

# MINUTES

## Ordinary Meeting of Council

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6.00pm Wednesday 20 March 2019

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

### **VENUE:**

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

### **NEXT MEETING:**

**Wednesday 17 April 2019  
Bendigo Town Hall**

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can be obtained online at [www.bendigo.vic.gov.au](http://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 20 MARCH 2019

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**CRAIG NIEMANN**  
**CHIEF EXECUTIVE OFFICER**



## **ACKNOWLEDGEMENT OF COUNTRY**

## **PRAYER**

## **PRESENT**

Cr Margaret O'Rourke  
Cr Jennifer Alden  
Cr Matt Emond  
Cr Rod Fyffe  
Cr Andrea Metcalf  
Cr Mal Pethybridge  
Cr James Williams  
Cr Yvonne Wrigglesworth  
Mr Craig Niemann (Chief Executive Officer)  
Mr Bernie O'Sullivan (Director, Strategy and Growth)  
Ms Vicky Mason (Director, Health and Wellbeing)  
Ms Debbie Wood (Director, Presentation and Assets)  
Mr Andrew Cooney (Director, Corporate Performance)  
Ms Miki Wilson (Manager Governance)

## **APOLOGIES**

Nil

## **LEAVE OF ABSENCE**

Cr George Flack

## **SUSPENSION OF STANDING ORDERS**

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

## **RESOLUTION**

Moved Cr Fyffe, seconded Cr Emond.

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

**CARRIED**

**RESUMPTION OF STANDING ORDERS**

That Standing Orders be resumed.

**RESOLUTION**

Moved Cr Fyffe, seconded Cr Metcalf.

That Standing Orders be resumed.

**CARRIED**

## **CR FYFFE'S REPORT**

Cr Fyffe reported on his attendance at the following meetings and events and highlighted the diversity of functions that Council is invited to attend:

- Bendigo Symphony Orchestra program launch
- Mia Mia Opera - sensational with a local singer performing (and 'sings like a bird')
- Participated in the judging panel for the Lions Youth of the Year
- Attended and spoke at the launch of Project Compassion with Caritas Australia in the Hargreaves Mall
- Attended the launch of the Bendigo Community Health Karen 'Welcome' video
- Attendance at the Zonta International Women's Day Dinner - Zonta is a very valuable contributor to the community
- Australian Chamber Orchestra concert
- Attended Greater Bendigo Coalition on Gender Equity video and statement launch
- Opening of the tennis centre grandstand with Evonne Goolagong Cawley
- Attended the launch of the Small Business Advisory Service
- Attended the Webster Rural and Regional Dementia Care Project Launch
- Attended the Eaglehawk Dahlia and Arts Festival Parade
- Attended the Zinda Festival
- Attended the launch of Tudors to Windsors exhibition at the Bendigo Art Gallery

## **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 minutes; 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.**

Nil

## CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting of Wednesday 20 February 2019.

The following items were considered at the Ordinary Council meeting held on Wednesday 20 February 2019 at 6:00pm.

- 1.1 *Response to Petition - Trees in Casuarina Gardens*  
RECOMMENDATION: That Council agree that all trees planted in Casuarina Gardens are retained in the streetscape as per the endorsed landscape plans. CARRIED
- 1.2 *Response to Petition - Trees in Hasker Drive (Kangaroo Flat)*  
RECOMMENDATION: That Council agree that all existing trees planted in Hasker Drive are retained in the streetscape. CARRIED
- 1.3 *Petition: Gum Trees in Nature Strip - Elandra Drive, Ascot and on Myrtle Road (between the town entrances into Elandra Drive)*  
RECOMMENDATION: That the petition be received and a response be prepared within two (2) meetings. CARRIED
- 2.1 *16 and 17 Eldridge Court, Kangaroo Flat (lots 8 and 9 of PS711964U) - Subdivide Land into 13 Lots and Construction of 5 Dwellings*  
RECOMMENDATION: Pursuant to section 61 of the Planning and Environment Act (1987), Council resolve to issue a Notice of Decision to Grant a Permit to subdivide land into 13 lots and construction of 5 dwellings at 16 and 17 Eldridge Court, Kangaroo Flat (Lots 8 and 9 of PS711964U) subject to the conditions at the end of this report. CARRIED
- 4.1 *GovHub February 2019*  
RECOMMENDATION:  
That the Greater Bendigo City Council:
- a. Note that following a detailed analysis of the various options available, the most feasible option is for the City of Greater Bendigo to be a tenant in the proposed GovHub development (Option1)
  - b. Commit to becoming a tenant in the Bendigo GovHub with the exact terms and conditions of the agreement to be governed by a head lease agreement with the Department of Treasury and Finance
  - c. Note the proposed upper limit for costs of this option are outlined in the Council report titled *GovHub Commercial detail* located in the confidential items section of the minutes of Council's February 2019 ordinary meeting.
  - d. Agree in-principle to the sale of Council-owned land located at 159-229 Lyttleton Terrace Bendigo to enable the development of the site, subject to the appropriate sale process and consultation with the Valuer General of Victoria
  - e. Request the Minister for Planning to authorise and approve any required planning scheme amendments or planning permits and any consequential changes to those approvals for the Bendigo GovHub development. CARRIED
- 7.1 *Finance Report Quarter 2*  
RECOMMENDATION: That the Greater Bendigo City Council receive the Finance Report comparing Budgeted and Actual Revenues and Expenses to 31 December 2018, in accordance with the requirements of the *Local Government Act*. CARRIED

7.2 *Record of Assemblies:*

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

13.1 *Section 89 Confidential Report Relating to a Contractual Matter*

13.2 *Section 89 Confidential Report Relating to a Proposed Development*

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 Wednesday 20 February 2019, as circulated, be taken as read and confirmed with the following amendment:

*That the correct address of the land listed in item 4.1.d. GovHub be noted as 189-229 Lyttleton Terrace, Bendigo.*

**RESOLUTION**

Moved Cr Alden, seconded Cr Fyffe.

That the recommendation be adopted with the following amendment: -

*That the correct address of the land listed in item 4.1.d. GovHub be noted as 189-229 Lyttleton Terrace, Bendigo.*

**CARRIED**

## **1. PETITIONS AND JOINT LETTERS**

### **1.1 RESPONSE TO PETITION: WOLSTENCROFT RESERVE AREA DEVELOPMENT**

#### **Document Information**

**Author** Paul Gangell, Manager Parks and Open Space

**Responsible Director** Debbie Wood, Director Presentation and Assets

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#### **PURPOSE**

This report responds to a petition received by Council on 5 January 2019 requesting residents surrounding Wolstencroft Reserve be actively involved in the decision making related to the Reserve.

#### **SUMMARY**

The petition was signed by 24 people who are residents surrounding Wolstencroft Reserve.

The petition calls for residents surrounding Wolstencroft Reserve to be consulted and actively involved in the decision making process about the development of the reserve.

The City of Greater Bendigo (CoGB) will commence development of a new open space master plan for Wolstencroft Reserve in May 2019 following the receipt of a rehabilitation plan for the reserve. The master plan will be developed in conjunction with a community reference group. CoGB will call for nominations from local community members to be involved in the reference group to ensure broad representation.

The draft master plan will have broad scale engagement to ensure that the views of local residents are considered.

## **RECOMMENDATION**

That, having considered the petition regarding the development of Wolstencroft Reserve, Council notify the submitters of the petition and inform them of the engagement process for the development of the master plan including the formulation of a community reference group.

## **RESOLUTION**

Moved Cr Wrigglesworth, seconded Cr Metcalf.

That the recommendation be adopted.

**CARRIED**

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## **REPORT**

### **Background**

The *Wolstencroft Street Park Land Master Plan* was adopted by Council in June 2008. The site is covered by an Environmental Audit Overlay due to its past use as a former landfill site.

Site investigation works have been ongoing since the adoption of the Master Plan. These works are reaching conclusion with an agreed rehabilitation plan expected in May 2019. Receipt of this plan will allow the City to commence the development of a new open space master plan for the reserve.

### **Petition**

A petition was received by Council on 5 January 2019 stating:

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

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

As noted in the petition, CoGB has not undertaken any consultation activities since April 2017. However the Wolstencroft Area Action Group (WAAG) recently undertook a community survey between May and September 2018, to better understand the community's aspirations for the future development of the reserve. The results of this survey were presented to Council in December 2018 by WAAG.

The survey results will be considered in the preparation of the brief for the master plan development.

## **Master Plan Development**

The City of Greater Bendigo (CoGB) will commence development of a new open space master plan for Wolstencroft Reserve in May 2019 upon receipt of the rehabilitation report. The timeline and stages for the master plan development are outlined below:

A Community Reference Group will be convened in early April. This group will be made up of five members, four local residents and one Councillor.

The project brief will be developed late April in conjunction with the Community Reference group members.

Stage 1 - Project Inception: 13 - 17 May

Stage 2 - Site Analysis: 20 May - 7 June

Stage 3 - Draft Master Plan Development: 10 June – 26 July

Council Approval of Draft Master Plan for Public Comment: 19 August

Stage 4 - Draft Master Plan Consultation: 20 August – 6 September

Stage 5 - Master Plan Finalisation: 9 – 27 September

Council Adoption of Master Plan: 20 November

The master plan will be developed in conjunction with a community reference group. CoGB will call for nominations from local community members to ensure broad representation at all stages of the master plan development.

The draft master plan will have community consultation. An engagement plan will be developed as part of the draft master plan preparation.

## **COMMUNICATIONS & ENGAGEMENT**

### **Summary of consultation prior to April 2017**

CoGB undertook consultation with nearby residents including some of the petition signatories and WAAG representatives in 2015 to discuss what elements of the current master plan were still relevant to the community. Interim works for the reserve including the development of a pump track and natural play space were also agreed upon and subsequently installed.

## **BUDGET IMPLICATIONS**

The current budget includes an allocation of \$50,000 for works within Wolstencroft Reserve. This will be used to develop the master plan using external consultant resources.



## 1.2 PETITION: CITY OF GREATER BENDIGO COMMUNITY SATISFACTION SURVEY

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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 regarding the City of Greater Bendigo Community Satisfaction Survey, as outlined below:

"We, the undersigned City of Greater Bendigo residents endorse and support the [attached *Case for Setting Realistic Measurable Targets, Publicly Reporting Outcomes, and Identifying Areas for Improvement and more Effective Service Delivery*], and formally petition and request the Greater Bendigo City Council to:

1. Agree to the setting of realistic measurable Community Satisfaction Survey targets for 2020 as per Recommendation 51 of the 2013 City of Greater Bendigo Independent Review,
2. Instruct the CEO to facilitate the necessary actions to enable goals and targets to be set for the 2020 Community Satisfaction Survey
3. Instruct the CEO to provide a public CSS report to Council on council's 2020 performance against the targets set, and the range actions planned to provide improved more effective and efficient future service delivery in each of the CSS measures, with particular attention to those with a *performance score below 60* - an Improvement Plan; and any other advice to improve overall performance.
4. Councillors to publicly debate the report, analysis, and the Action Plan, and advise the CEO of their response.
5. Form a community/councillor CSS Advisory Committee to advise on CSS questions, results analysis, the Action Plan, and public communication".

Signatures - 49

**RECOMMENDATION**

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

**RESOLUTION**

Moved Cr Fyffe, Seconded Cr Metcalf.

That the recommendation be adopted.

**CARRIED**

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## **2. PRESENTATION AND MANAGING GROWTH**

### **2.1 CA 87A STUMPY GULLY TRACK & 126 DRINKWATER ROAD, MAIDEN GULLY - USE AND DEVELOPMENT OF LAND FOR A DWELLING AND THE CREATION OF A CARRIAGEWAY EASEMENT**

#### **Document Information**

**Author** Shannon Rosewarne, Senior Planner

**Responsible Director** Bernie O'Sullivan, Director Strategy and Growth

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#### **Summary/Purpose**

**Application details:** Use and development of land for a dwelling and the creation of a carriageway easement

**Application No:** DR/807/2017

**Applicant:** M A Cahill

**Land:** CA 87A Stumpy Gully Track & 126 Drinkwater Road, MAIDEN GULLY

**Zoning:** Farming Zone

**Overlays:** Environmental Significance Overlay 1  
Bushfire Management Overlay

**No. of objections:** 4

**Consultation meeting:** A consultation meeting was not held.

**Key considerations:**

- Whether the proposal is in accordance with provisions of the Farming Zone;
- Whether the site is an appropriate location for residential development;
- Whether the proposal adversely impacts the adjacent properties by way of wastewater disposal;
- Whether the proposal is consistent with the objectives of the Planning Policy Framework and Local Planning Policy Framework relating to rural residential development;
- Objections received

**Conclusion:** A dwelling is an appropriate use for the site and the development can be appropriately sited to address the requirements of the Farming Zone and satisfy the provisions of the Bushfire Management and Environmental Significance

Overlays.

It is recommended that Council issue a Notice of Decision to Grant a Planning permit.

### **RECOMMENDATION**

Pursuant to section 61 of the Planning and Environment Act (1987), Council resolve to issue a Notice of Decision to Grant a Permit for Use and development of land for a dwelling and the creation of a carriageway easement at CA 87A Stumpy Gully Track & 126 Drinkwater Road, MAIDEN GULLY subject to the conditions at the end of this report:

### **RESOLUTION**

Moved Cr Metcalf, Seconded Cr Fyffe.

That the recommendation be adopted.

**CARRIED**

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### **Policy Context**

City of Greater Bendigo Community Plan 2017 – 2021

Goal 4: Presentation and managing growth

- Planning, developments and infrastructure that increase our liveability and pride in where we live.

Goal 6: Embracing our culture and heritage

- Recognise and celebrate our unique history and diverse cultures.

### **Report**

#### **Subject Site and Surrounds**

The subject site is located at CA 87A Stumpy Gully Track and 126 Drinkwater Road, Maiden Gully. Whilst the property at 126 Drinkwater Road forms part of the subject site, this application primarily relates to CA 87A Stumpy Gully Track, as this is where the development of a dwelling is proposed.

CA 87A Stumpy Gully Track is located to the west of Drinkwater Road and to the south east of Stumpy Gully Track, in Maiden Gully. It is vacant of buildings or structures and is irregular in shape with an area of 8.6 hectares. It currently has no legal access to the surrounding road network and is landlocked by the surrounding properties.

It contains a large patch of native vegetation on its western side and areas of planted vegetation at the east of the site. A large cleared area is located at the south east of the site. A large dam is located at the north west of the site. The dam extends over the boundary with the adjoining land to the north.

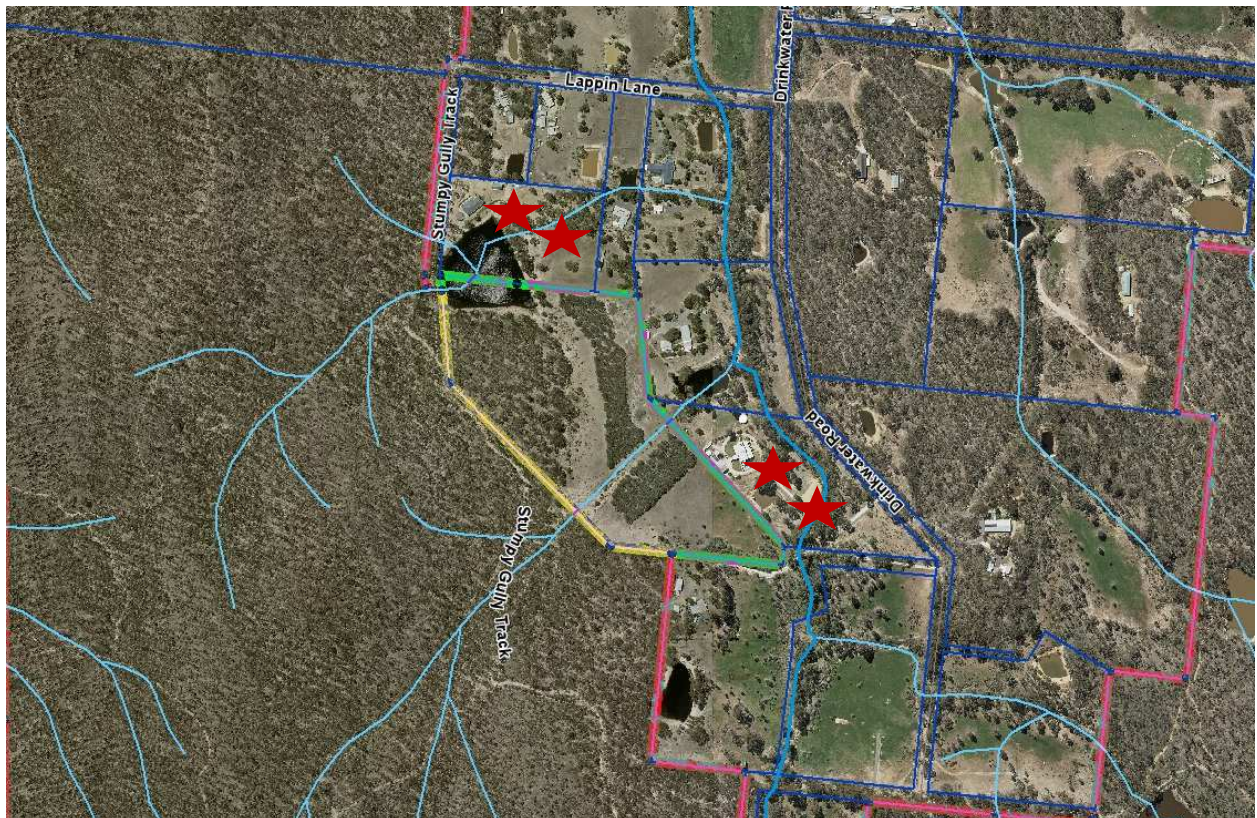
Two watercourses traverse the site, being tributaries of Myers Creek, running in a north easterly direction through the centre of the site and at the north west of the site (across the dam).

No. 126 Drinkwater Road is located to the south of CA 87A Stumpy Gully Track. It is rectangular in shape with a battle axe configuration and is 5.2 hectares in size. It comprises a dwelling at the north west of the property which is accessed via a driveway that extends along its northern boundary, leading to Drinkwater Road. A large dam is located to the south of the dwelling. This property is moderately vegetated and comprises scattered patches of vegetation and cleared areas.

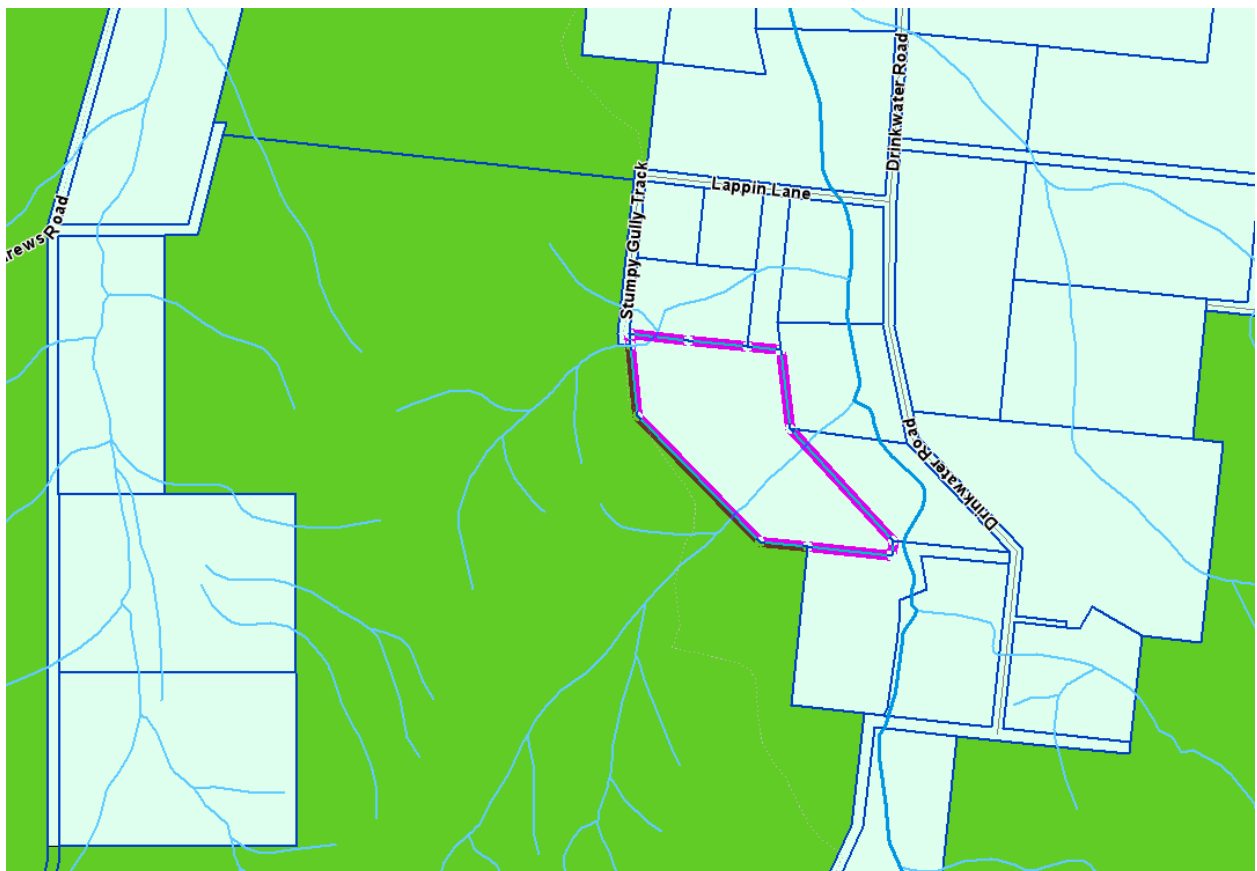
The Bendigo Regional Park adjoins the site to the west and is zoned Public Conservation and Resource Zone. The adjoining properties to the east, 78 and 110 Drinkwater Road, are also zoned Farming Zone and have areas of 3.4 and 3.6 hectares respectively. Both contain a dwelling and a dam.

The dwelling at No. 110 Drinkwater Road is setback approximately 30 metres from the subject site and the dwelling at No. 78 Drinkwater Road is setback approximately 50 metres from the subject site. Myers Creek runs in a north-south direction through the eastern side of these properties. Native vegetation is located adjacent to the creek. Cleared areas are located at the west of these properties, at the interface with the subject site.

The adjoining properties to the north, No. 13 Stumpy Gully Track and 19 Lappin Lane are also small Farming Zone properties with areas of 2.6 and 1.2 hectares. No. 13 Stumpy Gully Track has a common boundary with the majority of the site's northern boundary and shares the large dam on the subject site. The dwelling on this lot is located to the north west of the dam. A tributary watercourse of Myers Creek traverses this property and it also contains patches of native vegetation. No. 9 Lappin Lane also adjoins the subject site on its northern boundary. This property has a long narrow rectangular configuration and contains a dwelling, dam and patches of vegetation.



**Figure 1:** Location map showing the subject site. Objectors' properties are marked with a star (two objections have been lodged from the owners of 13 Stumpy Gully Track and two objections have been lodged from the owners of 78 110 Drinkwater Road).



**Figure 2:** Zoning map of the subject site and surrounding area.



## Proposal

The proposal is for the use and development of land for a dwelling and the creation of a carriageway easement.

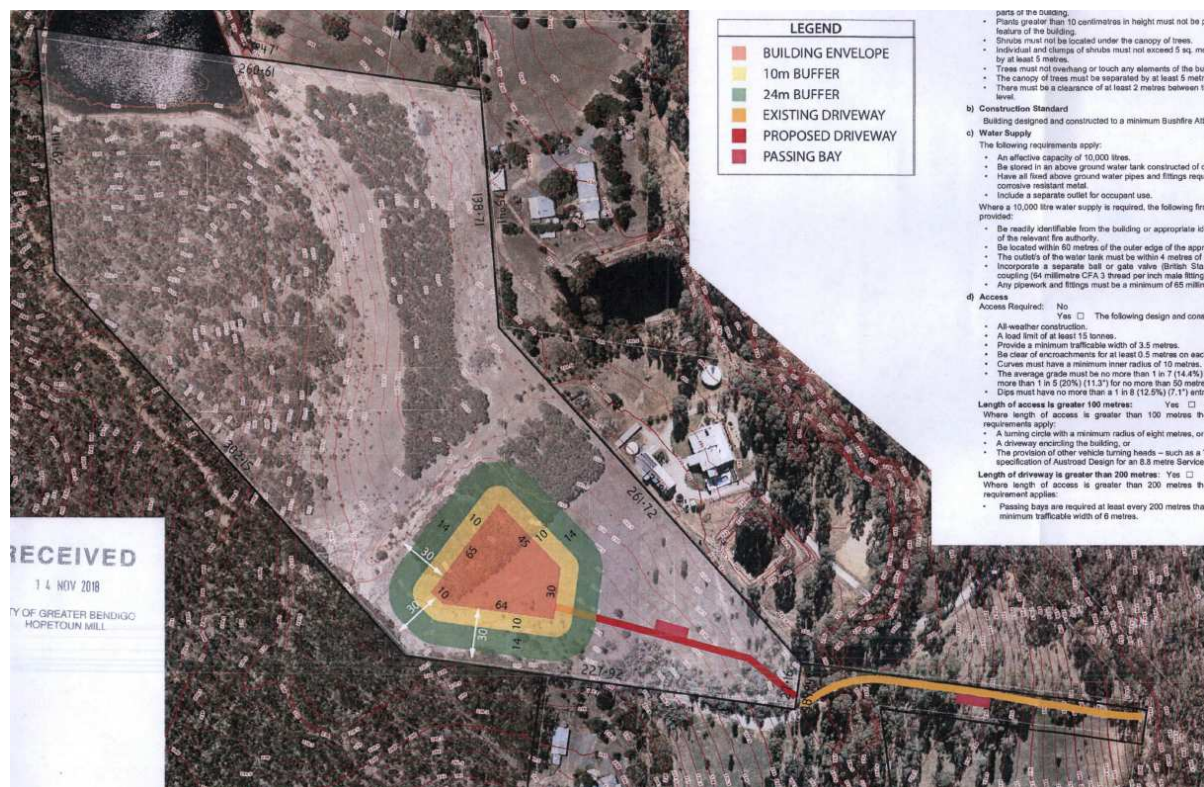
The dwelling is proposed to be constructed on CA 87A Stumpy Gully Track. It will be sited at the southern end of this property. The proposed building envelope will be setback 30 metres from the southern boundary and 30 metres from the south western boundary. The applicant has requested that elevation and floor plans be required as a condition of permit, if the application is approved by Council.

Planted vegetation will be required to be removed to facilitate the building envelope and associated defendable space. A section of the planted vegetation will be retained at the north east of the building envelope.

Defendable space is provided for a distance of 24 metres around the perimeter of the building envelope.

A driveway at the east of the building envelope leads to the south east of the CA 87A Stumpy Gully Track property.

A carriageway easement is proposed along the eastern side of the northern boundary of 126 Drinkwater Road to provide the new dwelling with access to Drinkwater Road.



