning permit is no longer required for the use of land for Industry pursuant to the Table to Clause 33.01-1 (Industrial 1 Zone). The nearest residential zone is located 115m from the site. There is no other sensitive uses around the site such as hospital or school within 30m of the site. Therefore, the use of land for Industry (Microbrewery), no longer requires a permit.

The deletion of the words 'Industry (Microbrewery)' from the preamble has been requested by the applicant as it is no longer a planning permit trigger, is consistent with the current Planning Scheme, would not result in adverse detriment to anyone and is considered appropriate.

Amendment to Conditions

Condition 1.3

Condition 1.3 is proposed to be amended by increasing the number of car spaces at 1 Bennet Street allocated to the subject site from 'ten (10)' to 'twelve (12)'.

The subject site currently has six (6) car parking spaces. 1 Bennet Street currently has forty-four (44) car spaces. The existing permit required 10 car spaces at 1 Bennet Street (adjoining land to the north) to be used by the subject site (5 Bennet Street).

The proposed amendment to the plans by extending the outdoor dining Red Line Area (area where liquor is sold and consumed) and convert two (2) existing standard car spaces to an accessible car space would reduce the number of car spaces on the subject site from six (6) to four (4). The current outdoor dining area is 36 square metres. The proposed outdoor dining area is 75 square metres, an increase of 39 square metres. The total Manufacturing Sales area would be increased from 157 square metres to 196 square metres. The site's 307 square metres of Industry (Brewery) floor area would remain unaltered.

Under Clause 52.06-5 (Car Parking), Manufacturing Sales requires 4 car spaces to each 100 square metres of net floor area and Industry requires 2.9 car spaces to each 100 square metres of net floor area. The Manufacturing Sales and Industry would require the following number of car space:

- Industry: $307\text{sqm} \times 2.9 / 100 = 8.903$ (rounded down to 8); and
- Manufacturing Sales: $196\text{sqm} \times 4 / 100 = 7.84$ (rounded down to 7).

The proposal would require a total of fifteen (15) car spaces. The proposal seeks to allocate two (2) additional car spaces at 1 Bennet Street to the subject site, thereby, increasing the number of car spaces at 1 Bennet Street allocated to the subject site from ten (10) to twelve (12). In addition to the four (4) remaining car spaces on the site, there would be sixteen (16) car spaces available in total for the Manufacturing Sales and Industry (brewery) use at the subject site, exceeding the car space required under Clause 52.06 (Car Parking) of the Greater Dandenong Planning Scheme.

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

Whilst the proposal would result in the loss of two (2) additional car spaces at 1 Bennet Street, the arrangement is considered acceptable given that the business hours for the Manufacturing Sales at the subject site are generally outside the business hours of the warehouse at 1 Bennet Street and that the twelve (12) car spaces at 1 Bennet Street would only be required to be allocated to the subject site during the business hours of the Manufacturing Sales.

1 Bennet Street is being utilised as a warehouse and operates on Monday to Friday 7:30am to 5pm and closed on Saturday and Sunday. The approved business hours for the Manufacturing Sales at the subject site (5 Bennet Street) are:

- 3:00pm to 11:00pm: Thursday
- 1:00pm to 11:00pm: Friday
- 12:00pm to 11:00pm: Saturday and Sunday
- 12:00pm to 6:00pm: ANZAC day

Whilst there are some overlapping hours of operation in the afternoon between the subject site and 1 Bennet Street, the majority of the hours of operation for the sale and consumption of liquor for the subject site are outside of the hours of operation at 1 Bennet Street.

There is available public transport around the site with three (3) bus lines running along Railway Parade and within walking distance of the subject site. The Dandenong Train Station is located 1km to the southeast and the Yarraman Train Station is located 1km to the northwest. The three (3) bus lines along Railway Parade run between the Dandenong and Yarraman Train Stations.

It is also considered that the remaining available 32 car parking spaces for use by the warehouse at 1 Bennet Street is sufficient for this use. This has been demonstrated over the last four years while the current permit has been in place for 5 Bennet Street, with both uses operating without unacceptably impacting on car parking arrangements in the wider area.

This is further demonstrated by the fact that since Planning Permit PLN17/0608 was issued on 28/3/2018 for the site, there has been no Planning Compliance issues at either of 1 Bennet Street and 5 Bennet Street.

Council's Transport Planning team have reviewed the application and have no objection to the car parking arrangement provided.

Given the above, it is considered that the provision of two (2) additional car spaces at 1 Bennet Street for the use of 5 Bennet Street during its hours of operation for the sale and consumption of liquor would not result in adverse car parking detriment to the surrounding street network and should be supported.

Condition 2

Condition 2 is proposed to be amended by removing the requirement for the owners of 1 Bennet Street and 5 Bennet Street to be related and the requirement that the land at 1 Bennet Street must be utilised for a Warehouse or other such use which generates a car parking requirement equal to or less than the statutory rate of a warehouse.

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

The applicant submitted that the amended wording of Condition 2 will simply require the owners of 1 Bennet Street to provide the 12 car parking spaces for the benefit of 5 Bennet Street during the operating times of the sales and consumption of liquor, without requiring the owners to be related. It will function like any other agreement (or covenant or easement) where one site is benefited by something provided by another site irrespective of whether the two (2) owners are related.

It is considered that requiring the two (2) owners to be related is unnecessary and the removal of this restriction would not result in adverse detriment to anyone. The legal agreement in place will be enforceable whether the owners of the two sites are related or not.

As such, it is considered that the proposed amendment to remove the requirement for the owners of 1 Bennet Street and 5 Bennet Street to be related is appropriate and should be supported.

However, it is considered that the removal of the requirement for the land at 1 Bennet Street to be utilised for a Warehouse or other such use which generates a car parking requirement equal to or less than the statutory rate of a warehouse, is unjustified. Other potential future uses which have a higher car parking rate or have different hours of operation may result in car parking conflict between the two (2) sites and therefore cause detriment to the wider area.

To ensure that any potential future uses at 1 Bennet Street would not result in car parking conflict with the subject site during its hours of operation for the sale and consumption of liquor, it is recommended that the words, 'Unless with the further written consent (or issue of a planning permit) of the Responsible Authority' be included to Condition 2. This would allow Council to consider whether the suitability of any potential future uses at 1 Bennet Street prior to its occupation.

It is recommended that Condition 2 should be amended to read as follows:

2. Prior to the commencement of the operation of amended planning permit PLA21/0100, the owner must enter into an agreement under section 173 of the Planning and Environment Act 1987 with the Responsible Authority to provide for the following:
 1. The registered proprietors of 1 Bennet Street, DANDENONG VIC 3175 (Lot 1 TP145027G) must provide twelve (12) car parking spaces at the locations shown on the plans endorsed under Planning Permit PLN17/0608 (or subsequent amended permit), to be occupied by staff and / or patrons of 5 Bennet Street, DANDENONG VIC 3175 (Lot 4 PS066772) during the operating times for the sale and consumption of liquor permitted by Condition 11 Planning Permit PLN17/0608 (or any subsequent amended permit).
3. 2. Unless with the further written consent (or issue of a planning permit) of the Responsible Authority, 1 Bennet Street, DANDENONG VIC 3175 (Lot 1 TP 145027G) must only be utilised for a warehouse or other such use which generates a car parking requirement equal to or less than the statutory rate of a warehouse as detailed within the Greater Dandenong Planning Scheme.

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

2.3 The agreement referred to in Condition 2 of this Planning Permit under section 173 of the Planning and Environment Act 1987 must be recorded on the Certificates of Title to both 1 Bennet Street, DANDENONG VIC 3175 (Lot 1 TP145027G) and 5 Bennet Street, DANDENONG VIC 3175 (Lot 4 PS066772).

The owner must pay for all reasonable costs (including legal costs) associated with preparing, reviewing, executing and registering the agreement on the certificate of title to the land (including those incurred by the Responsible Authority).

Amendment to endorsed plans

It is proposed to amend the endorsed plans by extending the outdoor dining Red Line Area (area where liquor is sold and consumed). As a consequence of this amendment, the following would be amended:

- The outdoor dining Red Line Area (area where liquor is sold and consumed) would be located over an existing accessible car space at the front of the site (5 Bennet Street).
- Modify two (2) existing standard car spaces into an accessible car space.
- The number of car spaces on the site would be reduced from six (6) to four (4) as a result of the above amendments.
- Provision of 2 additional car spaces at 1 Bennet Street for the use of the land at 5 Bennet Street. The permit currently requires ten (10) car spaces at 1 Bennet St to be made available for the use by 5 Bennet Street. The amendment would increase the number of car spaces available to 5 Bennet Street at 1 Bennet Street from ten (10) to twelve (12).

The proposed amendments would increase the outdoor dining Red Line Area (area where liquor is sold and consumed) by 39 square metres. As the number of patrons and hours of operation permitted by the current permit are not to be altered, it is considered that the proposed amendment would not result in additional adverse detriment to the surrounding uses. The conditions of the current permit which are not proposed to be amended would continue to apply to the permit.

The car parking arrangement is considered acceptable given that the business hours for the Manufacturing Sales at the subject site are generally outside the business hours of the warehouse at 1 Bennet Street.

The Alcohol Management Plan (AMP) that details the house policy for the responsible service of alcohol as endorsed to the current permit for the site, will also continue to apply to the site.

It is considered that the proposal would improve services on the site by increasing the outdoor dining area for the site.

In accordance with DPCP Practice Note 61 "Licensed Premises: Assessing Cumulative Impact", a cumulative impact assessment is required if both the clustering and hours of operation tests are met, specifically, if the premises trades *after* 11.00pm; and in an area where there is a 'cluster' of licensed premises. The site is not within an area which forms a cluster of licensed premises, and the current hours of operation do not exceed 11.00pm. As no amendment is proposed to the current hours of operation, there is no trigger for the provisions of a cumulative impact assessment.

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

The consequential car parking impact as a result of the extension to the outdoor dining area has been discussed in the assessment of the proposed amendment to Condition 1.3 above.

Based on the above, it is considered that the proposed amendment is appropriate for the site subject to the conditions stipulated above.

Other matters

Council's Community Services team have reviewed the application and has no objection to the proposal subject conditions requiring House Rules Policy signage at appropriate locations. This could be included as Condition 36 of the permit with the current Condition 36 (expiry date of the permit) renumbered to Condition 37.

Conclusion

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

Overall it is considered that the proposed amendment to the permit is appropriate having regard to the site's location within an established facility within an Industrial 1 Zone considering the context of the site.

It is recommended that the following amendments to the permit be made:

Permit detail	Recommendation
Permit preamble	Amend the preamble by deleting the words 'Industry (Microbrewery)'.
Amend condition 1 and 5	Amend Condition 1.3, 2, 36 and 37 of the permit to read as follows: <ol style="list-style-type: none">3. A revised car parking allocation plan (including the table descriptions) to only allow the allocation of twelve (12) car parking spaces to the land at 1 Bennet Street for the approved use of land. Any reference to Manufacturing Sales (Taverns and Restaurants) must be deleted.2. Prior to the operation of amended planning permit PLA21/0100, the owner must enter into an agreement under section 173 of the Planning and Environment Act 1987 with the Responsible Authority to provide for the following: 2.1 The registered proprietors of 1 Bennet Street, DANDENONG VIC 3175 (Lot 1 TP145027G) must provide twelve (12) car parking spaces at the locations shown on the plans endorsed under Planning Permit PLN17/0608 (or subsequent amended permit), to be occupied by staff and / or patrons of

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

	<p>5 Bennet Street, DANDENONG VIC 3175 (Lot 4 PS066772) during the operating times for the sale and consumption of liquor permitted by Condition 11 Planning Permit PLN17/0608 (or subsequent amended permit).</p> <p>2. Unless with the further written consent (or issue of a planning permit) of the Responsible Authority, 1 Bennet Street, DANDENONG VIC 3175 (Lot 1 TP 145027G) must only be utilised for a warehouse or other such use which generates a car parking requirement equal to or less than the statutory rate of a warehouse as detailed within the Greater Dandenong Planning Scheme.</p> <p>2.3 The agreement referred to in Condition 2 of this Planning Permit under section 173 of the Planning and Environment Act 1987 must recorded on the Certificates of Title to both 1 Bennet Street, DANDENONG VIC 3175 (Lot 1 TP145027G) and 5 Bennet Street, DANDENONG VIC 3175 (Lot 4 PS066772).</p> <p>The owner must pay for all reasonable costs (including legal costs) associated with preparing, reviewing, executing and registering the agreement on the certificate of title to the land (including those incurred by the Responsible Authority).</p> <p>36. House Rules Policy signage at the entry/exit point and in public bathroom facilities, stating:</p> <p>1. Alcohol is not to be consumed in any public places in the municipality such as in the car park and connected areas, and that up to a \$1,000 Local Laws fine applies.</p> <p>2. The safety and amenity of, pedestrians, businesses, and property in surrounding areas is to be respected upon leaving the premises.</p> <p>37. This permit will expire if one of the following circumstances applies:-</p> <p>1. the development or any stage of it does not start within two (2) years of the date of this permit, or</p> <p>2. the development or any stage of it is not completed within four (4) years of the date of this permit, or</p> <p>3. the use does not start within one (1) year of the completion of the development, or</p> <p>4. The use is discontinued for a period of two (2) years.</p>
<p>Endorsed plans</p>	<p>Endorsed the amended plans to form part of the amended permit.</p>
<p>Permit notes</p>	<p>No changes</p>

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

The table below is to be inserted in the amended permit:

Date amended:	Brief description of amendments
	<p>Amendments to Permit pursuant to Section 72 of the <i>Act</i> as follow:</p> <ul style="list-style-type: none">• Amend the preamble by deleting the words 'Industry (Microbrewery)';• Amend Condition 1.3 and Condition 2 of the permit; and• Endorsed the amended plans to form part of the amended permit.

Recommendation

That Council resolves to Grant an amended planning permit in respect of the land known and described as 5 Bennet Street, DANDENONG VIC 3175, for the use and development of land for Manufacturing Sales, the sale and consumption of liquor and to provide car parking spaces on another site 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 and 3 copies must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - 1.1. A revised red line area to exclude all toilet areas.
 - 1.2. The point-of-sale location/s for off-premises alcohol sale within the red line area.
 - 1.3. A revised car parking allocation plan (including the table descriptions) to only allow the allocation of twelve (12) car parking spaces to the land at 1 Bennet Street for the approved use of land. Any reference to Manufacturing Sales (Taverns and Restaurants) must be deleted.
2. Prior to the operation of amended planning permit PLA21/0100, the owner must enter into an agreement under section 173 of the Planning and Environment Act 1987 with the Responsible Authority to provide for the following:
 - 2.1. The registered proprietors of 1 Bennet Street, DANDENONG VIC 3175 (Lot 1 TP145027G) must provide twelve (12) car parking spaces at the locations shown on the plans endorsed under Planning Permit PLN17/0608 (or subsequent amended permit), to be occupied by staff and / or patrons of 5 Bennet Street, DANDENONG VIC 3175 (Lot 4 PS066772) during the operating times for the sale and consumption of liquor permitted by Condition 11 Planning Permit PLN17/0608 (or subsequent amended permit).

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

- 2.2** Unless with the further written consent (or issue of a planning permit) of the Responsible Authority, 1 Bennet Street, DANDENONG VIC 3175 (Lot 1 TP 145027G) must only be utilised for a warehouse or other such use which generates a car parking requirement equal to or less than the statutory rate of a warehouse as detailed within the Greater Dandenong Planning Scheme.
- 2.3** The agreement referred to in Condition 2 of this Planning Permit under section 173 of the Planning and Environment Act 1987 must be recorded on the Certificates of Title to both 1 Bennet Street, DANDENONG VIC 3175 (Lot 1 TP145027G) and 5 Bennet Street, DANDENONG VIC 3175 (Lot 4 PS066772).

The owner must pay for all reasonable costs (including legal costs) associated with preparing, reviewing, executing and registering the agreement on the certificate of title to the land (including those incurred by the Responsible Authority).

- 3.** Before the approved development is occupied, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to an approved by the Responsible Authority. The WMP must include details of the collection and disposal of waste and recyclables associated with the land to the satisfaction of the Responsible Authority. The WMP must provide for the following:
- 3.1.** The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority.
- 3.2.** Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.
- 3.3.** Designation of methods of collection including the need to provide for private services or utilisation of council services.
- 3.4.** Appropriate areas of bin storage on site and areas of waste bin storage on collection days;
- 3.5.** Details for best practice waste management once operating.

When approved, the WMP will be endorsed and will form part of this permit. The provisions, requirements and recommendations of the endorsed WMP must be implemented and complied with to the satisfaction of the Responsible Authority.

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

**2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100)
(Cont.)**

- 5. Once the approved development has started, it must be continued and completed in accordance with the endorsed plan/s, to the satisfaction of the Responsible Authority.**
- 6. Except with the prior written consent of the Responsible Authority, the approved use must not commence and the land must not be occupied until all buildings and works and conditions of this permit have been complied with.**
- 7. Malt must not be manufactured on site at any time to the satisfaction of the Responsible Authority.**
- 8. The outdoor seating area must be located internally at all times during Industry hours of operation.**
- 9. Operation of the outdoor seating area must comply with all Council by-laws.**
- 10. The predominant activity carried out on the premises must be the manufacturing and retailing of liquor (beer). Food (including without liquor) may be served to patrons for consumption on the land but must not be the primary activity carried out on the premises, to the satisfaction of the Responsible Authority.**
- 11. Except with the prior written consent of the Responsible Authority, the sale of liquor may only occur between the following hours:**
 - 11.1. 3:00pm to 11:00pm: Thursday**
 - 11.2. 1:00pm to 11:00pm: Friday**
 - 11.3. 12:00pm to 11:00pm: Saturday and Sunday**
 - 11.4. 12:00pm to 6:00pm: ANZAC day**
- 12. Except with the prior written consent of the Responsible Authority, no more than seventy five (75) seats (internal and external seating) may be made available at any one time to patrons.**
- 13. The use must comply with the endorsed Alcohol Management Plan at all times.**
- 14. The operator or security staff of the premises must take reasonable steps to ensure that patrons leaving the premises act in an orderly manner and to the extent reasonably practicable must discourage patrons from loitering within the vicinity of surrounding residences.**
- 15. External sound amplification equipment and loud speakers must not be used for the purpose of announcement, broadcast, playing of music or similar purpose.**
- 16. All rubbish from the premises must be immediately collected and disposed of in an appropriate receptacle to the satisfaction of the Responsible Authority.**

**2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100)
(Cont.)**

- 17. The amenity of the area must not be detrimentally affected by the use of land , including through the:**
 - 17.1. Transportation of materials, goods or commodities to or from the land**
 - 17.2. Appearance of any building, works or materials**
 - 17.3. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, girt or oil**
 - 17.4. Presence of vermin**
 - 17.5. Adverse behaviour of patrons to or from the land; or**
 - 17.6. In any other way.**
- 18. The site shall be kept in a neat and tidy condition at all times, all to the satisfaction of the Responsible Authority.**
- 19. Except with the prior written consent of the Responsible Authority, gaming machines, amusement machines, or similar must not be installed or used on the premises.**
- 20. The licensed area shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority and VCGLR (Victorian Commission for Gambling and Liquor Regulation).**
- 21. The provisions, requirements and recommendations of the endorsed Alcohol Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**
- 22. Provision must be made for the drainage for proposed development including landscaped and paved areas, all to the satisfaction of the Responsible Authority.**
- 23. The connection of the internal drainage infrastructure to the Legal Point of Discharge must be to the satisfaction of the Responsible Authority.**
- 24. A directional sign to the satisfaction of the Responsible Authority must be provided directing drivers to the areas set aside for car parking. The sign must be clearly visible and at all times maintained to the satisfaction of the Responsible Authority.**
- 25. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay(s) and must not disrupt the circulation and parking of vehicles on the land.**
- 26. The site operator must endeavour to prevent site bound commercial vehicles queuing on arrival along the public access road. Accordingly, access driveways/roadways/aisles providing access to loading areas on-site must not be**

**2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100)
(Cont.)**

gated during operating hours or feature control points (i.e. boom gates, guardhouse or similar) without suitable queuing space on site, all to the satisfaction of the Responsible Authority.

27. Loading and unloading on the site must be in accordance with the endorsed Traffic and Parking Management Plan.
28. At all times, the landscaping must be maintained to the satisfaction of the Responsible Authority.
29. The car parking area must be lit if in use during hours of darkness. All lights must be designed, fitted with suitable baffles and located to prevent any adverse effect outside the boundaries of the land to the satisfaction of the Responsible Authority.

