

AGENDA

Ordinary Meeting of Council

6.00pm Wednesday 23 January 2019

*** Broadcast live on Phoenix FM 106.7 ***

VENUE:

**Reception Room,
Bendigo Town Hall,
Hargreaves Street, Bendigo**

NEXT MEETING:

**Wednesday 20 February 2019
Bendigo Town Hall**

Copies of the City of Greater Bendigo Council's Agendas & Minutes
can be obtained online at www.bendigo.vic.gov.au

This Council Meeting is conducted in accordance with Local Law No. 8. It is an offence for any person to engage in improper or disorderly conduct at the meeting.

Council Vision

Greater Bendigo - creating the world's most liveable community.

Council Values

Six values inform everything we as Council do in working together to be the best we can for all of our community.

Seeking to achieve the best value for our use of the community's public funds and resources, by:

- We Lead;
- We Learn;
- We Contribute;
- We Care;
- We Respond;
- We Respect.

Goals

- Presentation and Managing Growth
- Wellbeing and Fairness
- Strengthening the Economy
- Environmental Sustainability
- Embracing our Culture and Heritage
- Lead and Govern for All

ORDINARY MEETING

WEDNESDAY 23 JANUARY 2019

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CRAIG NIEMANN
CHIEF EXECUTIVE OFFICER

ACKNOWLEDGEMENT OF COUNTRY

PRAYER

PRESENT

APOLOGIES

Cr Yvonne Wigglesworth

SUSPENSION OF STANDING ORDERS

That Standing Orders be suspended to allow the conduct of [Community Acknowledgement section] and Public Question Time.

PUBLIC QUESTION TIME

Public Question Time – Purpose

Council has provided the opportunity for members of the public to ask questions of broad interest to Council and the community. Matters relating to routine Council works should be taken up with Council's Customer Service Officers through its Customer Request System.

By the time planning matters have reached the council agenda, they have been through an extensive process as required by the Planning and Environment Act. In addition, in most instances mediation has been held between the parties involved. Throughout the process there are many opportunities for the people to ask questions. Therefore, no questions relating to planning matters on the Agenda will be accepted.

Public Question Time – Where, When And Who

The public question time is held at every Ordinary Meeting of Greater Bendigo City Council. Meetings of Council commence at 6.00pm in the Reception Room, Bendigo Town Hall, Hargreaves Street, Bendigo.

The public question time is held at the start of the meeting as close as practical to 6:00pm. A maximum of 30 minutes has been provided for registered and unregistered questions.

Residents are encouraged to lodge questions in advance so that a more complete response can be provided.

Questions will be put to the Council by the individual posing the question; the question will be answered by the Mayor or CEO, or where appropriate, Councillors or Council Officers.

Acceptance of Questions

Each person asking a question of Council is required to stand, state their name, and address the Mayor. Public Question Time is not an opportunity for making of statements or other comments. Council's Meeting Procedure Local Law does not allow for other questions or comments during the remainder of the meeting.

1. An individual may only ask one question per meeting, a follow-up question may be permitted at the discretion of the Mayor.
2. In the event that the same or similar question is raised by more than one person, an answer may be given as a combined response.
3. In the event that time does not permit all questions registered to be answered, questions will be answered in writing or referred to the next meeting if appropriate.
4. The Mayor and or CEO have the right to decline registration on basis of:
 - Legal proceedings;
 - More appropriately addressed by other means;
 - Vague or lacking in substance, irrelevant, frivolous, insulting offensive, improper, defamatory or demeaning;
 - Answer likely to compromise his / her position;
 - Confidential, commercial-in-confidence.
5. Each individual whose registration form has been accepted or declined will be advised by the Friday of the week prior to the scheduled meeting.
6. In the event of a registration form being declined the registration form will be circulated to the Mayor or Councillors for information.

RESUMPTION OF STANDING ORDERS

That Standing Orders be resumed.

CR ALDEN'S REPORT

DECLARATIONS OF CONFLICT OF INTEREST

Pursuant to Sections 77, 78 and 79 of the Local Government Act 1989 (as amended) direct and indirect conflict of interest must be declared prior to debate on specific items within the agenda; or in writing to the Chief Executive Officer before the meeting. Declaration of indirect interests must also include the classification of the interest (in circumstances where a Councillor has made a Declaration in writing, the classification of the interest must still be declared at the meeting), i.e.

- (a) direct financial interest**
- (b) indirect interest by close association**
- (c) indirect interest that is an indirect financial interest**
- (d) indirect interest because of conflicting duties**
- (e) indirect interest because of receipt of an applicable gift**
- (f) indirect interest as a consequence of becoming an interested party**
- (g) indirect interest as a result of impact on residential amenity**
- (h) conflicting personal interest**

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

Councillors are also encouraged to declare circumstances where there may be a perceived conflict of interest.

CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting of 12 December 2018.

The following items were considered at the Ordinary Council meeting held on 12 December 2018 at 6:00pm.

- Petition: Gum Trees in Casuarina Gardens (Kangaroo Flat)
- 616-618 Midland Highway, Huntly - Use and Development of Land for a Service Station and Associated Car Parking; Creation of an Access to a Road Zone Category 1; and Display of Advertising Signage
- 141 Don Street, Bendigo - Use and Development of Land for a Medical Centre - Amended Permit and Plans - (Amend Condition 7 to increase number of practitioners from 1 to 3 and Amend Plans Accordingly)
- Potential Disposal of 49 Napier Street Eaglehawk (Post Public Hearing of Submissions)
- Spring Gully Mountain Bike Trail Network Master Plan
- Councillor Appointments to Committees for 2018/2019
- Record of Assemblies
- Contracts Awarded Under Delegation
- Two (2) Confidential Section 89 Reports

The unconfirmed minutes have also been posted on the City of Greater Bendigo website pending confirmation at this meeting.

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 12 December 2018, as circulated, be taken as read and confirmed.

1. PETITIONS AND JOINT LETTERS

1.1 PETITION: REMOVAL OF GUM TREES FROM HASKER DRIVE, KANGAROO FLAT

[Petitions and joint letters with ten (10) or more signatures are included in the agenda or tabled at the meeting, unless there is a separate legal process for considering the petition or joint letter, as there is for planning submissions or submissions following public notices (Section 223 LGA)].

The following petition has been received from residents in Hasker Drive, Kangaroo Flat requesting the removal of gum trees:

"We are petitioning for the removal of said gum trees, considering them to be a fire hazard.

This drive/street is mostly made up of older citizens who will be stressed about the amount of mess that comes from gum trees being to close to residences.

We do not understand why our council would allow gums to be lining our streets. It we lived on a farm, we would never plant gum trees so close to our hoses because of the obvious fire risk. This would also be the advice we would get from the fire services. So why would council put our lives and homes at risk of fire.

We are hoping that someone will listen to us. We have moved to this lovely new estate and really do not want to spend the rest of our lives cleaning gutters, paths and gardens from the mess the gums will make. Not to mention the worry that comes with gums and fire.

As the rate payers of these properties we feel we should have some say about the trees placed in front of our homes.

We have built low maintenance properties because for the majority of us, our age. Now we have high maintenance trees in terms of clean up and fire danger.

We sincerely hope that we will be heard and common sense will prevail".

Signatures - 11

RECOMMENDATION

That the petition be received and a response be prepared within two (2) meetings.

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## 1.2 PETITION: WOLSTENCROFT RESERVE

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*[Petitions and joint letters with ten (10) or more signatures are included in the agenda or tabled at the meeting, unless there is a separate legal process for considering the petition or joint letter, as there is for planning submissions or submissions following public notices (Section 223 LGA)].*

The following petition has been received from residents in the Wolstencroft Reserve area requesting involvement in development of Wolstencroft Reserve:

"As residents of Rodney and Wolstencroft Street Bendigo we feel that we have not been informed or consulted in the decision making progress associated with the Wolstencroft Reserve and surrounding area development since April 2017.

Those signing this petition request involvement in any planning or decisions made relating to these areas in the future".

Signatures - 24

### **RECOMMENDATION**

That the petition be received and a response be prepared within two (2) meetings.

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2. PRESENTATION AND MANAGING GROWTH

Nil.

3. WELLBEING AND FAIRNESS

Nil.

4. STRENGTHENING THE ECONOMY

Nil.

5. ENVIRONMENTAL SUSTAINABILITY

Nil.

6. EMBRACING OUR CULTURE AND HERITAGE

Nil.

7. LEAD AND GOVERN FOR ALL

7.1 CITY OF GREATER BENDIGO YOUTH COUNCIL

Document Information

Author **Rory White, Inclusive Communities Officer**
Deb Simpson, Acting Manager Community Partnerships

Responsible **Vicky Mason, Director Health and Wellbeing**
Director

Purpose

To publicly introduce and acknowledge the 18 young people who have been selected to participate in the City of Greater Bendigo Youth Council (Youth Council).