**Figure 3:** Site layout plan showing location of the building envelope, defendable space, driveway and carriageway easement

## **Planning Controls - Greater Bendigo Planning Scheme**

### Permit requirements

The need for a planning permit is triggered by:

- Clause 35.07-1 Use of the land for a dwelling in the Farming Zone
- Clause 35.07-4 Buildings and works associated with a Section 2 Use in the Farming Zone
- Clause 42.01-2 Buildings and works in the Environmental Significance Overlay
- Clause 44.06-2 Buildings and works associated with the use of the land for accommodation in the Bushfire Management Overlay
- Clause 52.02 Easement, Restrictions and Reserves

The following clauses are relevant in the consideration of this proposal:

### Planning Policy Framework

- Clause 11 Settlement
- Clause 11.01-1R Settlement – Loddon Mallee South
- Clause 12.01-1 Protection of biodiversity
- Clause 12.01-2 Native vegetation management
- Clause 12.03-1S River corridors, waterways, lakes and wetlands
- Clause 13.02 Bushfire
- Clause 13.03-1S Floodplain management land
- Clause 14.01-1S Protection of agricultural
- Clause 14.02-1S Catchment planning and management
- Clause 14.02-2S Water quality

### Municipal Strategic Statement

- Clause 21.05-9 Managing risk
- Clause 21.08-2 Wastewater

### Local Planning Policies

- Clause 22.02 Rural dwellings policy

### Other Provisions

- Clause 35.07 Farming Zone
- Clause 42.01 Environmental Significance Overlay
- Clause 44.06 Bushfire Management Overlay
- Clause 52.02 Easements, restrictions and reserves
- Clause 65 Decision guidelines
- Clause 66.04 Referral of permit applications under local provisions
- Clause 71.02-3 Integrated decision making

## **Consultation/Communication**

### Referrals

The following authorities and internal departments have been consulted on the proposal:



| Referral                                                    | Comment                                                                                                                                                                                                                                            |
|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| North Central Catchment Management                          | No objection subject to conditions requiring an upgrade to the existing waterway crossing over Myers Creek and the dwelling to achieve a setback of 30 metres from watercourses.                                                                   |
| Country Fire Authority                                      | No objection subject to conditions requiring the approval of the Bushfire Management Plan prepared for the site and the mandatory BMO condition relating to ongoing measures to be implemented for vegetation management, water supply and access. |
| Department of Environment, Land, Water and Planning (DELWP) | No objection subject to conditions relating to measures to be undertaken during the construction phase and no access to or use of Crown land.                                                                                                      |
| Environmental Health                                        | No objection. Advised that the site is generally suitable for an on-site waste water disposal system.                                                                                                                                              |

### Public Notification

The application was advertised by way of notice on the site and letters to adjoining and nearby owners and occupiers.

As a result of advertising, four objections were received, with the grounds of objection being:

- Concern about the siting of the building envelope and amenity impacts to neighbouring property to the east;
- Impact of the wastewater system and stormwater runoff from the dwelling on the surrounding waterways and dams;
- Concern that the development will reduce rainfall runoff into neighbouring dam;
- Concern about potential for impacts on the shared dam through native vegetation removal and soil disturbance on the site;
- Insufficient detail provided with the application to ascertain the impact of the proposal.

The objections are discussed below.

### **Planning Assessment**

Is the proposal in accordance with the Planning Policy Framework (PPF) and the Local Planning Policy Framework (LPPF)?

Clause 11 (Settlement) states that planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to recognise the need for, and as far as practicable contribute towards, amongst other things, health, wellbeing and safety, economic viability, and potential of environmentally sensitive areas and natural resources.

Clause 11.01-1S (Settlement) seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. Strategies for this policy include focussing investment and growth in places of State significance in Metropolitan Melbourne and the major regional cities, including Bendigo.

Clause 12.01-1S (Protection of biodiversity) aims to assist the protection and conservation of Victoria's biodiversity and Clause 12.01-2S (Native vegetation management) has the objective to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation, with the strategy to achieve this being applying the three-step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017).

Clause 12.03-1S (River corridors, waterways, lakes and wetlands) seeks to protect and enhance river corridors, waterways, lakes and wetlands.

The objective of Clause 13.02-1 (Bushfire planning) is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. Strategies to achieve this objective relate to the protection of human life and bushfire hazard identification and assessment.

One of the strategies for this objective is to give priority to the protection of human life by:

- Prioritising the protection of human life over all other policy considerations;
- Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire;
- Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

The strategy for bushfire hazard identification and assessment includes identifying bushfire hazard and undertaking an appropriate risk assessment by considering and assessing the bushfire hazard on the basis of:

- Landscape conditions - meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;
- Local conditions - meaning conditions in the area within approximately 1 kilometre of a site;
- Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and
- The site for the development.

It also includes consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures and not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.

The objective of Clause 13.03-1S (Floodplain management) is to assist the protection of life, property and community infrastructure from flood hazard, the natural flood carrying capacity of rivers, streams and floodways, the flood storage function of floodplains and waterways, and floodplain areas of environmental significance or of importance to river health. Clause 14.02-1S relates to catchment planning and management and aims to assist the protection and restoration of catchments, water bodies, groundwater and the marine environment, while Clause 14.02-2S seeks to protect water quality.

Clause 14.01-1S (Protection of agricultural land) seeks to protect the State's agricultural base by preserving productive farmland, with strategies including protecting productive farmland that is of strategic significance in the local and regional context and preventing inappropriately dispersed urban activities in rural areas.

Clause 21.05-9 of the Municipal Strategic Statement (Managing risk) states that the unique landscape of Greater Bendigo is an important contributor to the City of Greater Bendigo's liveability; however this landscape has a number of environmental risks that need to be considered when planning for growth. The precautionary principle should be used when making land use planning decisions. The objective of this clause is to manage development in areas of risk from bushfire and flooding. The strategy to achieve this objective is to adopt a three step approach based on the precautionary principle to manage risk from bushfire and flooding:

- Direct development into low risk locations;
- Carefully consider development in medium risk locations;
- Avoid development in high risk locations.

Clause 21.08-2 (Wastewater) seeks to protect the environment from pollution and contamination through the appropriate management of domestic wastewater. Strategies include managing development, including land forming and effluent disposal in an environmentally sustainable manner and promoting and supporting appropriate onsite domestic wastewater management systems where required.

Clause 22.02 contains the City's Rural Dwellings policy. Relevant objectives of this policy seek to discourage the fragmentation of rural land, or land with significant environmental values, to limit the subdivision, use or development of land to that which is compatible with the utilisation of the land as a sustainable agricultural resource and to ensure that domestic wastewater management systems are appropriately located, designed and managed.

Clause 71.02-3 (Integrated decision making) of the Planning Scheme identifies that:

*"Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development."*

*Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.”*

In assessing the proposal against the relevant planning policies, it is considered that the site has limited agricultural value, given its size, the extent of vegetation cover and context. The proposal is not likely to result in any significant environmental or amenity impacts. From this perspective, the proposal for a dwelling is an appropriate use of the site. However, this must be balanced against the bushfire risk to the site.

State planning policy requires responsible authorities to prioritise human life over all other policy considerations. The MSS encourages a risk based planning approach following the same precautionary principles. The adjoining State forest poses a significant bushfire risk. Bushfire can approach from more than one aspect and there is potential for long fire runs impacting the site and causing massive ember attack.

However, the site forms part of a pocket of semi cleared Farming Zone land containing relatively small lots, many of which contain dwellings. Access to the subject site can be established via Drinkwater Road, enabling occupants to travel to a safer location and towards Maiden Gully township or Kangaroo Flat in the event of a bushfire. The proposal can achieve the required defendable space and water supply. Whilst it is not possible to eliminate the risk from the surrounding landscape, it is considered that these considerations can mitigate the risk to an acceptable level.

#### Is the use of the site for a dwelling appropriate?

The site is located on the periphery of Maiden Gully, an outer suburb of Bendigo. Whilst the site is located within the Farming Zone, the use and development of the land for a dwelling is consistent with the pattern of rural residential development in the immediate area. The surrounding lots form part of an area zoned Farming Zone where the majority of lots are undersized, containing patches of remnant vegetation and where ownership is fragmented. The pattern of development is more akin to a rural living environment than agricultural land. Given the site's location within this setting, the dwelling is considered to be an appropriately land use in this context.

Whilst dwellings are generally discouraged on existing small lots within the Farming Zone under the City's Rural Dwellings Policy, in this instance it is acknowledged that the site has limited agricultural potential given that its small size and vegetation cover. This essentially precludes the site from accommodating an agricultural use such as grazing or horticulture. The surrounding lots are not used for any farming activities, only small scale grazing, as such no land use conflict is envisaged.

The approval of the dwelling will not result in the loss of productive agricultural land, which is considered to be an appropriate outcome in the context of the surrounding land use pattern and the agricultural capability of the site. It is therefore considered that the proposal is not at odds with the purposes of the zone, which make reference to non-agricultural uses, such as dwellings.

The proposal can meet the requirements for electricity supply via mains power which is available to the site, water supply (including for firefighting purposes) via rainwater tanks, effluent disposal via a septic system and all weather vehicle access suitable for emergency vehicles. Appropriate conditions of permit will address these matters.

Does the location of the building envelope respond to the environmental constraints of the site?

The siting of the proposed building envelope responds appropriately to the environmental constraints of the site, noting that it is located away from the native vegetation at the west of the site, the watercourse in the centre of the site and the area of the site that is affected by the Environmental Significance Overlay, at the south east of the site.

During the course of the application, the location of the building envelope was amended to address the concerns of the objector to the east at No. 110 Drinkwater Road, which related to loss of privacy/visual amenity. The building envelope was initially located in the cleared area at the south east of the site but the objector was concerned about the proximity of the proposed dwelling to their own dwelling.

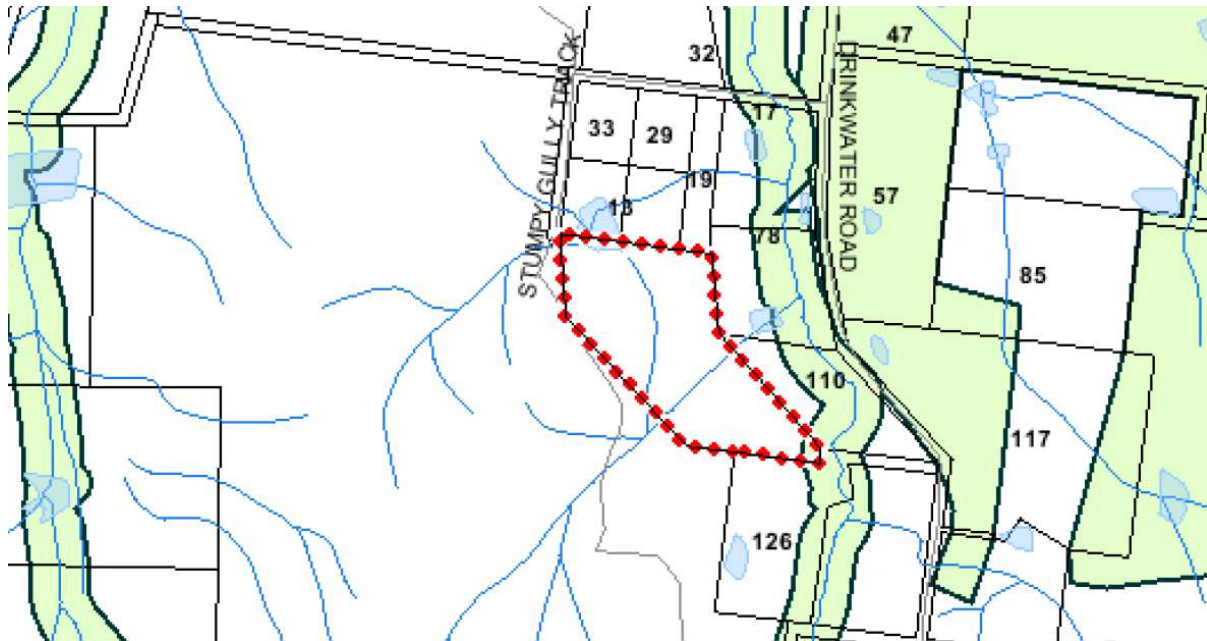
Although some planted vegetation removal is required to be undertaken, this vegetation removal is exempt under Clause 52.17 (Native vegetation), which defines planted vegetation as *native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding*. Importantly, the majority of the remnant and planted vegetation on the site will be retained, which ensures that the landscape values of the site will not be detrimentally affected.

Can the site contain an effluent disposal system?

The size of the site is sufficient to contain wastewater on site. The application was referred to the City's Environmental Health team who advised the site is generally suitable for on-site wastewater disposal. The specific design and location of the system will be assessed via a separate septic permit application process.

Does the proposal meet the purposes of the Environmental Significance Overlay and Bushfire Management Overlay?

The whole of the subject site is affected by the Bushfire Management Overlay and a small area of the site in its south east corner is affected by the Environmental Significance Overlay - Schedule 1, which relates to the protection of waterways.



**Figure 4:** Location of the Environmental Significance Overlay at the south east corner of the site.

#### *Environmental Significance Overlay*

The proposed dwelling does not trigger a permit under the Environmental Significance Overlay 1 as the building envelope is located clear of the overlay area; however an upgraded watercourse crossing is required over Myers Creek to enable access to the dwelling and these works require a permit. This is unavoidable given that vehicle access is not able to be obtained via Stumpy Gully Track due to the location of the dam at the north west corner of the site. In any case, access via Drinkwater Road is considered to be a more practical option (despite the required watercourse crossing) as this road is closer to the building envelope.

The application was referred to North Central Catchment Management Authority and Department of Environment, Land, Water and Planning, statutory referral authorities under this overlay, who had no objection to the application subject to conditions of permit.

The applicant will be required to upgrade the waterway crossing and demonstrate that any other buildings and works associated with the dwelling are a minimum of 30 metres from the top of the bank of the waterway, and to put appropriate measures in place during the construction phase, with no access to the site permitted via the adjoining Crown land. There is an existing driveway in this location and the works to upgrade the crossing will not have a significant impact on the watercourse.

#### *Bushfire Management Overlay*

Under this overlay, the application must be assessed against the relevant requirements of Clause 53.02 (Bushfire planning provisions). In this case, the objectives of Clause 53.02-4 are applicable.

The application includes a Bushfire Management Statement (BMS) for the site which fulfils the requirements for a Bushfire Hazard Site Assessment and a Bushfire Management Plan. The CFA has not objected to the proposal, subject to conditions on any permit requiring the Bushfire Management Plan to be endorsed and the mandatory condition for buildings within the Bushfire Management Overlay in relation to ongoing requirements for vegetation management, water supply and access to be applied.

The BMS prepared for the proposal outlines the bushfire risk from the broader landscape. It identifies that the land to the south, west and northwest is State forest covered with woodland vegetation. To the north and east of the site is managed land zoned Farming Zone, containing patches of woodland vegetation and grasslands. Most of the surrounding lots contain dwellings. All the land to the south east of the site to its northwest is either flat or upslope to the subject site. Land to the north and east of the site is upslope between 0-5 degrees. The site is proximate to urban areas within the Maiden Gully township and suburb of Kangaroo Flat with access via Olympic Parade.

Clause 53.02-4.1 (Landscape siting and design objectives) is focused on strategic and landscape considerations. It seeks to ensure development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape, and that development is sited to minimise the risk from bushfire and to provide safe access for vehicles, including emergency vehicles, and building design minimises vulnerability to bushfire attack.

Approved Measure 2.1 requires that the bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level. The BMS states that the site is able to meet defendable space requirements to satisfy BAL level 19 around the dwelling within the property boundaries. It infers that this, together with the development immediately adjoining the site to the north east and south, comprising dwellings on relatively cleared lots where vegetation is managed in a low risk state on an ongoing basis will reduce the risk posed by the wider landscape for the proposed dwelling to an acceptable level.

Approved Measure 2.2 requires that the building is sited to ensure that the site best achieves the maximum separation distance between the building and the bushfire hazard, the building is in close proximity to a public road and that access can be provided to the building for emergency service vehicles.

As noted above, the dwelling can achieve appropriate defendable space according to the standard. The dwelling can be accessed via Drinkwater Road and a carriageway easement registered on title will ensure permanent legal access across the adjoining lot (126 Drinkwater Road) to this public road. The internal driveway will have a width of 3.5 metres and a gravel surface for all weather access and a passing area will be required.

Approved Measure 2.3 requires that a building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building. Dwelling plans have not been submitted, however the dwelling will be required to be constructed to BAL-19 and a condition of permit will require a full set of plans to be submitted.

Although the landscape risk for the site is at the higher end of the scale given the proximity of the Bendigo Regional Park, the site is located within an area that contains a number of existing dwellings, where vegetation is managed and vehicle access is established via a public road.

The proposal exceeds the required defensible space for BAL 19 as set out in Approved Measure 3.1 at Clause 53.02-4-2 (Defendable space and construction objective) of 24 metres with a distance of 30 metres to the hazard (vegetation on adjoining Crown land). Further separation distance to the hazard could be achieved, however the risk for the dwelling is not likely to be significantly reduced and the applicant has sought to address an objector's concerns about the proximity of the dwelling with the siting of the building envelope.

The proposal satisfies the requirements for a static water supply and access, as set out in Approved Measure 4.1 at Clause 52.02-4.3 (Water supply and access objectives). Access within the site can be achieved in accordance with the standard, as outlined above and a minimum of 10,000 litres of water for firefighting will be required to be provided within an above ground concrete or metal tank with CFA compliant fittings. These requirements are outlined within the Bushfire Management Plan.

Overall, it is considered that the requirements of the Bushfire Management Overlay can be achieved and the risk to life and property from bushfire can be reduced to an acceptable level. No objection has been offered from CFA and the Bushfire Management Plan prepared for the site has been deemed satisfactory.

#### Response to concerns raised in objections

##### *Impact on visual amenity and views*

As previously noted, the proposal has been amended to change the location of the proposed building envelope to increase the setback to the existing dwelling at 110 Drinkwater Road and thereby reduce the visual impact of the dwelling when viewed from the adjoining land to the east. The proposal provides for a distance of approximately 70 metres between the dwellings. It is further noted that outbuildings associated with the dwelling at 110 Drinkwater Road are located close to the common boundary and will partially screen views to the proposed new dwelling.

Given the existing conditions and constraints of the site, including the dam, plantations and native vegetation cover in the northwest part of the site, the bushfire risk and need to site the dwelling close to the proposed vehicle access point off Drinkwater Road, the location of the dwelling is considered to be an appropriate outcome.

##### *Impact of the wastewater system and stormwater runoff from the dwelling on the surrounding waterways and dams*

Concerns have been raised by objectors that a septic system for the dwelling could result in contamination of neighbouring properties dams and stock drinking water, and the impact on the environment and wildlife.



The City's Environmental Health team did not raise any concerns with the proposal and have confirmed that the site is generally suitable for the installation of an on-site effluent disposal system. The system will be required to be sited to meet the requirements of the *Code of Practice for Onsite Wastewater Management (EPA, 2016)* which specifies setbacks from dams and watercourses. These matters will be considered as part of a septic system permit application prior to a building permit being issued for the development.

A condition of permit will require drainage from the dwelling to be managed to the satisfaction of the City as the responsible drainage authority. This could be achieved by directing stormwater from the dwelling to rainwater tanks.

*Concern that the development will reduce rainfall runoff into neighbouring dam*

The dwelling will not be sited on a watercourse. There is no legal right to runoff across a boundary.

*Concern about potential for impacts on the shared dam through native vegetation removal and soil disturbance on the site*

Planning approval will be required for any future works such as the removal of remnant native vegetation other than that permitted to create the required building envelope and defensible space for the dwelling, and for any earthworks which change the rate of flow or the discharge point of water across a property boundary. There is no proposal to alter the existing dam constructed on the site as part of this proposal.

*Insufficient detail provided within the application to ascertain the impact of the proposal*

Objectors raised concerns regarding the level of information provided as part of the application, including the absence of dwelling plans, location of septic field not shown on the site plan, and references to a potential dam on the site.

It is considered that adequate information has been provided by the applicant and obtained from relevant referral authorities to determine that:

- The use of the land for a dwelling is appropriate;
- The siting of the proposed dwelling is appropriate;
- There are no likely adverse environmental impacts associated with wastewater disposal; and
- The provisions of the Bushfire Management Overlay have been addressed.

The area is rural in character and not one where the full design detail of a dwelling requires particular control or consideration. No new dam has been proposed as part of this application. In the event a dam is proposed at a later date then the impacts of this will be assessed by either the City and/or Goulburn Murray Water, through a permit or consent process as the case may be, depending on the location and size of the dam.

The key issues for the use and development of this site for a dwelling have been appropriately addressed and accordingly, it is considered that adequate information has been provided to determine the application. Plans and elevations of the dwelling will be required by permit conditions.

## Conclusion

The proposed dwelling is considered to be an appropriate use and development of the land given the existing settlement pattern of the area. The dwelling will not result in the loss of productive agricultural land nor is it likely to result in any significant adverse impacts on the environment. The bushfire risk to the site can be mitigated to an acceptable level. It is therefore recommended that a Notice of Decision to Grant a Permit be issued.

## Options

Council, acting as the responsible authority for administering the Planning Scheme, may resolve to: grant a permit, grant a permit with conditions, or refuse to grant a permit.

## Attachments

- Objections

## Proposed Notice of Decision Conditions

### 1. PLANS REQUIRED

Before the use and/or development start(s), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and 2 copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) Floor and elevation plans of the dwelling

### 2. NO LAYOUT ALTERATION

The use and/or development permitted by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the responsible authority.

### 3. CREATION OF CARRIAGEWAY EASEMENT

Prior to the commencement of the development, a plan for certification for the proposed carriageway easement must be submitted to the Responsible Authority and the plan must be certified and registered on title. Evidence of registration must be submitted to the Responsible Authority.

### 4. NORTH CENTRAL CATCHMENT MANAGEMENT AUTHORITY

The existing crossing over Myers Creek must be upgraded (increased in size) to provide safe access to the future occupants of the property during a flood event. Detailed plans and computations must be provided that demonstrate that safe access can be provided during a flood event up to and including the 1% AEP flood event. The safety criteria that must be achieved is:

- (a) Depth  $\leq$  0.35 metres; and
- (b) Velocity  $\leq$  1.5 metres/second; and
- (c) Depth x Velocity  $\leq$  0.35 metres<sup>2</sup>/second

5. **NORTH CENTRAL CATCHMENT MANAGEMENT AUTHORITY**  
All buildings and works, excluding the waterway crossing, must be located a minimum of 30 metres from the top of the bank of the waterway.
6. **DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING**  
To protect the nearby waterways, no works office, toilet and service facility is to be established within 100 metres of any creek, channel or drainage line. Oils, greases, used grease cartridges, used oil filters, air filters and other construction works refuse, including old fencing wire and fence posts removed to undertake the works, will be properly disposed of away from the waterway according to EPA requirements.
7. **DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING**  
*Access and Encroachment*
  - (a) No access is permitted to the subject land via the Crown land.
  - (b) Adjoining Crown land must not be used for truck turning areas, entry points, parking areas or temporary stock sites during the construction of buildings or works.
  - (c) No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the adjoining Crown land. Overland flows must be maintained at the same rate post-development as on the undeveloped land.
8. **COUNTRY FIRE AUTHORITY**  
The Bushfire Management Plan (Version 2 prepared by Shaw Land Surveys and dated 9/11/2018) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.
9. **BUSHFIRE MITIGATION MEASURES**  
The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.  
  
The water supply, access, vegetation management and building and works requirements identified in the Bushfire Management Statement must be implemented and maintained as prescribed.
10. **GENERAL DRAINAGE – BUILDINGS & HOUSES**  
The proposed building(s) and works must be drained to the satisfaction of the City of Greater Bendigo as the responsible drainage authority.
11. **CONSTRUCT A GRAVEL DRIVEWAY**  
Prior to the commencement of works for the house, the owner must construct a gravelled driveway connecting the building envelope to Drinkwater Road in accordance with the requirements of the approved Bushfire Management Plans.

**12. ELECTRICITY SUPPLY**

The dwelling must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the responsible authority.

**13. EXPIRY OF PERMIT**

This permit will expire if:

- (a) The plan for certification is not certified within two (2) years from the date hereof.
- (b) The development permitted by the this permit is not completed and the use is not commenced within four (4) years from the date hereof.

**Environmental Health Note**

Before a building permit is issued for a dwelling at the property, a permit to install a septic tank must be issued by the responsible authority.

**Department of Environment, Land, Water and Planning Note**

The adjoining Crown land is not to be used for access, storage of materials or rubbish. Any private use of Crown land requires consent and/or licensing from the Department of Environment, Land, Water and Planning.

**North Central Catchment Management Note**

Myers Creek is a waterway gazetted by the North Central Catchment Management Authority under the Water Act 1989. Any works in, on or over designated waterways (such as landscaping, access crossings, storm water outlets etc) will require a Works on Waterway Permit under By-Law No 2014/01 Waterways Protection from the North Central Catchment Management Authority, prior to any works commencing.

## **2.2 CA 54 AND CA 55 ONE EYE FOREST ROAD, HEATHCOTE 3523 - USE AND DEVELOPMENT OF LAND FOR A DWELLING AND ASSOCIATED OUTBUILDINGS; AND FOR GROUP ACCOMMODATION**

### **Document Information**

**Author** Shannon Rosewarne, Senior Planner

**Responsible Director** Bernie O'Sullivan, Director Strategy and Growth

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### **Summary/Purpose**

Application details: Use and development of land for a dwelling and associated outbuildings; and for group accommodation

Application No: DU/370/2017

Applicant: Padarc Pty Ltd

Land: CA 54 and CA 55 One Eye Forest Road, HEATHCOTE 3523

Zoning: Rural Conservation Zone

Overlays: Bushfire Management Overlay  
Environmental Significance Overlay 3

No. of objections: Nil

Consultation meeting: N/A

Key considerations:

- The acceptability of the site's bushfire risk;
- Whether the proposal satisfies access requirements under the zone and Bushfire Management Overlay;
- Whether the proposal is consistent with the environmental, landscape and agricultural values of the zone;
- Wastewater disposal.

Conclusion: The application is recommended for refusal on the basis that it represents an unacceptable planning outcome with regard to bushfire risk to human life and fails to satisfy the requirements for access.

## **RECOMMENDATION**

Pursuant to section 61 of the Planning and Environment Act (1987), Council resolve to issue a Notice of Refusal to Grant a Permit for use and development of land for a dwelling and associated outbuildings; and for group accommodation at CA 54 and CA 55 One Eye Forest Road, HEATHCOTE 3523 on the following grounds:

1. The proposal is not consistent with the objectives of Clause 13.02-1, and the purposes of Clause 44.06 and 53.02 as it will increase the risk to human life and does not direct development to a lower risk location.
2. The proposal does not satisfy the objectives of Clause 53.02-4.1 by proposing development in a high risk landscape where bushfire protection measures are not capable of mitigating the risk to human life to an acceptable level.
3. The proposal does not satisfy the objective of Clause 53.02-4.1 by proposing development in a high risk landscape that does not provide a credible evacuation route to a location where human life can be better protected from the harmful effects of bushfire.
4. The proposal does not satisfy the objective of Clause 53.02-4.1 as the proposed siting of buildings disperses development across the subject site and does not maximise the separation distance from the hazard.
5. The proposal does not provide adequate bushfire protection through site operations, with emergency management arrangements not demonstrating that they deliver protection for human life for those sheltering on the subject site before, during and after a bushfire event.
6. The proposal is prohibited as the requirement in Clause 35.06-2 that access to a dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles is not met.

## **RESOLUTION**

Moved Cr Wrigglesworth, Seconded Cr Metcalf.

That the recommendation be adopted.

**CARRIED**

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## **Policy Context**

City of Greater Bendigo Community Plan 2017 – 2021

Goal 4: Presentation and managing growth

- Planning, developments and infrastructure that increase our liveability and pride in where we live.

## Goal 6: Embracing our culture and heritage

- Recognise and celebrate our unique history and diverse cultures.

## Background Information

The application was originally received on 9 June 2017. Further information was requested as a result of referral responses. The application was subsequently further amended on 19 November 2018 with a revised Bushfire Management Statement, Emergency Management Plan and site layout plans and re-referred to relevant authorities.

## Report

### Subject Site and Surrounds

The site is located approximately 2 kilometres north west of Heathcote. The site is an irregular shape comprising two parcels with a total area of 16.18 hectares and is largely cleared. The site currently contains a shed located midway within the site, adjacent to the eastern boundary and two dams. A drainage line runs through the length of the site.