EPA Conditions 30-35

30. Effective noise levels from the use of the premises must comply with the requirements of the *State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1* and the requirements of the *State Environment Protection Policies (Control of Music Noise from Public Premises) No. N-2*.
31. Offensive odour must not be discharged beyond the boundaries of the premises.
32. Stormwater contaminated with liquor or solid waste, must not be discharged beyond the boundary of the premises.
33. Wastewater generated at the premises must be connected to a reticulated sewer under a Trade Waste Agreement.
34. No litter is to be deposited beyond the boundary of the premises.
35. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the *EPA Publication 347.1 Bunding Guidelines 2015* or as amended.

EPA Conditions End

36. House Rules Policy signage at the entry/exit point and in public bathroom facilities, stating:
 - 36.1 Alcohol is not to be consumed in any public places in the municipality such as in the car park and connected areas, and that up to a \$1,000 Local Laws fine applies.

The safety and amenity of, pedestrians, businesses, and property in surrounding areas is to be respected upon leaving the premises.
37. This permit will expire if one of the following circumstances applies:-

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

- 37.1. the development or any stage of it does not start within two (2) years of the date of this permit, or
- 37.2. the development or any stage of it is not completed within four (4) years of the date of this permit, or
- 37.3. the use does not start within one (1) year of the completion of the development, or
- 37.4. the use is discontinued for a period of two (2) years.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment	Name of the responsible authority that approved the amendment
<u>14 June 2019</u>	<ul style="list-style-type: none">■ Condition 2 has been amended to allow registration of Section 173 Agreement and correct the legal description of the site■ Condition 10 has been amended to allow separate consumption of food and alcohol■ Condition 11 has been amended to allow extended hours of operation	Greater Dandenong City Council

MINUTE 406

Moved by: Cr Tim Dark
Seconded by: Cr Sophie Tan

That Council resolves to Grant an amended planning permit in respect of the land known and described as 5 Bennet Street, DANDENONG VIC 3175, for the use and development of land for Manufacturing Sales, the sale and consumption of liquor and to provide car parking spaces on another site 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 and 3 copies must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:**
 - 1.1. **A revised red line area to exclude all toilet areas.**

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

- 1.2. The point-of-sale location/s for off-premises alcohol sale within the red line area.**
- 1.3. A revised car parking allocation plan (including the table descriptions) to only allow the allocation of twelve (12) car parking spaces to the land at 1 Bennet Street for the approved use of land. Any reference to Manufacturing Sales (Taverns and Restaurants) must be deleted.**
- 2. Prior to the operation of amended planning permit PLA21/0100, the owner must enter into an agreement under section 173 of the Planning and Environment Act 1987 with the Responsible Authority to provide for the following:**
 - 2.1. The registered proprietors of 1 Bennet Street, DANDENONG VIC 3175 (Lot 1 TP145027G) must provide twelve (12) car parking spaces at the locations shown on the plans endorsed under Planning Permit PLN17/0608 (or subsequent amended permit), to be occupied by staff and / or patrons of 5 Bennet Street, DANDENONG VIC 3175 (Lot 4 PS066772) during the operating times for the sale and consumption of liquor permitted by Condition 11 Planning Permit PLN17/0608 (or subsequent amended permit).**
 - 2.2 Unless with the further written consent (or issue of a planning permit) of the Responsible Authority, 1 Bennet Street, DANDENONG VIC 3175 (Lot 1 TP 145027G) must only be utilised for a warehouse or other such use which generates a car parking requirement equal to or less than the statutory rate of a warehouse as detailed within the Greater Dandenong Planning Scheme.**
 - 2.3 The agreement referred to in Condition 2 of this Planning Permit under section 173 of the Planning and Environment Act 1987 must recorded on the Certificates of Title to both 1 Bennet Street, DANDENONG VIC 3175 (Lot 1 TP145027G) and 5 Bennet Street, DANDENONG VIC 3175 (Lot 4 PS066772).**

The owner must pay for all reasonable costs (including legal costs) associated with preparing, reviewing, executing and registering the agreement on the certificate of title to the land (including those incurred by the Responsible Authority).
- 3. Before the approved development is occupied, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to an approved by the Responsible Authority. The WMP must include details of the collection and disposal of waste and recyclables associated with the land to the satisfaction of the Responsible Authority. The WMP must provide for the following:**
 - 3.1. The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority.**

**2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100)
(Cont.)**

- 3.2. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.**
- 3.3. Designation of methods of collection including the need to provide for private services or utilisation of council services.**
- 3.4. Appropriate areas of bin storage on site and areas of waste bin storage on collection days;**
- 3.5. Details for best practice waste management once operating.**

When approved, the WMP will be endorsed and will form part of this permit. The provisions, requirements and recommendations of the endorsed WMP must be implemented and complied with to the satisfaction of the Responsible Authority.

- 4. Except with the prior written consent of the Responsible Authority, the layout of the use, buildings and works permitted must always accord with the endorsed plan and must not be altered or modified.**
- 5. Once the approved development has started, it must be continued and completed in accordance with the endorsed plan/s, to the satisfaction of the Responsible Authority.**
- 6. Except with the prior written consent of the Responsible Authority, the approved use must not commence and the land must not be occupied until all buildings and works and conditions of this permit have been complied with.**
- 7. Malt must not be manufactured on site at any time to the satisfaction of the Responsible Authority.**
- 8. The outdoor seating area must be located internally at all times during Industry hours of operation.**
- 9. Operation of the outdoor seating area must comply with all Council by-laws.**
- 10. The predominant activity carried out on the premises must be the manufacturing and retailing of liquor (beer). Food (including without liquor) may be served to patrons for consumption on the land but must not be the primary activity carried out on the premises, to the satisfaction of the Responsible Authority.**
- 11. Except with the prior written consent of the Responsible Authority, the sale of liquor may only occur between the following hours:**
 - 11.1. 3:00pm to 11:00pm: Thursday**
 - 11.2. 1:00pm to 11:00pm: Friday**
 - 11.3. 12:00pm to 11:00pm: Saturday and Sunday**

**2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100)
(Cont.)**

- 11.4. 12:00pm to 6:00pm: ANZAC day**
- 12. Except with the prior written consent of the Responsible Authority, no more than seventy five (75) seats (internal and external seating) may be made available at any one time to patrons.**
 - 13. The use must comply with the endorsed Alcohol Management Plan at all times.**
 - 14. The operator or security staff of the premises must take reasonable steps to ensure that patrons leaving the premises act in an orderly manner and to the extent reasonably practicable must discourage patrons from loitering within the vicinity of surrounding residences.**
 - 15. External sound amplification equipment and loud speakers must not be used for the purpose of announcement, broadcast, playing of music or similar purpose.**
 - 16. All rubbish from the premises must be immediately collected and disposed of in an appropriate receptacle to the satisfaction of the Responsible Authority.**
 - 17. The amenity of the area must not be detrimentally affected by the use of land , including through the:**
 - 17.1. Transportation of materials, goods or commodities to or from the land**
 - 17.2. Appearance of any building, works or materials**
 - 17.3. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, girt or oil**
 - 17.4. Presence of vermin**
 - 17.5. Adverse behaviour of patrons to or from the land; or**
 - 17.6. In any other way.**
 - 18. The site shall be kept in a neat and tidy condition at all times, all to the satisfaction of the Responsible Authority.**
 - 19. Except with the prior written consent of the Responsible Authority, gaming machines, amusement machines, or similar must not be installed or used on the premises.**
 - 20. The licensed area shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority and VCGLR (Victorian Commission for Gambling and Liquor Regulation).**
 - 21. The provisions, requirements and recommendations of the endorsed Alcohol Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

22. Provision must be made for the drainage for proposed development including landscaped and paved areas, all to the satisfaction of the Responsible Authority.
23. The connection of the internal drainage infrastructure to the Legal Point of Discharge must be to the satisfaction of the Responsible Authority.
24. A directional sign to the satisfaction of the Responsible Authority must be provided directing drivers to the areas set aside for car parking. The sign must be clearly visible and at all times maintained to the satisfaction of the Responsible Authority.
25. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay(s) and must not disrupt the circulation and parking of vehicles on the land.
26. The site operator must endeavour to prevent site bound commercial vehicles queuing on arrival along the public access road. Accordingly, access driveways/roadways/aisles providing access to loading areas on-site must not be gated during operating hours or feature control points (i.e. boom gates, guardhouse or similar) without suitable queuing space on site, all to the satisfaction of the Responsible Authority.
27. Loading and unloading on the site must be in accordance with the endorsed Traffic and Parking Management Plan.
28. At all times, the landscaping must be maintained to the satisfaction of the Responsible Authority.
29. The car parking area must be lit if in use during hours of darkness. All lights must be designed, fitted with suitable baffles and located to prevent any adverse effect outside the boundaries of the land to the satisfaction of the Responsible Authority.

EPA Conditions 30-35

30. Effective noise levels from the use of the premises must comply with the requirements of the *State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1* and the requirements of the *State Environment Protection Policies (Control of Music Noise from Public Premises) No. N-2*.
31. Offensive odour must not be discharged beyond the boundaries of the premises.
32. Stormwater contaminated with liquor or solid waste, must not be discharged beyond the boundary of the premises.
33. Wastewater generated at the premises must be connected to a reticulated sewer under a Trade Waste Agreement.
34. No litter is to be deposited beyond the boundary of the premises.

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

- 35. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347.1 Bunding Guidelines 2015 or as amended.**

EPA Conditions End

- 36. House Rules Policy signage at the entry/exit point and in public bathroom facilities, stating:**

- 36.1 Alcohol is not to be consumed in any public places in the municipality such as in the car park and connected areas, and that up to a \$1,000 Local Laws fine applies.**

The safety and amenity of, pedestrians, businesses, and property in surrounding areas is to be respected upon leaving the premises.

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

- 37.1. the development or any stage of it does not start within two (2) years of the date of this permit, or**

- 37.2. the development or any stage of it is not completed within four (4) years of the date of this permit, or**

- 37.3. the use does not start within one (1) year of the completion of the development, or**

- 37.4. the use is discontinued for a period of two (2) years.**

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment	Name of the responsible authority that approved the amendment
<u>14 June 2019</u>	<ul style="list-style-type: none">■ Condition 2 has been amended to allow registration of Section 173 Agreement and correct the legal description of the site■ Condition 10 has been amended to allow separate consumption of food and alcohol■ Condition 11 has been amended to allow extended hours of operation	Greater Dandenong City Council

CARRIED

**2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100)
(Cont.)**

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION - NO. 5 BENNET STREET, DANDENONG
(PLANNING APPLICATION NO. PLA21/0100)**

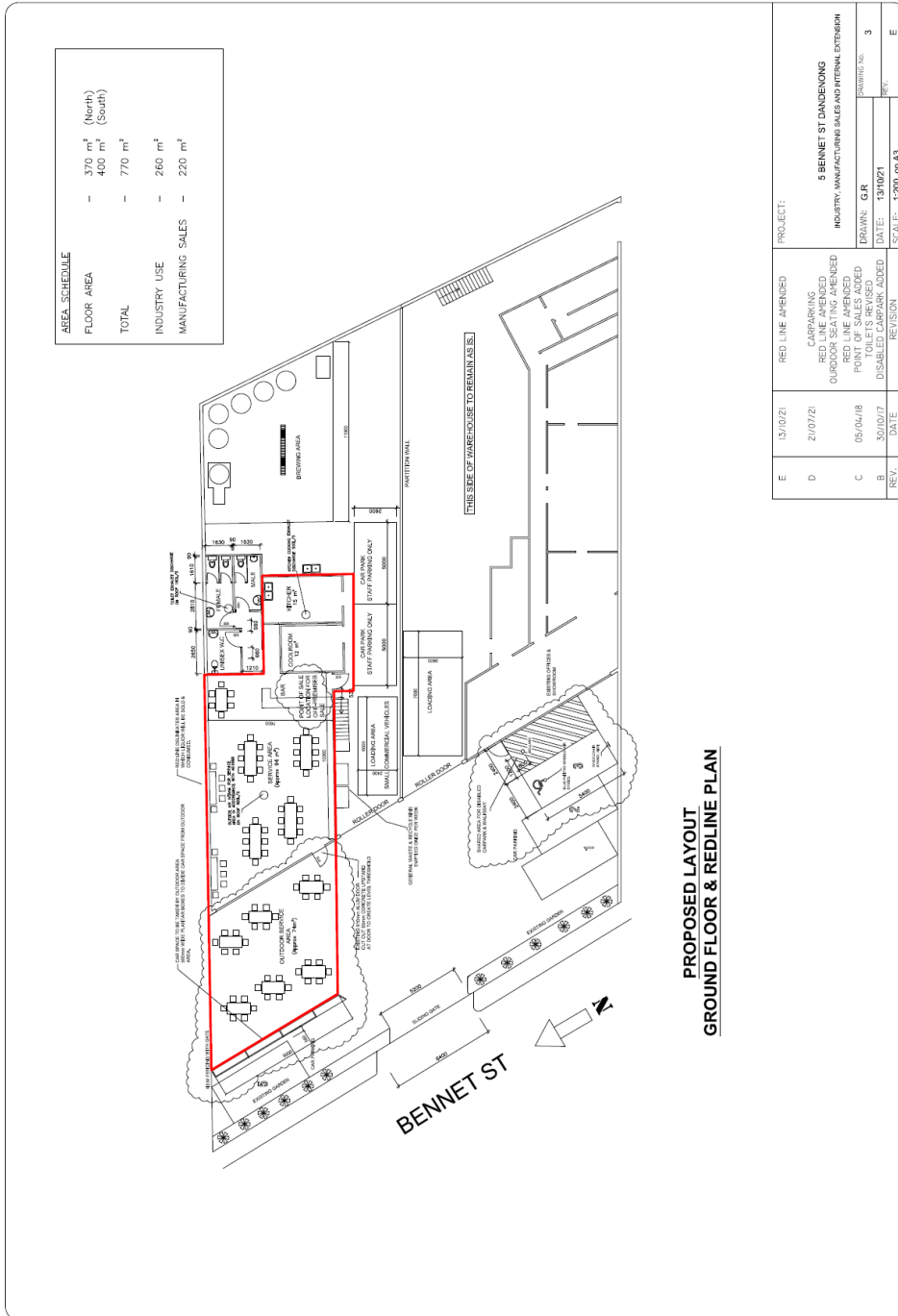
ATTACHMENT 1

SUBMITTED PLANS

PAGES 4 (including cover)

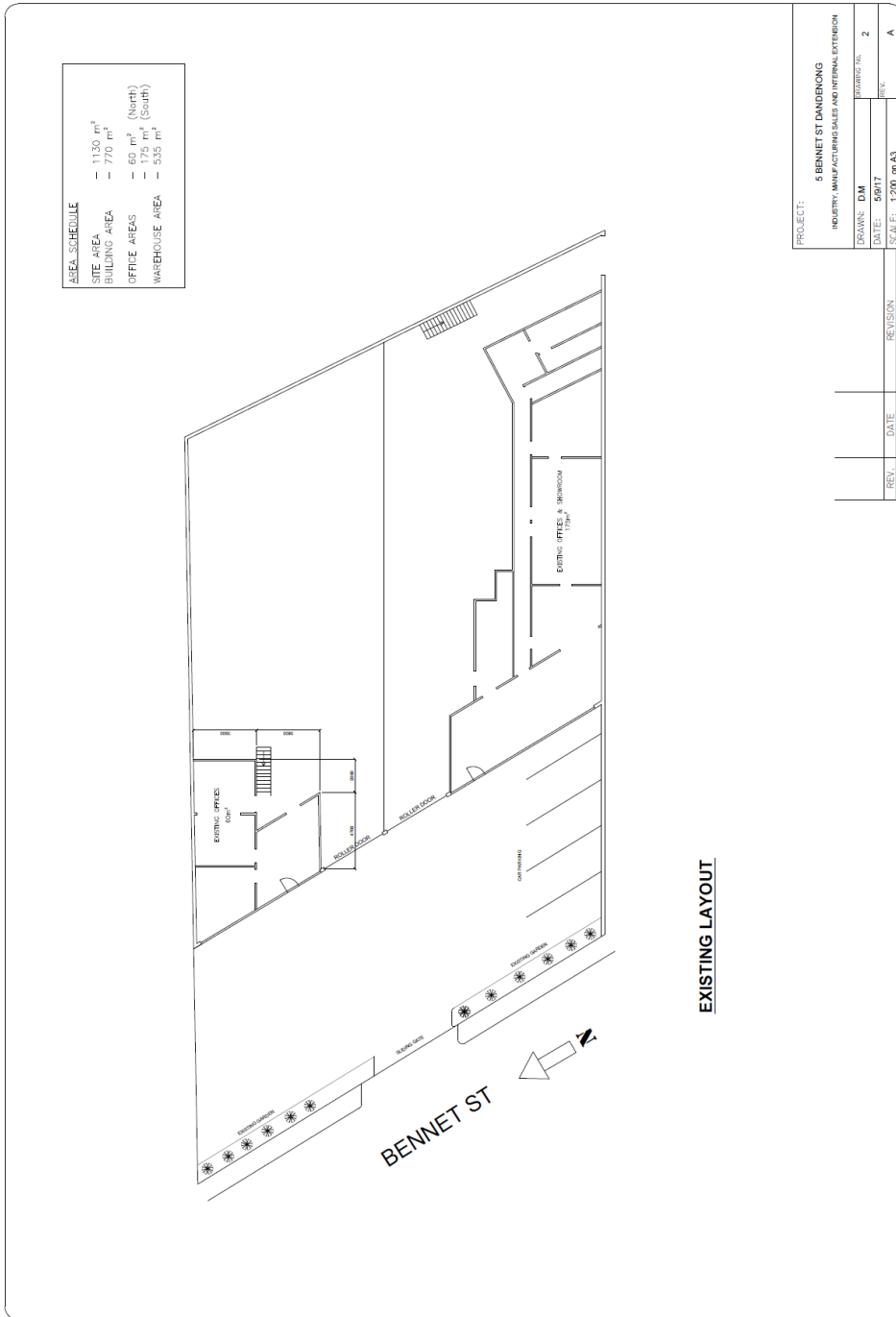
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2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)

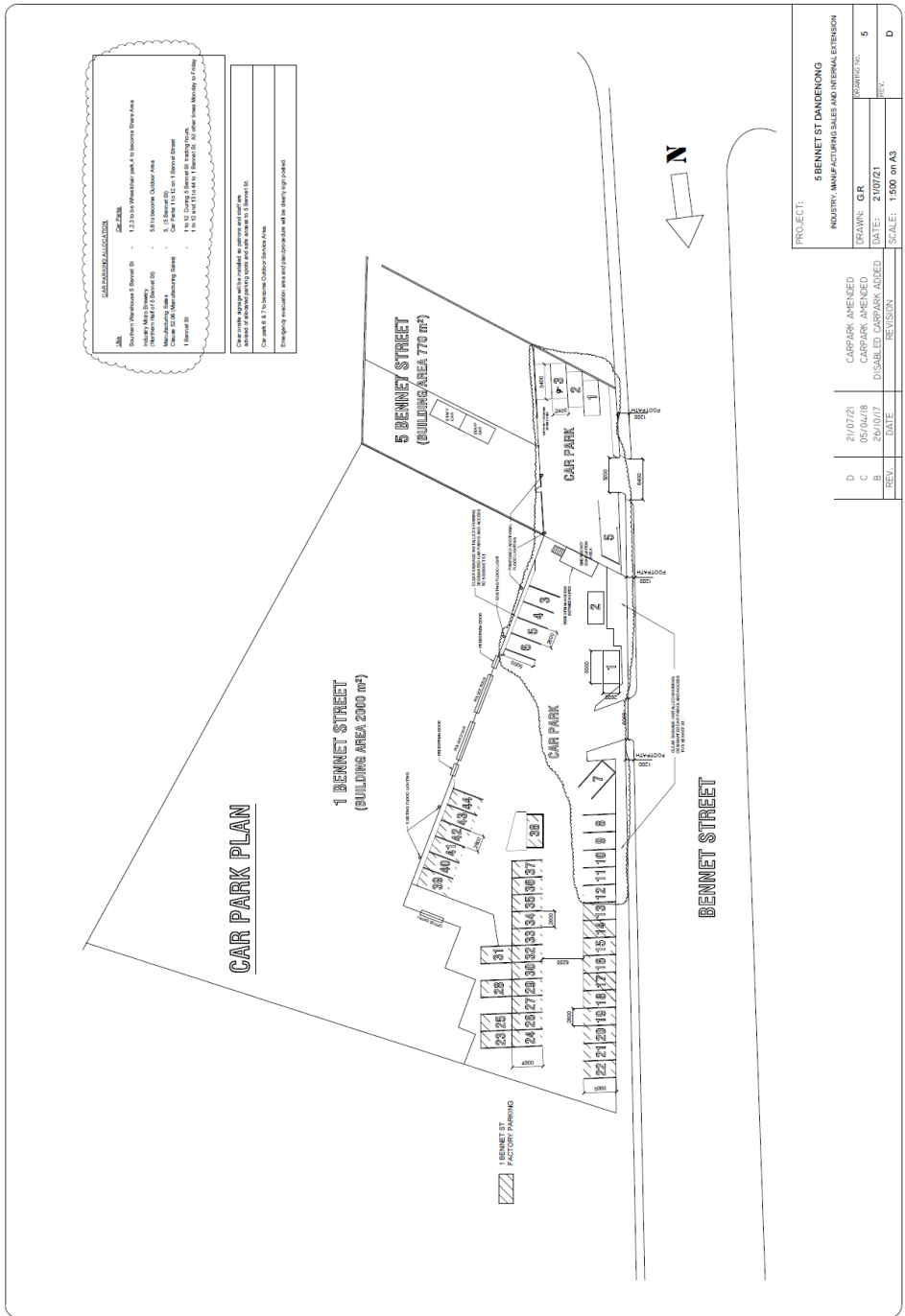


**PROPOSED LAYOUT
 GROUND FLOOR & REDLINE PLAN**

2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)



