

At Council meetings, questions from the public and from Councillors are sometimes taken 'on notice', meaning that an answer cannot be provided at the meeting itself. When an answer is available, it is provided direct to the questioner, and is also published here.

As well as the full response, the text below includes a summary of the question and the answer provided at the meeting. A recording of the Council Meeting (including Public Question Time and Councillor Questions Without Notice) is available on Council's website for twelve months following the meeting.

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## Response to question from Cr Searle

### Question

Recently I've had an issue raised with me by a number of residents who live near the Victoria Gardens Shopping Centre in Richmond. They've raised the issue of trucks and deliveries and rubbish collection happening at all hours of the night, disturbing their sleep and being generally a nuisance. Having had engagements with Council on enforcement, there's been some good feedback and there's also been some feedback that's not so good. So the question is, what is Council doing and what can Council do to enforce the rules in the various planning permits and other rules around Victoria Gardens in terms of times for truck deliveries and curfews and other related amenity issues?

### Response at the meeting

In the absence of the Director Corporate Business and Finance, the CEO took the question on notice.

### Subsequent response

The Director Corporate Business and Finance subsequently advised that in relation to deliveries to Victoria Gardens shopping centre; there are no specific Planning permit conditions that regulate the hours of use for the Loading docks.

He advised that as there are no planning controls in relation to the specific use of the loading dock, the only controls are contained within the General Local Law:

#### *"58 Deliveries to Commercial Premises*

*58.1 A person must not without a permit, deliver or collect goods or provide a service to a commercial enterprise or allow a refrigeration unit mounted on a vehicle to run:*

*58.1.1 After 10 pm on any day;*

*58.1.2 Before 7 am on a Monday to Saturday (inclusive); and*

*58.1.3 Before 9 am on a Sunday or Public Holiday."*

and

#### *"74 Exemptions*

*74.2 Council exempt the following persons or groups of persons from obtaining a permit under the General Local Law:*

### *Deliveries to Commercial Premises*

*A person:*

- i. who delivers goods such as bread, milk, papers or similar goods to a commercial premises; and*
- ii. the goods are required by the proprietor of the commercial premises as part of preparation prior to the opening of the premises.”*

The exemptions within the Local Laws allow for businesses to deliver normal staples to open the business for trading and this can be difficult to identify, Officers need to review delivery documentation in making an assessment as to whether a breach has occurred, however Coles' deliveries may sometimes fall within the allowances of these exemptions. Also under the Local Law, a delivery truck can attend the location and not unload. Officers have observed a number of Drivers attend and sit in the loading dock waiting for 7.00am, this is not a breach of the Local Law.

Officers have been in continual discussions with the Management of Victoria Gardens in relation to out of hour's deliveries. Officers have continually notified and reminded all businesses of the Local Law requirements and the Management have placed signs within the Loading dock advising of acceptable delivery hours.

Officers have conducted more than 50 out of hours patrols in the last 12 months and issued infringements as appropriate for identified breaches along with a prosecution of one of the delivery companies. Officers will continue to conduct patrols as required in line with completion of other duties.

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