The site is landlocked as it does not adjoin a road reserve and currently relies on access via tracks through the adjoining forested Crown land, known as One Eye State Forest. These tracks are used for land management purposes by the Department of Environment, Land, Water and Planning. The nearest road to the site is the Mia-Mia Derrinal Road located to the north. This road connects to the McIvor Highway.

The adjoining forest is zoned Public Conservation and Resource Zone and abuts the site on its north, east and west sides. Immediately to the south are two freehold parcels, both of which contain a dwelling, are approximately 8 hectares in size respectively, and are zoned Rural Conservation Zone. Beyond these lots is the State forest.



**Figure 1:** Location map showing subject site.





**Figure 2:** Zoning map showing subject site.



**Figure 3.** View of the property from the northern end, looking south.

### Proposal

The proposal is to use and develop the land with a dwelling, a shed and group accommodation comprising 6 huts. The dwelling and shed will be located on Crown Allotment 54, while the accommodation huts will be located on Crown Allotment 55.

No floor plans or elevations have been provided of the proposed buildings, with the site plan below showing the proposed building envelopes. The applicant has requested that floor and elevation plans of the proposed buildings be required as a condition of permit, should the application be approved.



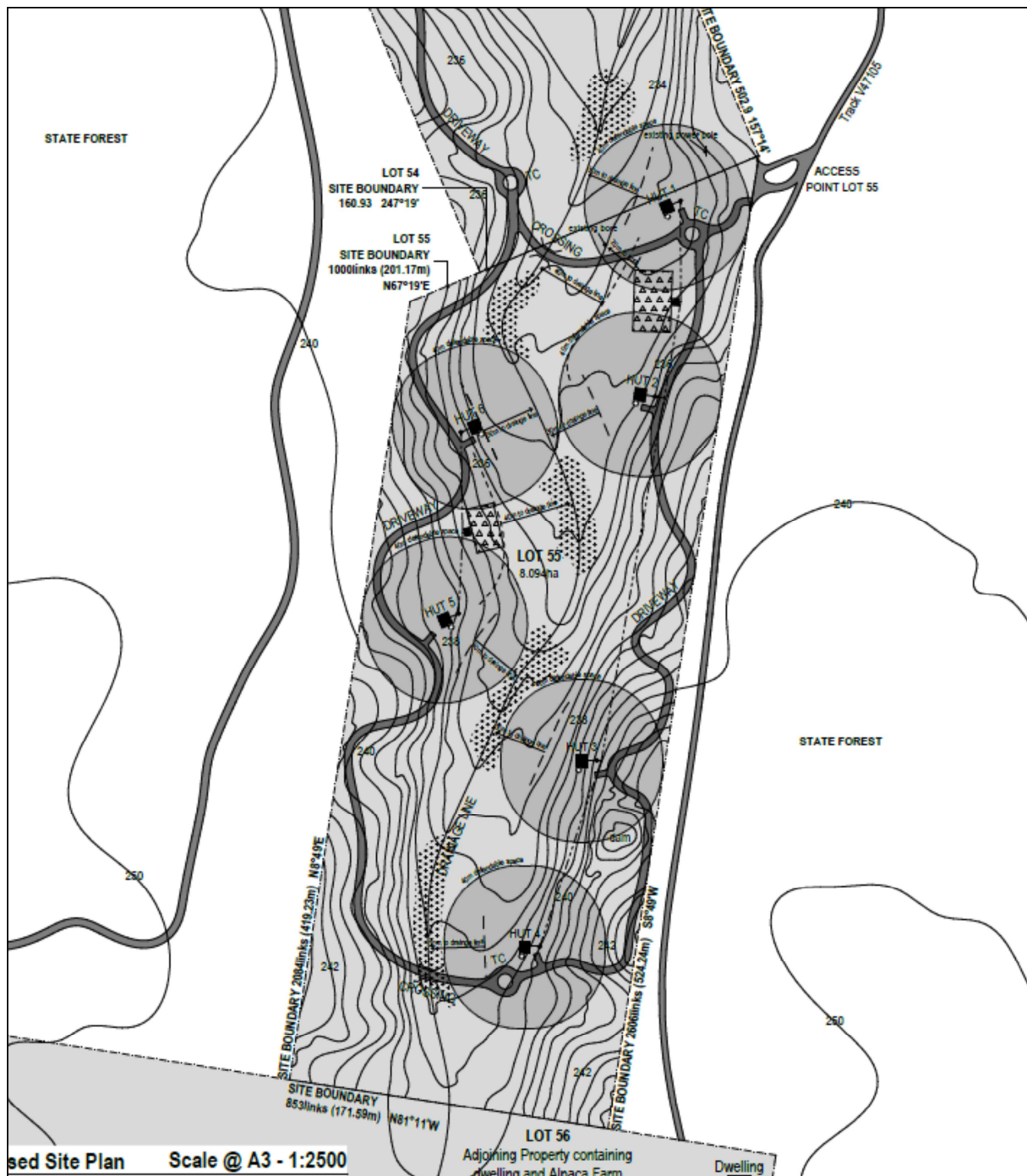
The application states that it is intended to construct a single storey dwelling with a flat roof, with the materials to be concrete and glazing whilst the proposed shed will be a typical pre-fabricated rural shed with metal cladding and a pitched roof. The proposed shed is to have dimensions of 7.5 metres by 20 metres and it would be located approximately 55 metres from the dwelling.

The design of the proposed accommodation huts is described in the application as being a simple pitched roof pavilion accommodating an open plan bedroom, sitting area, ensuite bathroom with decks. It is intended that they would be used for tourist accommodation for groups such as clubs, families and social groups.





**Figure 5:** Proposed site layout for CA 54 (house and shed).



**Figure 6:** Proposed site layout for CA 55 (huts for group accommodation).

## Planning Controls - Greater Bendigo Planning Scheme

### Why is a permit required?

A permit is required to:

- Use land for a dwelling and group accommodation under clause 35.06-1 of the Rural Conservation Zone and to construct or carry out works associated with a Section 2 use under clause 35.06-5.
- Construct a building or carry out works associated with accommodation under clause 44.06-2 of the Bushfire Management Overlay.

- Construct or carry out works which generate wastewater within the Environmental Significance Overlay – Schedule 3 pursuant to clause 42.01-2.
- Remove native vegetation under clause 52.17-1 under the Native Vegetation provisions.

The following clauses are relevant in the consideration of this proposal:

#### State Planning Policy Framework

- Clause 11.01-01S - Settlement
- Clause 11.01-1R - Settlement
- Clause 12.01-1S - Biodiversity
- Clause 12.01-2S - Native vegetation management
- Clause 13.02-1S - Bushfire planning
- Clause 17.01-1R - Diversified economy - Loddon Mallee South
- Clause 17.04-1S - Facilitating tourism

#### Municipal Strategic Statement

- Clause 21.05 Compact Greater Bendigo
- Clause 21.08 Environment

#### Local Planning Policies

- Clause 22.02 - Rural dwellings

#### Other Provisions

- Clause 53.02 - Bushfire planning
- Clause 65 – Decision guidelines
- Clause 66 – Referral and notice provisions
- Clause 71.02 Integrated decision making

### **Consultation/Communication**

#### Referrals

The following authorities and internal units have been consulted on the proposal:

Referral	Comment
Goulburn Murray Water	No objection subject to conditions relating to the design and location of the wastewater disposal system, a 30 metre setback requirement for buildings from waterways and drainage lines, management of stormwater and sediment and all laundry from the group accommodation to be out-sourced.

Referral	Comment
Coliban Water	No objection subject to conditions setting out matters relating to wastewater disposal, including the submission of a revised Land Capability Assessment to reflect the adjusted location of the huts, location of wastewater system/s and land application disposal areas, in addition to areas of revegetation to be undertaken.
Country Fire Authority	No objection subject to conditions which require the endorsement of the Bushfire Management Statement (BMS) prepared for the site and the mandatory condition at Clause 44.06 (BMO) to be applied which relates to the ongoing requirements of the BMS to be implemented for vegetation management, water supply and access.
Department of Environment, Land, Water and Planning	<p>No objection, subject to conditions prohibiting access via the Crown land for truck turning areas, parking and temporary storage and management of stormwater runoff and overland flows, and fencing.</p> <p>The Department noted that there has been no resolution to formalise legal access to these allotments and it has not provided conditional consent to use the forest tracks. There is currently no legal access to these allotments. The proposed plans identify two separate access points, one for each allotment. DELWP advised the access points must be reconfigured to provide for access to come from one government road, should it be excised out of the One Eye State Forest.</p> <p>DELWP does not consent to the utilisation of the existing track network for a commercial enterprise, which includes the use and development of this land for group accommodation.</p> <p>The Department recommended that a number of matters in the Bushfire Management Statement, Bushfire Management Plan and Emergency Management Plan be amended to correct a number of errors in relation to references to DELWP and access to the site.</p> <p>In relation to fire management activities on adjoining Crown land, DELWP advised that the proposal is not likely to change the current Forest Fire Zoning or bushfire mitigation practices and encouraged the applicant to undertake annual works on the freehold land to mitigate for the potential for fire from the adjoining Crown land.</p>

Referral	Comment
Municipal Fire Planning Committee	The Committee advised it was uncomfortable with any development in this location due to the fire risk.
Environmental Health	Recommended that the Land Capability Assessment be updated to reflect the revised proposal. Unable to provide consent until assessment of revised LCA undertaken.
Traffic & Design	The applicant would be responsible for all costs associated with establishing a new road reserve, including all permits, fees, tree removal and construction costs. The road would need to be constructed to the City's Engineering standards for an unsealed public road, which is a higher standard than the existing track. Once established, the road would become a City asset and the City would be responsible for its ongoing maintenance.
Drainage	No objection, no conditions requested.

### Public Notification

The application was advertised by way of notice on the site and letters to adjoining and nearby owners and occupiers.

No objections were received as a result of advertising.

### **Planning Assessment**

#### Planning policy

The following clauses of the State and Local Planning Policy Framework and Municipal Strategic Statement are relevant in the consideration of this application.

Clause 11 (Settlement) states that planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to recognise the need for, and as far as practicable contribute towards, amongst other things, health, wellbeing and safety, economic viability, and potential of environmentally sensitive areas and natural resources.

Clause 11.01-1S (Settlement) seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. Strategies for this policy include focussing investment and growth in places of State significance in metropolitan Melbourne and the major regional cities, including Bendigo.



Clause 12.01-1S (Protection of biodiversity) aims to assist the protection and conservation of Victoria's biodiversity and Clause 12.01-2S (Native vegetation management) has the objective to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation, with the strategy to achieve this being applying the three-step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017).

The objective of Clause 13.02-1S (Bushfire planning) is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. Strategies to achieve this objective relate to the protection of human life and bushfire hazard identification and assessment.

One of the strategies for this objective is to give priority to the protection of human life by:

- Prioritising the protection of human life over all other policy considerations;
- Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire;
- Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

The strategy for bushfire hazard identification and assessment includes identifying bushfire hazard and undertaking appropriate risk assessment by considering and assessing the bushfire hazard on the basis of:

- Landscape conditions - meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;
- Local conditions - meaning conditions in the area within approximately 1 kilometre of a site;
- Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and
- The site for the development.

It also includes consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures and not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.

Strategies to implement Clause 17.01-1R (Diversified economy - Loddon Mallee South) include supporting the ongoing role and contribution of the region's small towns, settlements and non-urban areas through investment and diversification of their economies, and supporting and developing emerging and potential growth sectors such as tourism, renewable energy, resource recovery and other green industries.



Clause 17.04-1S (Facilitating tourism) aims to encourage tourism development to maximise the economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination. Strategies to achieve this objective include encouraging the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.

Clause 21.05-9 (Managing risk) states that the unique landscape of Greater Bendigo is an important contributor to the City of Greater Bendigo's liveability; however this landscape has a number of environmental risks that need to be considered when planning for growth. The precautionary principle should be used when making land use planning decisions. The objective of this clause is to manage development in areas of risk from bushfire and flooding. The strategy to achieve this objective is to adopt a three step approach based on the precautionary principle to manage risk from bushfire and flooding:

- Direct development into low risk locations;
- Carefully consider development in medium risk locations;
- Avoid development in high risk locations.

Clause 21.07-1 (Economic growth) states that Greater Bendigo is a key regional city and major population and economic growth hub for the Loddon Mallee South region. This clause recognises tourism as an emerging and potential growth sector of the local economy.

Clause 21.08-2 (Wastewater) seeks to protect the environment from pollution and contamination through the appropriate management of domestic wastewater. Strategies include managing development, including land forming and effluent disposal in an environmentally sustainable manner and promoting and supporting appropriate onsite domestic wastewater management systems where required.

Clause 22.02 contains the City's Rural Dwellings policy. Relevant objectives of this policy seek to discourage the fragmentation of rural land, or land with significant environmental values, to limit the subdivision, use or development of land to that which is compatible with the utilisation of the land as a sustainable agricultural resource and to ensure that domestic wastewater management systems are appropriately located, designed and managed.

Clause 71.02-3 (Integrated decision making) of the Planning Scheme identifies that:

*"Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.*

*Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations."*

In assessing the proposal against the relevant planning policies, it is considered that the site has limited agricultural value and does not appear to contain any significant environmental values with regard to biodiversity. The proposal for a dwelling and accommodation would arguably put the land to a higher and better use from an economic perspective, and in turn support tourism in the Heathcote area. However, this must be balanced against the bushfire risk to the site.

State planning policy requires responsible authorities to prioritise human life over all other policy considerations. The MSS encourages a risk based planning approach following the same precautionary principles. The surrounding landscape poses a significant bushfire risk. The site is isolated from existing urban development and surrounded by State forest. Bushfire can approach from more than one aspect and there is potential for long fire runs ranging from 1-3 kilometres impacting the site and causing massive ember attack. Access for the proposal has not been established and there are no 'BAL: Low areas' available on the site due to its width and proximity to the State forest. This site cannot be considered a preferred location for accommodation based on the landscape risk.

#### Compatibility of proposal with the zone

As noted earlier, the site is zoned Rural Conservation Zone. The purposes of the zone emphasise the conservation and enhancement of the natural environment, biodiversity and landscapes, and character of open rural and scenic non-urban landscapes and encourages development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.

The following values listed in the Schedule to the zone are of relevance to the application:

- The need to protect the water supply catchment of Lake Eppalock;
- The need to preserve the flora, fauna and landscape values of the land in the zone;
- The need to protect significant vegetation cover on land in the zone;
- The need to protect existing vegetation on privately-owned land adjoining vegetated public land;
- The need to minimise land degradation including salinity and erosion.

Dwelling and group accommodation are both uses that require a permit under the zone. Only one dwelling is permitted on a lot within the Rural Conservation Zone and it must meet the requirements of Clause 35.06-2 in relation to all weather vehicle road access, wastewater disposal, electricity supply and water supply.

Group accommodation is defined within the Planning Scheme as *“land, in one ownership, containing a number of dwellings used to accommodate persons away from their normal place of residence.”*

The application states that the dwelling and huts would be provided with solar panels for electricity supply. An on-site wastewater disposal system would be installed for the dwelling and accommodation huts. Water supply would be via rainwater tanks and bore water. Road access to the site has not been resolved and is discussed in detail below, however an internal driveway of 3.5 metres width is proposed to provide access within the site.

As noted previously, the site is largely cleared land with some scattered trees adjacent to the boundaries of the site. The site is sufficiently large enough to accommodate the proposal and the required wastewater disposal system, although it is noted that the site is constrained by a drainage line running in a north – south direction through the centre of the site. The location of the proposed septic tanks and wastewater treatment areas are indicated on the site layout plan.

The proposal is not likely to have a significant impact on environmental, agricultural and landscape qualities of the site or surrounds. The site does not appear to contain any significant biodiversity values given that it is largely cleared and has previously been used as grazing land. Whilst the proposal would result in the loss of the site for agricultural use, the site is approximately 16 hectares in size and is not identified as having high agricultural productivity within the *Rural Areas Strategy (2009)*.

No adverse impacts from the proposal are envisaged for the adjoining land to the south, which is used for a dwelling and a small scale hobby farm and the proposal provides for appropriate setbacks to the boundary with this site.

Some native vegetation on the site may require removal to facilitate construction of the huts and the establishment of the required defensible space and access, although this cannot be determined from the plans submitted as they do not show the location of any existing vegetation. If removal of native vegetation was required, offsets would apply in accordance with the requirements of Clause 52.17 (Native vegetation). The exemption from the need to obtain a planning permit for clearing for the creation of defensible space under Clause 52.12-5 (Bushfire Protection: Exemptions) does not apply to land within the Rural Conservation Zone. The impact of native vegetation removal from within the site in this case is not likely to warrant refusal of the application.

Some revegetation of the site is proposed along the drainage line, to address permit conditions requested by Coliban Water which require revegetation areas to have widths of 15 metres and comprise native trees, shrubs and ground covers.

In terms of design and siting issues, the proposal will not have a significant visual impact on the landscape. There are no views to the site from major roads due to the surrounding State forest.

#### Wastewater disposal

The site is affected by the Environmental Significance Overlay – Schedule 3 which relates to the Eppalock Catchment area. The statement of environmental significance for Schedule 3 notes that *“Lake Eppalock is a major water storage and recreational facility located within the Campaspe River catchment. It is a major source of water for irrigation, stock and domestic, environmental flows and vital urban water supplies for towns within*

*the municipality and beyond. The reservoir supplies 100% of Heathcote's potable water supply and in some years may supply up to 100% of Bendigo's supply."*

Statutory referral authorities Goulburn Murray Water and Coliban Water offered no objection to the proposal, subject to conditions of permit. However, Coliban Water has required the Land Capability Assessment for the site to be revised to accurately reflect the proposed site layout and include recommendations for the management of the land application disposal areas, as has the City's Environmental Health Unit who advised that it requires this information before providing consent to the proposal to enable an assessment of the suitability of the revised disposal area location.

No vegetation clearing is required for the proposed disposal area, to be located near the northern boundary of the site. The site is sufficiently large enough to contain wastewater on site, but the drainage line and setback requirements do pose constraints in siting the wastewater disposal system. It is desirable that this issue be resolved prior to approval of the application, should Council decide this, however it is not considered sufficient grounds on which to refuse the application.

### Bushfire risk

The site is affected by a Bushfire Management Overlay. Under this overlay, the application must be assessed against the Bushfire Protection objectives of Clause 53.02-4 (Bushfire planning).

The application includes a Bushfire Management Statement (BMS) for the site which fulfils the requirements for a Bushfire Hazard Site Assessment and a Bushfire Management Plan. Whilst the CFA has not objected to the proposal, subject to conditions, there are significant concerns about the bushfire risk posed by the location of the site.

The BMS assesses the subject site as Landscape Type 3 as defined in the BMO Technical Guide issued by DELWP. The site is essentially surrounded by State forest zoned Public Conservation and Resource Zone. The site is assessed as Broader Landscape Type 3, pursuant to the *Technical Guide, Planning Permit Applications – Bushfire Management Overlay (DTPLI, 2017)*. Under this guide, Broader Landscape Type 3 provides that:

- The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site;
- Bushfire can approach from more than one aspect;
- The site is located in an area that is not managed in a minimum fuel condition;
- Access to an appropriate place that provides shelter from bushfire is not certain.

It is arguable that the site is a combination of Landscape Type 3 and Landscape Type 4, with the latter being characterised by having limited or no evacuation options. This would appear to apply to the subject site.

Clause 53.02-4.1 (Landscape siting and design objectives) is focused on strategic and landscape considerations. It seeks to ensure that development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape, and that development is sited to minimise the risk from bushfire, is sited to provide safe access for

vehicles, including emergency vehicles and building design minimises vulnerability to bushfire attack.

Approved Measure 2.1 requires that the bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.

The Bushfire Management Statement prepared for the site states that:

*“The terrain is gently sloping with extensive areas of woodland to the north, north west and south west of the site. On a broad landscape scale there is an increased risk of fire to the site as on high fire danger days there are often strong north westerly winds followed by a gusty south west change which can turn the east flank of a fire approaching from the north west into a long fire front. There is the potential for 1 to 2 kilometre long runs of fire from the north west through woodland and a 2 to 3 kilometre run to the south west to affect the site. It is following the south west wind changes when fire can cause greatest life and house loss.*

*Long runs of fire are likely to cause massive ember attack which is the main cause of house loss in a fire.*

*The areas of woodland to the east of the site are less likely to form part of a long rapidly moving bushfire as winds from the east are generally cooler than from the west. A spot fire could start to the east of the site and burn more slowly towards the site so it is important to also establish and maintain defensible space in this direction.”*

The BMS identifies that the site is surrounded by areas of woodland on public land and that the State forest is part of the Fire Operations Plan where fuel load is managed. The report states that the site is able to meet defensible space requirements to satisfy BAL 12.5 level (33-41 metres) around the dwelling and defensible space of 40 metres around each hut within the property boundaries. It further states that as a precautionary measure (due to the surrounding landscape risk and access through woodland) BAL 29 construction standards are proposed.

Approved Measure 2.2 requires that a building is sited to ensure that the site best achieves the maximum separation distance between the building and the bushfire hazard, the building is in close proximity to a public road and that access can be provided to the building for emergency service vehicles.

As noted above the buildings can achieve appropriate defensible space according to the standards at Approved Measures 3.1 and 3.2, however there is concern that the proposal has not maximised the separation distance between the hazard (being the State forest) nor sought to site the huts in close proximity to a public road. The proposed accommodation huts are spread across the site with a long access road located parallel to the hazard, with the furthest hut being approximately 1 kilometre from the nearest public road (Mia Mia – Derrinal Road). This would necessitate the need for extensive movement of people and vehicles on the site.

The huts are sited adjacent to the eastern and western boundaries of the site at only the minimum distance from the State forest in order to achieve a defensible space of 40 metres.

A 3.5 metre wide gravel driveway is proposed within the site with 4 metre vertical and 4.5 metre horizontal clearance. The driveway would link the dwelling and all accommodation huts to an entry point to the site. Whilst these construction details satisfy the requirements for an internal driveway, there are significant concerns about the access to the site from a public road. The BMS has not addressed this issue in any detail and is focussed on the provision of access within the site. The CFA's assessment of the BMS is also focused only on the internal driveway access.

The BMS states that access to the site would be via tracks through State forest, however DELWP has not consented to this and advised the applicant that a new road must be created.

It is acknowledged this must be undertaken via a separate process to the planning application and the creation of a road could be a condition of approval, however for the purposes of assessing whether the site's bushfire risk is acceptable, access is not considered satisfactory as the location of any proposed road has not been shown on the amended application documents. From a bushfire risk perspective, it is important that a clear point of access and egress in the event of an emergency is determined. This issue remains unresolved and is problematic as the Bushfire Management Statement acknowledges that access and egress would be extremely hazardous in a bushfire.

Approved Measure 2.3 requires that a building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building. Whether or not the design of the buildings minimises vulnerability to bushfire attack cannot be assessed given that plans of the buildings have not been submitted.

It is considered that the submitted BMS has only assessed and responded to these matters in very general terms, notwithstanding the high risk identified. The landscape risk for this site is at the higher end of risk in Victoria according to categories identified in the BMO Technical Guide.

The proposal satisfies the minimum requirement for a 10,000 litre static water supply within an above ground concrete or steel tank for each of the buildings. The width of the proposed internal driveway also meets the requirements as set out in Approved Measure 4.1 at Clause 52.02-4.3 (Water supply and access objectives).

An Emergency Management Plan has also been prepared as part of the application, as a result of a request for further information from the CFA. CFA advised the plan was satisfactory, but did not require any conditions of permit in relation to it.

The plan states that it would be activated when either the North Central and/or Northern Country forecast districts are in Total Fire Ban (TFB), Extreme or Code Red ratings or there is a bushfire present in the surrounding landscape within 20 kilometres of the site. The site would close under TFB, Extreme or Code Red conditions, meaning the site should not be occupied on these declared days. The site would also evacuate if a bushfire was present in the surrounding landscape within 20 kilometres of the site. The application states that the decision to evacuate in this circumstance would be guided by the local emergency services.

The plan states that due to the site's proximity to significant bushfire hazards the site is not considered to be a safe place to shelter, but details actions to be taken by occupants if evacuation is not possible.

There are concerns about the implementation of the proposed Emergency Management Plan and the practical enforceability of a permit condition requiring its implementation. Short-stay visitors can be much less likely than communities that have experienced bushfire to have adequate awareness and response plans. The plan relies on actions being taken by the Chief Fire Warden for the site. The warden would be required to monitor media for bushfire reports and inform, instruct and manage visitors accordingly.

It is not clear from the application whether there will be a permanent staff presence on the site during the fire danger period, although the plan states that visitors should not leave during a bushfire emergency unless they have informed the Chief Fire Warden, or emergency services if unable to make contact with site staff. It is not clear whether the proposed dwelling will provide permanent accommodation for a site manager of the proposed group accommodation.

VCAT has previously expressed concern about the practical enforceability of permit conditions requiring evacuation plans to be implemented in areas of high bushfire risk. In the case of *McCrae v Yarra Ranges SC [2017] VCAT 583 (28 April 2017)*, where a permit condition requiring evacuation of the site on Code Red days for a single dwelling within the Rural Conservation Zone and Bushfire Management Overlay was proposed, the Tribunal stated:

*"Planning permit conditions are required to be practically enforceable. I do have concern about the enforceability of permit conditions that require a dwelling, situated in an isolated landscape exhibiting an extreme fire risk, to be evacuated on Code Red or any other day coinciding with a specified event. The implementation of that condition is a fundamental component of the fire risk mitigation measures recommended for the site, and is a pre requisite for the CFA's somewhat cautious non objection to the application. The condition therefore is directly applicable to the consideration of the protection of human life. The imposition of the condition imposes an obligation on the occupants of the dwelling to comply with the condition, but also imposes an obligation on the responsible authority to ensure compliance with the condition."*

The Tribunal further stated that:

*“The practicality of the enforcement of that permit condition is focused on the consequences for those people charged with enforcing the condition. The risk to emergency services officers or Council officers charged with that responsibility is not a risk to which they ought to be exposed.”*

Whilst it may be possible to further reduce risk and further enhance resilience to bushfire by redesigning the proposal and requiring additional mitigation measures such as water pumps for firefighting, sprinkler systems and additional detail within the emergency management plan, the location of the site within a higher risk landscape, surrounded by forest, combined with the site’s limited access are significant problems and make the site unsuitable for the proposed accommodation in light of the overarching planning policy for bushfire.

It is considered that the application is not consistent with the planning policy directives to ensure that the development of land prioritises the protection of human life, strengthens community resilience to bushfire and to ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level. These principles are set out in the State policy for bushfire at Clause 13.02, the purposes of the Bushfire Management Overlay and the Bushfire planning provisions at Clause 53.02, and at Clause 71.02-3 (Integrated decision making).

This position is reinforced by the Tribunal’s decision in the case of *Department of Environment, Land, Water and Planning v Yarra Ranges SC (Red Dot) [2019] VCAT 323* where the Tribunal refused to grant a permit for the use and development of land for a dwelling on a site in Healesville within the Rural Conservation Zone and the Bushfire Management Overlay, in addition to a number of other overlays. One of the reasons the application was refused was that locating a new dwelling in an area of high risk was contrary to the strategies of the planning scheme which seek to locate new development in areas of low risk and to prioritise human life above all other policy considerations, including the need to provide for residential development.

In its decision, the Tribunal stated that:

*“Similar to biodiversity, planning for bushfire is not a ‘tick a box’ approach. Certainly achieving compliance with the approved measures meets objectives under the clause and is very helpful in decision making, however any proposed use and development must also satisfy the policy framework, which guides decision making.”*

### Access

Access to the site is currently via access tracks through the adjoining State forest as the site does not have legal access to, or adjoin a road. However, the Department of Environment, Land, Water and Planning advised that it has not provided conditional consent to utilise the forest tracks in order to provide vehicular access to the site.