2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)



GENERAL NOTES

1. All dimensions are in meters unless otherwise stated.

2. The site is shown in yellow on the Planning Scheme map.

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PROJECT: 5 BENNET DANDENONG
 INDUSTRY: MANUFACTURING SALES AND INTERNAL EXTENSION

REV.	DATE	REVISION
D	21/07/21	CARPARK AMENDED
C	05/04/18	CARPARK AMENDED
B	26/10/17	DISABLED CARPARK ADDED

SCALE: 1:500 on A3

PROJECT NO.: 5
 REV: D

**2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100)
(Cont.)**

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION - NO. 5 BENNET STREET, DANDENONG
(PLANNING APPLICATION NO. PLA21/0100)**

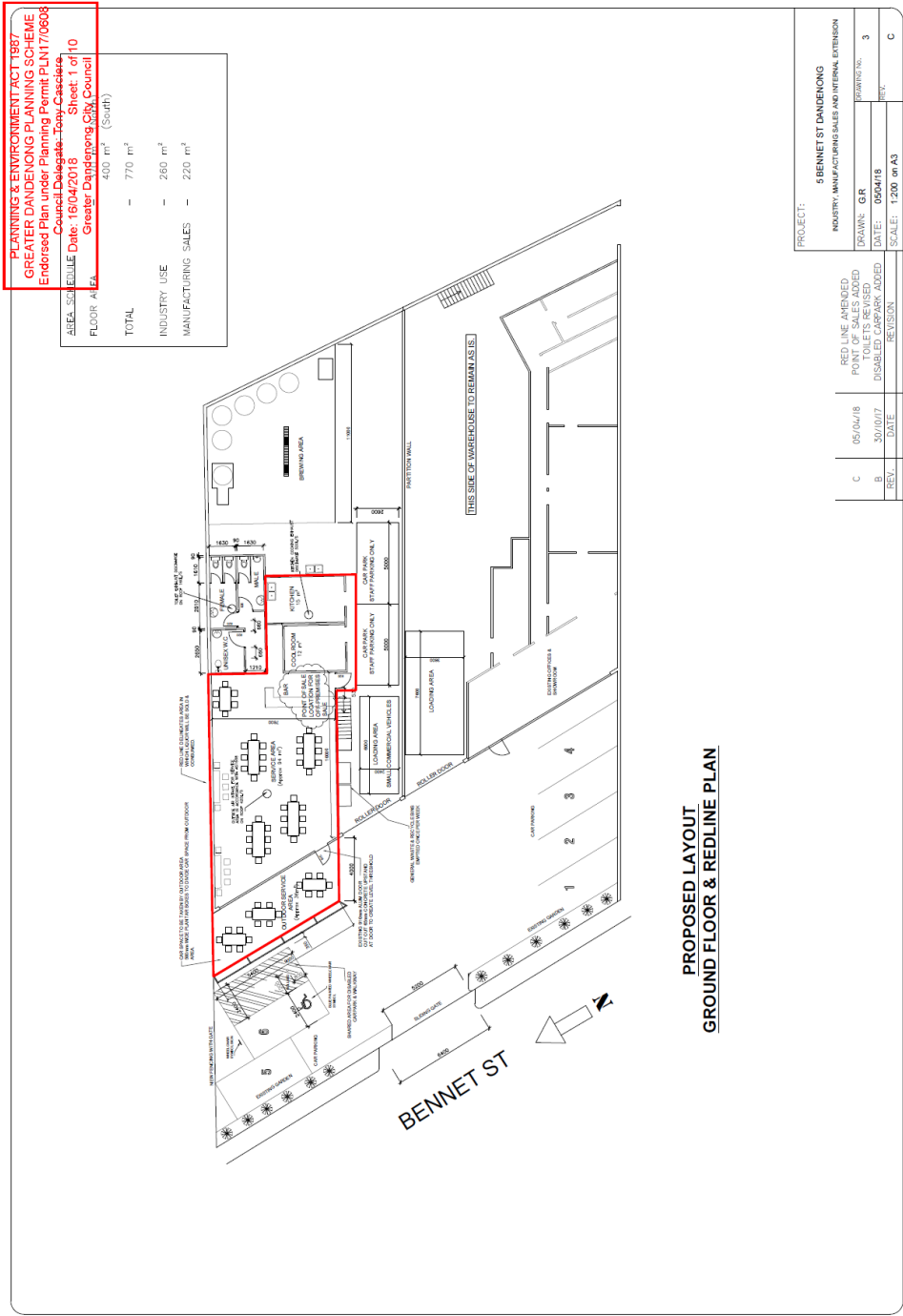
ATTACHMENT 2

EXISTING CONDITION PLANS

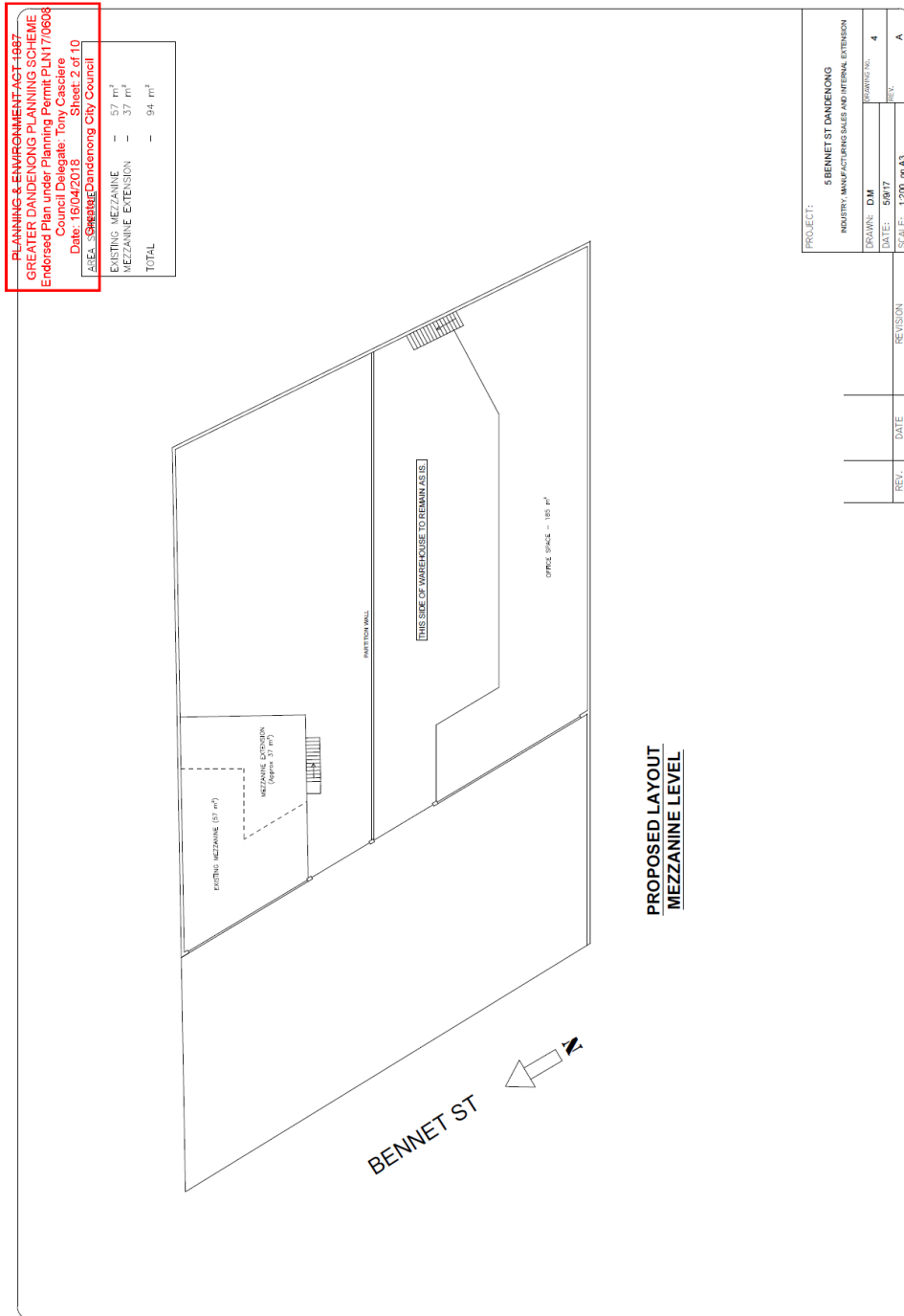
PAGES 4 (including cover)

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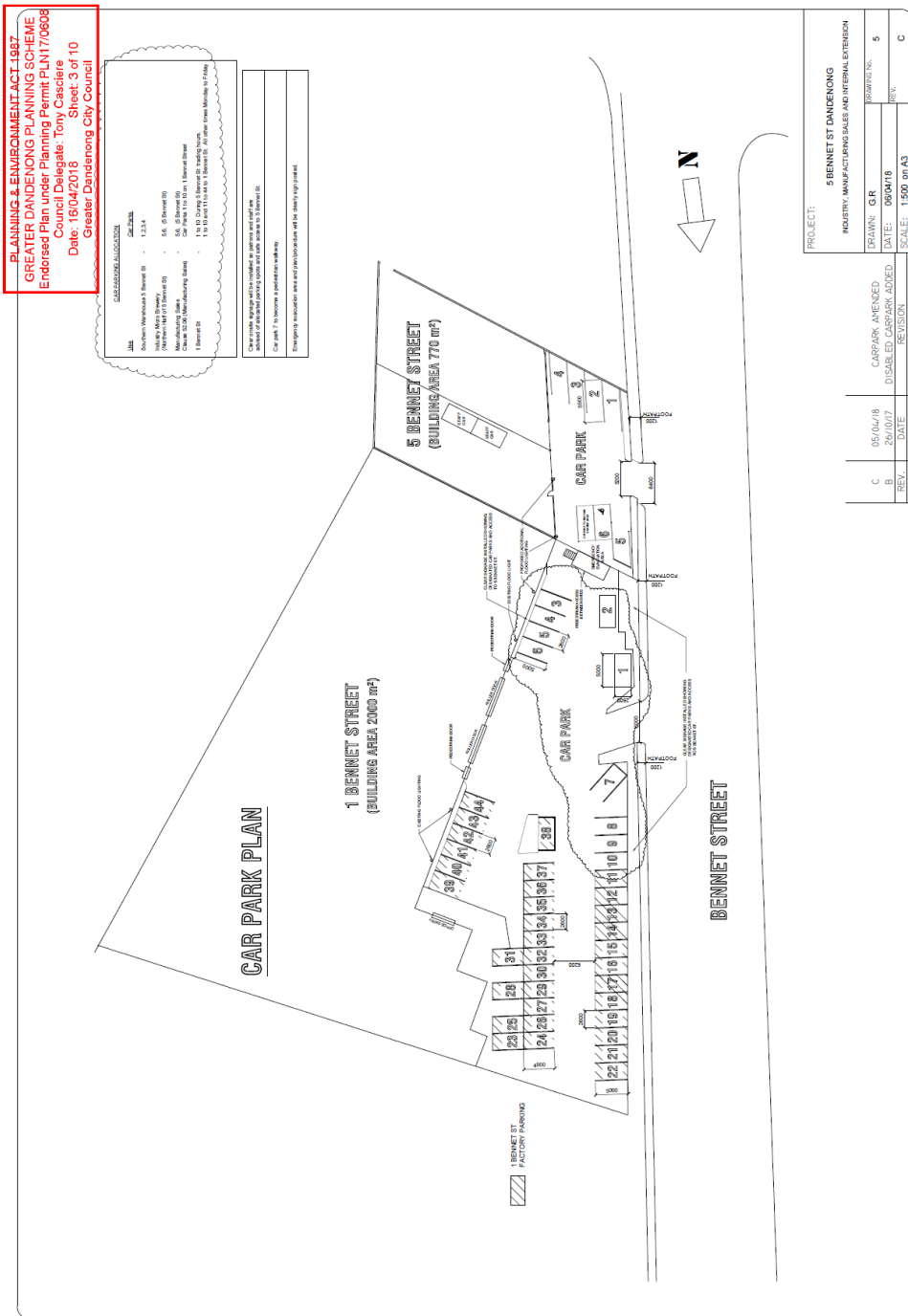
2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)



2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100) (Cont.)



2.3.1 Town Planning Application - No. 5 Bennet Street, Dandenong (Planning Application No. PLA21/0100)
 (Cont.)



3 QUESTION TIME - PUBLIC

Question

Gabriel Hingley, Noble Park

As a local resident in Noble Park my understanding is that conversations are currently being held between Council and the Planning Minister about proposed plans for Sandown Park Raceway. What measures are the Council putting in place to ensure that adequate public green space is provided for? I am aware that some Councillors have expressed concern about high-density development. However, is the Council aware of projects in other parts of Australia where high-density developments have been able to incorporate large amounts of parkland? I cite the development of Harold Park Raceway in Glebe, Sydney as an example. In this case rather than building average two storey townhouses, they had multiple storey apartment buildings, allowing land for more public green space in between. Sandown Park is an opportunity not to be missed in ensuring that future generations enjoy a cleaner, greener environment and as a Council, you could be implementing urban planning policies now to ensure the best outcomes for all, most importantly your local residents.

Response

Jody Bosman, Director City Planning, Design and Amenity

I note the comments and concerns raised by Gabriel Hingley and can advise that Council is yet to form a view on any application to rezone Sandown Park. In terms of a statutory process, the first step is for Council to request the Minister for Planning to give authorisation, to exhibit the proposed rezoning and give the community and other stakeholders the opportunity to make submissions on it to the Council. That might or might not result in the applicant making changes to the proposed rezoning. It is only at that stage officers will assess the proposal, followed by a report with a recommendation to Council on whether or not to proceed with the rezoning. Only at that second stage will Councillors consider and decide on the merits of the proposed rezoning. The Council is yet to request for the Minister for Planning to authorise exhibiting the proposed rezoning with a report on that matter expected in the near future.

Question

Valerie Roperti, Dandenong

Thanks for my answer relating to the Capital Alliance project proposed to redevelop the Little India area.

a) Is there any update on when in March the consultation will occur?

b) I find however that State Government consultations are poorly advertised. As a partner with the State Government for any Revitalising Central Dandenong initiatives, can the consultations be cross promoted on the Council website, social media and at the Dandenong Library and Customer Service Centre?

3 QUESTION TIME - PUBLIC (Cont.)

Response

Kevin Van Boxtel, Acting Director Business, Engineering and Major Projects

Capital Alliance scheduled community information sessions online for Thursday 17 March 2022 and there are two face to face sessions scheduled on Wednesday 23 March 2022. These details are outlined in the Dandenong Journal today. Last week there was an advertisement for Capital Alliance with details on the sessions and their website which is now live contains information on the Master Plan including pathways for the community to respond and provide feedback.

In respect to Council cross-promoting these, we have also updated our website today to provide a link on our landing page; and also on our Revitalising Central Dandenong (RCD) website update page to provide a link through to Capital Alliance on those information sessions. We will be looking at what opportunities we can use through social media to also promote that in the coming days.

Question

Charlie Mastrogiovanni, Dandenong

For those Greater Dandenong residents who cannot attend the Hemmings Street Precinct Forum this Thursday, will there be minutes publicly available of the Forum or access to any Powerpoint presentations given and if not, why not? This is a key issue of concern for ordinary residents so openness and transparency is vital.

Response

Martin Fidler, Director Community Services

The Forum's outcome will be captured in a comprehensive facilitators report providing a summary of the activities. Feedback and information from the workshop will be published on Council's website.

Question

Silvia Mastrogiovanni, Dandenong

For those Greater Dandenong residents who cannot attend this Thursday's Hemmings Street Precinct Forum, what other consultation opportunities will be available and if there are none, why not? There are residents who have moved into the area only recently who are affected by these matters as well as residents who missed the original consultations as they were not aware of them.

Response

Martin Fidler, Director Community Services

A planned series of community safety events and workshops are scheduled to commence shortly after the forum to allow Hemmings Street precinct residents new and old, traders and other interested stakeholders further opportunity for consultation and input. This is not the first consultation that we have been running on this project. These elements of the planned activities will be published on Council's website and through other sources. These will be scheduled at various times during the day and also outside of business hours to allow options for people who work or need support to attend, a range of options to participate.

3 QUESTION TIME - PUBLIC (Cont.)

Question

Earle Misso, Dandenong

Why has it taken over two years to have some action in relation to name badges for the staff that come into contact with ratepayers?

Response

John Bennie PSM, Chief Executive Officer

In response I can advise Mr Misso and he just happens to be in the Gallery that my understanding is that the Mayor recently wrote to Mr Misso and outlined and addressed a number of concerns that Mr Misso had presented. For the benefit of those in the Gallery who have heard the question and the thrust of the question, the advice was that we have a Council policy that all customer facing staff should wear nametags at all times. It seemed evident that that was not being applied in all cases so we have had a crackdown on name badges and staff have been reminded that they should be wearing them in public facing contexts. We have also had of more recent times a situation where Councillors had to engage casual staff to act as COVID safety marshals at the entrance to Council's premises. Some of those casuals have worked for one day, some of them have worked for longer periods of time and I expect that the issue of nametags has been possibly forgotten. A lot has happened in the last two years including keeping our staff safe, the public safe, we have been open again, we have been closed again so the issue of nametags I think has probably been something that has been forgotten but should not have been forgotten and if there has been any oversight in the requirement of staff to wear nametags I apologise.

4 OFFICERS' REPORTS - PART TWO

4.1 OTHER

4.1.1 Improving the operation of ResCode - Council officers' submission

File Id:	A8490088
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	DELWP Executive Summary Officer Submission

1. Report Summary

The Department of Environment, Land, Water and Planning (DELWP) has recently commenced a review of the ResCode provisions within the Victorian Planning Provisions. The intent of the review is to create a system that will deliver a consistent, streamlined and digital ready ResCode, which will improve clarity for all users.

In late 2021, DELWP sought Council officers' feedback on the proposed changes to ResCode. In January 2022, officers provided initial feedback in response to the proposed changes (see Attachment 2). While there are some positives to the changes, the key concern for CGD officers is the significant 'watering down' of the neighbourhood character and local policy within the Greater Dandenong Planning Scheme, used when assessing local residential developments against ResCode.

This report outlines the changes proposed by DELWP, the initial officers' feedback, and recommends that Council adopts this officers' submission. It also notes that Council will continue to seek to be actively involved any further consultation regarding potential changes to ResCode.

2. Recommendation Summary

This report recommends that Council resolves to:

- note the proposed changes to ResCode;
- adopt the Council officer submission; and
- continue to participate in any further consultation regarding potential changes to ResCode.