RECOMMENDATION

That Council formally acknowledge the following 18 young people who have been selected as the inaugural Youth Councillors:

- Annika Ritchie
- Alyssa Lai
- Alex Libchard
- Billie Taylor
- Esmat Kheradyar
- Eva Tuyet Jan
- Khaled (Jack) Tayba
- Jemille McKenzie
- Khayshie Tilak Ramesh
- Lilli-Rose Gemmill
- Natasha Romas
- Olivia Masters
- Pan Mar Lar Pah Thei
- Ella Edwards
- Kathryn Northill
- Victoria Tangey
- Ryan Peterson
- Annalise Varker

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## Policy Context

### Community Plan Reference:

*City of Greater Bendigo Community Plan 2017-2021:*

|                |                                                                                |
|----------------|--------------------------------------------------------------------------------|
| Goal 1         | <u>Lead and govern for all</u>                                                 |
| Objective 1.1  | Engage with all communities.                                                   |
| Goal 2         | <u>Wellbeing and fairness</u>                                                  |
| Objective 2.4: | Support participation and development for residents of all ages and abilities. |

### City of Greater Bendigo's Youth Strategy - Explore, Engage, Empower: Young People in Greater Bendigo (2017- 2021):

|          |                                                                                                                                                                         |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Goal 1   | We provide opportunities for young people to have their say.                                                                                                            |
| Action 1 | Strengthen the Youth Action Group to become a Youth Council and increase connections between Councillors, young people and the community to advocate on priority areas. |

<https://www.bendigo.vic.gov.au/About/Document-Library/youth-strategy-2017-2021>

## Background Information

The Youth Council's role is to represent the voice of young people aged 14 to 24 who live, work and study in the Greater Bendigo municipality. It will act as an advisory and advocacy body to Council.

Expressions of Interest (EoI) for the Youth Council were publicly sought through advertisements and / or articles in newspapers and community newsletters, the City of Greater Bendigo and YO Bendigo websites and social media platforms, as well as relevant email networks.

Eols opened on November 1 and closed on December 3, 2018.

### Previous Council Decision(s) Date(s):

December 13, 2017 - Council adopted the Youth Strategy - Explore, Engage, Empower: Young People in Greater Bendigo (2017- 2021).

## Report

47 Eols were received in total.

The Eol process required applicants to respond to four questions. These questions sought information from applicants about relevant knowledge, skills and previous experience in community leadership.

All Eols received were assessed and shortlisted by the following four Council officers:

- Leon Moulden (Community Partnerships Project Officer)
- Rory White (Inclusive Communities Officer)
- Gemma Simpson (Inclusive Communities Officer)
- Megan Goode (Inclusive Communities Officer)

The Council officers assessed all applicants against the following criteria:

- Motivation to nominate.
- Understanding of young people's needs in our community.
- Understanding of the role of a youth councillor.
- Experience in community leadership.

As an outcome of this process, 25 applicants were shortlisted for interview.

Due to the volume of shortlisted applicants, the interviews were carried out over three separate sessions. The Councillors and Council officers who participated in the interview process were:

- Mayor Margaret O'Rourke
- Deputy Mayor Rod Fyffe
- Councillor Malcolm Pethybridge
- Rory White (Inclusive Communities Officer)
- Ann-Marie Roberts (Resilient Communities Officer)

## **Consultation/Communication**

### External Consultation:

The opportunity to submit an Eol for the Youth Council was publicly advertised through a range of mediums.

## **Resource Implications**

Youth Council participation is on a voluntary basis.

The Youth Council will be administratively supported by City of Greater Bendigo's Community Partnerships Unit.

## 7.2 RECORD OF ASSEMBLIES

### Document Information

**Author** Miki Wilson, Acting Manager Governance

**Responsible Director** Andrew Cooney, Director Corporate Performance

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### Purpose

The purpose of this report is to provide the record of any assembly of Councillors, which has been held since the last Council Meeting, so that it can be recorded in the Minutes of the formal Council Meeting.

### RECOMMENDATION

That Council endorse the record of assemblies of Councillors as outlined in this report.

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Policy Context

City of Greater Bendigo Community Plan 2017-2021:

Goal 1 Effective community engagement will guide well informed, responsive decision-making and financially responsible resource allocations, which are transparent and accountable.

Background Information

A meeting will be an assembly of Councillors if it considers matters that are likely to be the subject of a Council decision, or, the exercise of a Council delegation and the meeting is:

1. A planned or scheduled meeting that includes at least half the Councillors (5) and a member of Council staff; or
2. an advisory committee of the Council where one or more Councillors are present.

The requirement for reporting provides increased transparency and the opportunity for Councillors to check the record, particularly the declarations of conflict of interest.