The Department has advised that it will not consent to any proposal to use these tracks for a commercial enterprise, such as the proposed group accommodation. The applicant would therefore be required to make application to the Department for the creation of a new road through the forested Crown land. This is a process that is separate to the planning permit application.

Clause 35.06-2 of the Rural Conservation Zone requires that access to a dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles. In the recent case of *Department of Environment, Land, Water and Planning v Yarra Ranges SC (Red Dot) [2019] VCAT 323* referred to above, the Tribunal determined that if this requirement is not met, then use of land for the purpose of a dwelling is prohibited under the zone. A permit must not be granted unless the requirements under each permission triggered under the Planning Scheme is satisfied, with or without permit conditions.

The application does not include details about the location of any proposed road nor any works and vegetation removal that may be required to facilitate access to demonstrate compliance with clause 35.06-2 for all weather vehicle access to accommodate emergency vehicles.

At this point in time there is no certainty about appropriate access for the site as the necessary permissions or consents to create road access and undertake any necessary works have not been obtained. This matter is of importance given access is a key issue in relation to bushfire risk and mitigation measures.

It is open to Council to grant a permit and impose a condition requiring access to be established to the land before the development commences, however it is noted that the full impact of any new road, including the impact of any native vegetation removal, has not been assessed as part of this application process and the issue of whether the proposal can achieve appropriate access remains unresolved.

The CFA's *Guideline for Applying the Bushfire Hazard Landscape Assessment in a Bushfire Management Overlay (September 2018)* states that "access roads through landscape types Three and Four are more likely to be blocked by spot fires. This could occur well before the main fire impacts the property and travelling even short distances can be problematic". In these landscapes, the access requirements of Clause 53.02 are important for egress well before any fires start and the ability for emergency vehicles to attend as soon as possible after the fire has passed.

## Conclusion

Despite no objection to the application from the CFA, it is considered that the proposal is an inappropriate planning outcome due to the high risk from the surrounding landscape and poor access. The risk posed by these factors to the proposal would result in an increased risk to human life. The application has not satisfactorily demonstrated mitigation of the risk at the landscape level to an acceptable degree.

The requirement in Clause 71.02 (Integrated decision making) and the State's planning policy on Bushfire at Clause 13.02, that human life is to be prioritised over all other policy considerations, reasonably warrants the application being refused.

**Options**

Council, acting as the responsible authority for administering the Planning Scheme, may resolve to: grant a permit, grant a permit with conditions, or refuse to grant a permit.

**Attachments**

Nil

## **2.3 131 VICTORIA STREET, EAGLEHAWK 3556 - USE OF THE LAND FOR INDUSTRY (STEEL FABRICATION) AND REDUCTION IN CAR PARKING REQUIREMENTS**

### **Document Information**

**Author** Adele Hayes, Statutory Planner

**Responsible Director** Bernie O'Sullivan, Director Strategy and Growth

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### **Summary/Purpose**

Application details: Use of the land for industry (steel fabrication) and associated works, and reduction in car parking requirements

Application No: DU/192/2018

Applicant: McKern Properties Pty Ltd

Land: 131 Victoria Street, EAGLEHAWK 3556

Zoning: Industrial 1 Zone  
Road Zone 2

Overlays: Nil

No. of objections: 6

Consultation meeting: 17 December 2018 attended by the applicant, landowner, objectors and Councillors.

Key considerations:

- Whether the proposal is consistent with the Greater Bendigo Planning Scheme.
- Whether the proposal will result in unreasonable amenity impacts.
- Whether the traffic impacts, parking and access arrangements are appropriate.
- Objector concerns

Conclusion: The proposal is an acceptable outcome with regards to the relevant Planning Scheme provisions and is recommended for approval.

**RECOMMENDATION**

Pursuant to section 61 of the Planning and Environment Act (1987), Council resolve to issue a Notice of Decision to Grant a Permit for use of the land for industry (steel fabrication) and associated works, and reduction in car parking requirements at 131 Victoria Street, EAGLEHAWK 3556 subject to the conditions at the end of this report:

**RESOLUTION**

Moved Cr Metcalf, Seconded Cr Williams.

That the recommendation be adopted.

**CARRIED**

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**Policy Context**

City of Greater Bendigo Community Plan 2017 – 2021

Goal 4: Presentation and managing growth

- Planning, developments and infrastructure that increase our liveability and pride in where we live.

Goal 6: Embracing our culture and heritage

- Recognise and celebrate our unique history and diverse cultures.

**Background Information**

The application arose from a planning compliance matter, with it being brought to the City's attention that the existing McKern Steel operations had expanded into the subject site, from the adjoining property at 133 Victoria Street, Eaglehawk.

The applicant's adjoining land use at 133 Victoria Street, Eaglehawk does not form part of the application.

Following the advice of the City's Planning Compliance Officer, the application was lodged on 15 March 2018.

Preliminary concerns were raised in regards to the level of detail of the information provided, and the potential for the proposal to result in unreasonable amenity impacts. Additional information (including an Acoustic Assessment) was required to be provided in order to address these concerns.

## Report

### Subject Site and Surrounds

The site is irregular in shape with an area of 7,107sqm. The site benefits from two street frontages, with a 45.05m frontage to Victoria Street and a 83.70m frontage to Watson Avenue.



**Figure 1:** Photo of the subject site as viewed from Victoria Street



**Figure 2:** Photo of the subject site from Watson Avenue

The site currently contains three buildings as follows:

- A 256sqm office building fronting Victoria Street;
- A 130.5sqm building located in the south-west portion of the site which is currently used as a maintenance shed;



- A 1,089sqm building located in the south-west portion of the site (approximately 10m from Watson Avenue) which is currently used for an industry and distribution centre.

The site slopes downwards towards Victoria Street and is unsealed. A chain and wire fence surrounds the boundary of the site, some of which is wrapped with metal sheeting and hessian. Some vegetation is located along the Watson Avenue boundary and access to/from the site is via Victoria Street and Watson Avenue.

The site is located within an isolated patch of land located within the Industrial 1 Zone which is adjoined to the north, east and west by land located within the General Residential Zone. The site is adjoined by the following:

- No. 129 Victoria Street which is a 3,637sqm allotment containing a number of buildings and storage areas used for industry (Dragon City Cabinet Makers).
- No. 90 which is a 5,621sqm allotment which is currently vacant. The land appears to be used in association with the adjoining property to the south.
- No. 96 Watson Avenue which is a 6,485sqm allotment which contains a building and a number of items (cars and other wreckage) being stored within the yard. It is unclear what this site is currently used for.
- South of the site is Watson Avenue, a Council road with residential development (dwellings and a community care facility) located further south.
- No. 133 Victoria Street which contains a large industrial building used for steel fabrication and distribution (McKern Steel industries).
- North-west of the site is Victoria Street, a Road Zone Category 2 Road, with Albert Roy Reserve located further west.



**Figure 3:** Aerial map showing subject site



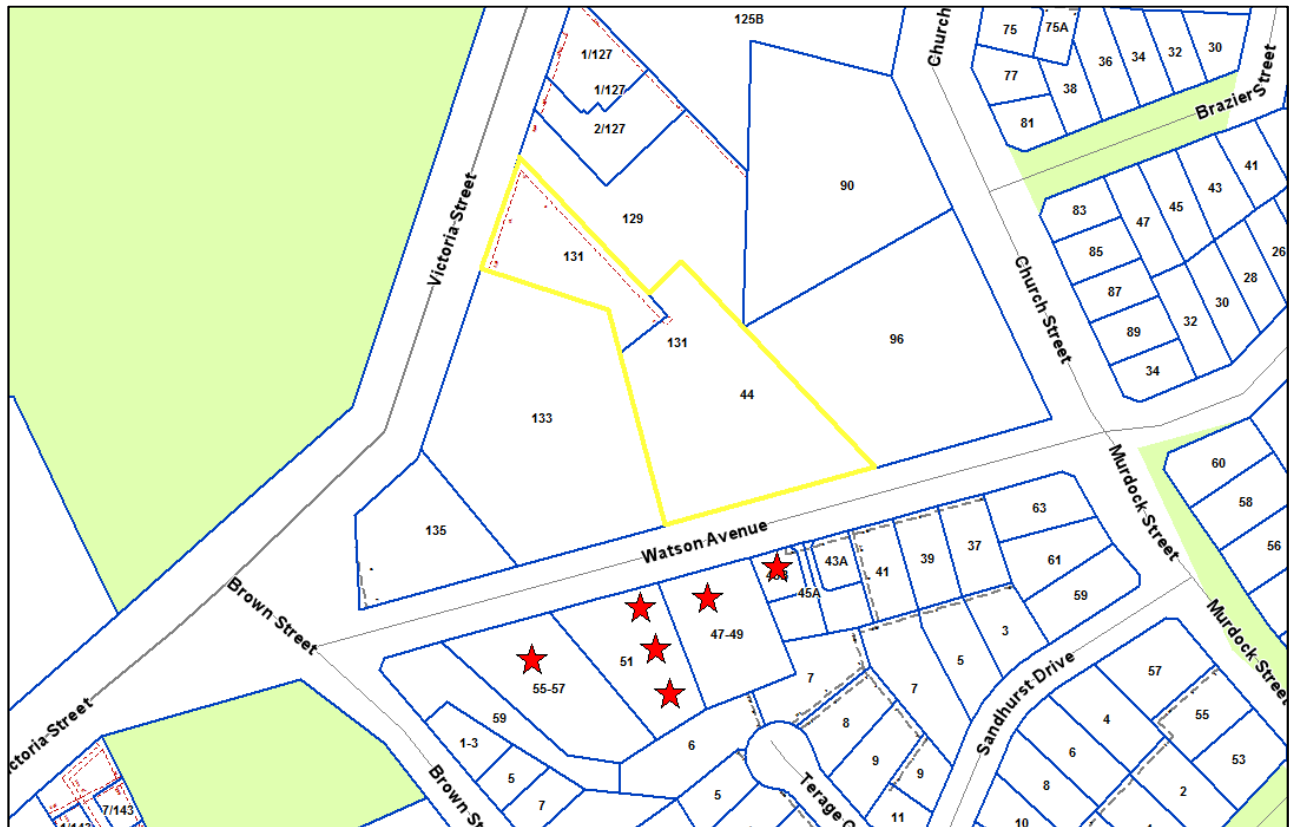


Figure 4: Location map showing subject site. Objectors' properties are marked with a star.

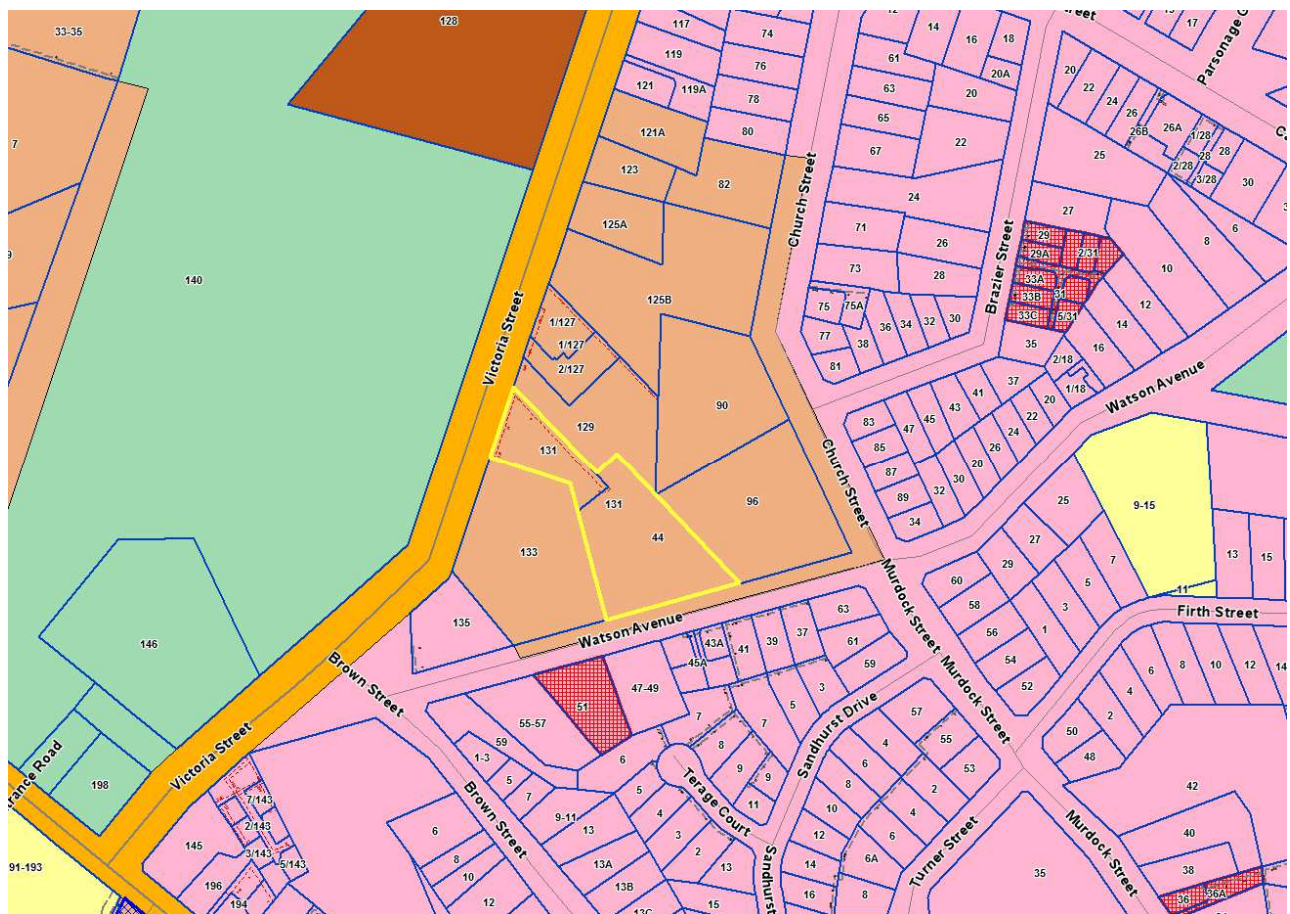


Figure 5: Zoning Map

## Proposal

### *Use*

The application proposes to use the land for industry (steel fabrication) – McKern Steel. The application proposes to retain and use the three existing buildings on site as follows:

- Office building – administration/office purposes, including ordering of materials, customer orders, meeting and general office tasks (ancillary to the primary use).
- Maintenance shed – minor vehicle servicing and repairs (ancillary to the primary use).
- Industry and distribution centre – distribution of inward/outward supplies, processing and production of steel products (i.e. steel lintels, t-bars and other structural steel items), stacking and storage of completed items.
  - The two primary pieces of machinery utilised within this building are the bandsaw (a metal cutting saw) and cropping machine (used for cropping and punching holes in metal).
  - Delivery trucks are loaded/unloaded in front of this building

No further buildings and works are proposed.

It is proposed to use the balance of the land for the storage of materials, access and car parking. Forklifts are used to move the materials between the storage area and distribution centre, and when loading/unloading deliveries. The primary storage area is located in the south-eastern portion of the site.

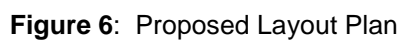
Vehicle access is proposed from both Victoria Street and Watson Avenue. It is proposed that only B-double trucks will utilise the Watson Avenue access, with all other vehicles to enter/exit the site from Victoria Street.

The use is proposed to operate Monday to Friday - 7.00am to 6.00pm.

### *Reduction in car parking requirements*

The application proposes to provide 11 car spaces on site, with a further 10 car spaces proposed to be provided within the Victoria Street road reserve. A reduction in car parking requirements (32 spaces) is required.







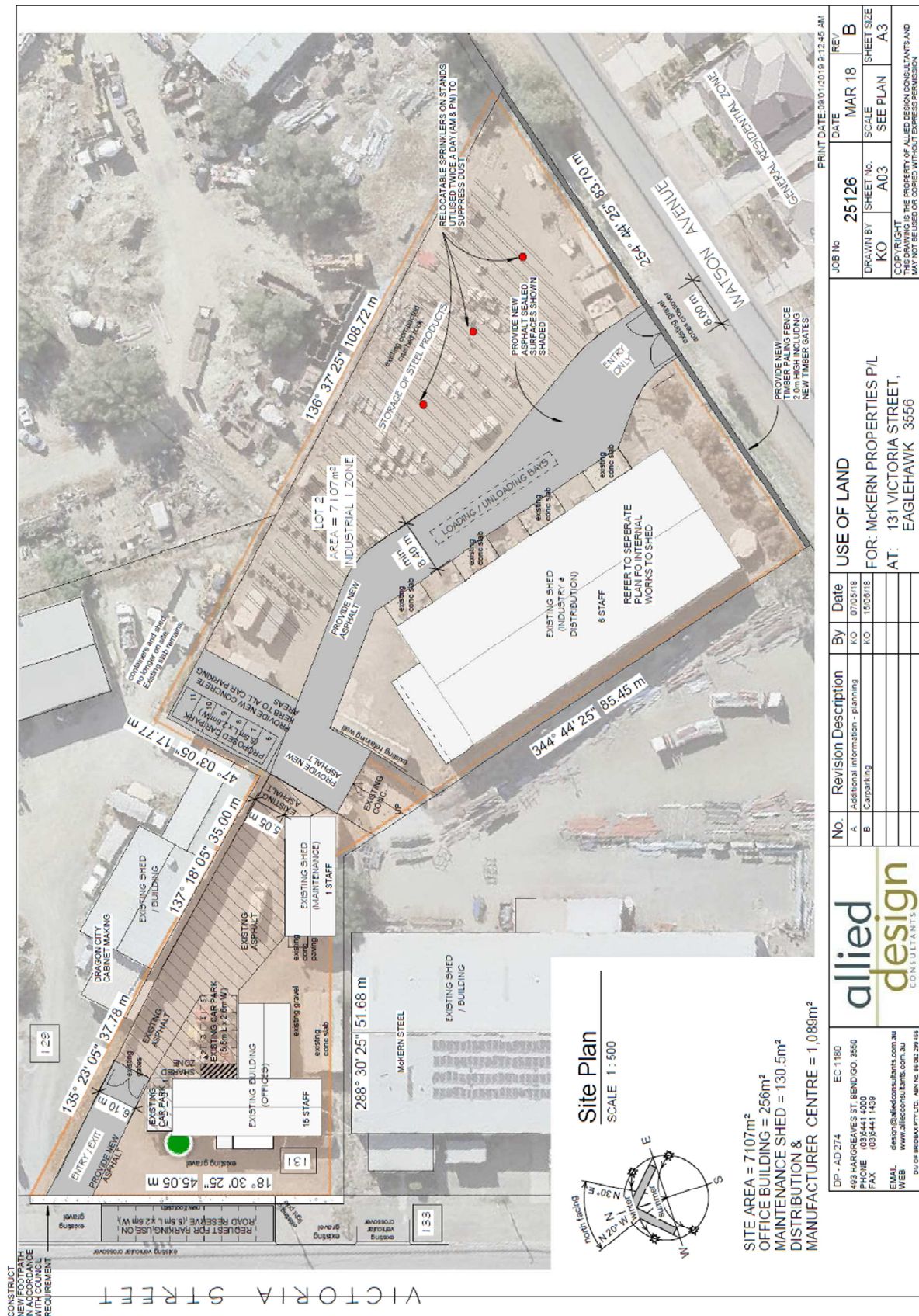
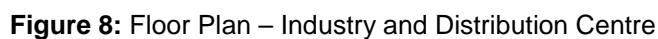


Figure 7: Proposed Site Plan





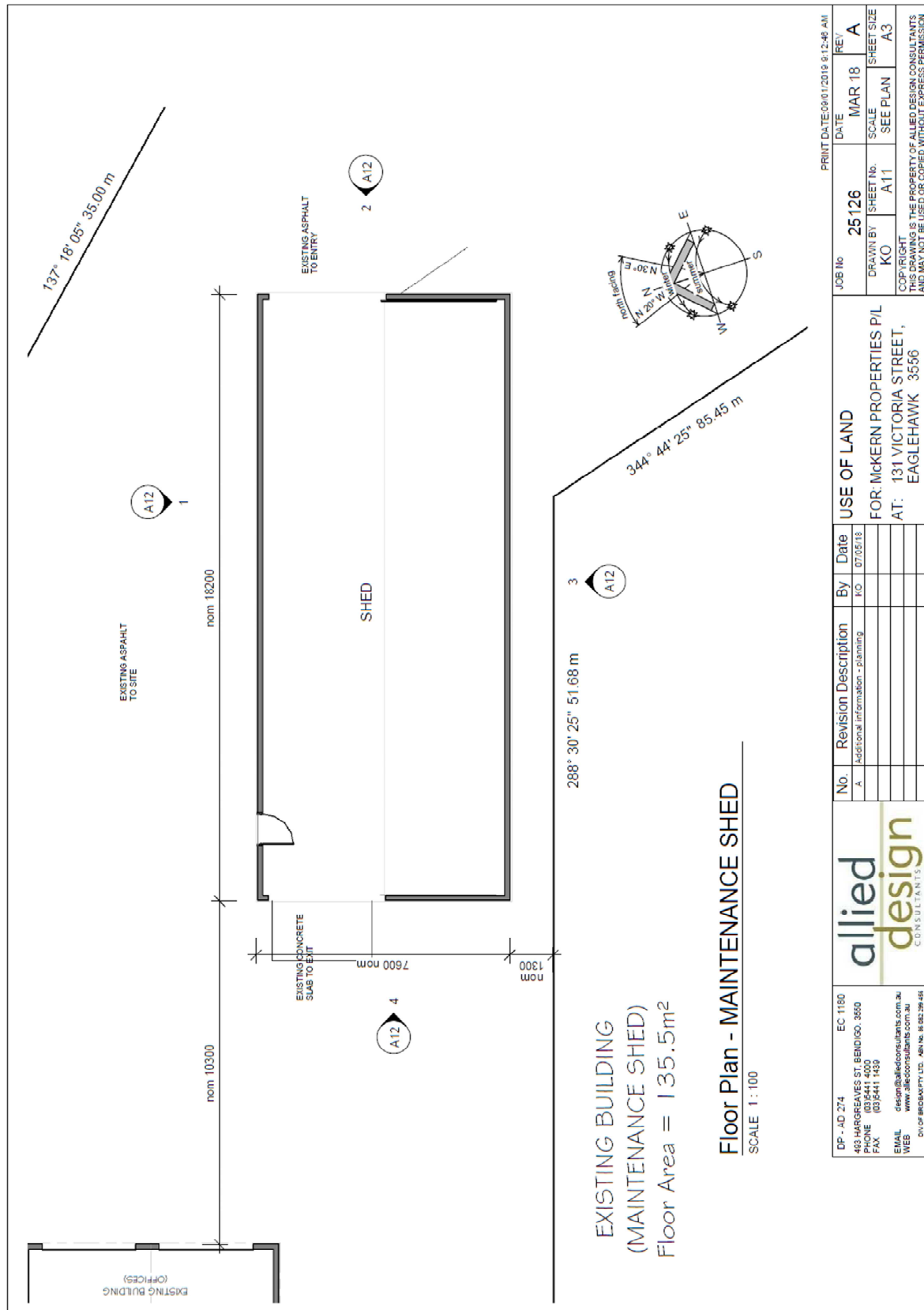


Figure 10: Floor Plan – Maintenance Shed



## Planning Controls - Greater Bendigo Planning Scheme

The following clauses are relevant in the consideration of this proposal:

### Planning Policy Framework

- Clause 11 Settlement
- Clause 11.01-1R Settlement – Loddon Mallee South
- Clause 13.05-1S Noise abatement
- Clause 13.06-1S Air quality management
- Clause 13.07-1S Land use compatibility
- Clause 17.01-1S Diversified economy
- Clause 17.02-1S Business
- Clause 17.03-1S Industrial land supply
- Clause 17.03-2S Industrial development siting

### Municipal Strategic Statement

- Clause 21.02 Key Issues and Influences
- Clause 21.05 Compact Greater Bendigo
- Clause 21.07 Economic Development

### Local Planning Policies

- Clause 22.05 Industrial Policy

### Other Provisions

- Clause 33.01 Industrial 1 Zone
- Clause 52.06 Car Parking
- Clause 53.10 Uses with Adverse Amenity Potential
- Clause 65 Decision
- Clause 71.02-3 Integrated decision-making

## Consultation/Communication

### Referrals

The following authorities and internal departments have been consulted on the proposal:

| Referral                               | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Environment Protection Authority (EPA) | <p>No objection subject to conditions relating to:</p> <ul style="list-style-type: none"> <li>• Compliance with <i>Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011)</i> or as amended.</li> <li>• Nuisance dust and/or nuisance airborne particles not being discharged beyond the boundaries of the site.</li> </ul> <p>The EPA also requested consultation when formulating any proposed permit conditions.</p> |

| Referral             | Comment                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Environmental Health | <p>No objection subject to conditions relating to:</p> <ul style="list-style-type: none"> <li>• Compliance with <i>Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011)</i> or as amended.</li> <li>• The requirement to prepare and comply with a Management Plan to address nuisances particularly due to dust and airborne particles.</li> </ul>   |
| Traffic & Design     | <p>No objection subject to conditions relating to:</p> <ul style="list-style-type: none"> <li>• Sealing the entry/exit, internal accessway, access to sheds and parking areas.</li> <li>• Requirement to upgrade existing crossovers.</li> <li>• Car parking in road reserve to be formalised.</li> <li>• Standard conditions relating to access and car parking.</li> </ul> |
| Drainage             | No objection and no conditions requested.                                                                                                                                                                                                                                                                                                                                    |

### Public Notification

The application was advertised by way of notice on the site and letters to adjoining and nearby owners and occupiers.

As a result of advertising, 6 objections were received, with the grounds of objection being:

- Amenity impacts
- Health and wellbeing
- Noise (steel operations, machinery and music)
- Dust and dirt
- Traffic and access
- Hours of operation
- Inappropriate location

The issues raised in the objections are discussed in the assessment below.

A consultation meeting was held on 17 December 2018 between the applicant, objectors and Councillors. Amended plans were submitted by the applicant in response to some of the concerns raised and were circulated to the objectors. None of the objections were withdrawn in response to the changes.

It is noted that the sixth objection was received after the consultation meeting.

## Planning Assessment

### Whether the proposal is consistent with the Greater Bendigo Planning Scheme

Clause 71.02-3 Integrated decision making recognises that society has various needs and expectations, and states that planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development. It goes on to state that:

*“Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations”.*

It is evident that the proposal presents a conflict between supporting industrial land use and business, and protecting residential amenity. As such, the outcome of this assessment must be to seek to strike a balance between the competing policy objectives.

There is clear policy support for the proposal with regards to the need to support industrial growth and economic development as recognised in Clauses 17.01-1S (Diversified economy), 17.02-1S (Business), 21.02 (Key issues and influences), 21.07 (Economic development) and Clause 22.05 (Industrial policy) of the planning scheme.

Both the Municipal Strategic Statement and Clause 22.05 recognise the important role that the industrial sector plays in the Greater Bendigo economy, with industrial development remaining one of the strongest generators of economic growth and employment in the municipality. Clause 22.05 has a number of objectives including to facilitate economic development,

Clause 21.07 (Economic growth) recognises that supporting new industries and economic growth is fundamental to the economic prosperity of Bendigo. This Clause has a number of objectives including to facilitate a strong and diverse economy, encourage diversification and expansion of the municipality's industrial base, and promoting the expansion of existing industries. The application seeks to use the land for industry in order to allow McKern Steel to expand their existing operations as the business grows and diversifies the services it provides.

Planning policy through clauses 11 (Settlement) 13.05-1S (Noise abatement), 13.06-1S (Air quality management), 13.07-1S (Land use compatibility) requires consideration to be given to preventing environmental and amenity problems created by siting incompatible land uses close together and potential amenity impacts such as noise and airborne emissions. Strategies to alleviate or manage such potential impacts include using a range of building design and operational measures and ensuring compliance with the relevant guidelines.