4.1.1 Improving the operation of ResCode - Council officers' submission (Cont.)

3. Background

Clause 55 of the Victoria Planning Provisions (also known as ResCode) sits within all Planning Schemes across Victoria and is a key consideration when assessing planning permit applications for multi dwelling developments. ResCode in its current form contains Objectives and Standards which set out key criteria. Multi dwelling residential development should meet the Standards and must meet the Objectives to be considered acceptable. The criteria it contains includes front and side setbacks, private open space areas and dimensions, neighbourhood character provisions, permeability, building height, and energy efficiency requirements, among others.

ResCode has been in the Victorian Planning Provisions for more than two decades, and concern has been increasing that as the expectations of the planning system continue to grow, ResCode has become inconsistently applied across different Council's who are seeking achieve different outcomes, resulting in on-going challenges for development being able to occur in an efficient and timely manner.

As such, DELWP have now drafted an amended ResCode structure that seeks to create streamlined and consistent outcomes across Council's. In recent months, DELWP sought feedback from Council officers.

This report outlines the key changes proposed by the DELWP review and the initial Council officers' response to this.

4. Discussion

The proposed ResCode amendments contain a number of changes, with the main changes summarised as follows:

Performance Assessment Model (PAM)

ResCode in its current form is made up of Objectives and Standards. Objectives describe the qualitative outcome sought, and Standards then contain the quantitative requirements that indicate if the Objective has been met. For example, the Objective for Daylight to New Windows states '*to allow adequate daylight into new habitable room windows*'. The Standard then sets out the quantitative requirement to meet the Objective, which is '*a window in a habitable room should be located to face an outdoor space clear to the sky or a light court with a minimum area of 3 square metres and a minimum dimension of 1 metre clear to the sky, not including land on an abutting lot*'.

A development must meet the Objective and should meet the Standard.

The proposed amended ResCode replaces Objectives and Standards with a Performance Assessment Model (PAM). The PAM consists of four components:

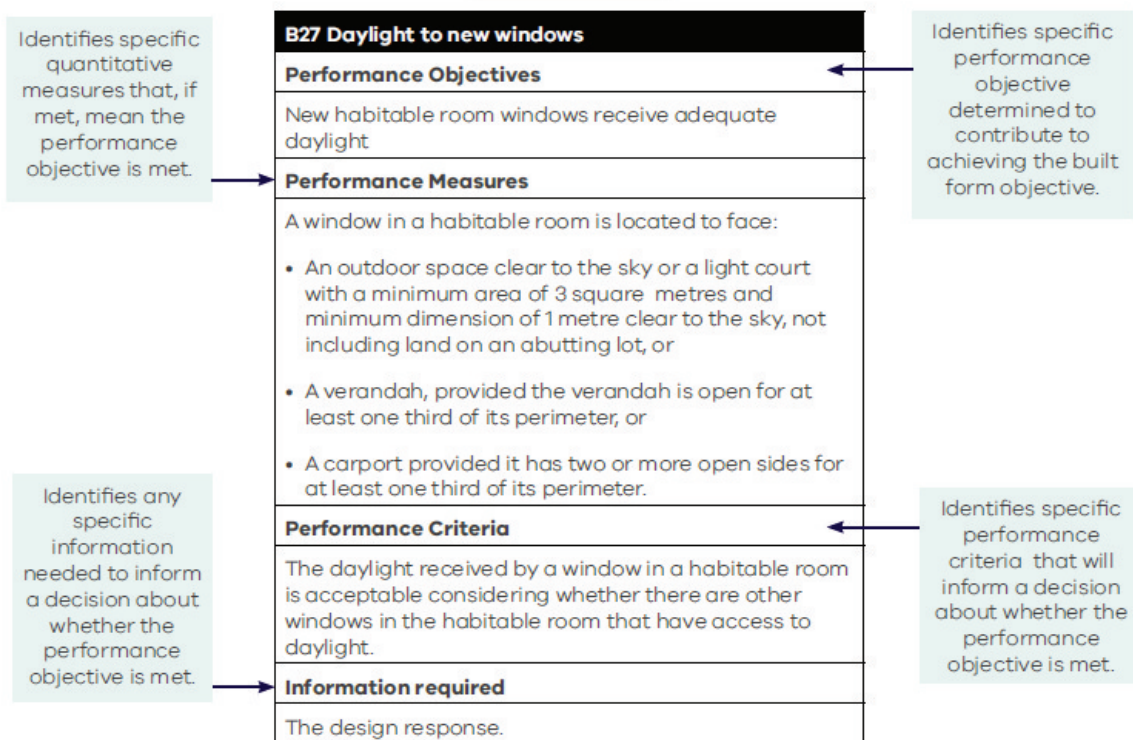
- Performance Objective – Describes the acceptable design outcome (similar to the current 'Objective')
- Performance Measure – Specifies quantitative measures (similar to the current 'Standard'). Where the measure is met, the Performance Objective is deemed to be met. Council cannot then further assess this item.

4.1.1 Improving the operation of ResCode - Council officers' submission (Cont.)

- Performance Criteria – Where a Performance Measure is not met, the Performance Criteria will specify qualitative standards to determine if the proposal meets the Performance Objective
- Information Required – Identifies specific information required to inform a decision on whether the Performance Objective is met.

In summary, if the quantitative Performance Measure is met, the Performance Objective is deemed to be met, and Council cannot further consider or use any discretion for that element of the proposal. If the Performance Measure is not met, Council needs to assess that element against the Performance Criteria to determine if the Objective is met.

Below provides an example:



Neighbourhood Character & Local Policy

The proposed amendment to ResCode makes substantial changes to considerations of neighbourhood character and local policy that sit within planning schemes.

When assessing neighbourhood character, the current form of ResCode provides for consideration of the existing and preferred neighbourhood character, including any relevant neighbourhood character objective, policy or statement set out in the planning scheme.

4.1.1 Improving the operation of ResCode - Council officers' submission (Cont.)

The proposed amended ResCode states that neighbourhood character is simply met if the proposal complies with the street setback, building height, site coverage, side and rear setbacks, walls on boundaries, and front fence provisions of ResCode. If all of these provisions are met, Council must deem the proposal has meet neighbourhood character requirements.

If all of these provisions are met, Council's can no longer consider local policy, such as Clause 22.09 – Residential Development and Neighbourhood Character Policy of the Greater Dandenong Planning Scheme. However, DELWP are advising that it may be possible for Council's to amend the schedules to zones to vary some of the ResCode provisions to suit local needs.

Other matters

The proposed amendment to ResCode does not make any changes to the quantitative standards (i.e. the Standards (setback distances, private open space sizes etc.) in the existing version are directly translated into the new Performance Measures). In addition, public notification and appeal rights remain in place, and are not altered in any way.

5. Proposal

Council officers have fully reviewed the proposed amendments and have provided an initial written response (see Attachment 2).

The following is a summary of the officers' response:

- A review of ResCode is supported given it is now more than 20 years old, as is improving the efficiency and operation of the planning system. However, achieving high quality outcomes that support the places our communities live, work and play should not be detrimentally impacted as a result. Concern is raised that the changes as proposed will not ensure high quality outcomes. Principal amongst these is the effective neutralisation of the Neighbourhood Character Policy at clause 22.09 in the Greater Dandenong Planning Scheme.
- The key concern of officers is the significant watering down, almost to the point of redundancy, of well-established local policies in many planning schemes, and genuine consideration of local neighbourhood character as part of the assessment process.
- Neighbourhood character is so much more than the blunt compliance tool now proposed, which only requires meeting certain setbacks, heights and site coverage (as detailed in the Discussion above). For DELWP to state otherwise totally fails to understand the unique existing and future character of many areas throughout Victoria, including in Greater Dandenong.
- It is anticipated that designers will now simply 'tick the box' by meeting these compliance tools, which will then no longer permit Council to consider Clause 22.09 – Residential Development and Neighbourhood Character. This will result in Council not being able to ensure important elements of this policy are considered, including landscaping, number of storey's, reverse living, double storey to the rear etc.

4.1.1 Improving the operation of ResCode - Council officers' submission (Cont.)

- The outcome of the above is high likely to be cookie cutter dwellings that provide limited visual interest, have no architectural flare and do not provide for a suitable level of liveability for occupants and surrounding residents.
- It is noted that there is a potential for Council's to vary the schedules to their residential zones to amend certain setbacks, heights etc., however there is no guarantee that these will ultimately be approved and gazetted into the planning scheme. In addition, there is likely to be long lead times for this to occur, and should the ResCode changes be implemented prior to Council's being able to have amended schedules implemented, it could lead to some very poor outcomes.

Finally, the variations to schedules available for consideration do not address many of the essential future character provisions of Clause 22.09, such as landscaping, number of storey's, reverse living, separated upper levels, and double storey to the rear.

This Council invested heavily in time, money and community participation in the development of clause 22.09- Residential Development and Neighbourhood Character and followed a rigorous statutory process in having it reviewed and tested, including by Planning Panels Victoria in getting it included in the Greater Dandenong planning Scheme. The proposed changes to ResCode effectively write it out of the Scheme.

- There will likely be financial and resource implications for Council's as a result of the proposed changes, which must be considered and addressed prior to any implementation. These implications include potential significant work in translating the existing planning scheme to address the ResCode changes, training for staff, embedding the new terminology (PAM), and educating the community on the consequences of the changes.
- It is pleasing to see that public notification requirements and third party rights have not been altered, and the community will continue to have involvement in the process.

6. Financial Implications

There are no financial implications associated with this report at this time. However, as described in penultimate paragraph in the section above, there will likely be financial and resource implications should these changes be implemented by DELWP. Further consideration of this will be required at that time.

7. Consultation

This is a DELWP lead project and the consultation process is undertaken by DELWP.

To date, a consultation has been undertaken with Council officers in late 2021, with feedback from officers sought through that process. Greater Dandenong officers provided a submission (Attachment 2).

Details of further consultation by DELWP is not yet available.

4.1.1 Improving the operation of ResCode - Council officers' submission (Cont.)

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

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

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

8.1 Community Vision 2040

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

- Safe and peaceful community.
- Sustainable environment.
- Embrace diversity and multiculturalism.

8.2 Council Plan 2021-25

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

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

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 overarching governance principles of the *Local Government Act 2020* have been considered in the preparation of this report in the following regard:

- The report and officer submission seeks to ensure local communities have access to mix of high-quality housing and supporting infrastructure;
- The report and officer submission support the Council's Community Vision and Council Plan;
- The report provides details on the engagement undertaken by DELWP to date.

4.1.1 Improving the operation of ResCode - Council officers' submission (Cont.)

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:

- 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;
- 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, as 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.

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 supports Council's commitment to climate change and sustainability by seeking to ensure that future housing developments are of a high quality outcome from a design, liveability and sustainability perspective.

13. Related Council Policies, Strategies or Frameworks

Greater Dandenong Planning Scheme.

4.1.1 Improving the operation of ResCode - Council officers' submission (Cont.)

14. Conclusion

DELWP has commenced a review of the current ResCode provisions and have sought initial feedback from Council officers. In November of 2021 an officers' response was provided to DELWP, which outlines a number of concerns with the proposed changes and in particular with the significant changes to considerations of this Council's neighbourhood character and local policy within the Greater Dandenong Planning Scheme. Unfortunately, the current version of DELWP's proposed amendments to ResCode have taken no account of those concerns. The officers' assessment and comments provided in the body of this report are intended to be a further submission and form the basis of ongoing engagements with DELWP in its review of ResCode.

15. Recommendation

That Council resolves to:

- 1. note the proposed changes to ResCode;**
- 2. adopt the Council officer's submission; and**
- 3. continue to participate in any further consultation regarding potential changes to ResCode.**

MINUTE 407

Moved by: Cr Sean O'Reilly
Seconded by: Cr Eden Foster

That Council resolves to:

- 1. note the proposed changes to ResCode;**
- 2. adopt the Council officer's submission; and**
- 3. continue to participate in any further consultation regarding potential changes to ResCode.**

CARRIED

4.1.1 Improving the operation of ResCode - Council officers' submission (Cont.)

OTHER

**IMPROVING THE OPERATION OF RESCODE-COUNCIL OFFICERS'
SUBMISSION**

ATTACHMENT 1

**IMPROVING THE OPERATION OF RESCODE
– DELWP EXECUTIVE SUMMARY**

PAGES 9 (including cover)

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

4.1.1 Improving the operation of ResCode - Council officers' submission (Cont.)



Executive summary

The Victoria Planning Provisions (VPP) and ResCode have served Victorians well for more than two decades.

They have delivered simpler, more consistent and usable planning schemes based on state standard provisions. However, as expectations on the planning system have grown, the complexity of issues and how some scheme provisions have responded has created uncertainty, hindered usability and created an obstacle to delivering digital ready planning schemes.

This report sets out how the operation of assessment provisions in planning schemes can be improved through the introduction of a new Performance Assessment Model (the model) that will deliver consistent, digital ready assessment provisions that support streamlined decision making. The model will standardise how assessment provisions work, improving clarity for all users.

This report focuses on improving how planning schemes describe the desired planning objectives for residential development in ResCode and how proposals are assessed against those objectives, however the model can be applied to all discretionary provisions across the VPP and local provisions.

The model is made up of a new Performance Assessment Module (PAM) and new rules about how a design response is assessed against the PAM. The PAM will set out more precisely the performance objectives for a design matter and the considerations and information that are needed to make an assessment of that matter. The new rules will make it clear when a design response is deemed to achieve the performance objective.

The performance assessment model



Both these new provisions will significantly reduce uncertainty about what is expected for each design matter and whether a design response meets those expectations.

4.1.1 Improving the operation of ResCode - Council officers' submission (Cont.)

Department of Environment, Land, Water and Planning



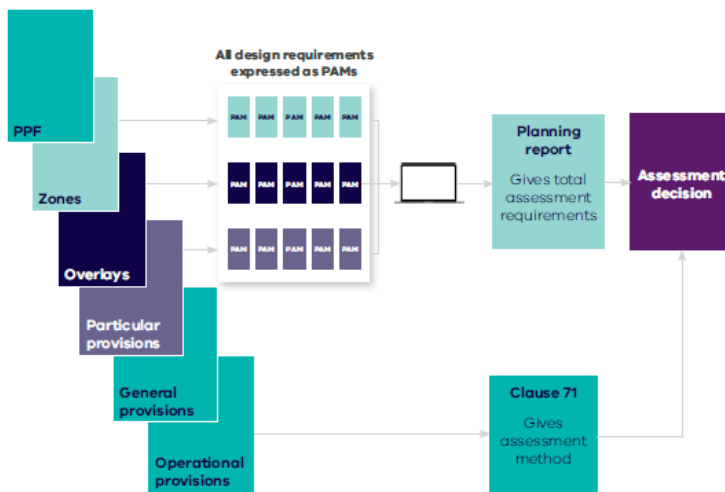
Converting assessment provisions to the proposed model will have the following benefits:

- A clear, consistent, more modular structure for the preparation of provisions that guide the exercise of discretion across the VPP.
- A more consistent operational framework that promotes the use of objective Performance Measures to clearly signal and facilitate outcomes that are deemed to be acceptable.
- A consistent structure and format for discretionary provisions that will support the long-term development and delivery of fully digital planning schemes.

Translating all development assessment provisions in planning schemes to the consistent use of PAM provisions will mean that, in the longer term, digital platforms will be able to 'collect' all the relevant PAMs for a matter and present them in a consistent, integrated form that will enable:

- an applicant to clearly see what performance objectives are required to be achieved, how they might be achieved and exactly what information is required to be presented with the application.
- the responsible authority to get a quick and complete checklist of all the matters that need to be assessed in a form suitable for direct inclusion in their planning report.
- the community to readily see which aspects of a proposal achieve expectations and the basis on which aspects that may not will be assessed.

Overview of how the proposed model will work



4.1.1 Improving the operation of ResCode - Council officers' submission (Cont.)

Department of Environment, Land, Water and Planning

Why start with ResCode?

Residential development proposals make a significant contribution to the number of planning applications made each year. Of the 40,000 new permit applications received in 2019/20, about 30% included a residential element that was assessed against the residential development standards in ResCode.

This report shows how the operation of ResCode can be improved by using the model to update the format of the ResCode standards to be clearer about their expectations and to be better aligned with the principles of the VPP. This will lead to more certain and more efficient development assessment and decision making.

The proposed model builds and improves upon the operational model that currently underpins ResCode.

Translating the ResCode standards to PAMs will not change the content of established standards or affect the procedural settings that currently apply to the assessment of proposals, including third party notice or appeal rights.

What is ResCode?

Clauses 54 and 55 are commonly referred to as ResCode and were introduced in August 2001, shortly after the rollout of the VPP and new format planning schemes. These two initiatives marked the beginning of a new era in preparing and administering local planning schemes based on user friendly provisions that are consistent statewide.

In the two decades since the introduction of the VPP and ResCode, Victoria has undergone significant change. The Victorian population has increased by 1.9 million people to 6.6 million people. It is estimated that by 2051 Melbourne's population will increase by another 4 million people. Plan Melbourne (Direction 2.4) has highlighted the critical role the planning system plays in ensuring an adequate supply of well located, affordable housing, while maintaining Victoria's liveability. Plan Melbourne has identified the need to better streamline approvals for housing proposals that do not raise strategic policy issues through more code-based approaches to assessment.

Advances in technology over the last 20 years have also brought profound change in the way citizens interact with public services and the law. The ability to 'design out' complexity and improve access to the law using digital platforms offers significant efficiency and effectiveness benefits for the way that the planning system delivers desired housing outcomes. To realise this potential, clearer and more consistent approaches to the operation and drafting of planning provisions is needed to make them 'digital ready'.

The role of planning reform is to ensure that the planning system is calibrated to meet the current and future needs and expectations of the Victorian community, specifically so that:

- Provisions clearly describe desired planning outcomes that are consistent with those needs and expectations.
- Provisions and processes are consistently applied in a manner that is proportionate to risk and to efficiently deliver the desired outcomes.
- Provisions and processes, and any supporting initiatives, are designed to meet the needs of the system's users.

Since its introduction, there have been a number of reforms to the VPP affecting residential development, including the introduction of reformed residential zones, and a new assessment pathway (VicSmart), and new standards for apartment developments.

Against this background local councils have accumulated and refined a substantial body of strategic work on housing and neighbourhood character. This work has, to varying extents, been implemented in local planning schemes or supporting guidance documents, through neighbourhood character policies and associated variations to ResCode standards.

The ResCode standards are now well accepted and understood and have served Victorians well. ResCode's long use and the familiarity users have with its application to local neighbourhoods are significant assets. They provide a strong basis on which to recalibrate and improve its statutory operation in line with the VPP principles (including *User Focussed, Proportional and Digital First*).

4.1.1 Improving the operation of ResCode - Council officers' submission (Cont.)



What is a PAM?

The PAM is built on four components:

- **Performance Objectives** – that clearly describe acceptable design outcomes.
- **Performance Measures** – that specify quantitative measures, or objectively ascertainable conditions. Compliance with performance measures will be deemed to achieve the relevant Performance Objective.
- **Performance Criteria** – where a Performance Measure cannot be specified or is not complied with, the Performance Criteria will specify qualitative standards for determining whether the proposal achieves the Performance Objective.
- **Information required** – that identifies any specific information needed to inform a decision about whether a Performance Objective is met.

Where the model is applied, a PAM must include one or more:

- Performance Objective
- Performance Criteria

The PAM may include one or more:

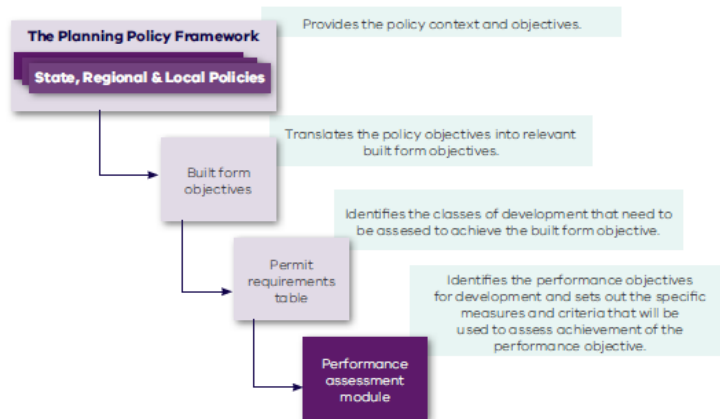
- Performance Measure
- Information Requirements

How a PAM is created is shown below. In drafting a PAM, it will be essential that the Performance Objective being sought is well thought out and can be clearly expressed. The PAM also ensures that the planning authority can express the measures that, if achieved, show that the Performance Objective is achieved. This will remove doubt and debate about whether certain design responses are acceptable or not.