Report

Meeting Information		
Meeting Name/Type	Councillors' Briefing	
Meeting Date	3 December 2018	
Matters discussed	1. Planning matters and draft Ordinary Agenda review 2. Home Support Service update 3. St Andrew's Project 4. Strategic land purchase 5. Municipal Public Health and Wellbeing Plan Review 6. Industrial Land Development Strategy 7. Eaglehawk Playspace	
Attendees/Apologies		
Councillors	Cr Margaret O'Rourke Cr Jennifer Alden Cr George Flack Cr Rod Fyffe Cr Andrea Metcalf Cr Mal Pethybridge Cr James Williams Cr Yvonne Wrigglesworth Apology: Cr Matt Emond	
Staff/ Community Representatives	Mr Craig Niemann Mr Bernie O'Sullivan Ms Vicky Mason Ms Brooke Pearce Mr Andrew Cooney Ms Miki Wilson Apology: Ms Debbie Wood	
Conflict of Interest disclosures		
Matter No.	Councillor/officer making disclosure	Councillor/officer left meeting
1.	Cr Williams (planning matters)	Yes

Meeting Information		
Meeting Name/Type	Councillors' Briefing	
Meeting Date	10 December 2018	
Matters discussed	1. Organisation Strategy update 2. User Fees and Charges 3. Organisation Health Check 4. Quarterly update from Resource Recovery and Education Unit 5. All Ages All Abilities Action Plan 6. Transforming the City Centre update	
Attendees/Apologies		
Councillors	Cr Margaret O'Rourke Cr Jennifer Alden Cr Matt Emond Cr George Flack Cr Rod Fyffe Cr Andrea Metcalf Cr Mal Pethybridge Cr James Williams Cr Yvonne Wrigglesworth	
Staff/ Community Representatives	Mr Craig Niemann Mr Bernie O'Sullivan Mr Lincoln Fitzgerald Ms Brooke Pearce Mr Andrew Cooney Ms Miki Wilson Apologies: Ms Debbie Wood Ms Vicky Mason	
Conflict of Interest disclosures		
Matter No.	Councillor/officer making disclosure	Councillor/officer left meeting
	Nil	

7.3 CONTRACTS AWARDED UNDER DELEGATION

Document Information

Author Lee Taig, Contract Support Administrator, Governance Unit

Responsible Director Andrew Cooney, Director Corporate Performance

Purpose/Summary

The purpose of this report is to provide information on contracts recently awarded under delegation.

RECOMMENDATION

That the contracts awarded under delegation, as outlined in this report, be acknowledged by Council.

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#### Policy Context

Delivery of programs, projects and services that respond to community needs.

#### Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021

Goal 1: Lead and govern for all

Objective: 1.2 Be innovative and financially responsible

## Report

| Contract No              | Project                                                                                                    | Successful Contractor                                                                                                                                   | Value (GST Excl)  | Delegated Officer              | Date Signed      |
|--------------------------|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------------------------|------------------|
| <b>Capital Contracts</b> |                                                                                                            |                                                                                                                                                         |                   |                                |                  |
| CT000400                 | Purchase, Configure & Installation of a Fleet, Plant and Equipment Management System                       | TechnologyOne Pty Ltd                                                                                                                                   | \$200,949.93      | Andrew Cooney                  | 26 November 2018 |
| CT000395A                | Bendigo Town Hall Heritage Works – Roof Works                                                              | Wild Company Pty Ltd                                                                                                                                    | \$449,610.00      | Brooke Peace - Acting Director | 6 December 2018  |
| <b>Service Contracts</b> |                                                                                                            |                                                                                                                                                         |                   |                                |                  |
| CT000425                 | Tree Inventory Data Update and Capture                                                                     | Homewood Consulting Pty Ltd                                                                                                                             | Schedule of Rates | Brooke Peace - Acting Director | 6 December 2018  |
|                          | Current annual Council Budget for the goods/services contracted via this schedule of rates is \$180,000.00 |                                                                                                                                                         |                   |                                |                  |
| CT000418                 | Provision of Laboratory Sampling and Analysis of Food                                                      | <ul style="list-style-type: none"> <li>OMIC Australia Pty Ltd</li> <li>Dairy Technical Services Pty Ltd</li> <li>Symbio Laboratories Pty Ltd</li> </ul> | Schedule of Rates | Vicky Mason                    | 13 December 2018 |
|                          | Current annual Council Budget for the goods/services contracted via this schedule of rates is \$30,000.00  |                                                                                                                                                         |                   |                                |                  |

**8. URGENT BUSINESS**

Nil.

**9. NOTICES OF MOTION**

Nil.

**10. COUNCILLORS' REPORTS**

**11. MAYOR'S REPORT**

**12. CHIEF EXECUTIVE OFFICER'S REPORT**

**13. CONFIDENTIAL (SECTION 89) REPORTS**

**13.1 Confidential Report in accordance with Section 89(2)(d) of the Local Government Act relating to a contractual matter**

**13.2 Confidential Report in accordance with Section 89(2)(e) of the Local Government Act relating to a proposed development**

**RECOMMENDATION**

That Council close the meeting to members of the public pursuant to Sections 89(2)(d) and (e) of the **Local Government Act 1989** to consider reports relating to contractual matter and a proposed development.