The use of the land for industry is 'as of right' (no permit required) in the Industrial 1 Zone, subject to meeting the required conditions. In this instance, planning approval is required due to the inability to meet the required setback distance of 100m from land within a residential zone set out in Clause 53.10 (Uses with adverse amenity potential). The site is located approximately 10m from land within the General Residential Zone, with the site located approximately 25m from the nearest dwelling. The purpose of this clause is to define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood. The potential amenity impacts resulting from the proposal are discussed below.

#### Whether the proposal will result in unreasonable amenity impacts

Clause 13.07-1S (Land use compatibility) seeks to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects. The City's Industrial policy through Clause 22.05 also seeks to ensure that appropriate levels of amenity are provided by new and existing industries.

The purposes of the Industrial 1 Zone are to implement the Municipal Strategic Statement and the Planning Policy Framework; and 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. The decision guidelines of the Industrial 1 Zone also require consideration to be given to the interface with non-industrial areas.

The primary potential amenity impacts resulting from the proposal are noise and dust/dirt and the appearance of the site, all of which were concerns raised by the objectors.

#### *Noise*

Clause 13.05-1S (Noise abatement) seeks to assist the control of noise effects on sensitive land uses. The primary noise sources relating to the proposal are the steel fabrication, movement of vehicles (trucks and forklifts) and associated noises (i.e. reverse beepers) and radios.

At the request of both the EPA and the City's Environmental Health team, the applicant was required to provide a Noise Assessment in order to demonstrate compliance with the relevant noise policy. It has been determined through consultation with the EPA that *Noise from industry in regional Victoria* ('NIRV' — EPA publication 1411) is the correct noise policy guideline to be applied when assessing the application.

NIRV is an industry noise standard that applies to regional Victoria, which manages the impact of noise from commercial, industrial and trade premises on residential and other noise-sensitive uses. The standard is used in order to determine the acceptable noise levels from industry and aims to protect people from industry noise that may affect normal domestic and recreational activities including, in particular, sleep at night. The recommended levels (limits and levels) represent a balance between protecting residential amenity and industrial operations.

Consideration must also be given to the industrial/residential interface that is present. It is a widely accepted principle that one must accept a varied level of amenity in a residential area adjoining the Industrial 1 Zone, to that which could be expected in the heart of a residential area.

The Noise Assessment submitted as part of the application demonstrates compliance with NIRV. However, a number of concerns were raised by the EPA with regards to the accuracy of information provided, in particular concerns that the background noise measurements may have been impacted by industrial noise, resulting in a higher background noise level; and that no impulsive or tonal adjustment had been made to the noise assessment based on the character of the noise. The EPA advised that taking a conservative approach, the addition of these adjustments would demonstrate a noise measurement that exceeds the recommended permissible level for two out of the three readings. Giving consideration to the ability to reduce the noise emissions through the implementation of the noise attenuation measures outlined in the acoustic report, the EPA and the City's Environmental Health team did not object to the granting of a permit subject to conditions. A condition will be included on the permit requiring an Acoustic Assessment to be undertaken to the satisfaction of the responsible authority and Environment Protection Authority within 3 months of the date of the permit, demonstrating compliance with NIRV. This will ensure that the use is operating in accordance with the relevant noise standard once the required noise attenuation measures have been introduced.

The proposal presents a number of opportunities to further reduce and manage any potential noise impacts, some of which have been put forward by the applicant, and will be enforced through permit condition. These are:

- Inclusion of an acoustic barrier/wall within the Industry and Distribution Centre, separating the steel cropping machine from the other activities.
- The requirement to submit and comply with a Management Plan which outlines a number of amenity protection measures, including consideration of best practice noise control measures to be employed on the site, cropping machine bin to be lined with a rubber mat, regularly emptying the receptor bin etc.
- No radios or music shall be played within the Industry and Distribution Centre.
- No vehicles other than a B-Double truck shall enter or exit the site from Watson Avenue.

Such measures allow for the use of the land for industry to occur, within reasonable parameters, without unnecessarily compromising the amenity of adjoining residences. In addition to the above, the inclusion of an hours of operation condition on the permit will ensure that there are no noise related impacts outside of the hours of 7.00am-6.00pm Monday – Friday.

That being said, achieving the required limits and levels will not remove all impacts. People vary widely in their sensitivity to noise and some will be strongly impacted at low levels. Such is the case with this application, given that there are community care facilities located adjacent to the site on Watson Street, with the occupants suffering from a range of health related issues which result in a number of noise related sensitivities. Accordingly, the EPA recommends that industry premises should employ best-practice measures to further minimise noise.

Based on the above, the proposal is in general accordance with the relevant policy and will not result in any unreasonable amenity impacts subject to the ongoing compliance with permit conditions.

#### *Dust and dirt*

Clause 13.06-1S (Air quality management) seeks to assist the protection and improvement of air quality, as air pollution may impact on health and wellbeing and the environment.

Dust and dirt travelling beyond the boundaries of the site was a primary concern raised by the objectors. Having visited the site and discussed the proposal with objectors, it is evident that the primary source of dust and dirt is the movement of vehicles (both trucks and forklifts) to/from and within the site. The issues largely derive from the site surface and accessways not being sealed.

Both the City's Environmental Health team and the EPA have requested that conditions be included on the permit to address nuisances, with the EPA specifically requiring that no nuisance dust and/or nuisance airborne particles be discharged or emitted beyond the boundaries of the premises.

The City's Engineering Unit has requested that a number of conditions be included on the permit including the requirement to upgrade and seal the existing crossovers, seal the entry/exit, and internal accessway. There will be no requirement to seal the materials storage area.

Following the consultation meeting, amended plans were provided which included relocatable sprinklers to be run twice daily as a dust control measure for the material storage area. It is considered that this measure will further reduce the potential for dust and dirt to travel beyond the boundaries of the site. The requirement to provide more specific management measures in a Management Plan will be conditioned on the permit. The applicant has also stated that the Watson Street access will be limited to B-Double vehicles, with all other vehicles to enter and exit from Victoria Street. This measure will further reduce the dust/dirt emissions.

#### *Appearance*

Given the residential interface of the site, consideration must be given to the visual appearance of the site. Clause 22.05 seeks to improve the image and quality of all industrial areas within the municipality, and the decision guidelines of the Industrial 1 Zone state that the responsible authority must consider the interface with non-industrial areas and landscape treatment.

Given that the proposal seeks to utilise the existing buildings on the site with no further development proposed, opportunities to improve the visual appearance of the site are confined to the storage of materials, boundary treatments and landscaping.

Following the consultation meeting, amended plans were provided including the construction of a 2m high timber paling fence and gates along the Watson Avenue frontage. This will reduce the visibility of material storage areas from Watson Avenue and improve the overall appearance of the site within the streetscape in accordance with the City's *Good Design Guide for Industry*.

Whilst consideration was given to the potential for landscaping within the site along the Watson Avenue frontage, it was determined that this would not provide any real benefit (visual or otherwise) given that a timber paling fence will be constructed.

Through consultation with the City's Arboriculture team, a condition will be included on the permit requiring landscaping to be planted within the road reserve to improve the visual appearance of the site.

Whether the traffic impacts, parking and access arrangements are appropriate.

The application was referred to the City's Traffic Engineers who have supported the proposal subject to a number of conditions, with the most notable being the requirement to formalise the parking in the Victoria Street road reserve, the crossovers to be upgraded, and the entry/exit, internal roadway, access to sheds and car parking areas to be sealed.

With regards to car parking, Clause 52.06 requires a total of 43 car spaces to be provided for the proposed use. The application includes a reduction in car parking of 32 spaces.

When determining whether a reduction in car parking is appropriate, Clause 52.06 requires consideration to be given to a number of factors including the Car Parking Demand Assessment, any relevant local planning policy, the availability of alternative car parking in the locality of the land, and the impact of fewer car parking spaces on local amenity.

A Car Park Demand Assessment was provided as part of the application material which stated that a reduction in car parking was appropriate due to the nature of the land use, number of employees (22 employees spread across both sites), infrequency of customers visiting the site (due to orders generally being made via internet or phone), provision of 10 car spaces within the road reserve and the considerable amount of on-street car parking surrounding the site. Giving consideration to the above, the City is satisfied that a reduction in car parking would not result in any adverse traffic or amenity impacts.

With respect to access, the proposal allows for appropriate access to and from the site and for vehicles to manoeuvre within the site. Concerns were raised by objectors with regards to the number of vehicle movements to/from the site from Watson Avenue. The applicant has also stated that the Watson Street access will be limited to B-Double vehicles, with all other vehicles to enter and exit from Victoria Street. This restriction will be managed through permit condition.

Based on the above, the proposal presents no unreasonable issues with regards to traffic impacts, parking and access arrangements.

## Objector concerns

### *Hours of operation*

Concerns were raised with regards to the current hours of operation. Whilst it is acknowledged that there are concerns with how the business is operating on the site at present, the City must consider the hours of operation that the application seeks approval for.

### *Land zoning*

Concerns were raised by the objectors as to whether the zoning of the land was appropriate, given the site adjoins land located within the General Residential Zone.

The land zoning is currently Industrial 1 Zone, and the application must be considered based on the current planning controls. With regards to land zoning, the site and surrounding area may be subject to future strategic review.

## **Conclusion**

It is evident that the proposal presents a conflict between supporting industrial land use and business and protecting residential amenity. However, as outlined above, the proposal is in general accordance with the relevant Planning Scheme provisions and as such it can be concluded that the proposal presents an appropriate balance between the competing policy objectives.

It is recommended that a Notice of Decision to grant a permit is issued.

## **Options**

Council, acting as the responsible authority for administering the Planning Scheme, may resolve to: grant a permit, grant a permit with conditions, or refuse to grant a permit.

## **Attachments**

- Objections
- Noise Assessment
- EPA Referral Response

## Proposed Notice of Decision Conditions

### 1. MODIFIED PLAN REQUIRED

Within 1 month of the date of this permit (or as otherwise agreed to in writing by the responsible authority), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and 2 copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) Inclusion of an acoustic barrier/wall within the Industry and Distribution Centre separating the steel cropping machine from the other activities.
- (b) Internal roadway, accessed to shed and parking areas to be sealed in accordance with the requirements of Condition 11.
- (c) A 2m high solid timber paling fence and gates along the Watson Avenue boundary.

### 2. NO LAYOUT ALTERATION

The use permitted by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the responsible authority.

### 3. MANAGEMENT PLAN REQUIRED

Within 1 month of the date of this permit (or as otherwise agreed to in writing by the responsible authority), a Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must outline the management procedures to reduce amenity impacts, and must include, but not be limited to, the following:

- (a) Consideration of best practice for noise control measures (refer to *How to reduce noise from your business*, EPA Publication 1481 June 2012, or similar).
- (b) Details of how frequently the receptor bin will be emptied in order to minimise the amount of steel plate in the receptor bin to ensure the steel plate drops onto the rubber lining, as far as practicable.
- (c) Details of the proposed sprinkler system (regular specified times at which the sprinkler system will be utilised to ensure dust is suppressed. The sprinkler system should be set on a mechanical timer, and details of this provided.
- (d) Delivery drivers must be informed that deliveries to the subject land must only occur within the approved hours of operation and that access from Watson Avenue is restricted to B-Double vehicles.

### 4. MANAGEMENT PLAN

The use permitted by this permit must be undertaken in accordance with the approved Management Plan to the satisfaction of the responsible authority.

5. LANDSCAPE PLAN

Within 3 months of the date of this permit (or as otherwise agreed to in writing by the responsible authority), a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided.

The plan must show:

- (a) A 1m wide landscape strip of drought tolerant low-medium sized shrubs planted along the fenceline of the Watson Avenue road reserve. The shrubs must have a minimum mature height of 1-2m and be planted 1m apart. The landscaping strip must be edged with timber, or similar, and filled with new top soil (with a minimum depth of 100mm) to the satisfaction of the responsible authority

All species selected must be to the satisfaction of the responsible authority.

6. LANDSCAPING WORKS

Within 3 months of the date of this permit or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

7. LANDSCAPING MAINTENANCE

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, *including that any dead, diseased or damaged plants are to be replaced.*

8. NOISE ATTENUATION MEASURES

The noise attenuation measures outlined in Condition 1 and as shown on the endorsed plans must be implemented on an ongoing basis within 2 months of the date of this permit.

9. ACOUSTIC ASSESSMENT

Within 3 months of the date of this permit (and following the implementation of the noise attenuation measures outlined in Condition 3) an Acoustic Assessment undertaken by a suitably qualified acoustic consultant must be provided to the satisfaction of the responsible authority and the Environment Protection Authority (EPA). The Acoustic Assessment must demonstrate compliance with Condition 15 on permit.

10. HOURS OF OPERATION

Except with the prior written consent of the responsible authority, the use permitted by this permit (including deliveries to/from the subject land) must operate only between the following times:

- Monday to Friday 7.00am to 6.00pm

11. CAR PARK CONSTRUCTION

Before the occupation of the development, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be constructed to meet the following requirements and standards:

- (a) The entry/exit, the internal roadway, accesses to shed and the parking

areas must be sealed and maintained to the satisfaction of the responsible authority

- (b) Properly formed to such levels that they can be used in accordance with the plans
- (c) Line marked to indicate each car space and all access lanes;
- (d) Clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the responsible authority;
- (e) Provided with appropriate signage for one-way traffic. eg. one way; no entry; left only.
- (f) Disabled persons parking bays where required by the BCA, must be provided in accordance with AS/NZ 2890.6-2009, section 2 and must be signed in accordance with AS/NZ 1742.11-1999 and linemarked in accordance with AS/NZ 2890.6-2009, section 3.
- (g) Car parking in Victoria Street road reserve to be formalised with kerb and concrete. Footpath is to be constructed on boundary line.

The car parking and access areas must comply with the requirements of clause 52.06 of the Greater Bendigo Planning Scheme and meet all other applicable Australian and New Zealand Standards unless otherwise agreed in writing with the responsible authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

#### 12. PEDESTRIAN SIGHT LINES

The minimum sight line for pedestrian safety must be provided at the exit lane frontage so as to accord with Clause 52.06-9 of the Greater Bendigo Planning Scheme.

#### 13. VICTORIA STREET ROAD RESERVE

Vehicles may only park within the designated parking spaces in the Victoria Street road reserve.

#### 14. DIRECTIONAL SIGN

A *sign/signs* to the satisfaction of the responsible authority must be provided as follows:

- (a) Directing drivers to the area(s) set aside for car parking
- (b) Directing drivers that access from Watson Avenue is restricted to B-Double vehicles

The signs must be located and maintained to the satisfaction of the responsible authority. The area of each sign must not exceed 0.3 square metres.

#### 15. ENVIRONMENT PROTECTION AUTHORITY

- (a) Effective noise levels from the use of the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
- (b) Nuisance dust and/or nuisance airborne particles must not be discharged or emitted beyond the boundaries of the premises.



16. **NOISE CONTROL**  
Noise levels emanating from the premises must comply with the recommended levels as set out in the guidelines for Noise from Industry in Regional Victoria (major urban centres) (which follow State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade No. N-1 procedures) to the satisfaction of the responsible authority.
17. **NOISE CONTROL – RADIO AND MUSIC**  
No radio or music is to be played in the Industry and Distribution Centre.
18. **VEHICLE REPAIRS**  
No significant noise generating vehicle repairs are to occur on the site unless otherwise agreed to in writing by the responsible authority.
19. **FENCING OF SITE**  
The fence(s) as shown on the endorsed plans(s) must be erected and maintained to the satisfaction of the responsible authority.
20. **PARKING IN STREETS**  
Vehicles under the control of the operator under this permit must not be parked in the streets nearby.
21. **BAFFLED LIGHTING**  
External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.
22. **NO MUD ON ROADS**  
In the event of mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, appropriate measures must be implemented to minimise the problem to the satisfaction of the responsible authority.
23. **CONSTRUCTION PHASE**  
All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the responsible authority and all care must be taken to minimise the effect of such activities on the amenity of the locality.
24. **AMENITY OF THE LOCALITY**  
The use permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

**25. EXPIRY OF PERMIT**

This permit will expire if the use permitted by the this permit is not completed within 2 years from the date hereof. The time within which the development must be completed may be extended, on written request to the responsible authority, before or within 6 months after the expiry of this permit where the development has not yet started or 12 months where the development has commenced.

**City of Greater Bendigo Engineering Note**

A Works within Road Reserves permit must be obtained from the City of Greater Bendigo Engineering Department prior to any work commencing in the road reserve.

**CONSENT FOR WORK ON ROAD RESERVES**

The applicant must comply with:

- (a) The Road Management Act 2004,
- (b) Road Management (Works and Infrastructure) Regulations 2005, and
- (c) Road Management (General) Regulations 2005

with respect to any requirements to notify the Coordinating Authority and/or seek consent from the Coordinating Authority to undertake “works” (as defined in the Act) in, over or under the road reserve. The responsible authority in the inclusion of this condition on this planning permit is not deemed to have been notified of, or to have given consent, to undertake any works within the road reserve as proposed in this permit.

## **2.4 11 HARVEYS LANE, JACKASS FLAT 3556 - APPLICATION FOR APPROVAL OF A DEVELOPMENT PLAN FOR A 72 LOT SUBDIVISION**

### **Document Information**

**Author** Chris Duckett, Planning Coordinator

**Responsible Director** Bernie O'Sullivan, Director Strategy and Growth

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### **Summary/Purpose**

**Application details:** Application for approval of a development plan for a 72 lot subdivision and removal of native vegetation

**Application No:** DEV/111/2018

**Applicant:** Harveys Lane Pty Ltd

**Land:** 11 Harveys Lane, JACKASS FLAT 3556

**Zoning:** General Residential Zone

**Overlays:** Bushfire Management Overlay Schedule 1  
Development Plan Overlay Schedule 21  
Environmental Significance Overlay Schedule 1  
Land Subject to Inundation Overlay Schedules 1 and 2

**No. of submissions:** 6 (1 withdrawn)

**Consultation meeting:** Held on 16 January 2019, attended by a planning officer, the applicant, developer, two ward Councillors and 8 local residents.

The applicant made some changes following the meeting which are discussed in this report but no further submissions were withdrawn.

**Key considerations:**

- Are the requirements of the Development Plan Overlay met?
- Is the proposal consistent with strategic planning for residential growth in Jackass Flat?
- Does the proposal provide for an acceptable outcome with regard to biodiversity, character and infrastructure?

**Conclusion:** The site is in an appropriate location to provide new housing and the proposed development plan is generally in accordance with the Planning Scheme requirements and is recommended for approval.

**RECOMMENDATION**

That Council resolve to approve the development plan prepared by Tomkinson Group reference no:1144301DP01 Rev N for a 72 lot subdivision and removal of native vegetation at 11 Harveys Lane, JACKASS FLAT 3556.

**RESOLUTION**

Moved Cr Pethybridge, Seconded Cr Williams.

That the recommendation be adopted.

**CARRIED**

**Cr Metcalf called for a division on the voting for the motion.**

**FOR VOTE - Cr O'Rourke (Mayor), Cr Emond, Cr Fyffe, Cr Pethybridge, Cr Williams, Cr Wrigglesworth**

**AGAINST VOTE - Cr Alden, Cr Metcalf**

**ABSENT. DID NOT VOTE - Cr Flack**

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**Policy Context**

City of Greater Bendigo Community Plan 2017 – 2021

Goal 4: Presentation and managing growth

- Planning, developments and infrastructure that increase our liveability and pride in where we live.

Goal 6: Embracing our culture and heritage

- Recognise and celebrate our unique history and diverse cultures.

**Background Information**

Under consideration in this report is a development plan application for a 72 lot subdivision and removal of native vegetation.

There are some important differences between the assessment and decision making of a development plan and that of a planning application.

A development plan has three purposes:

- (a) To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;

- (b) To identify areas that require the form and conditions of future use or development to be shown on a plan before a planning permit can be granted to use or develop land; and
- (c) To exempt a planning permit application from notice and review if it is generally in accordance with an approved development plan.

Unlike planning applications, there is no specific requirement in the Planning and Environment Act or the Planning Scheme for notice to be provided for development plans. This is generally because the Development Plan Overlay on the land would have been through a Planning Scheme Amendment process, at which time the local community would have had an opportunity to comment on proposed strategic planning for the area.

Notwithstanding that there is no formal notification process, it is Council policy to informally advertise and seek comment from the community on development plans and that is what has occurred in this instance.

If a future planning application for a proposed subdivision is generally in accordance with the submitted development plan it will be exempt from notice and review and if Council resolves to approve the development plan, a future application for a planning permit can then also be granted.

## **Report**

### Subject Site and Surrounds

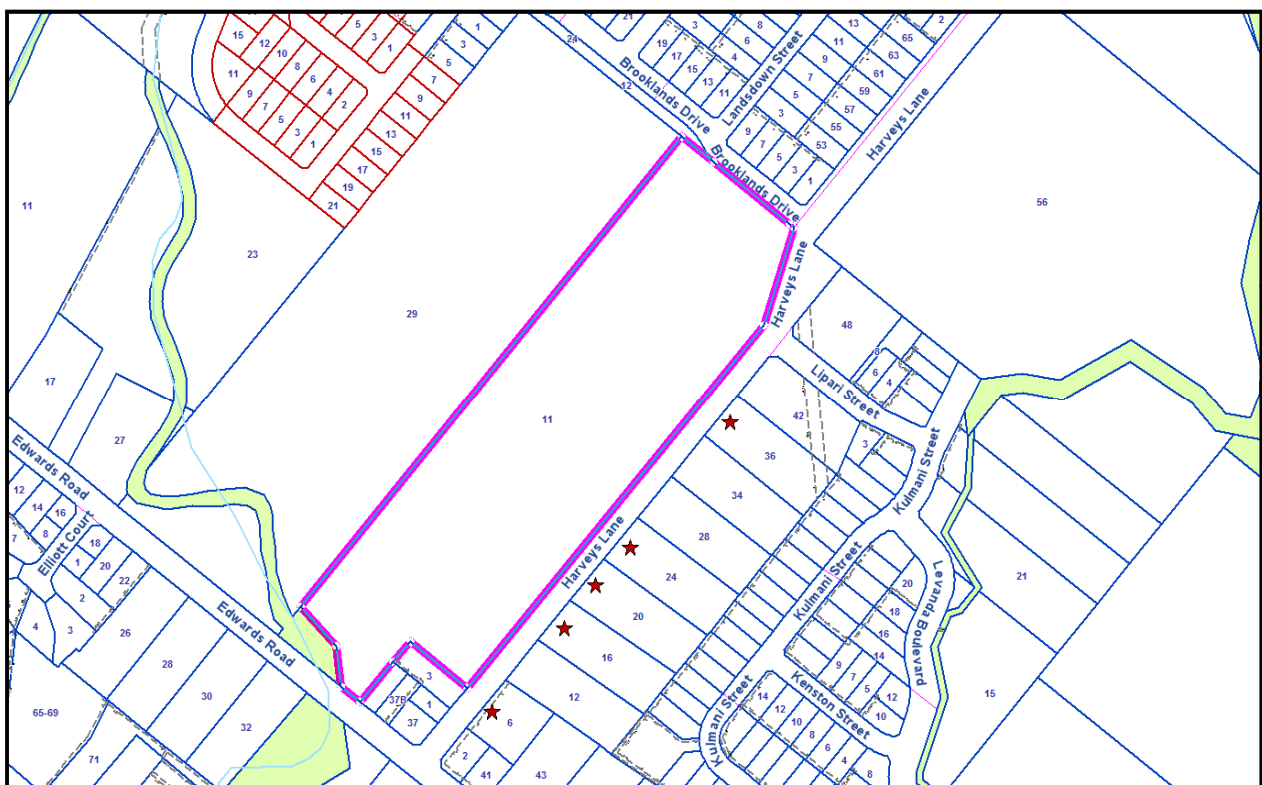
The site is located in Jackass Flat, a suburb of Bendigo which is experiencing significant residential growth. The site is largely undeveloped, apart from an existing dwelling and there is a fair coverage of native vegetation.

The site area is 6.475 hectares. Measured at its longest point on a north-east, south-west axis the site is around 503 metres in length. The site is around 142 metres in width. The primary frontage of the site is to Harveys Lane but it also has abutments to Brooklands Drive and Edwards Road. The Jackass Gully creek traverses the land in the south western corner.

The site and its surrounding area could be described as one that is partially in transition, in that there are some large blocks of undeveloped land amidst recently subdivided land which has been progressively developed with dwellings as shown in the aerial photograph below. There are also some older, established larger lots with dwellings on the south eastern side of Harveys Lane.



**Figure 1:** Aerial photograph of site and surrounds



**Figure 2:** Location map showing subject site. Objectors' properties marked with a star.

### Proposal

Approval is sought for a development plan for a 72 lot staged subdivision and removal of native vegetation.

There would be four stages in the subdivision and it would comprise lots in the range of 335sqm to 976sqm. There would be an orderly road layout, designed to connect at two points with a similar sized, future redevelopment site to the north and two connections to Harveys Lane. Two reserves are proposed to be vested in Council, to the extreme east and west of the site. There would also be a drainage reserve located to the east of the site.



It is proposed to remove the majority of vegetation on the site with the exception of the areas identified for reserves. The total removal equates to 0.229 hectares of vegetation.