4.1.1 Improving the operation of ResCode - Council officers' submission (Cont.)

Department of Environment, Land, Water and Planning

Building a PAM



Identifies specific quantitative measures that, if met, mean the performance objective is met.	<p>B27 Daylight to new windows</p> <p>Performance Objectives</p> <p>New habitable room windows receive a adequate daylight</p>	Identifies specific performance objective determined to contribute to achieving the built form objective.
	<p>Performance Measures</p> <p>A window in a habitable room is located to face:</p> <ul style="list-style-type: none"> • 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 • A verandah, provided the verandah is open for at least one third of its perimeter, or • A carport provided it has two or more open sides for at least one third of its perimeter. 	
Identifies any specific information needed to inform a decision about whether the performance objective is met.	<p>Performance Criteria</p> <p>The daylight received by a window in a habitable room is acceptable considering whether there are other windows in the habitable room that have access to daylight.</p>	Identifies specific performance criteria that will inform a decision about whether the performance objective is met.
	<p>Information required</p> <p>The design response.</p>	

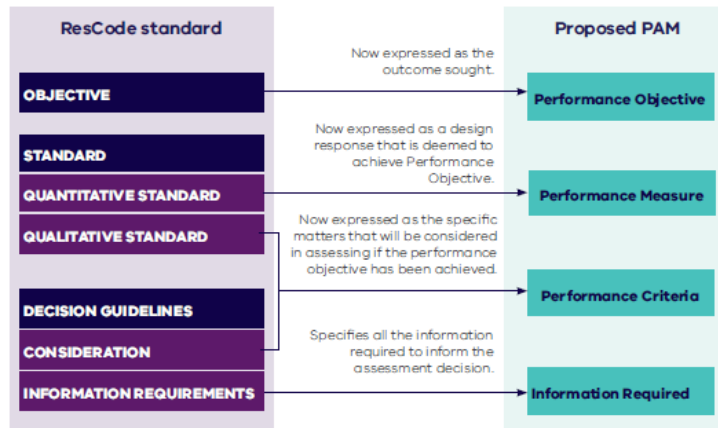
This report has found that all current ResCode standards can be expressed as a PAM (see APPENDICES 4, 5 and 6).

4.1.1 Improving the operation of ResCode - Council officers' submission (Cont.)

Department of Environment, Land, Water and Planning

Translating a ResCode standard to PAM

The difference between a ResCode standard and a PAM



4.1.1 Improving the operation of ResCode - Council officers' submission (Cont.)

Department of Environment, Land, Water and Planning

Changes to apply the model

The proposed changes needed to introduce the model are summarised in the tables and diagrams below. How the model can be applied to ResCode is described in section 4.

1. A NEW PAM FOR DISCRETIONARY PROVISIONS IN THE VPP	
Proposal	Implement a new PAM in the operational provisions of the VPP. The new model creates a PAM built on four components: Performance Objectives – that clearly describe acceptable residential development outcomes. Performance Measures – that specify quantitative measures or objectively ascertainable conditions. Compliance with the Performances Measures is deemed to achieve the relevant Performance Objective. Performance Criteria – where Performance Measures cannot be specified or are not complied with, Performance Criteria will specify qualitative standards for determining whether a proposal achieves the Performance Objective. Information Required – that identifies any specific information needed to inform a decision about whether a Performance Objective is met.
Current Issues	Discretionary provisions are inconsistently articulated across the VPP and planning schemes, creating uncertainty regarding their intended outcomes and operation. The need to promote streamlined, code-based assessment for low risk applications where standards are well understood and accepted. A more consistent structure and operation of discretionary provisions can promote code-based assessment and digital ready provisions.
Proposed changes	A new operational provision (clause 71.XX – Performance Assessment (see APPENDIX 3)) to provide for: <ul style="list-style-type: none"> • The use of the new PAM across the VPP and planning schemes. • Specification of a standard operation and decision-making framework where a PAM is applied.

4.1.1 Improving the operation of ResCode - Council officers' submission (Cont.)

Department of Environment, Land, Water and Planning

2. TRANSLATE EXISTING RESCODE PROVISIONS TO THE NEW PAM

Proposal	Translate the existing ResCode objectives and standards into PAMs. This translation will not change the existing ResCode quantitative standards and procedural settings, including third party notice and review rights.
Current issues	Existing quantitative ResCode standards and local variations are well understood and accepted. A divergence of views has created some uncertainty regarding the operation of some aspects of ResCode. The current expression of standards does not sufficiently facilitate approval for residential development that complies with an accepted standard or local variation.
Proposed changes	Translate clauses 54, 55 and 58 into the proposed new PAM format. APPENDICES 4, 5 and 6 set out drafts of how these would look.

3. INTRODUCE A NEW OPPORTUNITY TO SPECIFY NEIGHBOURHOOD CHARACTER PERFORMANCE MEASURES

Proposal	Provide a new opportunity for councils to more precisely specify performance measures for Neighbourhood Character (A1 & B1) and Detailed Design (A19 & B31), within the planning scheme in the schedules to residential zones.
Current issues	Councils have accumulated substantial bodies of work that identify important features of neighbourhood character for local areas. Neighbourhood character study documents largely exist outside planning schemes or are imprecisely expressed in local policies. Opportunity to elevate important neighbourhood character elements to Performance Measures and facilitate appropriate residential development.
Proposed changes	Amendments to residential zones (clauses 32.04, Mixed Use Zone, 32.05 – Township Zone, 32.07 – Residential Growth Zone, 32.08 – General Residential Zone, 32.09 – Neighbourhood Residential Zone) to provide head of power for schedules to specify performance measures for Neighbourhood Character (A1 & B1) and Detailed Design (A19 & B31). Updates to Neighbourhood Character (A1 & B1) (clauses 54 and 55) to refer to Performance Measures specified in zone schedules. Amendment to Ministerial Direction (form and content of planning schemes) to vary schedule format for residential zones (clauses 32.04, Mixed Use Zone, 32.05 – Township Zone, 32.07 – Residential Growth Zone, 32.08 – General Residential Zone, 32.09 – Neighbourhood Residential Zone) to allow schedules to specify Performance Measures for Neighbourhood Character (A1 & B1) and Detailed Design (A19 & B31).

It is important to note that the proposals in this report have only been developed to a 'proof of concept' stage. It will be necessary to ensure that any final package of statutory and operational provisions is developed and introduced in a coordinated way with all stakeholders and practitioners. As well, some of the proposed statutory drafting and decision-making changes are subtle. A substantial communication and training program will be essential for successful implementation.

4.1.1 Improving the operation of ResCode - Council officers' submission (Cont.)

OTHER

**IMPROVING THE OPERATION OF RESCODE-COUNCIL OFFICERS'
SUBMISSION**

ATTACHMENT 2

OFFICERS' SUBMISSION

PAGES 5 (including cover)

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

4.1.1 Improving the operation of ResCode - Council officers' submission (Cont.)

Improving the operation of RESCODE Discussion Paper

City of Greater Dandenong submission

This submission has been prepared by Council officers and forms the initial view of officers only. It has not been presented to Councillors at this time and does not form a formal Council position. Council reserves its right to lodge a further formal submission in future.

The City of Greater Dandenong appreciates the opportunity to provide an initial submission to the *Improving the Operation of ResCode Discussion Paper*.

The review and clarification on qualitative and quantitative sections of ResCode is welcomed, however the push to facilitate a more streamlined assessment by promoting the use of quantitative standards for assessing residential development proposals creates a significant risk of diminishing the assessment process. Furthermore, it does not allow for meaningful consideration of existing local policy within individual Planning Schemes and the unique neighbourhood character of many areas across Victoria.

Planning is more than a binary tick box exercise. While initiatives to speed up the planning process are welcomed, this must not occur to the detriment of the places our communities live, work and play. These places impact on people's mental health, access to open space, and overall quality of life. This must not be negatively impacted to 'speed up' the planning process.

Development in outer suburbs such as those in Greater Dandenong are developer led. Removing the ability of Councils to influence better design and achieve a preferred future character will result in poorly designed cookie-cutter concrete boxes.

Specific officer feedback on particular elements of the Discussion Paper is provided below:

Neighbourhood Character - Local Policy

The Discussion Paper fails to recognise the importance of existing local policy that is well established in many Planning Schemes across Victoria, including Greater Dandenong, and the unique neighbourhood character of many areas across Victoria. Rather, it seeks to create a 'one size fits all' approach to neighbourhood character, and in doing so only considers existing character, not future preferred character that is identified in many local policies. This will have a negative impact on a considerable number of areas in Victoria.

Greater Dandenong has a well-established local policy for residential development, being Clause 22.09 – Residential Development and Neighbourhood Character Policy, which sets out the future preferred neighbourhood character. This policy was developed through very extensive strategic planning work to identify and establish the existing and preferred neighbourhood character for the residential areas of Greater Dandenong.

This policy has previously been considered by DELWP officers, Planning Panels Victoria, and the Minister for Planning on two occasions in the last five years, and on both occasions has been

4.1.1 Improving the operation of ResCode - Council officers' submission (Cont.)

approved and gazetted into the Planning Scheme. The changes now proposed will result in this policy becoming almost redundant, which is of extreme concern to Council officers.

The Discussion Paper suggests that neighbourhood character can be determined to be met if a development complies with the Performance Measure provisions of B6, B7, B8, B17, B18 and B32 (and the Clause 54 equivalents). Neighbourhood character is significantly more than this, and utilising such a blunt instrument to determine this totally fails to consider the unique existing and future character of many areas throughout Victoria.

It is noted that Councils can seek to introduce variations to the above provisions in schedules to the zone, however there is no guarantee that this will be supported, and gazetted. Furthermore, there is likely to long lead times for this to occur, and if the changes are implemented prior to Councils being able to have amended schedules gazetted, this could lead to some very poor outcomes.

In addition, the variations able to be sought in schedules do not address many of the future character provisions set out in Council's Clause 22.09, such as the provision of landscaping, number of storey's, reverse living, attached/ separated upper levels, double storey to the rear etc.

Council officers seek clarity as to how all of these provisions could be included in a variation to the ResCode provisions within a zone schedule. If they cannot be accommodated, Council officers strongly object to the proposed Neighbourhood Character provisions.

Schedules to Residential Zones

Greater Dandenong has been actively considering its residential zoning regime in one form or another since 2013. In that time, State Planning Policy has constantly evolved and changed. The proposed Performance Assessment Model (PAM) is yet another shift that will create significant work to ensure the existing valued policy elements are translated across appropriately.

Greater Dandenong schedules to the residential zones will need clear and carefully drafted neighbourhood character objectives and performance measures to achieve desired design/amenity outcomes that are of the utmost importance to our community.

It is important that the translation identifies and carries forward all valued parts of the existing Local Planning Policy Framework (LPPF) so that Council can continue to facilitate good and proper planning decisions and outcomes. It is also vitally important that this occurs prior to the introduction of the proposed ResCode changes.

Given the already unacceptably long and challenging Greater Dandenong PPF translation process, officers are very concerned about these two projects running concurrently.

Design excellence

The Discussion Paper states that *"The model is also flexible and will allow for more complex, merit-based assessments, where competing policy considerations might need to be weighed and integrated into a single planning permit."* It is unclear how Council can incorporate policy considerations in its decisions with the removal of the decision guideline about relevant policies. PAM essentially introduces three ways to assess compliance, removing all levels of negotiation to better the quality of 'built form'. Architectural flare will be set aside, and standardised housing with no valued amenity will become the norm.

Council officers are also concerned with the use of language such as the following in the Discussion Paper:

4.1.1 Improving the operation of ResCode - Council officers' submission (Cont.)

"However, if the Performance Measures are met, either as set out in the assessment provisions or a schedule to the zone, it will not be open to councils to seek additional 'beyond compliance outcomes' in the name of intangible ideas of neighbourhood character."

This appears to directly conflict with the original statement under this sub-heading, and infers that Council's efforts to protect existing and future neighbourhood character and to ensure appropriate design outcomes are excessive and unwarranted. This language, and view from DELWP is incredibly disappointing, particularly when these 'ideas' are based on significant strategic planning work, and are incorporated into Planning Schemes.

More information and examples are required to demonstrate this flexibility of how policy considerations and discretion can be incorporated into decision making.

Public Notification

It is important that the proposed changes do not result in the removal of the public notification process for residential developments. Community involvement is a critical component of the planning process, and this should not be lost or minimised as a result of the proposed changes to ResCode.

Terminology

The proposed terms 'performance measure' and 'performance criteria' are confusing and seem like an unnecessary change. The current guidelines which use objectives and standards are consistent and known throughout the industry. The PAM merely adds another layer for the development community to now grapple with and with the generic requirements. Keeping the terms the same where possible will enable a smoother transition.

Digitised system

It makes sense to have a standardised set of criteria so that future computer-based systems identify the relevant provisions for a particular proposal and give a total summary of all relevant assessment requirements (similar to South Australia's new system). However, a 'standard digital assessment proforma' is already informally used for CI 54 & 55 applications.

The focus on implementing the "Digital first" principle should not override the ability of Council's to guide decisions based on extensive strategic planning and policy making for local areas. Rather the digital system should accommodate the existing well-founded system and avoid evolving into a 'tick-box' approach.

Concerns with proposed translation of specific Standards

Why is there no 'information required' for B41 Accessibility? This is often the most confusing standard. Applicants almost always get this wrong. There should be explicit 'information required' set out for this standard.

Additional costs for Councils

All LGAs with residential development and neighbourhood character policies will require their Strategic planning departments to, yet again, undertake another translation. Should the PAM not allow for a policy neutral translation, such as the nuanced neighbourhood character requirements, this could result in prolonged and costly planning scheme amendments.

The new model will result in new and additional costs for users who will ultimately have to retest the process at VCAT and through Council and add another layer of complexity to the process.

4.1.1 Improving the operation of ResCode - Council officers' submission (Cont.)

In addition, Local Governments will inevitably need to upgrade systems to effectively speak to a planning scheme overhaul.

Training

Council officers are pleased to see commitment to comprehensive training for industry professionals (council's, architects, planners and consultants) and the general public with the knowledge of how to apply the PAMs.

Further information

- How will PAM relate to other sections of the Planning Scheme?
- How will VicSmart be impacted by the proposed changes?
- What is the future intention for local policies? Are they to be removed all together? Will the weight of Policy change?
- How will the reshuffling of what is currently in the Scheme streamline the decision-making process?

Council officers look forward to receiving a response to the above submission, and being able to provide further feedback as the process evolves. If you have any queries regarding the above, please contact Brett Jackson – Manager Planning & Design (brett.jackson@cgd.vic.gov.au or 8571 5334).

Yours Sincerely,



Jody Bosman
Director, City Planning, Design & Amenity

4.1.2 List of Registered Correspondence to Mayor and Councillors

File Id:	qA283304
Responsible Officer:	Manager Governance
Attachments:	Correspondence Received 21 February – 4 March 2022

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 February – 4 March 2022.

Recommendation

That the listed items provided in Attachment 1 for the period 21 February – 4 March 2022 be received and noted.

MINUTE 408

Moved by: Cr Rhonda Garad
Seconded by: Cr Angela Long

That the listed items provided in Attachment 1 for the period 21 February – 4 March 2022 be received and noted.

CARRIED

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

OTHER

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


ATTACHMENT 1

**CORRESPONDENCE RECEIVED
21 FEBRUARY – 4 MARCH 2022**

PAGES 3 (including cover)

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

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



Objective
CONNECTED. COLLABORATIVE. COMMUNITY.

Correspondences addressed to the Mayor and Councillors received between 21/02/22 & 04/03/22 - for officer action - total = 0

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Assigned
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NB: Users assigned may have changed by the time of the Council Meeting. Correct at time of report production only.

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



Correspondences addressed to the Mayor and Councillors received between 21/02/22 & 04/03/22 - for information only - total = 2

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Assigned
An invitation from the President of the ALGA for Councillors to attend a Pre-Federal Election Briefing with the Shadow Minister for Local Government the Hon Jason Clare MP.	22-Mar-22	23-Feb-22	A8524703	Mayor and Councillors EA
A further complaint from a Keysborough resident regarding trees planted by Council and advice and action taken by Council in relation to the complaint.	02-Mar-22	03-Mar-22	A8552062	Mayor and Councillors EA

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

5 NOTICES OF MOTION

Nil.

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS

Comment

Cr Loi Truong

Recently the 'Clean Up Australia' day event was held and later we had a fundraising event at the temple at 125 Lightwood Road for the Queensland Flood Appeal and we raised around \$20,000.

Two years ago we raised over \$44,000 for the Bushfire Appeal which was donated to the Red Cross. This year we asked the Red Cross to accept the money we had raised for the Queensland Flood Appeal.

Comment

Cr Jim Memeti, Mayor

Well done and congratulations. Great effort.

Question

Cr Sean O'Reilly

I attended a few events but they have been mentioned by others so there is no need to mention them at this stage.

I have a question for the Director of Planning on an issue where a resident is extremely concerned and has laid out in great detail the issue of a neighbouring property that is dilapidated externally. You can see that it is run down and it does not appear to have been occupied for some time and now allegedly is occupied by squatters and drug users. I was interested to know myself being on Council for over 10 years that Council does have it in its Local Law provision to take actions on these issues. What I have heard previously is that it is only in the incidents of long grass and fire safety hazards but we do have it in our Local Law that if a property is completely disregarded by the owner, we can issue notices on that so I was interested in this Local Law and its application. As a Councillor I have always been strong on the notion of and practice of taking pride in where we live. I am particularly interested to hear from the Director and this is a question without notice so I do not expect the Director to have the answers immediately but I am interested to know about this particular Local Law and how many times it has been applied and enforced for example in the last 12 months. I would be interested to know what threshold a property must reach or how bad a property needs to get to before officers take action on it. I am sure when we stood for the Election one of the top five issues that was put to us by residents is they want to live in a clean, safe environment. Partly, what Clean Up Australia Day was all about. When we have landowners or property owners that just do not seem to care, I would be interested to know when and how many times Council has taken action.

Response

Jody Bosman, Director City Planning, Design and Amenity

I can certainly provide a list with some information and some data around how many times we have taken action and what that might be. When you say what is the threshold, whenever we do have a property that is brought to our attention we take action and whether that is just simply where the grass

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

is too long or the building has become dilapidated we will always take action. It is obviously easier to serve a notice and to get a response where you have overgrown grass than it is where a building has been left vacant or dilapidated. When you get to that type of situation, it tends to be a multifunctional response from across Council where we will use our Building Surveyors to determine whether or not there are building safety issues, whether there are contraventions of the planning scheme so we will use our planning compliance local laws in terms of unsightly presentation of the property. Officers will generally inspect the properties as a group that is to say multifunctional response but then when that is bedevilled by things like squatters, when it is drug use as you mentioned, that is outside of the ability and the jurisdiction of my officers to intervene with and deal with and there we will often bring in the assistance of Victoria Police. We have had several successes where Victoria Police together with the Council officers have collaborated and gone in. There have been evictions from properties, properties have been boarded up as a result of the actions of officers as I say supported by Victoria Police so each case has to be dealt with individually in terms of its severity. I am happy to provide a list, try and give some indication of where we have applied the Local Law, where the situation has also required the intervention or the support of Victoria Police in dealing with those amenity issues.

Comment

Cr Eden Foster

Since the last time we had a Council meeting we are now back in the Chamber and it is so lovely to be here in person and not to be on screen. We have also seen new events and that has been amazing to be out in the community seeing our residents and celebrating our beautiful municipality. I have attended events and been embracing new life outside of COVID restrictions. One event was visiting and touring the new Keysborough Primary School Kindergarten which is a great facility for three and four year olds. Numbers are increasing and it is great for Keysborough Primary School to also have little ones transition to the school in a couple of years' time.

I attended Walker Street Gallery as part of Council's International Women's Day celebrations and it was lovely to be there amongst women artists who demonstrated great talent in the area. We have such a talented community because this was then followed by the Noble Park Community Centre Art Show. It was very much an artistic evening and the Springvale Community Hub Community Celebration which was a fantastic event celebrating a great community facility with the support of local community groups. It was such an amazing vibrant day.

I would like to thank Council for the Railway Parade streetscape upgrade and consultations that are coming up. It is fantastic that there will be an opportunity for residents to have their say over the coming weeks on the concept plans. I would encourage residents of Noble Park and the surrounds to visit particularly this Saturday 19 March 2022 at 11am-1pm outside the Coin Laundrette on Railway Parade. The second drop-in session is on Thursday 24 March 2022 from 3.30-5.30pm. I think it is important that residents in that area contribute to the concept plan and have their say.

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Comment

Cr Rhonda Garad

Clean Up Australia Day was on the weekend before last and it was fantastic to see so many kids in Keysborough South really participating and taking care of their local environment. It was a wonderful turnout and I thank all of the residents that came along. Special thank you to Julia Lewis who is our Community Waste Education Officer for her fantastic organisation of up to 10 events within our municipality.

I would also like to congratulate our collaborating Councils who are part of the great success of the Back Your Neighbour Campaign which the City of Greater Dandenong auspice. We have received considerable media coverage as a result of the launch. The campaign has now moved into a different phase and we have had tremendous success in other Councils contributing and promoting to a number of advocacy efforts such as promoting the signing of petitions, contacting local Members of Parliament and with four Councils passing notices of motion. Whilst it is very pleasing that nine people were released from the Park Hotel over the past week, it is really important they have been released without any support. That is what the Back Your Neighbour is really pushing for is adequate support for refugees and asylum seekers who currently have no income since the removal of the Status Resolution Support Services (SRSS) funding with many of them still waiting after 10 years to have their claims processed, which is why in a couple of weeks the Mayor, myself and a delegation of Mayors will be traveling to Canberra to talk to as many politicians that will open the door to us and advocating for support in the lead up to the budget.

I would also like to thank the Keysborough Mosque for their warm welcome and the Open Mosque day on Sunday. It was a very well attended event and it was great to see the community taking up the offer of coming into the mosques and learning about what happens inside the mosque.

Question

Cr Rhonda Garad

As we watch with great concern the unprecedented but predicted floods of Queensland and New South Wales, it was startling to observe that the communities were largely left to their own devices during the worst of the flooding. Whilst the State Government is responsible for emergency services the Council is responsible for the safety of our residents. We know that the City of Greater Dandenong municipality is particularly vulnerable to floods, extreme storm events and extreme heat so my question is, in the case of a severe climate event:

- (a) where do the residents in the City of Greater Dandenong go to be safe?
- (b) how would we be alerted that it is time to evacuate?

Response

Martin Fidler, Director Community Services

The current Greater Dandenong Municipal Emergency Management Plan details the response arrangements for any emergencies including a local flood, storm or heat event. This plan also includes details on the establishment of emergency relief centres in the unlikely event that it is needed and

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

we have several of those planned through the municipality. We do not make those public of where they are until there is an emergency and they are activated by the relevant authorities because we do not want residents going to the wrong places or to a place that could be dangerous.

If major flood was predicted, a Flood Watch or Flood Warning is issued by the Bureau of Meteorology to let the community know about it. It is then broadcasted over many media channels including the VicEmergency warning system and many of you would have received text messages from this system in the past when there were storm events. Council has an excellent Emergency Management Team and excellent information on how people can prepare for an emergency. It is at the website www.emergencyprepare.com.au and we also have a lot of information on the Council website.

Question

Cr Rhonda Garad

Does Council send out the text? Who sends the text and would every resident in the municipality receive a text?

Response

Martin Fidler, Director Community Services

It is not from Council it is from the authorities through the Emergency Management Plan group that would gather very quickly to determine when that gets sent. We have seen it in the past, those messages get sent very quickly when there is a heat event or storm event so those systems are in place.

Question

Cr Rhonda Garad

Greater Dandenong has joined with nine other Councils in the Living Links Waterway Collaboration Committee designed to protect and enhance the Dandenong Creek catchment. The Waterway Collaboration is now lead by Melbourne Water. There has been significant revegetation by Living Links of the proposed site for a cemetery.

(a) Have our concerns with the biodiversity and water management impact of the proposed cemetery been raised by the City of Greater of Dandenong via the Living Links Collaboration Committee and if so what response have we received?

(b) Have we written separately to the Mayors, Councillors and CEOs of each of the other nine Councils expressing our concerns with the proposal of seeking their support?

Response

Jody Bosman, Director City Planning, Design and Amenity

Councillor I will deal with the second part of your question first which is the letters to the Mayors, Councillors and CEOs of other Councils. Officers are not in a position to engage with them on those communications. We have a specific role in that and maybe this is something in terms of that communication with the other Mayors that you might separately discuss with Cr Memeti.

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

As to the other aspects, a working group of Council officers have recently engaged with the cemetery's trust in an inception meeting at which the various issues and topics to be addressed as part of the assessment by officers was discussed. Further meetings with the cemetery's trust specialists will now follow on from that once the detailed information is received. Management of the proposed rezoning of the land in question has been done under the authority of DELWP the State Planning office and from a statutory point of view, this Council's role in the rezoning will be limited to making a stakeholder submission on it to DELWP. I think one of the problems is that we are not in charge of the actual rezoning process, we are a stakeholder that is being consulted.

Officers will be bringing a report to Council in due course as part of the process of this Council making a submission to DELWP to the State Planning office. Separate to Council being able to consult the Living Links Coordination Committee as part of its own assessment process, the Living Links Coordination Committee should most certainly make its own independent submission to DELWP once the rezoning process is formally launched by DELWP.

Question

Cr Rhonda Garad

With due respect, I do not think you have answered either of those questions. Would it be possible for offices to petition the Mayor perhaps to then send a letter to other Mayors if that is the process and; secondly I do not think you answered the question about the response from the collaboration.

Response

John Bennie PSM, Chief Executive Officer

It is probably my fault. I originally directed the question to Mr Bosman and we need to respect his position in terms of dealing with the planning process the proper way. On reflection the question could have come to myself and I will take that question on notice. I will engage with the Mayor and determine how we can best respond to the question being asked. I will need to talk to my colleague Mr Bosman and try and get some technical details but we will look at it from an advocacy point of view rather than a planning point of view.

Question

Cr Rhonda Garad

Many residents I have spoken to, say their next car will be an electrical vehicle an EV, particularly in light of the petrol prices right now so in light of our capacity to absorb an increased number of electric vehicles within our municipality:

- (a) how many EVs are in the Council fleet currently and what is the timeline to fully convert the fleet?
- (b) how many EV supercharger stations do we have in the municipality?

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Response

Kevin Van Boxtel, Acting Director Business, Engineering and Major Projects

With respect to Council's fleet we do not currently have fully electric vehicles in our fleet. We have a number of hybrid vehicles, part electric, part still fuelled. We have three of those and four additional ones on order.

In respect of transitioning our fleet over time, we are currently working on a framework for that. We are looking at it in line with the 2020-23 Climate Emergency Action Plan. It does indicate in our plan that Council is committed to reducing our net emissions by 2030 so for vehicles, that is subject to meeting our operational lead so we need to have suitable plans available as an alternative. That plan that is currently in preparation will look at the technologies that is available, what the cost might be and then what the timelines might be in terms of a program over the coming years to transition our fleet.

In respect to your second question, I just want to clarify, you did use the term supercharging stations so I presume you are talking about the high kilowatt ones that can actually charge very quickly and get the batteries back up to 80 percent or so within 15 minutes. I think in our municipality at the moment there is only one facility of that type that I have been made aware of and there are two of those in place at the service station Ampol on the corner of Stud Road and Heatherton Road in our municipality. They are 350 kilowatts charging facilities that can provide that level of charge in a very short timeframe. There is obviously a number of other charging stations across the municipality both on private land and also in some of our Council facilities but they tend to be much lower kilowatt capacity and therefore take much longer to recharge an electric vehicle. We expect those supply increases and demand will increase and we will see more of those facilities in our municipality and neighbouring municipalities in the future.

Question

Cr Rhonda Garad

(a) Can we have more details around the timeline of converting the fleet as we are committed to moving to net zero within the Council? Can we have more clarity about the time? There was no clarity from your answer about the timeline and your action plan around converting the fleet and moving to a net zero?

(b) On the other point, only two charging stations for the whole of Dandenong so my question without notice is, can we also have information on what the plan is to start putting EVs in given that Dandenong has the highest uptake of electrical vehicles in the whole of Victoria? I am not sure if many people know that but there is so it seems like the community is moving ahead of us. Could we have firm timelines and clear action plans around what our plans are to put in more superchargers or fast chargers?

(c) The last part of that question is are we applying a gender lens when we are placing the EVs supercharging station, making sure they are in public places that are well lit? If we could have that information in writing that would be really pleasing.

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Response

Kevin Van Boxtel, Acting Director Business, Engineering and Major Projects

We will provide a response in writing for those questions.

Question

Cr Rhonda Garad

There is some concern relating to the Multicultural and People Seeking Asylum Advisory Committee (MAPSAC) action plan. Will the plan be completed by the end of the financial year and are enough Council resources supporting the plan development?

Response

Martin Fidler, Director Community Services

The Advisory Committee has been provided with regular updates on progress made against actions in the current plan and the current plan is due to expire on 30 June this year. These updates are available in the draft minutes tabled at Council meetings. Any outstanding actions will be discussed at a meeting of interested members of the Multicultural and People Seeking Asylum Advisory Committee and Council officers which is scheduled for 23 March 2022. It is also a meeting to discuss options for future action plans. At this stage I have not been advised of the need for any additional resources.

Question

Cr Rhonda Garad

What is the timeline on development safety additions being put into the HomeCo development? Do we have information on this?

Response

Jody Bosman, Director City Planning, Design and Amenity

I assume you are referring to the pedestrian crossing and those are currently in discussion in fact both with the residential developer and with HomeCo. Last week, the Traffic Engineers together with the Manager of Planning Compliance were out there. There is a redesign that is required in terms of line markings but it is currently in hand at the moment. I hope to be able to report back to you fairly soon who is doing what in terms of the design that our Engineers will finalise and provide to both parties and that that would be implemented fairly soon.

Question

Cr Rhonda Garad

With the removal of the light do we have any information of that and the closing off of the first street within the development?

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Response

Jody Bosman, Director City Planning, Design and Amenity

The developer has arranged with the utility company for the moving of the pole. They have not given us a date, they said they will move it but we do not have a date at which that will happen. In terms of the constraining of pedestrian movement between the first parallel road and onto the access that north south access, that has already happened.

Comment

Cr Angela Long

These are some of the events I have attended since my last formal meaning.

On 5 March 2022, I attended the basketball game between Southside Flyers and UC Capitals. Capitals won 106:64.

On 6 March 2022, along with the Dandenong Lions Club, I helped picked up rubbish in Fawkner Park Dandenong for Clean Up Australia Day.

On 10 March 2022, I attended the South East Business Network (SEBN) lunch for International Women's Day. That evening I attended the basketball game between Southside Flyers and Sydney Flames. Sydney Flames won 68:66.

On 12 March 2022, I attended the 40th plus one Anniversary of the Mulgrave Rebels Baseball Club at Booth Reserve Dandenong. They were not able to hold their 40th Anniversary last year due to COVID-19 lockdowns.

I would like to present to Council a photo of last year's WNBL Champions, the Southside Flyers. Due to lockdowns this is the first opportunity that I have had to do this presentation.

Cr Angela Long presented a photo of the Southside Flyers Basketball Team, WNBL Champions 2021 to Council.

Comment

Cr Richard Lim OAM

In the last fortnight, I attended a few events.

On Wednesday 2 March 2022, I had a Zoom meeting with the CEO and staff of Hepatitis Victoria. The CEO wants a commitment from myself by running seminars on legal health on a long-term basis which I have agreed to. The seminars have been very successful and are very much appreciated by the committee, especially the Cambodian committee in our city as well as nationally and internationally. We received an award a couple of months ago called the Legal Wealth Award.

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

On Thursday 3 March 2022, I had another Zoom meeting with the Victorian Local Government Association to discuss a few programs. This involves a number of Councillors from different parts of Victoria and all of them come from different backgrounds. One program encourages further participation from culturally diverse Victorians in Local Government. It also provides an opportunity for networking and peer support among Victorian Councillors from a diversity of backgrounds and experience. It is a great program and we will continue in the next couple of months. Tomorrow morning, I have another meeting with them early in the morning and one of the Local Government officers.

On Saturday 5 March 2022, as already mentioned by everyone was the Springvale Community Hub Celebration which was very successful. Thank you to our City on behalf of the Cambodian Dancing Group, SK Media and the Monash Children Emergency Department for giving them an opportunity to be part of the celebrations. We sold some refreshments for a few hours and raised \$4,892 donated to the Monash Emergency Department.

On Sunday 6 March 2022, we had the Clean Up Australia Day where SEMVAC in partnership with the Cambodia Association worked in two teams where one focused on one area and the other one concentrated on the Springvale Activity Centre. Fortunately, there was not much rubbish like other suburbs. We cleaned up around Springvale, Springvale Road, Springvale Rise Primary School and finished up at the Springvale Community Hub. It was a great outcome.

On the same day, we had the multicultural Noble Park Community Centre Art Show organised from 11.00am to 4.00pm. There was a good turnout, a very lovely event where everyone including the manager and the staff enjoyed the music, Polynesian dancing, Indian and various group performances. We received some good feedback that Council should organise more of these types of events.

On Thursday 10 March 2022, I had a long discussion with Ms Clare O'Neil MP asking for her support for our City especially the Springvale Activity Centre. She said she is going to support us and will advocate for funding if she wins the next election.

Last Friday, I had the pleasure of joining Mr Lee Tarlamis OAM, MP of South Eastern Region to attend the Springvale Italian Senior Citizens Club social event. They organised the event and dedicated it in support of the people of Ukraine during the illegal war created by Russia leading to countless victims including pregnant ladies, children and the elderly as everyone is aware of from the footage on television everyday. It is very, very sad and it is great to see the Club's full support of that and a chance to give a speech there to welcome him. Also attending was Mrs Orysia Stefyn, Principal of the Ukrainian Community School, representing the Association of Ukrainians in Victoria – Noble Park.

I have already sent all my questions to the relevant officers and have received responses so I would like to thank Mr Fidler and Mr Van Boxtel for the quick responses to my questions. Thank you to Mr Jody Bosman, Mayor Jim Memeti and also Mr John Bennie for giving me some ideas on improvements for Springvale and how to generate more income. It was great advice and hopefully in the near future we can get together and invite all the business owners in Springvale, the Mayor, Council officers and staff, to listen to what the President of the Springvale Activity Centre's vision is.

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Comment

Cr Sophie Tan

I would like to send my condolences to Alfred 'Alf' Goldberg's family. Mr Goldberg passed away three days ago. He was a long term and dedicated member of the Noble Park RSL. He was 95 years old when he died. It is really sad news so my deepest sympathy to Alf's family. Unfortunately, I could not attend the funeral.

There are some events I attended in the last two weeks.

On 3 March 2022 I visited the new Keysborough Primary School Kindergarten. It is a lovely \$3 million portable building project by the Victorian Department of Education for three year old kindergarten over four years. There are two community meeting rooms, a maternal health care room funded with a contribution by our Council for \$50,000. It is great to have the kindergarten and the Primary school together.

On 5 March 2022, I attended to the Springvale Community Hub Community Celebration with the Mayor and two other Councillors. It is a remarkable milestone to celebrate the new community hub in the heart of Springvale. It is a beautiful purpose built facility designed to celebrate our heritage and community. It was a successful event and even though it was a cloudy day many people turned up which was great.

On 6 March 2022, like everyone else, I was also involved in the Clean Up Australia Day with the Cambodian Association of Victoria. We had around 26 volunteers cleaning around the Noble Park Activity Centre area and along the side streets. I want to thank the Cambodian Association of Victoria, their executive members, volunteers and students who participated. As Cr Lim OAM mentioned there were about 70 people who combined with staff of the Commonwealth Bank Springvale branch and Lim's Pharmacy which was great.

Question

Cr Sophie Tan

You may have heard on social media or newspapers the controversial topic regarding the development in Noble Park. Can the relevant officer provide an update regarding the application for the development at 54 Buckley Street Noble Park?

Response

Jody Bosman, Director City Planning, Design and Amenity

I will take the question on notice and will respond to you and copy all Councillors in on an update.

Question

Cr Bob Milkovic

I would like an update on the Tirhatuan Park boardwalks at Dandenong North. One of the boardwalks has been fenced off due to structural damage since September last year. Residents have asked when they will be repaired and back in use. It is where all those people get together and the kids can feed the ducks in the lakes so can we have an update on that please?

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Response

Kevin Van Boxtel, Acting Director Business, Engineering and Major Projects

That is the pier on the lake part of the park which has been in a state of disrepair. We are delayed in undertaking repairs to that structure. We had hopes to do that late last year but due to COVID restrictions that was not possible and then more recently our efforts have been directed at some of the storm issues that we have been dealing with but officers are in the process at the moment of seeking a contractor to undertake that work. They are doing these with specialised equipment because the structure is in water and it is too complicated to drain the actual lake itself but our current program is that we expect to have that work fully repaired by late June this year.

Question

Cr Bob Milkovic

Some residents have asked questions regarding trees on Council land/parks where the great big branches shed many leaves into their gutters. Is there any kind of program within the Council that can possibly help them? Many of these residents are older but they are good residents and they cannot really climb up to the roof to clean the gutters. It does cause a bit of damage, they all flow each side of the roof. Is there anything Council can do assist these people?

Response

Kevin Van Boxtel, Acting Director Business, Engineering and Major Projects

We do undertake annual inspections of our trees through an arborist and we do trimming and pruning to manage those in an appropriate manner. Where residents experience issues with leaf litter in their gutters, I understand there is a program that we can provide contacts in the community with and address that issue. I do not have the details but I can follow up and advise you if you let me know the particular locations that the residents are concerned about.

Response

Martin Fidler, Director Community Services

The Community Care department has a home maintenance department. It is limited because there is a high demand on all sorts of services from cleaning windows to gutters to gardening to repairing doors and ramps and so on. The best way is for the residents to give us a call and we will see if they are eligible and see what we can offer and work with them. We do provide gutter cleaning to those that are more frail and not able to get up to their roofs or if they can afford it we have also a range of private contractors who can provide those services in the community.

Comment

Cr Bob Milkovic

Council officers and arborists are aware that these trees that I have talked about are well pruned but they are really tall and the wind blows the leaves as far as 60 metres.

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Question

Cr Bob Milkovic

Can we have an update on Cardinia Court rezoning?

Response

Jody Bosman, Director City Planning, Design and Amenity

I will take that question on notice and provide you and all Councillors with an update.

Comment

Cr Bob Milkovic

I want to congratulate and thank Council staff and the contractors for speeding things up with the Tirhatuan Park basketball court. I know there is a lot going on with coronavirus and other issues but they are making fantastic progress and the residents are really excited and looking forward to using the facility in the very near future so thank you very much for that.

Question

Cr Tim Dark

Regarding the intersection of Kirkham Road West, Chandler Road and Cheltenham Road. It is quite a zig zag intersection. There has been a couple of accidents over the last few weeks with people either turning the corner from Cheltenham Road to turn right or left into Kirkham Road West. There has been an increase in the amount of traffic coming back on the roads, there has been an increase in the amount of accidents occurring at that intersection. I am aware that the intersection at Chandler and Cheltenham Roads is a VicRoads intersection and we did have issues when we expanded but if we could please have a conversation with VicRoads to do an audit on the issues at that intersection. I am aware that VicRoads have put in CCTV cameras as they have at almost every intersection in my Ward. Given there seems to be a massive spike in the congestions caused can we follow up and see what options are available to mitigate any future accidents and get the traffic flowing better.

Response

Kevin Van Boxtel, Acting Director Business, Engineering and Major Projects

Yes, we will investigate that intersection and have some further discussions with the Department of Transport.

Question

Cr Tim Dark

Towards the end of last year, I raised some concerns from residents in Brett Drive in Keysborough about the number of cars parking there during the day. I believe the cars belong to staff of the childcare centres next to the Keysborough Children's Centre. This was a town planning application for the old Pizza Hut site. Many staff have been parking on Brett Drive causing a substantial amount of congestion. People are finding it difficult particularly those who decelerate off Cheltenham Road and head into Brett Drive. I requested a review was undertaken however I have not heard anything back. With the childcare centres nearby, there has been an increase in cars parked there, particularly in

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

the morning around 8.00am. It has been noted that there has been a substantial number of cars pulling in and out, cars attempting to do u-turns and cars coming from the intersection of Corrigan and Chapel Roads so it is becoming quite a strong congestion point. Can officers investigate and see what options are available including potentially adding time limits or time zones on Brett Drive? Regarding the town planning permit that was issued for the childcare centre where staff parking is supposed to occur? It is definitely not occurring on the site in terms of where their planning permit was issued.