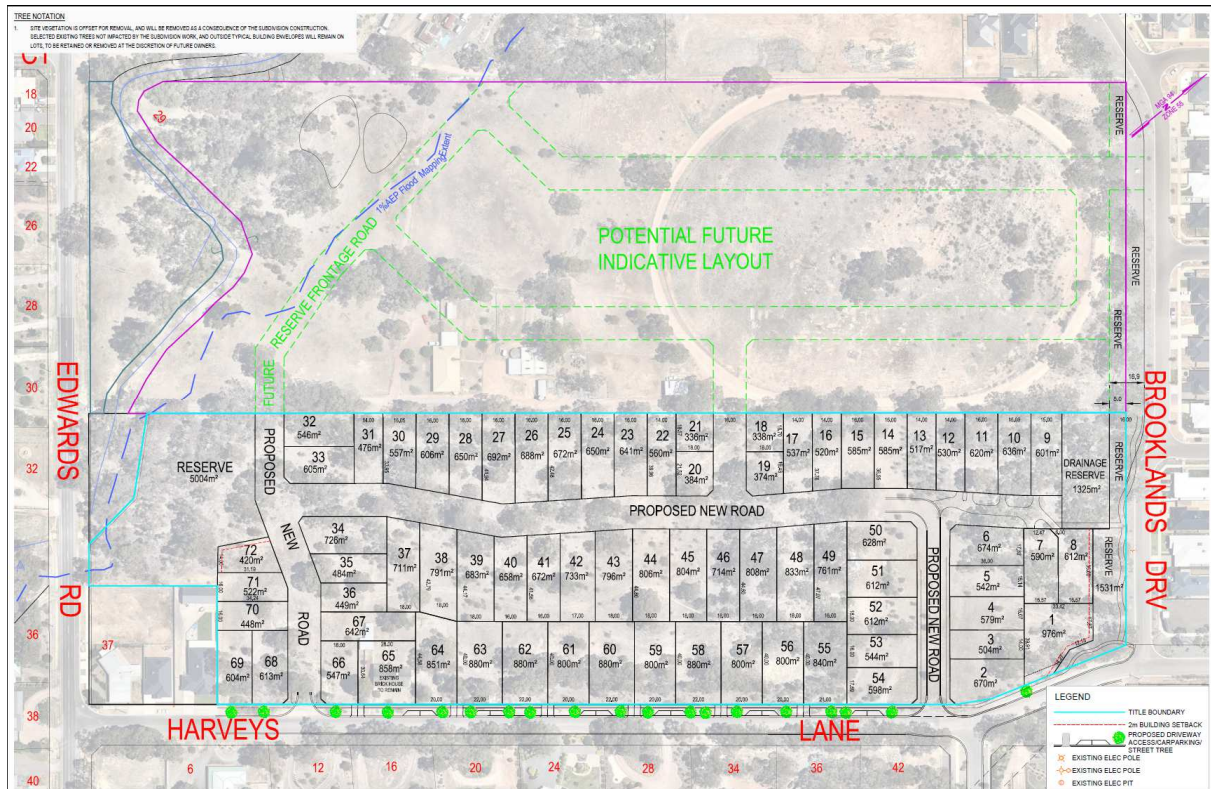


Figure 3: Proposed development plan/subdivision layout

## Planning Controls - Greater Bendigo Planning Scheme

The following clauses are relevant in the consideration of this proposal:

### Planning Policy Framework

- 11.01-1R Settlement-Loddon Mallee South
- 11.03-6 Regional and local places
- 12.01 Biodiversity
- 12.01-2S Native vegetation management
- 13.02-1S Bushfire planning
- 15.01-3S Subdivision design
- 15.02 Sustainable environment
- 15.03-2S Aboriginal cultural heritage
- 16.01-2S Location of residential development
- 19.02-6S Open space
- 19.03-2 Water supply, sewerage and drainage

### Municipal Strategic Statement

- 21.02 Key issues and influences
- 21.04 Strategic directions
- 21.05 Compact Bendigo
- 21.08 Environment

- 21.09 Integrated Transport and Infrastructure
- 21.10 Reference Documents

#### Other Provisions

- 32.08 General Residential Zone
- 43.04 Development Plan Overlay
- 44.04 Land Subject to Inundation Overlay
- 44.06 Bushfire Management Overlay
- 52.16 Native Vegetation Precinct Plan
- 52.17 Native vegetation
- 72.04 Incorporated documents

### **Consultation/Communication**

#### Referrals

The following authorities and internal departments have been consulted on the proposal:

Referral	Comment
Powercor	No objection subject to conditions
Coliban Water	No objection subject to conditions
Department of Environment, Land, Water and Planning	No objections
Country Fire Authority	No objections
North Central Catchment Management Authority	No objections subject to conditions
Goulburn-Murray Water	No objections
Traffic & Design	No objection but the applicant must undertake a Traffic Impact Assessment (TIA). In particular, the traffic impact and any infrastructure upgrade or alteration at the intersection of Harveys Lane and Edwards Road.
Drainage	No objection subject to conditions
Parks and Open Space	Initial concerns raised regarding loss of trees in reserve to Brooklands Drive. This was overcome through an amendment to the plans which resulted in an increase in the extent of the reserve.
Regional Sustainable Development	No objection but comments regarding lack of diversity given Harveys Lane will be on a future transport corridor. This issue is explored further below.



Note: No conditions can be imposed on a development plan. Referral authorities will be re-consulted on any future planning application at which time conditions can be considered.

In regards to Engineering comments concerning the need for a TIA, this will be addressed at the permit stage.

### Public Notification

The development plan was informally advertised by way of notice on the site and letters to adjoining and nearby owners and occupiers.

As a result of advertising, 6 submissions were received, one of which was subsequently withdrawn following amendments made to the development plan by the applicant. The remaining grounds of objection can be summarised as:

- Number of lots on Harveys Lane and inconsistency with the size of blocks on the opposite side of the street;
- Loss of the semi-rural setting;
- Existing house will look out of place with new homes;
- Covenants should be imposed ensuring homes are built further back on the block;
- Confusion over why native vegetation clearance originally shown in the *Jackass Flat Local Structure Plan* (LSP) as being high and very high quality, is now not considered as being of the same quality;
- No mention of offsets;
- Loss of wildlife;
- Lack of bike paths;
- Increased traffic;
- Concerns about the overspill of parked cars on Harveys Lane;
- Speed of traffic;
- Safety of the intersection;
- Inadequacy of Harveys Lane to accommodate traffic.

After the consultation meeting, another submission was received on behalf of 17 residents including those who had previously objected and attended the consultation meeting.

This submission put forward a series of 'recommendations' which related to traffic, size of blocks, lighting and vegetation. This included the following

- More details required on road design (Harveys Lane);
- The need for a roundabout at the Lipari Drive intersection;
- Blocks on Harveys Lane should be 40m in width consistent with the Local Structure Plan (LSP);

- Powerlines should be undergrounded to enable new lighting and tree planting for the creation of a boulevard;
- Significant Ironbark trees on site should be retained;
- Any trees planted along Harveys Lane and within the development should be locally indigenous trees;
- Plans for and protection of the proposed reserves.

The issues raised by residents are discussed in the planning assessment section below.

In addition to the objections, a letter was received from the property owner to the north of the subject site. Whilst not objecting, they seek assurance that the proposed roads that terminate at their property boundary are fenced to prevent illegal access. This is an issue between the two property owners but unauthorised access will be prevented as a matter of course, through appropriate fencing as agreed between the owners.

## Planning History

In considering the development plan it is relevant to have regard to the planning history of the site to help understand the background to the key considerations in this application.

In 2009, Planning Scheme Amendment C102 implemented some of the findings of the *Jackass Flat Local Structure Plan* (LSP), April 2007. This essentially sought to create Jackass Flat as a new urban development area in Bendigo.

C102 was preceded by extensive background investigation which influenced the final form of the LSP and the zones and overlays that were applied to the land. In relation to the subject site, it was originally proposed that the land be rezoned from a Farming Zone to part Residential 1 Zone<sup>1</sup> (R1Z), and part Low Density Residential Zone (LDRZ).

In reviewing the proposed zones for the subject site, the Independent Panel that conducted a public hearing for C102 had concerns with the suitability of the LDRZ and that it would be preferable to absorb the land into R1Z with minimum lot sizes adopted to ensure the significance of the vegetation is recognised in any future subdivision and development pattern.

The question of the significance of the vegetation was a matter of contention in the Panel hearing. The background research for C102 included an ecological assessment of the area undertaken by Biosis Research Pty Ltd (Biosis) on behalf of the City. Biosis identified the vegetation as having levels of conservation which were classified as medium, high and very high. The high and very high classifications related to the likely use of habitat by the Swift Parrot and the regional and national significance of the vegetation.

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<sup>1</sup> The Residential 1 Zone has been renamed the General Residential Zone.

The Panel also heard ecological evidence from Garry Cheers on behalf of a number of property owners. Mr Cheers' findings differed from Biosis' in that he found the native vegetation to be of a lower ecological value due to the lack of understorey and groundcover. His opinion was that this was due to the prolonged drought and grazing that had affected the quality of the understorey. Another factor in the discrepancy in the evidence was that some land holders would not allow Biosis on site to examine the understorey and groundcover on their land.

In considering the discrepancy in the evidence on the ecological value of the vegetation, the Panel considered that the Biosis assessment was sufficient for the background work for the LSP but that a more detailed assessment was required in preparing development plans for individual landholdings. This may in turn support some changes to the level of significance attributed to the vegetation and to the proposed planning controls.

Further to receipt of the Panel report and the concerns raised regarding the conflict between native vegetation retention and residential development, Council resolved to split the Amendment into two parts to allow the non-contentious land to be rezoned whilst further investigations took place into the vegetated land. C102 Part 1 was subsequently approved on 19 March 2009.

In the interim period between the adoption of C102 Part 1 and commencement of Part 2, a new planning tool, Native Vegetation Precinct Plans (NVPP) was introduced into planning schemes across Victoria. Following discussions with the State Government and after seeking legal advice, Council decided to abandon Part 2 of C102 and prepare a new amendment, C133. Part of the logic behind this decision was that a NVPP was a more appropriate tool to use for the protection and conservation of native vegetation rather than restrictions on lot sizes in the zoning.

As part of the amendment documentation for C133 an NVPP was prepared by Mr Cheers and he gave evidence to the Panel based on this. Mr Cheers advised that in his view it is not possible to sustain the biodiversity values of native vegetation in a residential setting. This view was supported by the Department of Sustainability and Environment<sup>2</sup>. Furthermore, Mr Cheers gave an opinion that the biodiversity value of the vegetation at Jackass Flat had already been compromised for the reasons discussed earlier.

The Panel agreed with the evidence provided, that native vegetation in a residential area cannot be successfully managed to maintain and enhance its biodiversity value. The Panel also reassessed the proposed zoning and concluded that the NVPP and Development Plan Overlay would be adequate tools to ensure that development occurs as intended in the revised LSP.

## **Planning Assessment**

The key issues for consideration when assessing if a development plan is satisfactory are considered under the headings below.

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<sup>2</sup> Department of Sustainability and Environment has been replaced by the Department of Environment, Land, Water and Planning.

### Are the requirements of Development Plan Overlay met?

The Development Plan Overlay has the following purposes:

- To implement the Municipal Planning Strategy and the Planning Policy Framework;
- To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land;
- To exempt an application from notice and review if it is generally in accordance with a development plan.

A development plan submitted must describe:

- The land to which the plan applies;
- The proposed use and development of each part of the land;
- Any other requirements specified for the plan in a schedule to this overlay.

In terms of meeting the above requirements, the development plan appropriately describes the land and development, therefore the main issues are whether the plan meets the requirements of the schedule to the overlay and implements strategy and policy.

### Development Plan Overlay Schedule 21

The development plan must be generally consistent with the *Jackass Flat Local Structure Plan April 2007 (Amended October 2009)*, *Jackass Flat Design Guidelines 2007*, *Bendigo Residential Development Strategy 2004<sup>3</sup>* and the *Planning Guidelines for Urban Salinity in the City of Greater Bendigo 2007* to the satisfaction of the responsible authority.

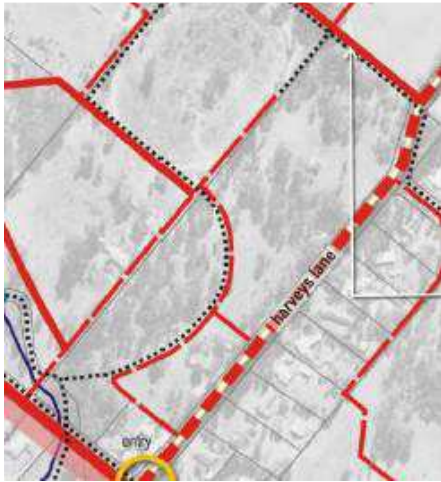
The development plan must also describe any requirement specified for the plan in a schedule to this overlay.

The documents listed above are all reference documents in the Planning Scheme and commentary is provided on the relevant sections in this assessment. However, greater weight is placed on the planning controls and therefore the starting place is DPO Schedule 21 which has the following requirements that must be addressed:

Requirement	Comment
<b>Native vegetation-</b>  Show the native vegetation to be retained in accordance with the <i>Jackass Flat Vegetation Precinct Plan, September 2009</i> .  The retention of native vegetation not required to be retained under the <i>Jackass Flat Vegetation Precinct Plan</i> ,	A detailed explanation of the vegetation removal is considered below.

<sup>3</sup> The *Bendigo Residential Development Strategy 2004* has been replaced by the *Greater Bendigo Residential Strategy*, October 2014 (amended March 2016).

Requirement	Comment
<p><i>September 2009</i> is encouraged where practicable.</p> <p><b>Sustainability-</b></p> <p>Energy efficiency and water saving initiatives such as solar orientation to lots, communal energy generation and "smart" metering of dwellings.</p>	<p>Orientation of the lots is reasonable. Community energy generation and smart metering of dwellings cannot be required under a development plan or subdivision application.</p>
<p><b>Open space and landscaping-</b></p> <p>The provision of an attractive and safe pedestrian environment.</p> <p>The rehabilitation and landscaping of creek lines (including any flood mitigation works) and open space corridors.</p> <p>The inclusion of areas of native vegetation identified for protection in the <i>Jackass Flat Vegetation Precinct Plan, September 2009</i> and adjacent to creek lines in the 5% public open space contribution.</p> <p>The retention of canopy vegetation.</p> <p>Details of public furniture and public art to be located along open space reserves.</p> <p>The rehabilitation of creek lines and provision of pathways and pedestrian bridges.</p>	<p>Once the subdivision is built it is likely to result in a relatively attractive and safe pedestrian environment.</p> <p>The proposed reserve will help rehabilitate the creek line.</p> <p>A detailed explanation of the vegetation removal is considered below. Refer to native vegetation comments above.</p> <p>A more detailed landscaping plan would be provided at part of a future subdivision application. This would outline details of public furniture and art to the City's satisfaction.</p> <p>The primary watercourse in the area is outside the subject site. However a reserve is proposed to be created adjacent to the creek.</p>
<p><b>Movement-</b></p> <p>A road network consistent with the <i>Jackass Flat Local Structure Plan April 2007 (Amended October 2009)</i>, in particular the road and footpath widths and landscaping requirements.</p>	<p>The road network in the JFLSP in this area was as shown below:</p>

Requirement	Comment
<p>The retention of canopy trees within the road reserves and the protection of these trees during construction.</p> <p>Connectivity of the road network. Cul-de-sacs are discouraged.</p> <p>A road network that maximises opportunities for solar orientation of lots.</p> <p>Public transport routes that are integrated with a pedestrian/cycle network.</p> <p>A pedestrian/cycle network that is integrated with the external network and is constructed to satisfaction of the responsible authority.</p>	 <p>However this is very broad and quite impractical in terms of accommodating a subdivision layout. The layout of the subdivision is discussed in greater detail below.</p> <p>The road and footpath widths will be in accordance with the JFLSP.</p> <p>There are no canopy trees in the road reserve on this side of Harveys Lane</p> <p>The road layout is well connected. There is a small cul-de-sac where the road meets a proposed reserve but this is a better outcome than building an access through the reserve.</p> <p>This requirement is largely met.</p> <p>A bus is proposed to traverse Harveys Lane. A future subdivision application will be referred to PTV, which may determine the location of any bus stops.</p> <p>The layout affords good pedestrian and cycle connections.</p>
<p><b>Lot size and layout</b></p> <p>A layout that includes a range of residential lot sizes to encourage diversity of dwellings and site responsive designs to enable remnant vegetation to be retained.</p>	<p>There is a limited range of lot sizes including some relatively small lots. The layout is discussed in detail below. It is also discussed below that some of the native vegetation is not suitable to be</p>

Requirement	Comment
<p>Higher density residential development on existing cleared land.</p> <p>Medium density housing along public transport routes and overlooking open spaces areas.</p> <p>Larger residential and lifestyle lots on the fringe of the Jackass Flat NDA, in particular where sensitive bush interfaces exist.</p> <p>The siting of lots with indicative building exclusion zones to provide setbacks from native vegetation identified as having very high, high or medium value under the <i>Jackass Flat Vegetation Precinct Plan, September 2009</i>.</p> <p>The location of vehicle crossovers to avoid any native vegetation on road reserves.</p> <p>The proposed staging of development.</p> <p>Subdivision including road and lot layout must demonstrate accepted best practice in relation to minimising the risk of wildfire.</p>	<p>retained.</p> <p>NA</p> <p>Harveys Lane is on a future bus route and therefore should in theory accommodate medium density housing.</p> <p>However, providing medium density housing would not produce an acceptable character outcome on the basis of the existing character on the east side of Harveys Lane. Refer to further discussion on this matter below.</p> <p>NA</p> <p>The applicant has agreed to provide setbacks to the 3 blocks that are closest to the high value native vegetation.</p> <p>Crossovers that were originally planned on Brooklands Drive have now been removed from the layout.</p> <p>This is shown on plan.</p> <p>As discussed in the bushfire section below, there is only a very small section of the site which is affected by the BMO and there is good access.</p>
<p><b>Infrastructure</b></p> <p>Third pipe technology to provide recycled water, where practicable.</p> <p>Common trenching of services, including the provision of modern telecommunications technology and facilities, such as broadband or fibre optic cabling. If not feasible, the provision of conduit that can be retrofitted at a future stage.</p> <p>A drainage management plan that addresses on-site drainage detention,</p>	<p>This is proposed to be installed for each lot.</p> <p>This will typically be undertaken in urban subdivisions.</p> <p>A drainage management plan was submitted with the application.</p>



Requirement	Comment
<p>water quality, nutrient control, water sensitive urban design features, in particular the use of rain gardens rather than drainage swales. The final location of the rain gardens and wetlands will be subject to detailed engineering design.</p> <p>A single style of street lighting, approved by Powercor, to be used within the Jackass Flat NDA that utilises energy efficient technology such as solar power and energy globes.</p>	<p>This is very specific requirement for a matter that will be designed in accordance with the Infrastructure Design Manual (IDM). It is unclear whether this will result in the same outcome.</p>
<p><b>Salinity</b></p> <p>Where there is known salinity discharge or indicators of salinity, such as the presence of Spiny Rush and Sea Barley Grass, a Salinity/Water Management Plan is to be prepared by a suitably qualified hydro-geologist to the satisfaction of the Responsible Authority in consultation with the Department of Sustainability and Environment that addresses, but is not limited to, the following matters:</p> <ul style="list-style-type: none"> <li>• A desktop assessment and field survey of the geology and geomorphology of the site to ascertain the nature of groundwater flows.</li> <li>• An assessment of the likely hydro-geological performance having regard to the impact of salinity.</li> <li>• An indicative assessment of the extent of the salinity issues and the post development risk it imposes.</li> <li>• The depth to the watertable and salinity of the groundwater in the region of the proposed development.</li> <li>• Recommendations regarding the management and future use of areas identified as being susceptible to salinity.</li> <li>• An Implementation Plan outlining any works necessary to implement such recommendations.</li> </ul>	<p>A Geotechnical report was undertaken and no ground water was found.</p>

The two key issues arising out of the DPO assessment relate to, firstly whether the subdivision design is an appropriate character outcome and secondly whether the extent

of vegetation removal is acceptable. In considering these issues it is necessary to review the guidance provided in the LSP.

What does the LSP say about character and design?

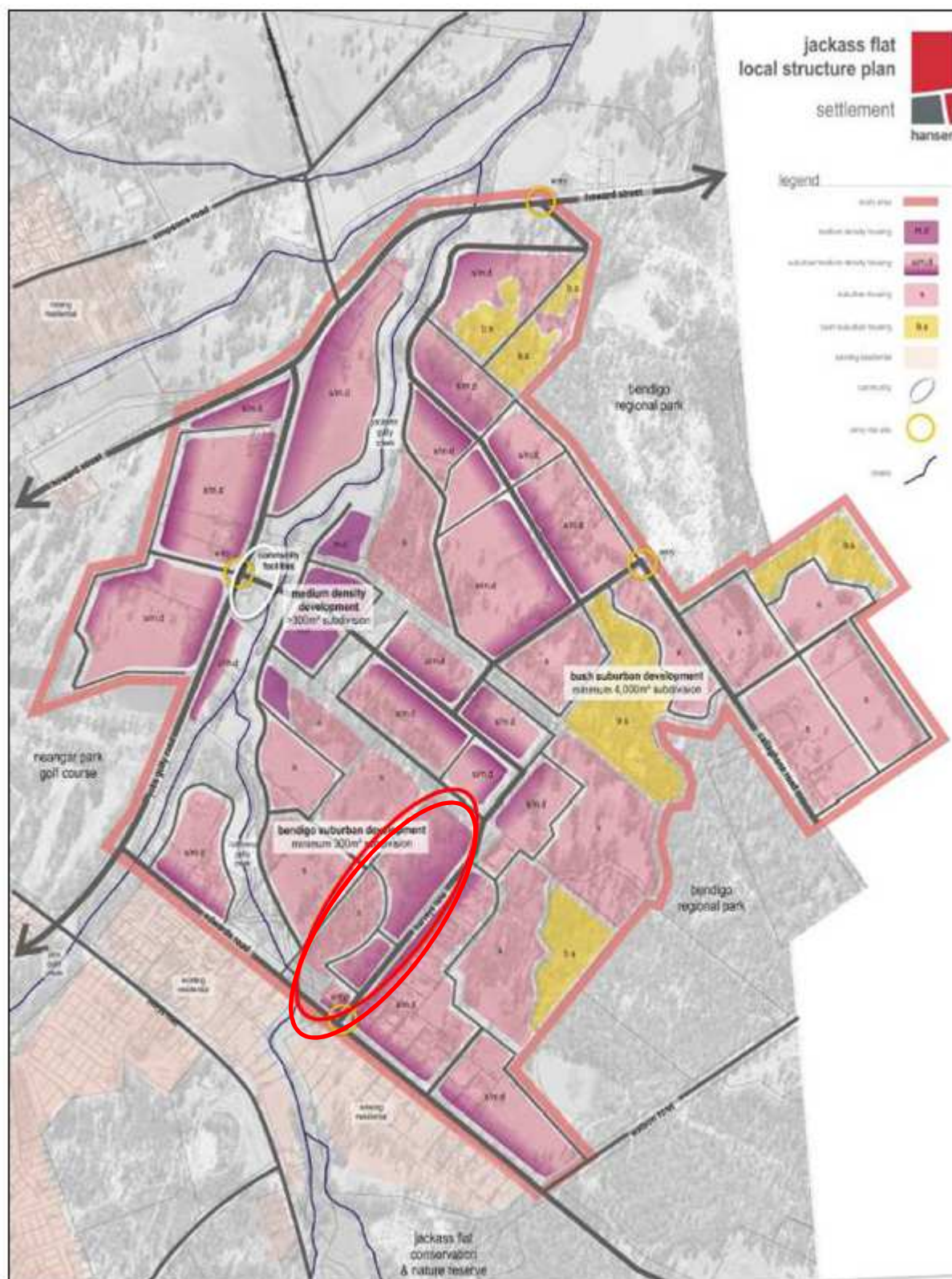
The LSP deals with character and design in section 5.4 and states that:

*Residential character will occur in a manner that respects and reflects the existing vegetation and environmental values of the land.*

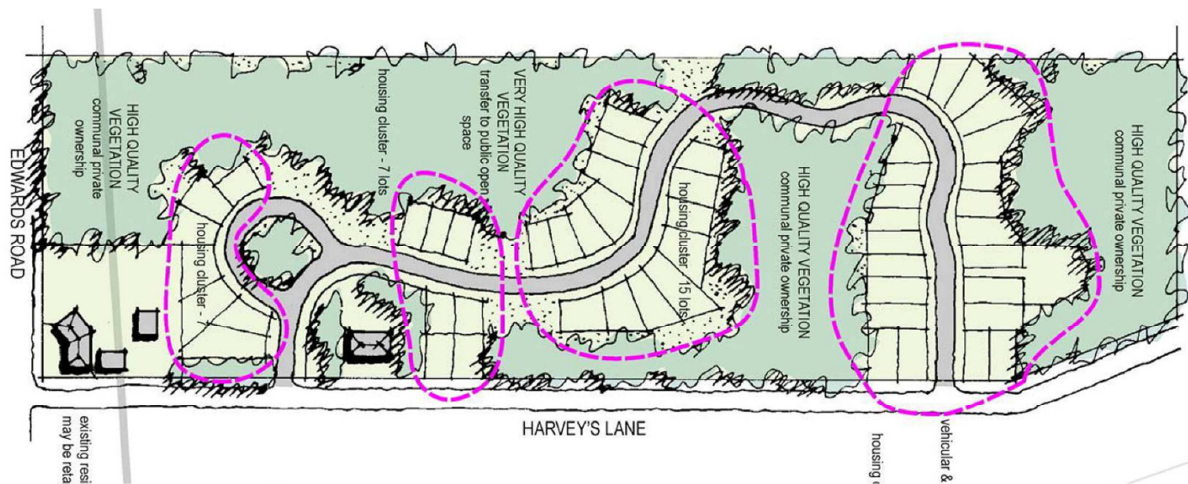
Key illustrations are provided that describe the vision and elements of the LSP.

Figure 4 below shows the site comprising a combination of suburban/medium density housing with the medium density housing fronting Harveys Lane. The plan describes suburban housing as lots between 300 and 1,000m<sup>2</sup> and medium density housing as dwellings between 150 to 300m<sup>2</sup>.

The site is also shown as an 'exemplar' example in the LSP, Figure 5 below for a form of cluster housing to demonstrate how medium density housing could be provided whilst also respecting and reflecting existing vegetation and environmental values.



**Figure 4:** LSP Extract-Settlement



**Figure 5: LSP Extract**

The layout shown above is considered to be somewhat idealistic and difficult to achieve. The road layout and design is unlikely to be supported from an engineering perspective. The proposed areas of vegetation retention raise some management issues from private and public perspective. Furthermore the extent of vegetation suggested for retention is not reflected by the planning controls on the land. Vegetation is discussed further below.

Notwithstanding the above, the Panel report into C102, when discussing rezoning recommended the following:

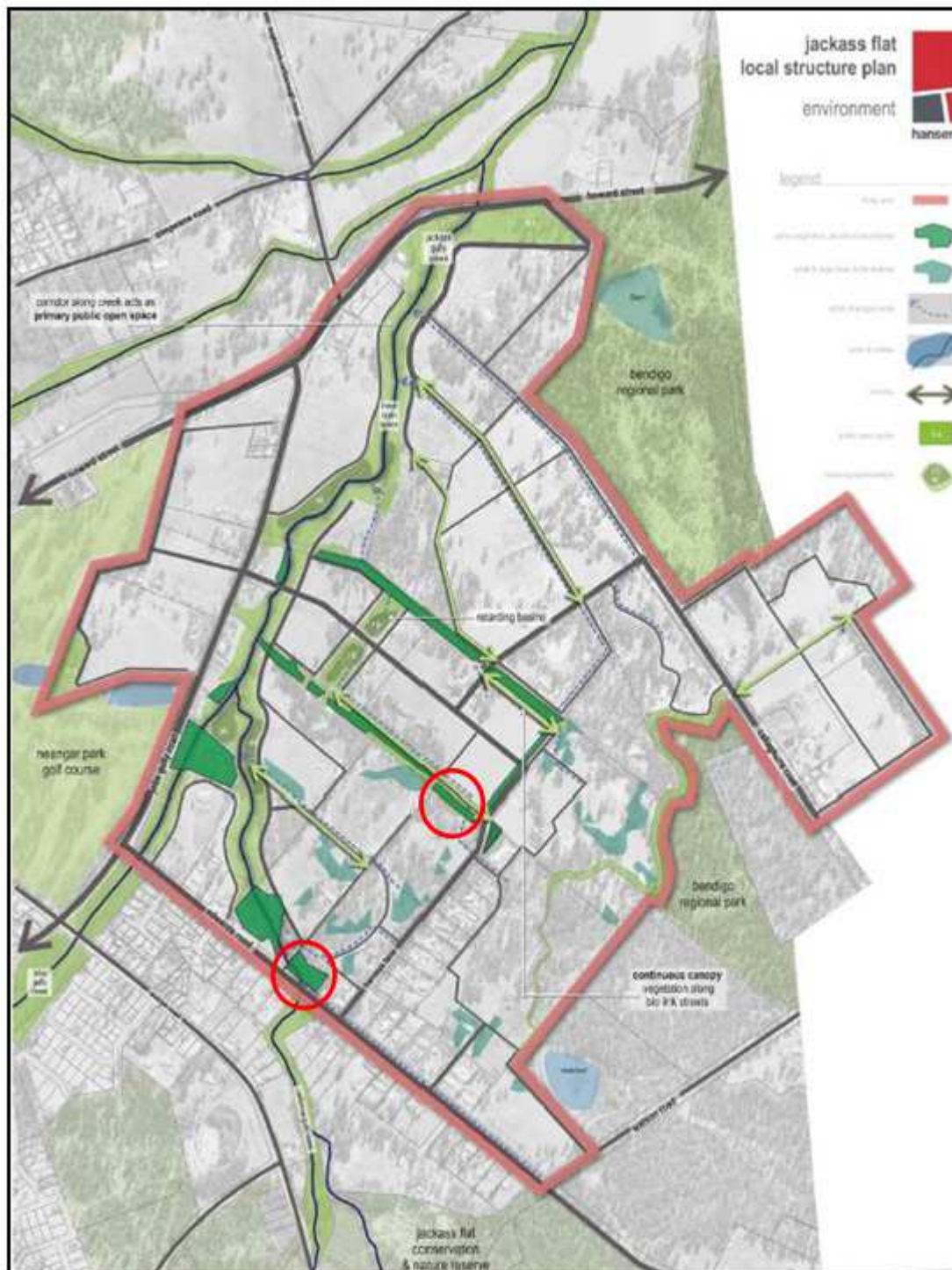
"with the exception of that part of the land with vegetation of very high significance, include (sic) the land on the west side of Harveys Lane in the R1Z with variable lot sizes selected that will enable either a 'cluster style' development or other layout on the cleared areas. Lots in the vegetated areas should be discouraged and only considered if *"it can be demonstrated that remnant vegetation can be retained and the proposed lot size is compatible with the general 'bush' character of the area."*;

Higher density "cluster" housing was also included as an objective in the original DPO following C102. However, the Panel for C133 formed the view that as cluster housing was not defined in the Planning Scheme it would be better for the DPO to require setbacks to buildings from native vegetation identified as having very high, high or medium value under the Native Vegetation Precinct Plan. This would, the Panel thought, lead to less intense development at the fringe of the LSP area and where vegetation contributes to the character of the area.