Response

Jody Bosman, Director City Planning, Design and Amenity

In respect of the review of the traffic engineering site and whether it is a new requirement for further signage and for restrictions, I will follow that up with Mr Van Boxtel and advise you.

With regards to the planning perspective, where staff are supposed to park, I will have a look at that from the point of view of the approved plans and see whether or not the parking is being provided in accordance with those plans so I will get back to you with that separately and Mr Van Boxtel will deal with the traffic engineering side.

Response

Kevin Van Boxtel, Acting Director Business, Engineering and Major Projects

We will update you on the road safety issues and the appropriateness of the need for parking restrictions.

Question

Cr Tim Dark

Brett Drive residents mentioned Faoro Court Reserve which backs onto the Keysborough Community Children's Centre. The kids from the Centre usually go to the park for a bit of nature play and the park is quite barren. It is not far from where I live and I have never really been to it but apparently it is quite barren with only a few gum trees around the edges and plain grass in the middle. Is there an option of new plants to make the area look a bit nicer than just a plot of grass with a couple of gumtrees on it? I am aware that many people are using local parks and this park has been left untouched.

Response

Kevin Van Boxtel, Acting Director Business, Engineering and Major Projects

We will have our Parks team investigate the opportunity for additional tree planting in that park.

Question

Cr Tim Dark

While I am on the topic of safety, I have received calls from residents who live off Northgate Drive in Springvale South and Gwent Street which runs off that as well heading towards the Darren Reserve Kindergarten. I have raised this multiple times over the last couple years and nothing appears to be occurring with regards to any traffic calming measures or temporary signage telling people to slow down. It is becoming a bigger issue now that kids are back at school. Parents have been racing down

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Northgate Drive towards Paterson Road and along Andleon Way. Whilst I was there with a person who is involved with the Noble Park RSL, a car drove past at close to 80km/h towards Paterson Road. Many people have also raised this same issue of speeding which has been exacerbated by the increasing turnover of homes in the Springvale South area with the older generation leaving and younger families moving into the area. If we could please write a letter to see what mechanisms are available whether it is temporary signage or a raised platform similar to Bundeena Avenue in Keysborough, to mitigate the amount of cars speeding? I really think this has become a real priority now, particularly given that we now have a new kindergarten there.

Response

Kevin Van Boxtel, Acting Director Business, Engineering and Major Projects

Officers will investigate the speeding concerns that you have raised. We do have a program for speed mitigation works that we fund through the capital program depending on the priorities with other locations in the municipality. It might not be something that we can immediately address but there might be things we can do in terms of signage to assist the issues that you have raised and we will potentially collect some data on speeding. We may be able to liaise with Victoria Police as well and get them involved in a particular location.

Question

Cr Tim Dark

I have raised the issue of Andleon Way and Northgate Drive several times. I think at one stage there was some measure using the blocks with the lines across the road. I am not sure if that data eventuated and whether both roads are on the metric as a high priority. Given the uptake of vehicles travelling there it could be reprioritised and re-evaluated.

Response

Kevin Van Boxtel, Acting Director Business, Engineering and Major Projects

We will follow up on the availability of that data and update you on its priority in terms of our other roads that we have assessed.

Question

Cr Tim Dark

Can we have an update on the current improvements at Alan Corrigan Reserve and Wachter Reserve? Alan Corrigan Reserve has had a fence up for quite some time. There has been bits and pieces of work however not much work happening in the last couple of weeks. A nearby resident advised they are still waiting to see what is happening there in terms of timelines. Can we please find out how long until the works are completed at both locations? I am aware that the wetlands have been reconstructed and they are now connected to the water drainage system but just an update if there is still more planting to be done.

Response

Kevin Van Boxtel, Acting Director Business, Engineering and Major Projects

I will follow up and provide further information on those two projects.

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Question

Cr Tim Dark

The last couple of weeks have been incredibly busy now that we are starting to re-open and exiting COVID lockdown stage and with the removal of mask mandates people are getting out and about and celebrating a bit more.

I had the fortunate opportunity of catching up with Loan Ngo who is the proprietor of O'Brien Pharmacy in Springvale South. Since the restructuring of Wards my Ward includes part of Springvale South including what is south of Paterson Road, Springvale South to Darren Road in Keysborough. It was interesting to find out about something that I was not aware of. There is now a Pharmaceutical Benefits Scheme (PBS) where you can receive your prescriptions via text and can be forwarded onto the pharmacy. The pharmacy packs the medicines as needed and offer free delivery to local residents. Talking to Loan and the work that has been done, they have many staff who speak different languages and have specifically targeted those people in the area who are disadvantaged and who may not have access to motor vehicles. The work that she has done is in house and they have absorbed the costs to ensure the residents nearby do not pay for anything. Can Council write Ms Ngo a letter thanking her for the work she has done during COVID in supporting residents?

Response

Cr Jim Memeti, Mayor

Yes.

Comment

Cr Tim Dark

Some disappointing news, it is unfortunate to see that the State Government has moved onto the Sex Work Act changes through the Victorian Parliament. This had been put through without any amendments very, very quickly by the members of the Legislative Council without any consultations or conversations. Not only was there opposition from both sides from people who represented the Sex Work industry but also we have had concerns about how it will affect local amenity. This is a substantial piece of legislation that drastically affects local Councils. It is a big cost shift by the State Government in making local Councils responsible for a lot of the work that goes through administering the Sex Work Act. Now it has to go from the previous planning schemes where brothels and places of sex work had to be operated in industrial zones away from commercial residences. The amendments that were put through mean that it can now basically occur within a residential area. There have been amendments to the signage, advertising rights for local residents and appeal rights for local residents, basically allowing a residential house in a residential area to then be applied for sex work use avoiding many of the advertising requirements which need to be put into place. It now allows them to sell alcohol without requiring the full permits which historically would not be allowed and previously forbidden and we will shortly be faced with an increase on that. The biggest issue I find is that the Law is making it an offence to work with Sexually Transmitted Infection (STI) workers and the mandatory safe sex requirements have been removed. It allows a sex worker with an STI to continue working while they have an STI using a declaration process which I think is completely outrageous. The conversation that was had as part of the debate in the upper house had said that there would be a rise of the infections in areas where there is a high rate of brothels and a high rate

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

of people in the uptake. Since the changes passed about a month ago, the Department of Health last week issued an alert for a spike in Gonorrhoea and in their report, they say that it is deliberately targeting low socio-disadvantaged areas. The Department of Health has noted areas of Brimbank, Melton and the City of Casey where we are seeing a massive spike of cases and there is no question there would be correlation between the two. The way that the State Government has gone about handling this, desperate to keep the vote in the upper house I find is incredibly incredibly disappointing not only for the public and local residents but also for people who then now have to deal with that in their residential area without any appeal rights.

Comment

Cr Jim Memeti, Mayor

Some of the functions I attended, like many Councillors I visited the Keysborough Primary School Kindergarten which is a fantastic new facility. The State Government and Council have been rolling these out now for about a decade installing these kindergartens on primary school sites so it is another one in Keysborough which is fantastic.

I attended the Greater Dandenong City Council Audit and Risk Committee Meeting.

I also attended the Noble Park Community Art Show which I opened which was fantastic. I think there were over 460 exhibits and some of them were fantastic. It blew me away with the talent we have in Greater Dandenong so well done to all the applicants there.

We had the Springvale Community Hub Community Celebration and how lovely were all those dancers and the colourful lawn at the Springvale Community Hub was fantastic and finally to have this community celebration. The official opening in September 2020 was just with some Councillors so to finally have a celebration with the community, it was a fantastic day and the sun came out for a couple of hours while the entertainment was on which was great.

I also attended the Victorian Multicultural and Multifaith Community Capacity Building Workshop right here on Sunday 6 March 2022. A great turn out. There is still a bit of work for our community members to do. We are not up there with the vaccinations for the third dose so there is a bit more to do and there was discussion on that as well so that was a great outcome to bring all the community leaders here.

I also attended the Clean Up Australia Day at the Dandenong Mosque and I would like to thank all the Councillors who did so much work on Clean Up Australia Day. It was unbelievable. I think all Councillors got involved and we were all out in our own Wards and contributed. I know Cr Formoso is not here but she did 26 parks and I am not sure if one person can do that many but well done to her and congratulations. She had a bit of a team I heard and was great so maybe next year we can have some teams and go out and do all the parks in our Wards but that was a great outcome.

I also attended the Albanian Australian Festival at George Andrews Reserve in Dandenong which was the first one. We have not had one for about 10 years so it was good to see the community come out and celebrate the festival.

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

I also attended the International Women's Day Celebration to honour the fight of women and girls in Afghanistan. That was hosted at Monash University. To see the videos and stories, what is happening in Afghanistan now and to women and girls is really, really bad and the world needs to do more. It was touching to hear some of those stories and I thank the Monash University for holding that.

I also attended the SEBN Women in Business together with the Dandenong Chamber of Commerce present International Women's Day Celebration at the Drum Theatre. It was great to get up and mix, I think there was only one other man so there were all women and Cr Long was there with me so it was good to talk to these women. Many businesswomen attended and it was great to see that they are thriving. So many strong women within our community and it was great to catch up with them.

I had a visit to the Consul General of India, Mr Raj Kumar and I talked to him about activities that are happening in the City of Greater Dandenong with the Indian Community and there is plenty happening. The Holi Festival is just around the corner and other events so it was good to catch up with the Consul General.

And sadly, the passing of Alf Goldberg. He was one of the first people to congratulate me when I was first elected onto Council in 2005. Alf was a guy that knew everything about Dandenong. He would always have something to say. His son called me and told me the sad news. We will all miss Alf Goldberg who was a great person and a great advocate for his community.

John Bennie PSM, Chief Executive Officer tabled a listing of responses to questions taken on notice/requiring further action at the previous Council meeting. A copy of the responses is provided as an attachment.

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

COUNCILLOR QUESTIONS TAKEN ON NOTICE/REQUIRING FURTHER ACTION

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
28/02/22 CQT1	Cr Tim Dark	<p>Traffic congestion at intersection of Cochrane Avenue & Kingsclere Avenue in Keysborough</p> <p>I have received correspondence and raised this previously, regarding the intersection of Cochrane Avenue and Kingsclere Avenue in Keysborough, opposite Parkmore Shopping Centre. There have been many issues with traffic particularly around schools. The Chandler Park Primary School is located on Cochrane Avenue and there has been excessive traffic during school time. Now that schools have recommenced there are congestion issues and blocking of traffic on Kingsclere Avenue caused by the amount of traffic flowing along a suburban street between 2.30-5pm. Could we please investigate? I know it is very close to Cheltenham Road so we may need to have a conversation with the Department of Transport. Can Council investigate options including introducing traffic control devices?</p>	Director Business, Engineering & Major Projects	8/03/22	<p>Initial response provided 28/02/22: Yes, we can investigate options. I will arrange our Transport Team to investigate and hold further discussions with you in the coming weeks.</p> <p>Further response provided 8/03/22: Council officers are well aware of the issues at this intersection, particularly given the complexity of movements which are permitted to occur. Council has previously banned U-turns at this location to reduce the number of conflicting movements. Further restrictions to particular movements were considered, however were not implemented given the lack of suitable alternative routes. Additionally, discussions with officers from the Department of Transport (DoT) have ruled out the option for signalisation of the intersection given its proximity to the Cheltenham Road signalised intersection. We appreciate during the peak periods the area can become quite congested with traffic from the nearby school and shopping centre. This may not have been as much of an issue in recent times due to COVID19 related lockdowns, however Council's Traffic Engineers will continue to monitor this location</p>

Reports from Councillors/Delegates & Councillors' Questions – Questions Taken on Notice

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
28/02/22 CQT2	Cr Lana Formoso	<p>Letter from the Mayor to schools to encourage walking & keeping active. As a Physical Education teacher in this municipality I am constantly flabbergasted at how little exercise our community does so I make it my daily quest to ensure that not only students but our entire communities are active. What I would humbly request from the Mayor is a letter perhaps to encourage National Ride2School Day which is happening on Friday 25 March 2022 to coincide with our Make Your Move strategy. Also being March, it is a really good opportunity for students if they do not have a bike to walk to school and really try and change this statistic that we have within our community.</p> <p>Comment Cr Lana Formoso if we could send a letter to the principals of all the schools in our municipality I think it is a great way for us to reach out and tell them that we definitely need to make our move.</p>	Mayor	7/03/22	<p>now that schools have returned to some level of 'normality', to determine if any further refinements can be implemented. We will inform you of the outcomes once the review has been completed. Due to the current volume of requests arising as the community emerges from COVID19, there may be some delays to completing the review.</p> <p>COMPLETED</p> <p>Initial response provided 28/02/22: I am more than happy to do that Cr Formoso and hopefully I will be able to get my bike out on the day as well.</p> <p>Further response provided 7/03/22: An email was sent to schools 7/03/22</p> <p>COMPLETED</p>

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
28/02/22 CQT3	Cr Lana Formoso	<p>Continuous rubbish dumping at 32 Stud Road, Dandenong At 32 Stud Road, Dandenong rubbish is being left almost every second of the day. The moment the rubbish is collected, there is a new pile there again. I do not know what else we can possibly do but could the relevant officer please try and come up with a solution to prevent this from happening? I know myself and my family and I am sure all the residents and visitors that come along Stud Road on a daily basis are also sick of seeing it.</p>	Director City Planning, Design & Amenity	15/03/22	<p>Initial response provided 28/02/22: I absolutely share your frustration and this particular site has an unfortunate history in terms of non-compliance. Leave the matter with me. We will see what we can do to try and get some traction. I will arrange for the officers to go out there again tomorrow and hopefully be able to report something back to you before the end of the week. I will also liaise with some of my colleagues in Council to see what else can be done but yes, it is a frustrating matter and I share that frustration with you but I will get back to you before the end of the week.</p> <p>Further response provided 15/03/22: Local Law officers have attended to this property and inspected for rubbish. The officers have identified the source of the hard rubbish to be a multi-unit property comprising of thirteen units. Although we have identified the property where the hard rubbish is coming from, we are yet to identify the individuals involved. Council officers have attended this property and door-knocked the residents to establish who was putting the items out. Most spoke English as a second language and all denied being involved. Discussions between officers, the body corporate and residents are</p>

Reports from Councillors/Delegates & Councillors' Questions – Questions Taken on Notice

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
					<p>continuing. In addition to the associated issue of identifying the individual owners of the hard waste from the units, Local Laws officers have partnered with Council's Waste Service team, Cleansing team and Property Liaison Officer to liaise with the corporate body and residents of the property in an attempt to coordinate an organised hard rubbish collection schedule. There are many similar situations involving multi-unit properties within the municipality that will benefit from the collaborative approach.</p> <p>Unsanitary Properties In cases of unsanitary properties where a hard waste collection has not been arranged, Local Law officers have maintained the following process to achieve compliance:</p> <ul style="list-style-type: none"> • Property is inspected by an authorised officer. • Notice to Comply with conditions is issued on the property allowing 14 days. • At the completion of the 14 days, a 7 day final reminder is sent. • At the conclusion of the 7 days enforcement action will begin (infringements/summons). • Items are removed. • If the property is owned by DFFS (DHHS) then officers submit a request for tenant

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
28/02/22 CQT4	Cr Lana Formoso	<p>Responding to requests on illegal parking from resident I had a resident call me regarding illegal parking issues in front of his house and cars blocking his driveway. He called customer service today and was put on hold for about 15 minutes. He finally got through and spoke to one of the community service officers and asked specifically for a Parking officer to attend. He waited the entire day for a Parking officer to attend and unfortunately no one did attend. The driver did eventually leave the site. I have had a few parking situations myself that I have been flagging most recently and nothing seems to be done. Do we have a shortage of Parking officers or is there a more efficient way that we can get Parking officers out to particular sites quicker?</p> <p>Comment Cr Lana Formoso I appreciate that and I am sure the resident will so I will send you an email with all of those details later this evening.</p>	Director City Planning, Design & Amenity	8/03/22	<p>COMPLETED</p> <p>Initial response provided 28/02/22: I would not say that it is a shortage of Parking officers. Clearly, it is a very large municipality that we have and when a request comes in for an officer to attend we will attend as best as we can with the resources that we have in the area at any given time. Obviously, there are times when that will be more easily done than in other cases where there might not be somebody nearby. If you provide me details of the complainant, we will contact them and see what we can do to set up some patrols or visits to the area.</p> <p>Further response provided 15/03/22: All matters recently reported by Cr Formoso, including this one raised at the meeting were followed up in discussions between the Councillor and the Manager Regulatory Services. It is my understanding from that meeting all matters have been addressed and a process for future matters has also been discussed.</p>
28/02/22 CQT5	Cr Lana Formoso	<p>Rubbish near Eastlink barriers I know it is extremely tiring having to</p>	Director Business,	10/03/22	<p>COMPLETED</p> <p>Initial response provided 28/02/22: If the land is owned and operated by</p>

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
		<p>see the amount of rubbish that our municipality is covered in. In particular, I have noticed on Irving Road in Dandenong North where the Eastlink Freeway concrete slabs are and between Oakwood Avenue and Barbara Avenue in Dandenong North. There is so much rubbish along that road right up next to the Eastlink barriers. I am not sure if that is Eastlink's responsibility or our responsibility, but I drove past there recently. I found tyres and rubbish that have been collected there for I do not how long but this particular area it is just ridiculous how much rubbish there is. If the relevant officer could please let me know who the authority is in this particular space and if we could address that promptly?</p> <p>Comment Cr Lana Formoso I have flagged it on several occasions and nothing has really been done so I was wondering if it probably was not ours. If that is the case I would really urge Council to assist me with this matter because I think the rubbish blows into that direction and gets stuck there.</p>	Engineering & Major Projects		<p>Eastlink or the Department of Transport then it is their obligation to clean it. We have had similar issues with the Dandenong Bypass, the Department of Transport and also some elements of Eastlink. Council can follow up with the necessary correspondence to bring that back to their attention. If however the roads you referred to are within local streets then that would be Council's jurisdiction to determine whether it is on private property or Council property. We will investigate and send letters to those other agencies to ensure that they are cleaning their roads.</p> <p>Further response provided 10/03/22: In response to these concerns, Council officers inspected the streets in question on Wednesday 2 March 2022 and found the following:</p> <ul style="list-style-type: none"> • Irving Road – Heavy litter along the tree plantings beside the Eastlink wall. This area is not owned by Council and has been referred to Eastlink. • Irving Road – Dumped timber outside of No. 9. This has been referred to Local Laws as unsightly as this property is currently under renovation and material on nature strip is from within the property. A Merit number 1676045 has been raised.

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
28/02/22 CQT6	Cr Eden Foster	<p>Increasing participation/membership in junior sports Regarding sports particularly junior sports, I understand many of our local sporting codes are struggling to recruit juniors. Young people have disengaged in sports over the last two years due to COVID and research shows that engaging in organised sports for young people supports not only their physical health but also their mental health and social connections. How is Council looking at increasing junior participation in sports, particularly organised sports given our Make Your Move campaign and strategy? Now we have come out of restrictions and lockdowns, what strategies do we have in place to work</p>	Director Community Services	10/03/22	<ul style="list-style-type: none"> Barbara Avenue – Litter and rubbish in open space next to the Eastlink wall. This area is not owned by Council and has been referred to Eastlink Barbara Avenue – Dumped clothes next to the light pole opposite No.1. Council's Cleansing crew has been deployed to remove this. Heyington Crescent Reserve – Dumped tyres and litter found in the reserve. Council's Cleansing crew will attend and remove. <p>Further monitoring of these sites will be undertaken.</p> <p>COMPLETED</p>
		<p>Increasing participation/membership in junior sports Regarding sports particularly junior sports, I understand many of our local sporting codes are struggling to recruit juniors. Young people have disengaged in sports over the last two years due to COVID and research shows that engaging in organised sports for young people supports not only their physical health but also their mental health and social connections. How is Council looking at increasing junior participation in sports, particularly organised sports given our Make Your Move campaign and strategy? Now we have come out of restrictions and lockdowns, what strategies do we have in place to work</p>			<p>Initial response provided 28/02/22: We do have in our Sport and Recreation team Liaison officers that work with all of our clubs. They are in constant contact with the clubs particularly around any allocations - seasonal allocations and are constantly getting feedback about the issues that they may be facing. We are currently quite proactive in promoting particularly junior sports for young women and girls and also looking at facilities so that we can incorporate appropriate facilities for young women. I am happy to take the question on notice because it is quite detailed in what we do and can provide a more detailed response.</p>

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
		with local community groups, multicultural groups, schools and sporting clubs to get more of our young people playing sports?			<p>Further response provided 10/03/22: Officers have been working on numerous projects to increase junior participation in organised sport and active recreation over the past 12 months, including:</p> <ul style="list-style-type: none"> • Make Your Move - Marketing campaign across various platforms including Council's website, social media, publications and email to encourage the community to 'Make Your Move'. • Health Analysis - Conducted health analysis of our soccer, cricket and AFL clubs to better understand the challenges they have experienced prior to and during COVID-19 and identified opportunities and specific clubs where support is most needed. The analysis has been conducted in consultation with the respective State sporting associations who will in the most part take the lead in supporting the relevant clubs. Of particular focus in regard to opportunities has been improving junior and female participation. • MYM Ambassador program - Development and rollout of the MYM Ambassador program, which includes a youth ambassador. More information at: https://www.greaterdandenong.vic.gov.au/make-your-move/make-your-move-ambassadors

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
					<ul style="list-style-type: none"> • Active Families Program - Implementation of the Active Families Program that is currently running in four local CGD primary schools. • Events - Delivery of various events, including the Young Women's Gala Day at Springers Leisure Centre. This event is focused on high school-aged girls to encourage them to participate in various sports/activities. • Informal Recreation Infrastructure Plan - Development of the Informal Recreation Infrastructure Plan which will provide guidance to Council on infrastructure provision across the municipality. The provision includes for example, outdoor exercise equipment, half-court basketball, futsal courts or hit-up/activity walls. • AFL Vic and FFV – Officers have been working closely with State sporting associations, in particular AFL Victoria and FFV to enhance and increase programs and initiatives that suit Council's community. • State Government initiatives – Officers ensure all clubs are aware of any new initiatives, or grant opportunities that can support their growth and increase in participation at all levels, however a particular focus on

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
					<p>youth and juniors has been key.</p> <ul style="list-style-type: none"> • Resource Library – Officers are finalising a 10part resource library for all clubs to access online. Some examples of these resources are how to fundraise coming out of COVID, increasing social and media marketing. • Webinar sessions – Officers have delivered webinar series to assist clubs on various topics. This gives clubs an opportunity to ask questions and learn from each other in a COVID safe environment. This is something the Sport and Recreation team will continue to do into the future. • Formation of South East Leisure – The implementation of the newly formed company South East Leisure, that will oversee four of Council's largest facilities, will support and improve access to programs and activities for the Greater Dandenong Community. South East Leisure have articulated they will work towards objectives in the Make Your Move Strategy. <p>All initiatives and actions that support local community groups, multicultural groups, schools and sporting clubs to 'make their move' have a particular focus on Greater Dandenong's diverse community.</p> <p style="text-align: right;">COMPLETED</p>

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
28/02/22 CQT7	Cr Eden Foster	<p>Road repairs Heatherton Road In relation to Heatherton Road between Ian Street right up to Chandler Road in Noble Park. There seems to be a great deal of patchwork performed on the intersections of Heatherton Road and driving over it you really notice it is quite a bumpy road. It is probably one of the bumpiest roads that I have driven on. Can officers investigate and follow up with the relevant road authority? I understand that this is probably a VicRoads responsibility but if this could be followed up that would be greatly appreciated.</p>	Director Business, Engineering & Major Projects	8/03/22	<p>Initial response provided 28/02/22: Yes, I also agree that it is a bit like a road race or a country road race in terms of the nature of the surface. We have had numerous complaints all the way along Heatherton Road and unfortunately it is one of these issues that it is under the control of the Department of Transport or what was known as VicRoads. We have over many years submitted letters on behalf of Council and/or residents in order to push that. One of the responses we get is that they need funding allocated and there are other projects in priority ahead of ours. We will again make contact with the Department of Transport or their VicRoads branch in order to continue and we may in time, elevate that. Perhaps depending on the nature of their response we may then elevate that with a letter from our Mayor to the local member or local members for the entire length of that road. There are probably two or three of them because it is getting worse and worse and the patching is a very temporary way of dealing with it. We would prefer it to be dealt with some substance rather than just a 'bits and pieces' approach so we do understand the concerns of the residents.</p> <p>Further response provided 8/03/22: As You correctly point out, Heatherton Road is managed by the</p>

Reports from Councillors/Delegates & Councillors' Questions – Questions Taken on Notice

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
28/02/22 CQT15	Cr Richard Lim OAM	<p>More outdoor seating along Buckingham Avenue in Springvale Regarding the seats in our activity centre along Buckingham Avenue in Springvale. Can we provide more seats along Buckingham Avenue because many people enjoy buying food and eating outdoors especially near the bubble tea shop? By 7pm there many teenagers who come to Springvale to enjoy a get together, meet each other and they tend to stand there drinking their bubble tea due to lack of seating. Would it be possible for Council to investigate?</p> <p>Comment Cr Richard Lim OAM There are not many seats and as advised on the email that I forwarded today, the buskers use the seats preventing other people from using those seats hence my request.</p>	Director Business, Engineering & Major Projects	10/03/22	<p>Department of Transport (DoT). As such, Council's Traffic Engineers have forwarded these concerns to the DoT for attention, investigation and action as necessary. Should we receive any response to our correspondence we will be sure to let you know.</p> <p>COMPLETED</p>
					<p>Initial response provided 28/02/22: My team will investigate and assess location and number and based on that what the cost could be and whether funding is available this financial year or next.</p> <p>Further response provide 10/03/22: An operating budget new initiative request has been submitted for 2022/23 to allocate funds to a new Springvale Revitalisation Project, an initiative designed to investigate the feasibility of delivering a series of physical changes and/or improvements to Buckingham Avenue, Multicultural Place and Springvale specific gateways. The feasibility study will consider transformational opportunities to advance the heavily trafficked area of Buckingham Avenue into a multifunctional public space with diverse uses, including 'hangout' spaces with inspired seating areas. Officers intend to engage interested Councillors and other key</p>

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
28/02/22 CQT16	Cr Richard Lim OAM	<p>Monitoring of private loading zones in Springvale Is there an update regarding the monitoring of the private loading zones by Council?</p>	Director City Planning, Design & Amenity	15/03/22	<p>stakeholders including local traders throughout the development of the Springvale Revitalisation Project to ensure all ideas and opportunities are captured in the development of the study. The study will then inform options for priority projects to be considered for funding as well as medium and long-term projects that will be of benefit to the development of the centre in the future.</p> <p>COMPLETED</p>
					<p>Initial response provided 28/02/22: Cr Lim, as you know, in terms of the conversations we have had, any form of supervision or any form of enforcement in the private car parks cannot be undertaken by my Parking Management officers. What I said that we can possibly look at is that where there are private car parks whether there would then be the possibility of an arrangement made between the property owner where those are publicly accessible and that the Council could takeover by arrangement with that owner the enforcement of parking provisions with them. It would require a direct conversation between the property owner of that private car park and Council and its property and enforcement units so we can continue to progress that. If you still wish to, I will touch base with you in the next couple of days to get the contact details but it can only be</p>

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
					<p>done at best with the express undertaking between a private property owner and Council.</p> <p>Further response provided 15/03/22: A meeting is to be held between Cr Lim and the relevant officers to progress this matter.</p> <p>COMPLETED</p>
28/02/22 CQT17	Cr Richard Lim OAM	<p>Springvale Multilevel Carpark renovation When is the renovation of the multilevel carpark likely to happen?</p>	Director Business, Engineering & Major Projects	8/03/22	<p>Initial response provided 28/02/22: I will take that question on notice and follow up with my Design and Construction team.</p> <p>Further response provided 8/03/22: I understand you would like an update on progress of the 8 Balmoral Avenue carpark regarding the addition of extra access ramps between levels. I can advise that following the public tender process a design contractor has been appointed and the design of the ramps is in progress. We are aiming to finalise the design by the end of March 2022 allowing for contracting and then to commence the construction in mid-April. The aim then is to complete the construction by the end of June.</p> <p>COMPLETED</p>

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
28/02/22 CQT18	Cr Sean O'Reilly	<p>Ongoing disruptive noise around the Springvale Mega Centre</p> <p>It has been brought to my attention a number of times since last year that there are longstanding issues with disruptive levels of noise around what is known now as the Springvale Mega Centre, formerly known as Ouson Plaza and along the associated area of Princes Highway. The noise is contributing to the disruption of peace and quiet for residents located near there. I think I have received enough information now to show that it is not just a one off or just a few residents complaining without cause but it is an ongoing issue. The Springvale Mega Centre seems to be an appealing place for car meet ups. It has a 24 hour McDonalds and a large empty carpark. The noise seems to be from multiple residents on Thursday and Friday nights in particular and can start at 8pm until 3-4am or whenever the car meet ups decide to break up. I can certainly empathise with these residents. They are saying that their mental health is being disrupted and their sleep patterns. Some of them have to work the next day and that constant noise that they never expected just comes along and is consistently happening every week. I acknowledge that Victoria Police and the Environment Protection Authority are the main agencies responsible for these issues so Council is not primarily responsible for it but as their local representative they have contacted myself. I think that Council is</p>	Director City Planning, Design & Amenity	15/03/22	<p>Initial response provided 28/02/22:</p> <p>This matter is well known to me and to my officers and it is a multiagency approach. Victoria Police have a specific operation that deals with hooning in the south east and this particular site is very much on the radar of the Victoria Police as they track these social media sites and these meets. There are ongoing collaborations between ourselves especially the Manager in Planning Compliance, our Local Laws people and Victoria Police in this regard and it is a problem that has gone on unfortunately for too long. I am not too sure what the answer is. Victoria Police themselves have dedicated a huge amount of resources to it particularly over weekends and you might recall that over a number of times there were the electronic or what they call the VMS boards that were placed outside the site advising the community that there was a police operation in action in the area. That police operation is the one that is dedicated to trying to bring hooning to book. I will take that message back. We will continue to engage with Victoria Police, with the owners of the property and we will do what we can, thinking outside of the box. I can assure you that this matter has already stretched our minds and stretched our ingenuity and unfortunately it keeps coming back onsite, that we have this hoon behaviour. It will stop for a while and</p>

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
		<p>one of the best connectors in some ways for these agencies and I think that we can do more. Last year the Mayor at the time, Angela Long, sent letters to the Police and MPs to organise a meeting. My understanding is there was not any response to it. One resident tells me that he has contacted the Police multiple times but Police say that they are too busy. It is an issue that is not easy to resolve but I think for the residents' sake, for their own peace of mind or peaceful amenity of living, we should do more. Can Council creatively think of any and all avenues on how we can escalate this and make it visible? We have tried to bring the parties together to resolve it but are really open to all advice how exactly it can be resolved.</p> <p>I have been on Council for quite a while but I am not sure how responsive the EPA is as far as noise complaints go. If a group of residents has an ongoing noise complaint, what exactly do they do? Do they ring up the EPA? Do they send an email? All this information could be brought together and if Council comes up with a multipoint advocacy action plan on it. I think this is going to continue and the lives of the residents around this area will just be continually disrupted.</p> <p>The information is on Facebook, that they were organising car events at Springvale Mega Centre so it is pretty clear what is happening but we just</p>			<p>then it will recur and I think that there a number of sites around the south east where these groups of hoon drivers move around in a cat and mouse game with Victoria Police. I hear what you say. I will continue to engage myself and my officers, continue to engage with the other agencies and in particular Victoria Police and hopefully we will be able to get some relief from it in the future.</p> <p>Further response provided 15/03/22: Officers are attempting to engage with the shopping centre owner to discuss this problem and also have further engagement with Victoria Police in this matter. As part of trying to find a resolution to this problem further discussions will also be held with Cr O'Reilly. This is a situation which will not be resolved in the short term and every effort is being made to engage with all stakeholders in doing so.</p> <p>COMPLETED</p>

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
28/02/22 CQT19	Cr Sean O'Reilly	<p>need people that can make a difference to be engaged with it and be willing to do something about it. I would appreciate if the Director could think of all the different ways that we could make this visible and come up with some sort of plan.</p> <p>More information on Victoria Police's involvement in controlling hooning If you could get or bring back some understanding or if the police could explain what exactly they do because if these meetings are happening every week on a regular basis then is it because the police do not have enough powers to break up this hoon activity, that it is too difficult, that there is too much paperwork or that they actually need to be there when there is a large amount of noise? I am sure other Councilors would be interested as well in respect to hoon activity in general on how the police try to carry out their enforcement. I still cannot get that the police are attempting to shut down hoon activity on one hand yet on the other hand we have got these things that are constantly going on and on. I just need more information on what the police are doing. Do they have problems with enforcing the hooning laws? I was also very interested in what Mr Kearsley said earlier in the meeting regarding the new hooning taskforce so if there is any information on that I would appreciate that as early as possible.</p>	Director City Planning, Design & Amenity	15/03/22	<p>Initial response provided 28/02/22: Certainly. We will come back to you with a briefing as to what is happening. I can certainly assure you that Victoria Police's activities are not guided by whether or not they are trying to avoid paperwork. They are very much committed to this issue of hooning in the south east and trying to bring that under control.</p> <p>Further response provided 15/03/22: As stated in the previous question, officers are attempting to engage with the shopping centre owner to discuss this problem and also have further engagement with Victoria Police in this matter. As part of trying to find a resolution to this problem further discussions will also be held with Cr O'Reilly. This is a situation which will not be resolved in the short term and every effort is being made to engage with all stakeholders in doing so.</p>

COMPLETED

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
28/02/22 CQT20	Cr Sophie Tan	<p>Parking limits for trucks/trailers along Bridge Road in Keysborough I received an enquiry from a resident regarding trucks and truck trailers parked for more than 48 hours on Bridge Road off Popes Road in Keysborough. Could the relevant officer please investigate and if you can, put up parking limit signs for this area because apparently there are a many trucks parking here?</p> <p>Comment Cr Sophie Tan I will send the details through.</p>	Director City Planning, Design & Amenity	15/03/22	<p>Initial response provided 28/02/22: There are two issues involved here. One is whether they are parking legally or not. It is not illegal for a truck to park and to park for 24 or 48 hours and just as much as any other vehicle to park along the roadside within the road regulations. The first thing to do would be to check out whether these trucks are actually parking legally and whether they are oversized trucks or within the length and weight that is permitted. If they are then obviously parking enforcement is not an option.</p> <p>The other thing that I will arrange in discussion with my colleague Mr Kearsley, is whether or not there are traffic safety issues in that particular stretch of road so I will get the details from you. If there are traffic engineering and traffic safety issues we can then look at putting in the appropriate signage to restrict parking. Going back to the earlier part of the answer, provided that they are parking trucks that are not oversized and that they are parking them within a safe environment, as much as people might not like it trucks may park along the kerb as any other vehicle. If you provide me those details we will check to see whether they are parking legally and whether the road conditions are safe.</p>

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
					<p>Further response provided 15/03/22: Council's Parking officers are committed to patrolling and responding to complaints of truck/trailer parking both in residential and commercial areas. Our officers are not only enforcing non-compliance with existing signage but also incidents of safety to other road users. The Regulatory Services Parking team is collaborating closely with our Traffic Engineers in instances such as this to adequately sign and restrict areas where non-compliance and safety concerns are evident. In matters involving Trucks and trailers, officers must take into account certain criteria such as:</p> <ul style="list-style-type: none"> • Length of the truck • Weight of the truck • Length of stay in the particular area • Zoning • Existing parking restrictions. <p>Parking officers regularly patrol the area of Bridge Road and are currently liaising with Traffic Engineers to assess current restrictions regarding parking with the view of continuous improvement. Councillors will be updated accordingly.</p> <p style="text-align: right;">COMPLETED</p>

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
28/02/22 CQT21	Cr Sophie Tan	<p>Dumped rubbish on private properties Just a follow up question regarding dumped rubbish. Many people when clearing their properties dump their rubbish onto the nature strip just inside their property. There are a few on Corrigan Road in Springvale and in Noble Park. I know it is a local law issue but could the relevant officer please advise what the process is? How long does it take to resolve dumped rubbish issues on private properties?</p>	Director City Planning, Design & Amenity	15/03/22	<p>Initial response provided 28/02/22: That would be a matter for our Local Laws officers to investigate and if you give me the addresses, we can investigate those quite early. There are a number of issues involved here. Depending on the nature of let us call it the dumping that has been happening on the private property, is it just a case that it is unsightly? Is it a case that it is a public health risk? Is it a case that it is in fact a danger to the residents or a danger to the people next door if, for example, it is imposing on the neighbouring property? Each case will have to be looked at in terms of its own individual circumstances but the first port of call is normally to let me know the address and we would have it inspected by one of our Local Laws officers.</p> <p>Further response provided 15/03/22: Local Law officers have attended this property and inspected for dumped rubbish. The officers observed a large pile of stacked hard rubbish located inside the property line but the property was otherwise presented well with lawns mowed. In this case the occupants had chosen to keep the hard waste within the property line until the night before hard waste collection was to take place (as instructed). The hard</p>

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
28/02/22 CQT22	Cr Sophie Tan	Repair damaged bus shelters If someone damages a bus shelter should we report that to the Department of Transport or is it Council's responsibility to fix it?	Director Business, Engineering & Major Projects	2/03/22	<p>waste collection has since occurred as booked and all items have been removed.</p> <p>Unsanitary Properties In cases of unsanitary properties where a hard waste collection has not been arranged, Local Law officers maintain the following process to achieve compliance:</p> <ul style="list-style-type: none"> Property is inspected by an authorised officer. Notice to Comply with conditions is issued on the property allowing 14 days. At the completion of the 14 days, a 7day final reminder is sent. At the conclusion of the 7 days enforcement action will begin (infringements/summons). Items are removed. If property is owned by DFFS (DHHS) then officers submit a request for tenant details. <p>COMPLETED</p> <p>Initial response provided 28/02/22: That depends on who owns the bus shelter. The best thing to do would be to forward the details to myself or to Lucas Sikiotis and we will then be able to determine who is best placed to respond to that issue. There are a number of shelters that are ours and</p>

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
28/02/22 CQT23	Cr Angela Long	<p>Removal of a damaged car on Boyd Street, Dandenong There is a damaged car parked in Boyd Street near the corner of Heatherton Road at North Dandenong. It has a yellow sticker on it and has been there for about three weeks. When will it be removed?</p> <p>Comment Cr Angela Long I thought it was after 14 days they had to remove the car.</p>	Director City Planning, Design & Amenity	15/03/22	<p>there are a number that are actually owned by the Department of Transport.</p> <p>Further response provided 2/03/22: This bus shelter in question is owned by Council and the damage was brought to my attention early last week. As a result, the shelter was inspected on Wednesday 23 February 2022. We concluded it is structurally still sound for service for at least a few more years. A request to replace the damaged glass panels has therefore been passed onto Council's Operations Centre.</p> <p>COMPLETED</p>
					<p>Initial response provided 28/02/22: If it has been three weeks, it probably has about one week's grace still to go but I will follow up and see what the date for removal is and advise you.</p> <p>I would have to check the specific details on what has been posted on the windscreen.</p> <p>Further response provided 15/03/22: Local Law Officer's initially attended this vehicle to access eligibility for removal. Within this assessment, officers are guided by legislation where certain elements of their assessment dictate their response</p>

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Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
					<p>and interactions with the vehicle owner. Officers are guided by observations such as:</p> <ul style="list-style-type: none"> • Type of vehicle • Location of the vehicle • Registration status of the vehicle • Safety concerns • Ability to speak with the owner of the vehicle. <p>In this case, contact with the owner of the vehicle was not available to the officer at the time of the initial inspection therefore a sticker was attached to the vehicle allowing 14 days to have the vehicle removed. As in most cases, Council was contacted by the vehicle owner who advised arrangements were being made to have the vehicle removed which was achieved on 9 March 2022.</p> <p>Removal of abandoned vehicles across the municipality comes at a great cost to Council and the community where an owner is not located. Council officers actively engage with known owners of these vehicles who are willing to comply to reach the desired outcome. This was the case in this instance.</p> <p style="text-align: right;">COMPLETED</p>

At the Ordinary meeting of Council on Monday, 24 March 2014, Council resolved to change the way Councilors and Public questions taken on notice are answered and recorded from 14 April 2014 meeting of Council onwards.

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7 URGENT BUSINESS

No urgent business was considered.

The meeting closed at 8.27PM.

Confirmed: / /