What does the LSP and NVPP say about the native vegetation that should be retained?

Figure 6 is the environment plan in the LSP which shows two patches of vegetation to be retained (circled), together with some small and large trees.





**Figure 6: LSP-Environment**

There is a further diagram in the LSP which includes an extract in Figure 7 below which indicates that the site includes high and very high quality vegetation which is contradictory to the plan in Figure 6.



**Figure 7:** LSP Extract

This is explained by the discussion in the planning history on the discrepancies between the ecological evidence presented at the Panel for C102 where it was considered that the Biosis assessment was sufficient for the background work for the LSP but that a more detailed assessment was required. Greater weight was placed on a study undertaken by Gary Cheers which was also part of the evidence considered by the Panel.

Following adoption of the Panel report for C102, the Native Vegetation Precinct Plan (NVPP) was prepared by Gary Cheers and considered at C133 where, subject to changes, it was recommended that it be adopted and subsequently implemented into the Planning Scheme at Schedule 2 of cl.52.16.

The native vegetation shown as being retained in the NVPP corresponds with the two patches in Figure 6, one on Brooklands Drive and one in the proposed open space reserve fronting Edwards Road.

The patches are shown in figure 8 of the NVPP below. Figure 9 shows the large scattered trees on the site and Figure 10 the small and medium scattered trees.

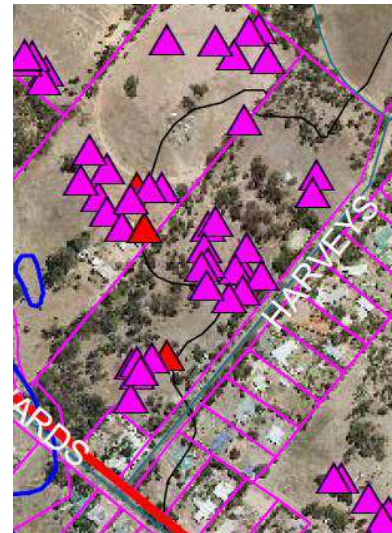




**Figure 8:** NVPP patches



**Figure 9:** Large trees



**Figure 10:** Small/medium trees

In relation to scattered trees, the NVPP says *"No scattered trees are identified as being retained at this point in time even though it is highly likely that the final form of the residential subdivision will result in the retention of some scattered trees."*

This statement is contrary to accepted practice and DELWP's position that in most cases scattered trees are lost in subdivision applications as they are not compatible with residential lots. The developer has adopted this approach in this application as it is proposed to remove all scattered trees on the site. However, in response to the residents' concerns, the applicant has agreed to minimise the removal to those that are required to construct the subdivision. Removal of any other trees into the future will be at the discretion of future lot owners.

#### Conclusions on the proposed layout and removal of vegetation

In assessing this proposal it is clear that a key challenge is balancing the competing environmental objectives of the LSP with the desire to provide suburban/medium density housing. In their evidence to the Panel in C102, the former Department of Sustainability and Environment (DSE), expressed the view that retaining vegetation in residential developments is incompatible with the protection and management of small patches of vegetation. DSE's evidence to the Panel was that a Native Vegetation Precinct Plan was a more appropriate tool to use.

Originally the applicant was proposing to remove the Brooklands Drive patch of vegetation but following negotiation with the applicant, this is now being retained and will form part of a widened reserve which is shown on the layout in Figure 2.

It could be argued that the original environmental intent of the LSP has been eroded to a degree. At the Panel into the rezoning there was much discussion that the planning outcome should be a *'settlement within the landscape'*. The planning controls that eventuated in the form of the DPO and the NVPP offer only limited scope to achieve this outcome on this particular site. This is partly due to the downgrading of the conservation value of the vegetation as discussed earlier.

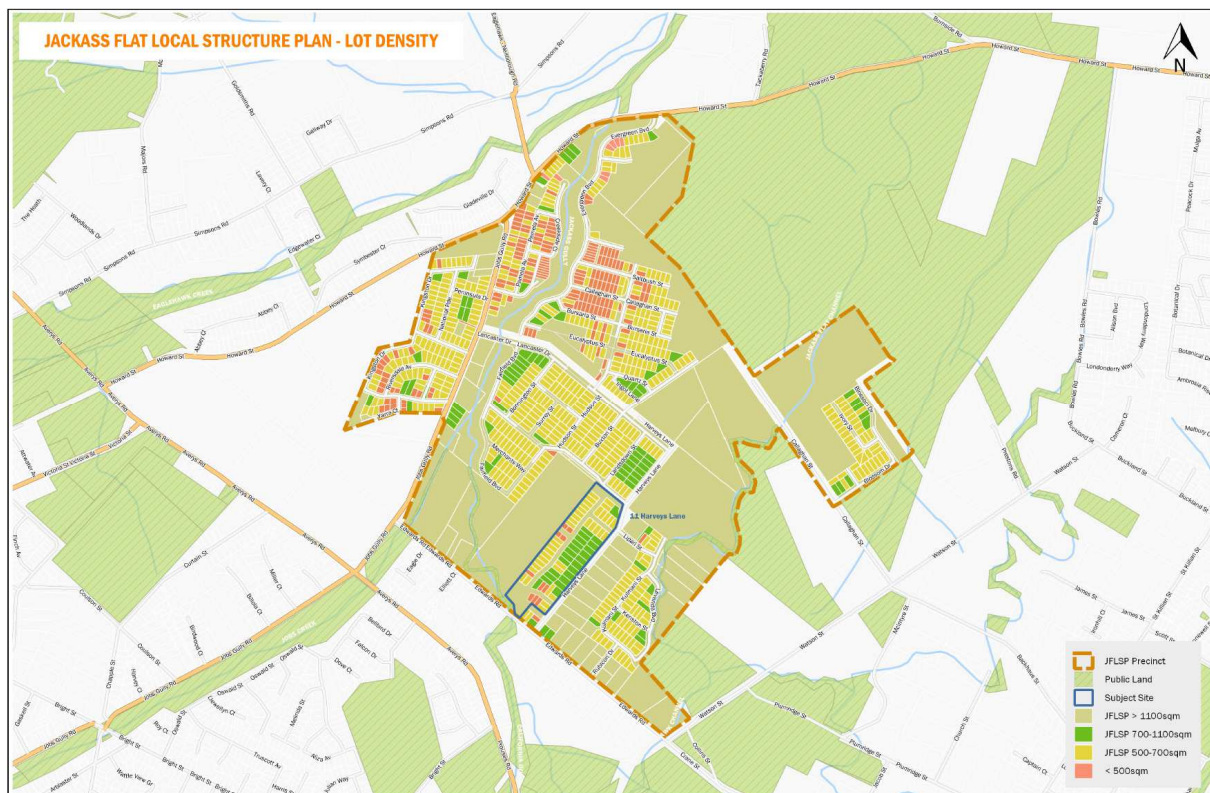


It is unfortunate that the diagram in Figure 7 and the housing plan in Figure 5 were retained in the LSP as they lead to confusion when considering the quality of the vegetation on the site and it is understandable that neighbours have referred to these plans in their objections.

The proposed subdivision layout includes lots in the range of 335sqm to 976sqm. This provides a diversity of lot sizes that is considered to meet the DPO requirements. Furthermore, in response to the residents' concerns regarding the number of lots fronting Harveys Lane, the applicant redesigned the layout to reduce the number by two and increase the width of the Harveys Lane lots to the range of 20-22m.

Residents have suggested that 40m frontages would be more appropriate to reflect existing lots opposite the site. It is agreed that from a character perspective wider lots are appropriate. However, the character outcome needs to be balanced against the strategic direction for the site that encourages medium density housing on Harveys Lane. The lots proposed are, generally speaking, wider and larger than those typically found in the new development area of Jackass Flat. The applicant has provided a lot density plan which demonstrates this in figure 11 below.

It is considered that the width and size of the lots throughout the site strike an appropriate balance between the competing objectives of maintaining an acceptable character outcome in area where medium density housing is sought by planning policy.



**Figure 11:** Lot density plan

As discussed above, the applicant is retaining the vegetation outlined in the NVPP. However, in response to neighbours' concerns regarding the loss of vegetation, they have agreed to remove only the minimum vegetation that is required to complete the subdivision. It should be noted, however that they are not agreeable to an ongoing restriction on this vegetation.

On balance the removal of the vegetation proposed is acceptable as it is in accordance with what is able to be removed in the NVPP and strikes an appropriate balance against the policy direction of medium density housing on the site.

Detailed assessment of the removal against State policy including offset requirements will be undertaken at permit stage.

### Traffic impacts

Neighbours have a number of traffic concerns arising from the proposal, particularly the amount of traffic using Harveys Lane.

Harveys Lane will be re-constructed to the City's design standard, partly through an obligation of a previous permit condition for the Evergreen Waters Estate. It is accepted that there is going to be an increase in traffic movements on Harveys Lane and this would be subject to a more detailed assessment at the planning application stage. That is to say, the developer would be required to undertake a Traffic Impact Assessment to gauge whether any intersection works are required at Harveys Lane/Edwards Road.

Traffic movements will be more widely dispersed in the new development area once two planned road connections are completed as shown circled in Figure 11. Notwithstanding this, it is acknowledged that many may still traverse Harveys Lane as this is the most direct traffic route to central Bendigo. However, once the road is upgraded it will have the capacity to deal with the increased traffic.

The residents' suggestion for a roundabout at the intersection with Lipari Drive is not supported by the City's Engineers as the threshold for construction of a roundabout is not met due to low traffic volume and speed and good sight distances.

Further to the residents' concerns regarding traffic volume and speeding, the City undertook a traffic count and the findings were that Harvey's Lane is carrying 762 vehicles per day. The City's engineers consider this figure to be reasonable.

In regards to traffic speed, the traffic count found that 85% of vehicles were travelling at an average speed of 62km/h. This speed is deemed to be high but not unsurprising given the current semi-rural nature of Harveys Lane. The City's engineers are of the view that this speed will decrease as more houses are built.



**Figure 11: Future road connections**

Other issues raised by residents

Undergrounding of powerlines on Harveys Lane.	Officers agree that this would be a desirable outcome so that larger trees could be planted to match the indigenous trees on the opposite side of Harveys Lane. However, in negotiations with the applicant to try and achieve this, the applicant advised that this was a cost prohibitive solution.
Lack of bike paths.	There is a fairly comprehensive cycle network in the Jackass Flat area, either constructed or to be constructed in the future by a combination of the City and developers. For instance there will be a shared path along Brookside Drive to the immediate north of the site which will connect with Jobs Gully Road.
Existing house will look out of place with new homes.	The house will inevitably have an older look but such an outcome is not a good enough reason to demolish a perfectly good dwelling.
Concerns about the overspill of parked cars on Harveys Lane.	Visitor parking spaces will be provided in the road design. This will assist in minimizing any on street parking.
Loss of wildlife.	There are no planning mechanisms to support wildlife on residential land other than protected species, of which there are none on the site.
Plans for and protection of the proposed reserves.	This will be secured through a future subdivision application.

### Bushfire risk

**Clause 13.02-1S Bushfire planning** applies to all planning and decision making under the *Planning and Environment Act 1987* within a BMO or designated bushfire prone area. Only the far north east corner of the site is located in the Bushfire Management Overlay, however, the whole of the site is in a bushfire prone area. The site is therefore relatively low-risk with two clear routes out of the area in the event of a serious fire event.

Detailed assessment of landscape risk and subdivision bushfire protection measures will be undertaken in the permit application process. Therefore from a policy perspective, approval of the development plan is acceptable in regards to bushfire risk as development cannot proceed until a planning permit has been granted.

### Cultural Heritage

Part of the site is mapped as being within an area of cultural heritage sensitivity. However, the applicant's original position was that the mapping was incorrect as the waterway was a 'man made' drainage line and unnamed on The Register of Geographic Names. The evidence provided on this was questionable and following further correspondence with the applicant and Aboriginal Affairs Victoria the applicant agreed that a cultural heritage management plan was required. Notwithstanding this requirement, at this stage in the process it is acceptable to defer submission of the plan and allow it to be considered as part of the planning permit process.

### General Provisions

Clause 65 sets out the requirements for the responsible authority to decide whether the proposal will produce acceptable outcomes in terms of the appropriate decision guidelines listed in clause 65.01. The guidelines relevant to this application have been considered in the assessment of the development plan.

### **Conclusion**

The development of this site would implement planning policy that encourages consolidation of urban land to create additional housing. The City has, in its MSS at cl. 21.05-6, identified Jackass Flat as one of four greenfield development fronts where medium density housing is promoted. The development plan provides for all suburban housing rather than medium density, but this is felt to be a more appropriate character outcome for Harveys Lane.

On balance the proposed development plan is consistent with the *Jackass Flat Local Structure Plan April 2007 (Amended October 2009)* and therefore meets the purpose of the DPO.



**Options**

Council, acting as the responsible authority for administering the Planning Scheme, may resolve to approve or refuse to approve the development plan.

**Attachments**

- Submissions

## 2.5 GREATER BENDIGO PLANNING SCHEME REVIEW 2018 - ADOPTION OF DRAFT REPORT

### Document Information

**Author** Morgan James, Planner Amendments

**Responsible Director** Bernie O'Sullivan, Director Strategy and Growth

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### Purpose

The Greater Bendigo Planning Scheme Review 2018 is an audit of the performance and operation of the Greater Bendigo Planning Scheme.

The Review seeks to ensure the Greater Bendigo Planning Scheme is up to date, reflects Council's vision and meets the community's needs.

The purpose of this report is to inform Council of the results of community feedback and recommend adoption of the Review.

### Summary

The Greater Bendigo Planning Scheme Review 2018 (the Review) has successfully audited the performance of the Planning Scheme and has clearly identified:

- *What has been achieved since the last Review?*
- *Where are we now?*
- *Where to from here?*

The Review has found that although the Greater Bendigo Planning Scheme is operating well, it has several fundamental policy gaps which are impinging upon the City's ability to sufficiently guide the development of the municipality.

These fundamental policy gaps include:

- Lack of policy and strategic direction for rural areas of the municipality;
- Lack of a settlement network and hierarchy to appropriately guide future development in a coordinated and efficient way;
- Lack of policy and strategic direction for environmental management;
- Lack of infrastructure planning.

As a consequence, there is a large amount of future strategic work recommended as part of the Review to bring the Scheme up to par with comparable municipalities.

The draft Review was put out for community comment in October and November 2018, and received a total of 203 survey responses and 15 written submissions.

Key issues identified by the community include the need for:

- Greater indication of where growth is encouraged, and where it is not;
- Better management of the tensions between the protection of environmental assets and settlement growth;
- Management of future transport needs;
- Coordinated delivery of housing and infrastructure;
- Connected open spaces and neighbourhoods;
- Better management of heritage and residential character;
- Encouraging sustainable design and managing the impact of climate change.

The community feedback received has enabled identification of key planning issues to be addressed in the Planning Scheme and has been incorporated into the final Review report.

It is recommended that the Review now be adopted and the process to action its recommendations is commenced.

### **RECOMMENDATION**

That Council resolve to:

1. Adopt the Greater Bendigo Planning Scheme Review, 2018;
2. Provide a copy of the Review to the Minister for Planning as required by Section 12B of the *Planning and Environment Act 1987*;
3. Commence the process to implement the Planning Scheme Review into the Greater Bendigo Planning Scheme; and
4. Include the recommended strategic work into its future work program.

### **RESOLUTION**

Moved Cr Metcalf, Seconded Cr Alden.

That the recommendation be adopted.

**CARRIED**

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### **Policy Context**

#### **Planning and Environment Act, 1987**

Section 12B of the *Planning and Environment Act 1987* requires that a Planning Authority (Council) review its Planning Scheme every 4 years (no later than one year after the approval of the Community Plan) and provide the report to the Minister for Planning.



## Background Information

The Greater Bendigo Planning Scheme must be regularly reviewed to ensure that it is up to date and can address key issues that the municipality is currently facing, or is expected to face in the future.

The last review of the Greater Planning Scheme was undertaken in 2010, but was not implemented into the Planning Scheme due to the large amount of strategic work underway at the time. The last review implemented into the Planning Scheme was in 2006. This means that the Greater Bendigo Planning Scheme is well overdue for review.

### Previous Council Decisions

February 2010 – Council resolved to endorse the *Greater Bendigo Planning Scheme Review* (2010) and forward the report to the Minister for Planning.

November 2011 – Council resolved to commence Planning Scheme Amendment C170 to implement the *Greater Bendigo Planning Scheme Review* (2010) into the Planning Scheme.

October 2018 – Council resolved to adopt the draft review of the Greater Bendigo Planning Scheme and put it out for community consultation.

## Report

The 2018 Planning Scheme Review has been the most comprehensive review of the Greater Bendigo Planning Scheme undertaken to date and aims to provide a comprehensive land use framework to manage Greater Bendigo's future growth.

The Review commenced in August 2017 and has included an enormous amount of work to analyse the almost 1,400 pages of the Greater Bendigo Planning Scheme, in-depth analysis of our planning performance and multi-staged engagement with stakeholders.

The Review has also been twice subject to independent scrutiny to ensure it has been undertaken with rigour and achieves its objectives. This included peer review of the comprehensive project brief at the start of the project and peer review of the draft Review report. Both peer reviews have been positive and have delivered outcomes which have led to a high quality and comprehensive review.

### Planning Scheme Review recommendations

The 2018 Planning Scheme Review has made 14 key recommendations:

1. Action the outstanding recommendations from the 2010 Planning Scheme Review.
2. Integrate the vision and goals of the Community Plan 2017-2021, the Municipal Public Health and Wellbeing Plan 2017-2021 and One Planet Living into the Greater Bendigo Planning Scheme.
3. Include a local policy response to the recent State Government planning reforms.

4. Undertake future strategic work recommended in the review of Planning Panel reports.
5. Review planning permit referral and notice requirements following the planning permit benchmarking exercise to determine if any requirements are unnecessary and could be removed.
6. Undertake actions to address the issues identified in the VCAT cases review.
7. Adopt the 'Policy Neutral review of the Greater Bendigo Planning Scheme Local Planning Policy Framework (LPPF), April 2018' as the base version for the Municipal Strategic Statement (MSS) re-write, to which new policy will be added and redundant policy deleted in the subsequent Planning Scheme Amendment.
8. Adopt the recommendations of the audit of the Greater Bendigo Planning Scheme.
9. Develop comprehensive strategic framework plans for both urban and rural Greater Bendigo to provide the 'big picture' or vision of the municipality.
10. Adopt the recommendations for further strategic work listed and prioritise the recommendations using the proposed strategic work matrix, which assists in identifying need, risk, benefits, costs and timeframes to complete each piece of work and enable an overall prioritisation of work.
11. Identify further strategic work to be included in the MSS, using the identified key principles.
12. Include a policy response to the issues identified by stakeholders as recommended.
13. Implement the identified new strategic work into the Planning Scheme as recommended.
14. That Council:
  - Adopt this report as the review required pursuant to section 12B (1) of the *Planning and Environment Act 1987*
  - Forward the report to the Minister for Planning as required by section 12B (5) of the *Planning and Environment Act 1987*
  - Prepare and implement an Amendment to the Greater Bendigo Planning Scheme to implement the recommendations of the Planning Scheme Review

A full summary of the Review's findings and recommendations can be found in Attachment 1.

### **Communication/Consultation**

The draft review report was adopted by Council at its October 2018 meeting and was followed by six weeks of community consultation which closed on 30 November 2018.

Consultation on the draft Review included:

- An online survey with a competition to win one of three \$100 gift vouchers;
- Use of the City's web page to summarise the project, provide a link to the survey, and thematic discussion papers to explain the findings of the Review;
- Social media and radio advertisements;
- Media release and print media advertisements;
- Community meetings and listening posts in locations across the municipality;

- Drop in information session for planning consultants and referral authorities.

Following the consultation, 203 survey responses were received and 15 written submissions. These are discussed below.

### Community survey responses

203 responses to the community survey were received with a 100% completion rate. These responses have provided valuable feedback from a wide range of people and locations across the municipality. A summary of the responses received are included below (see Attachment 3 for all responses).

#### ***Q.1. If you were a City planner for a day, what development would you want to see more or less of?***

| Response                                                              |    |                                                                                |    |
|-----------------------------------------------------------------------|----|--------------------------------------------------------------------------------|----|
| More                                                                  |    | Less                                                                           |    |
| Connected active transport                                            | 33 | infill development/higher density development/small lots                       | 11 |
| Infill development/city centre development/higher density development | 20 | housing "cookie cutter" developments, estates with insufficient infrastructure | 8  |
| Safe play spaces                                                      | 17 | urban sprawl/greenfield edge development                                       | 8  |
| Environmentally sustainable development                               | 15 | loss of vegetation at the expense of development                               | 6  |

There was a very apparent divide in the community between those who would like to see an increase in infill and higher density development, and those that don't. This provides evidence for the need to undertake the recommended settlement strategy to enable a conversation with the community about where growth should be encouraged and where it shouldn't be.

Residents were also concerned about the urban sprawl of Bendigo and its impact upon the valued surrounding bush; this is something the settlement strategy will also seek to address by identifying areas that should be protected from urban encroachment.

Positively, residents are concerned about the design of housing and want to see the provision of high quality, sustainable housing and ensure sufficient backyard areas are provided. They also want to ensure that vegetation is appropriately protected and that sites are not completely cleared at the expense of development.

The community would also like to see more connected active transport opportunities, which link open spaces and neighbourhoods. The continued development of these connections will be addressed in the Walking and Cycling Strategy currently underway.

**Q.2. What would you change or protect about Greater Bendigo?**

| Response                                                            |    |                                     |    |
|---------------------------------------------------------------------|----|-------------------------------------|----|
| Change                                                              |    | Protect                             |    |
| City centre/mall, bring people back                                 | 15 | Vegetation and bushland             | 57 |
| Traffic in the city centre/consider a ring road                     | 8  | Important heritage and streetscapes | 52 |
| Only protect important heritage and don't let it stifle development | 8  | Country/bush feel of the city       | 7  |

An important focus of change for the respondents was the Bendigo city centre and Hargreaves Mall. The community would like to see the mall revitalised and people brought back to the city centre. This reflects the importance of the city centre and the mall to residents and the feedback has been shared with those currently undertaking the City Centre Plan refresh.

Residents also expressed concerns about current levels of traffic and its role in the city centre. They also expressed concerns about managing future population growth and its impact on traffic. The City should continue to implement the directions of the Integrated Transport and Land Use Strategy to manage our future transport needs.

Overwhelmingly, residents want to see the protection of Greater Bendigo's open spaces and vegetation; this supports a key recommendation of the review to undertake an "Environmental Significance Study" and an "Urban Vegetation Management Strategy" to ensure these valued features are protected.

Residents also want to see the protection of valued heritage buildings and streetscapes, but want to ensure it's done appropriately and in a balanced way. This supports the recommendation to complete the municipality's heritage studies as a high priority. It also supports the need for the Heritage Strategy to enable a conversation with the community about what heritage is valued.

**Q.3. What three words come to mind when you think about Greater Bendigo in 10 to 20 years' time?**

| Response            |    |                                                           |    |
|---------------------|----|-----------------------------------------------------------|----|
| Positive            |    | Negative                                                  |    |
| Green/ bush setting | 21 | Congested                                                 | 12 |
| Vibrant             | 16 | Overpopulated/overdeveloped                               | 12 |
| Growth              | 13 | Suburban sprawl with poor services/lack of infrastructure | 10 |
| Heritage/history    | 13 | Drought/dry                                               | 9  |
| Busy                | 10 | Hotter                                                    | 4  |
| Beautiful           | 8  | Short sighted/unprepared for growth                       | 4  |
| Progressive         | 8  | Busy                                                      | 3  |
| Thriving            | 8  | Unemployment                                              | 3  |

Again, it clearly came through that residents love the open space, vegetation and bush setting of Greater Bendigo.

People also envision a vibrant, busy and growing community that values its history and heritage. It's also a beautiful and progressive place to live.

However, people are concerned about future congestion, managing population growth and ensuring sufficient infrastructure is provided to support this growth. They are also concerned about water security and how we will live in a hotter, dryer climate.

***Q.4. What do you see as the major planning issues and/or pressures facing Greater Bendigo?***

| Response                                                                                |    |
|-----------------------------------------------------------------------------------------|----|
| Traffic congestion / addressing future traffic needs                                    | 31 |
| Provision of infrastructure to support new communities                                  | 25 |
| Public transport (increasing its use and ensuring appropriate and equitable provision)  | 16 |
| Urban sprawl / preventing encroachment into bushland                                    | 16 |
| Managing population growth appropriately                                                | 15 |
| Hargreaves Mall                                                                         | 12 |
| Provision of equitable facilities and services to cope with a growing/ageing population | 12 |

As transport and traffic congestion came through as the overwhelming planning pressure facing the City, it is evident the City needs to continue its work implementing the Integrated Transport and Land Use Strategy. We also need to continue to work with Regional Roads Victoria and Transport for Victoria to ensure residents' transport needs are addressed appropriately into the future.

The community was also concerned about the provision of infrastructure to support new development and communities. This concern provides support for the City's Development Contributions Program which is currently in development to provide planning mechanisms to ensure infrastructure provision in a number of new growth areas.

***Q.5. What do you value about where you live?***

| Response                                                |    |
|---------------------------------------------------------|----|
| Environment / open spaces / access to it                | 69 |
| Ease of movement / connectivity                         | 48 |
| Quiet lifestyle / peaceful / relaxed                    | 34 |
| Easy access to quality services / employment/facilities | 30 |
| Community                                               | 29 |
| Character / history / streetscapes                      | 20 |

Residents love the easy access to parks, open space and nature they experience in Greater Bendigo. They also love the ease of movement and easy access to quality services, as well as the history and character, and cultural activities. The important job for planning is to ensure these values aren't lost in the future.

***Q.6. How do you want your neighbourhood to develop into the future?***

| Response                                                                          |    |
|-----------------------------------------------------------------------------------|----|
| Access to open spaces etc. which are connected                                    | 28 |
| Safe, connected walking and cycling tracks                                        | 25 |
| More sustainable development / climate change consideration                       | 18 |
| More community spaces                                                             | 16 |
| Development that responds to environmental setting / retains vegetation           | 16 |
| Don't want more development / no new housing estates / keep it just the way it is | 16 |
| Protection of character / heritage, encourage sensitive development / good design | 14 |

Residents want to ensure quality open space and active transport is provided in new developments. They also want to see buildings respond to their environmental setting and ensure they consider climate change.

Of note, just under 8 percent of residents don't want to see any change or new housing estates in their community.

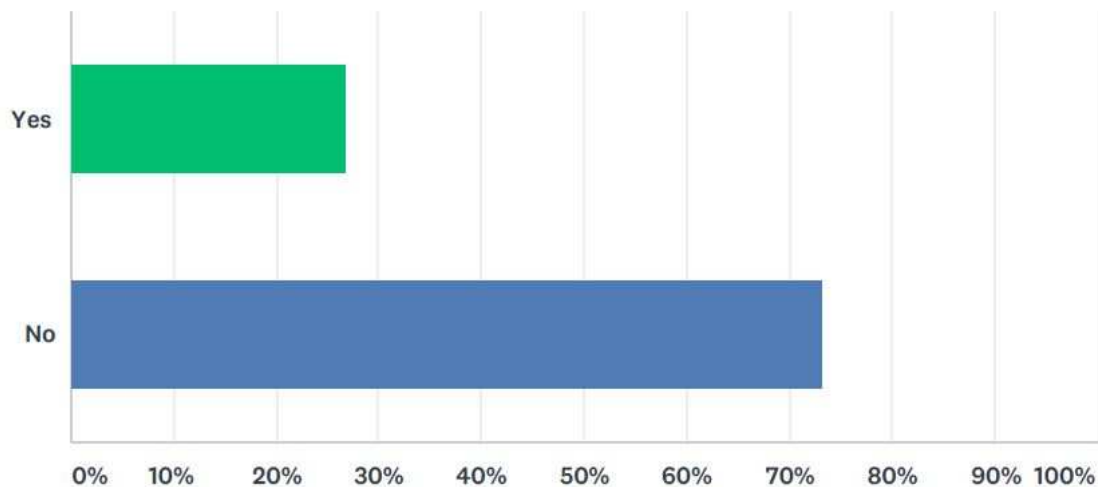
***Q.7. How do you think the Greater Bendigo Planning Scheme should respond to environmental issues, such as climate change?***

| Response                                                         |    |
|------------------------------------------------------------------|----|
| Protect and increase vegetation as a priority                    | 49 |
| Promote / require solar panels / home energy initiatives         | 31 |
| Encourage water sensitive development                            | 26 |
| Require consideration of Environmentally Sustainable Development | 25 |
| Be leaders / progressive / more action less talk                 | 23 |
| Reduce car reliance and promote active and public transport      | 21 |

Residents want to see environmental assets such as green spaces and vegetation protected throughout the city. This supports the Review's recommendations for the development of an environmental significance strategy and the urban vegetation management strategy.

Residents would also like to see more efficient water use, environmentally sustainable design, renewable energy, recycling and less dependence on cars.

These results support the Review's recommendation for a "Climate change adaptation and water management study" to inform better planning outcomes, which consider the above.

**Q.8. Have you used the Greater Bendigo Planning Scheme in the last five years?**

Fewer than 26% of respondents had used the Planning Scheme in the last five years. This is not necessarily a bad thing and perhaps represents the depth and wide reach of the community consultation undertaken, where we have managed to reach people not normally engaged in the planning system.

**Q.9. If you have used the Greater Bendigo Planning Scheme, was it a positive experience? What worked well? And what didn't?**

51 respondents answered this question:

- 26 advised it was a negative experience;
- 13 positive experience;
- 7 neither positive or negative;
- 5 unclear responses.

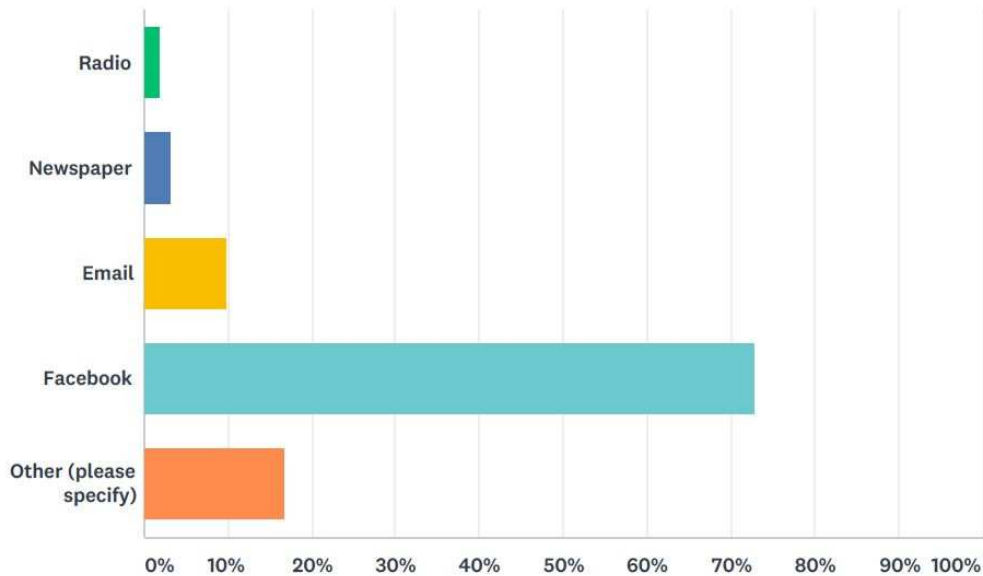
Responses are summarised in the table below:

| Response                                                                  |   |
|---------------------------------------------------------------------------|---|
| The Planning Scheme is too long / difficult to navigate                   | 7 |
| Mixed information given by Planning staff / subjective decisions          | 7 |
| Permits / responses too slow                                              | 5 |
| Old plans and policies that don't reflect development pressures           | 4 |
| Planning staff were difficult to deal with                                | 3 |
| Planner helped deliver a better outcome than what was originally proposed | 2 |
| Easy to understand / contains the required detail                         | 2 |

It is not surprising that many respondents found the Planning Scheme too long, complex and difficult to navigate. This is symptomatic of irregularly reviewing the Planning Scheme. One of the key aims of this review is to make the Planning Scheme more succinct and logical.

It is also not surprising to hear some people (3.4%) have had issues with advice and decisions made; Planning by its policy nature is interpretive. Planners always aim to make decisions that will result in a positive net community benefit, but there will periodically be disagreements.

***Q.10. How did you hear about this community engagement opportunity?***



This data was gathered on behalf of the City's Communications Unit to understand how the community engages with us. Overwhelmingly, over 70% of people responded to the survey through seeing the ads the City posted on its Facebook page. 10% came via emails sent to interested parties. Fewer than 5% came via newspaper or radio, demonstrating perhaps that traditional engagement methods are no longer as effective.

Most of the "other" responses came via face to face contact that was undertaken such as attending markets, community meets etc.

Written submissions

Fifteen written submissions were also received during the community consultation phase (see Attachment 4). The submissions came from a wide range of people, including planning consultants, community groups, referral authorities and interested residents.

Due to the detailed and lengthy nature of some of the submissions, a separate analysis and response to the 15 submissions is included at Attachment 5 to this report.

Many of the submissions reiterate planning issues and problems already identified in the Review including:

- Need to complete heritage studies and undertake a heritage strategy for the City;
- Need to undertake a settlement strategy, including a review of residential character policies, a review of residential zones and managing urban sprawl;
- Need to undertake an environmental significance study to address gaps in vegetation management and outdated controls.



### Incorporation of community feedback into the Review

The above community feedback has been incorporated into the final Review report. Pleasingly, almost all of the planning issues identified by the community had either already been identified in the Review, or are subject to a piece of strategic work currently underway. Other issues are beyond the scope of the Planning Scheme to address.

Changes or additions to the Review report in response to community feedback include:

- A new recommendation that community survey responses to the following questions should be considered in the development of the high level planning vision (MSS) of the Planning Scheme:
  - *What three words come to mind when you think about Greater Bendigo in 10 to 20 years' time?*
  - *What do you value about where you live?*
  - *What do you see as the major planning issues and/or pressures facing Greater Bendigo?*
- *How do you want your neighbourhood to develop into the future?*
- Amend recommendation 13 to include Greater, *CREATIVE*, Bendigo. This Strategy was adopted by Council in November 2018. This document should be included in the Planning Scheme as a reference document.
- A recommendation that a structure plan is undertaken for Junortoun as future strategic work.
- Amend recommendation 9 to include "heritage features" as a matter to be included in the recommended strategic framework plans for both urban and rural Greater Bendigo.
- The addition of a new criterion to the recommended matrix to prioritise future strategic work. This criterion will provide consideration for how long the recommended piece of work has been on the list. This will seek to ensure low priority but important work is not always overshadowed.

### **Timelines**

Following adoption of the Planning Scheme Review by Council, it will be forwarded to the Minister for Planning in accordance with the requirements of the *Planning and Environment Act 1987*.

The Planning Scheme Amendment process will then commence through the drafting of the detailed planning changes to the Greater Bendigo Planning Scheme, which will be further reported to Council in mid-2019.

### **Resource Implications**

The review was undertaken and managed in-house, therefore financial costs have been much less than if an external planning consultant was appointed to undertake the project. Officer time has been required to continue to undertake and manage the project.

Expenses so far have related to:

- The 2 stage peer review of the project brief and draft report by an independent planning expert totalling \$11,000;

- 2 Councillor workshops with an independent planning expert to explore the land use vision of the municipality and the key planning issues, totalling \$9,000.

For the implementation phase of the Review, extensive work will be required to prepare the detailed Planning Scheme changes. An external planning consultant has been appointed to prepare the documentation at a cost of approximately \$34,000. An external consultant was chosen due to the level of expertise required to draft such a comprehensive set of planning policies in accordance with the various Ministerial Directions.

## **Conclusion**

While the Greater Bendigo Planning Scheme Review 2018 has confirmed that the basis of the Greater Bendigo Planning Scheme is fundamentally sound, it is evident that to remain contemporary it needs to implement recently adopted strategic work as well as commission strategic work on the gaps that have become apparent since the last review.

The comprehensive community engagement undertaken as part of the Review has positively engaged the community in the planning system and has helped identify how the community wants Greater Bendigo to develop into the future.

It is recommended that the Review now be adopted and the process to action its recommendations is commenced.

## **Options**

Council has the option of adopting the final Greater Bendigo Planning Scheme Review 2018 as presented, or with any changes or clarifications that it determines are required. The option is also available not to adopt the Review.

## **Attachments**

1. Greater Bendigo Planning Scheme Review, 2018
2. Appendices to the Greater Bendigo Planning Scheme Review, 2018

## **2.6 COMBINED PLANNING SCHEME AMENDMENT C226 AND PLANNING PERMIT APPLICATION DSD/561/2017 - 1A RAILWAY STREET AND 239-249 HIGH STREET, KANGAROO FLAT - FOR CONSIDERATION OF SUBMISSIONS AND REFER TO PANEL**

### **Document Information**

**Author** Frank Casimir – Statutory Planner

**Responsible Director** Bernie O’Sullivan, Director Strategy and Growth

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### **Summary/Purpose**

**Amendment details:** This is a Planning Scheme Amendment combined with a planning permit application:

The Amendment proposes to:

- Rezone 1A Railway Street, Kangaroo Flat from General Residential Zone to Industrial 3 Zone and to;
- Delete the Development Plan Overlay Schedule 17 (Former Rocklea Mill Site, 239-249 High Street, Kangaroo Flat) from 1A Railway Street and from 239-249 High Street, Kangaroo Flat.

The planning permit application is for:

- Subdivision of the land into 46 industrial lots; creation of common property; use and development of the land for service industry and warehouse purposes; Reduction of car parking requirements; and removal of native vegetation.

**Proponent:** Phileo Australia Ltd

**No. of submissions:** 5 including 2 late (4 supporting and 1 opposing)

**Key issues:**

- Is the site suitable for the proposed use and development?
- Is the proposed built form acceptable for the area?
- Will the use and development have an unacceptable impact on the nearby residences?
- The impact of the development on the natural environment.

**RECOMMENDATION**

That Council resolve to adopt the recommendations detailed for each of the submissions in this report and request the Minister for Planning to appoint an Independent Panel to consider the unresolved opposing submission.

**RESOLUTION**

Moved Cr Fyffe, Seconded Cr Metcalf.

That the recommendation be adopted.

**CARRIED**

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**Policy Context**

City of Greater Bendigo Community Plan 2017 – 2021

Goal 4: Presentation and managing growth

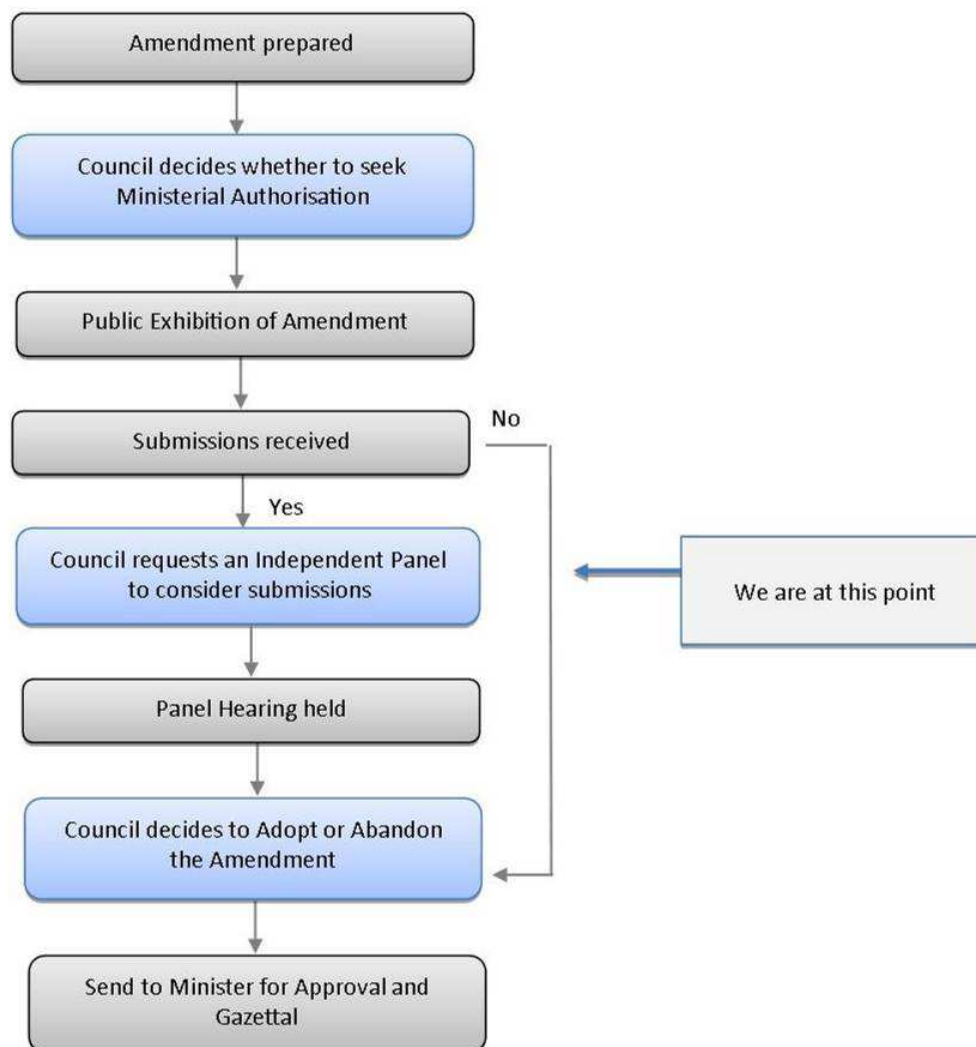
- Planning, developments and infrastructure that increase our liveability and pride in where we live.

Goal 6: Embracing our culture and heritage

- Recognise and celebrate our unique history and diverse cultures.

**Background Information**

The key steps in the Amendment process are summarised below:



### Previous Council Decisions

On 16 May 2018 – Council resolved to:

- Request the Minister for Planning to authorise Council to prepare amendment C226 to the Greater Bendigo Planning Scheme.
- Agree to the request to consider the application for the planning permit concurrently with the Amendment.
- When authorised by the Minister, exhibit Amendment C226 to the Greater Bendigo Planning Scheme and the draft planning permit.

### **Report**

An Explanatory Report is attached and details the purpose and effect of the Amendment and provides the strategic justification for the Amendment as required. Key issues identified in the Explanatory Report are summarised below.

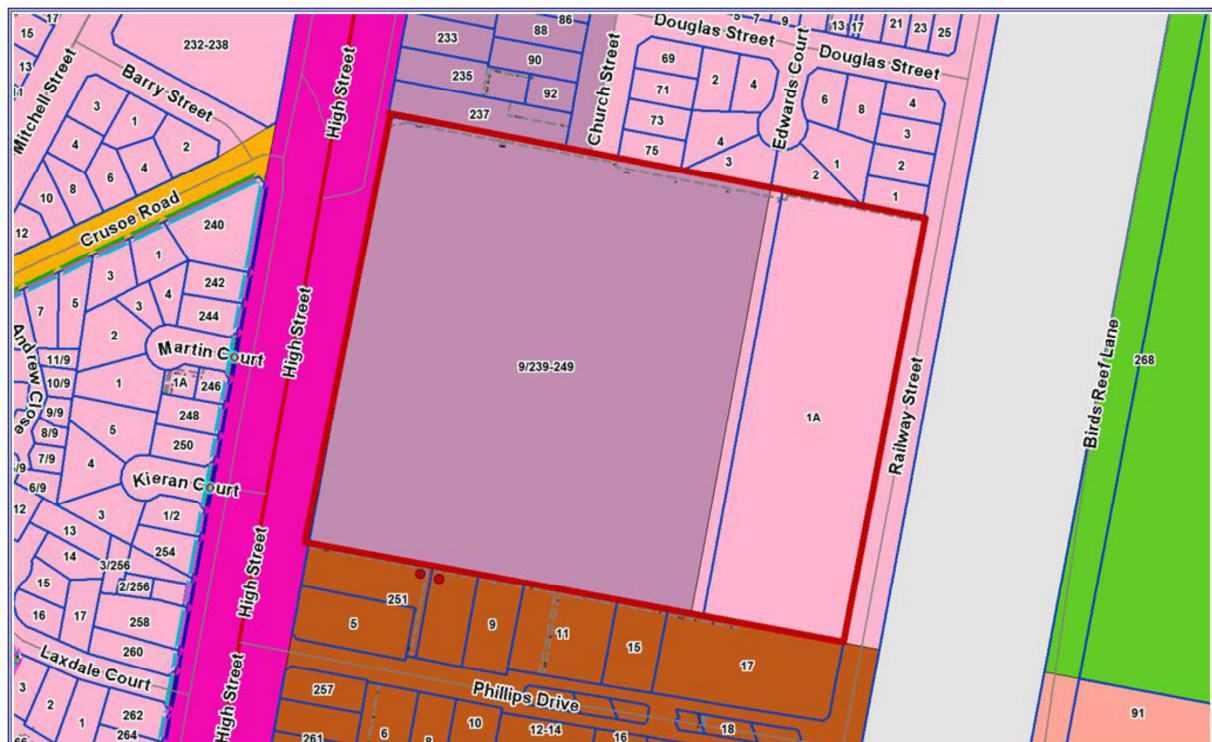
### Land affected by the Amendment and the permit

The land affected by the Amendment is 1A Railway Street, Kangaroo Flat, being Lot 2 PS621066 and 239-249 High Street, Kangaroo Flat, being Lot 1 PS621066. The planning permit affects only the land at 1A Railway Street, Kangaroo Flat. The two lots are commonly known as the “Former Rocklea Spinning Mills” site.

The land at 1A Railway Street is zoned General Residential Zone and is affected by the Development Plan Overlay Schedule 17 (Former Rocklea Mill Site, 239-249 High Street, Kangaroo Flat), the Bushfire Management Overlay and the Environmental Audit Overlay. The land measures approximately 1.9 hectares.

The land at 239-249 High Street is zoned Commercial 2 Zone and is affected by the Development Plan Overlay Schedule 17 (Former Rocklea Mill Site, 239-249 High Street, Kangaroo Flat) and partly by the Bushfire Management Overlay. This land is approximately 5.4 hectares in area.

The land is bounded by High Street (Calder Highway) on the western boundary and by Railway Street on the eastern boundary for a respective distance of approximately 242 metres. Along the northern boundary, the land is bounded mainly by dwellings for a distance of approximately 305 metres. To the south, the land is bounded by light industrial buildings. The land can be accessed either from High Street or from Railway Street.



**Figure 2:** The current zoning of the land and of its surrounds.





**Figure 3:** An aerial photo of the land showing the developed and the undeveloped part and the property occupied by the opposing submitter.

### What the Amendment does and what the planning permit allows

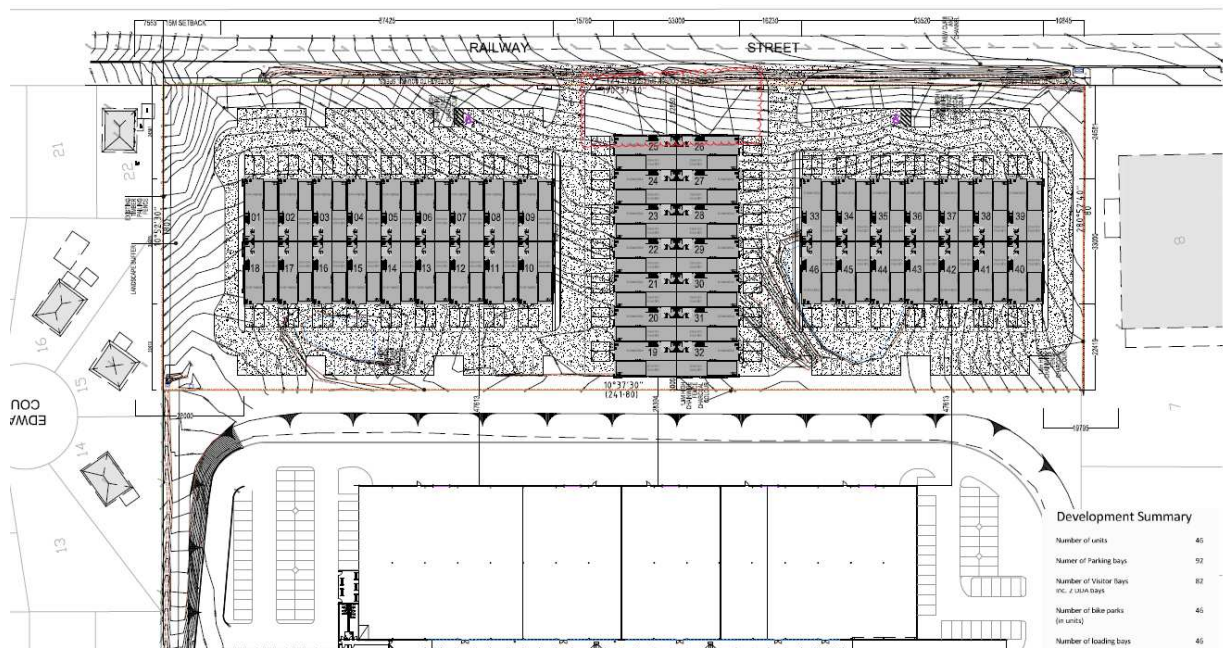
The Amendment proposes to:

- Rezone the land at 1A Railway Street, Kangaroo Flat from General Residential Zone to Industrial 3 Zone and;
- Delete the Development Plan Overlay 17 (Former Rocklea Mill Site, 239-249 High Street, Kangaroo Flat) (DPO17) from 1A Railway Street and 239-249 High Street, Kangaroo Flat.

The planning permit application allows for:

- Subdivision of the land into 46 industrial lots, creation of common property, use and development of the land for service industries and warehousing purposes, reduction of car parking requirements and removal of native vegetation.





**Figure 4:** The site layout plan for the proposed development

## Consultation/Communication

### Exhibition Procedures

The Amendment and planning permit application were exhibited for one month from 25 October to 26 November 2018.

Notice was provided in the following manner:

- Individual notices to owners and occupiers of land affected by the Amendment and planning permit application;
- Two signs giving notice of the Amendment and planning permit application were displayed on the site;
- Notices to prescribed Ministers under Section 19(1)(c) of the *Planning and Environment Act*;
- Notices to all authorities materially affected under Section 19(1)(c) of the Act;
- Public notice of the Amendment in the Bendigo Advertiser on 24 and 27 October 2018;
- Publication of the notice of the Amendment in the Government Gazette on 25 October 2018;
- Online at the City's and Department of Environment, Land, Water and Planning websites.

### Submissions

Five submissions were received with two being late submissions. One of the two late submissions was from an adjoining land owner who opposes the proposal and does not wish to negotiate.

Submitter 1:	
Supports/Objects	Officer Response & Recommendation
<u>Supports</u> <ul style="list-style-type: none"> <li>Supports and provides advice for the Amendment, permit application and proposed condition on the draft planning permit.</li> </ul>	<ul style="list-style-type: none"> <li>See proposed condition 2 on the draft planning permit.</li> </ul> <u>Recommendation:</u> Note the submission.

Submitter 2:	
Supports/Objects	Officer Response & Recommendation
<u>Supports</u> <ul style="list-style-type: none"> <li>Supports the proposed Amendment and permit application subject to conditions for the draft planning permit.</li> </ul>	<ul style="list-style-type: none"> <li>All submitted conditions have been included on the draft planning permit (see conditions 21(a), (b) and (c).</li> </ul> <u>Recommendation:</u> Note the submission.

Submitter 3:	
Supports/Objects	Officer Response & Recommendation
<u>Supports</u> <ul style="list-style-type: none"> <li>Supports the proposed Amendment and permit application subject to conditions to be included on the draft planning permit.</li> </ul>	<ul style="list-style-type: none"> <li>All submitted conditions have been included on the draft planning permit (see conditions 24(a), (b), (c) and (d).</li> </ul> <u>Recommendation:</u> Note the submission.

Submitter 4:	
Supports/Objects	Officer Response & Recommendation
<u>Supports</u> <ul style="list-style-type: none"> <li>Supports the proposed Amendment and permit application subject to a condition on the draft planning permit relating to bushfire.</li> </ul>	<ul style="list-style-type: none"> <li>See condition 26 on the draft planning permit.</li> </ul> <u>Recommendation:</u> Note the submission.

<b>Submitter 5:</b>	
<b>Supports/Objects</b>	<b>Officer Response &amp; Recommendation</b>
<p><u>Objects</u></p> <ul style="list-style-type: none"> <li>• The site will be overdeveloped and therefore will have a negative impact on their health, safety and amenity and on the natural environment.</li> <li>• The close proximity of the proposed industrial building to their residence.</li> <li>• The Bushfire Management Overlay should not be deleted from the site.</li> <li>• The site excavation works at the construction stage of the development will pose unacceptable risks to their health because this will involve disturbing soils which are potentially contaminated.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed zoning is Industrial 3 Zone which is for light industrial uses and development. This zone is also used as a buffer between heavy industries and local communities. The proposal is for service industry and warehousing, which are considered suitable uses to adjoin residences with the appropriate amenity controls.</li> <li>• The buildings have also been designed to minimise their visual impacts in the area and appropriately sited to avoid obstructing the views from their residence.</li> <li>• The site is not located in an environmentally sensitive area.</li> <li>• The proposal includes a 15-metre landscaped buffer with the existing residences to the north.</li> <li>• There is no proposal to delete the Bushfire Management Overlay from the site.</li> <li>• There is a condition (condition 18) on the draft planning permit requiring the owner of the land to prepare a Construction Management Plan for approval by the City and the Environment Protection Authority before works start (including excavation works). The Plan is to ensure that the amenity of the nearby land owners/occupiers is not unduly affected by these construction works.</li> <li>• The site is affected by the Environmental Audit Overlay. This planning overlay was previously applied to the site as a precautionary measure because part of it has historically been used for industrial purposes (a knitting mill). The purpose of the Environmental Audit Overlay is to require an audit to be</li> </ul>

<b>Submitter 5:</b>	
<b>Supports/Objects</b>	<b>Officer Response &amp; Recommendation</b>
<ul style="list-style-type: none"> <li>The clearing of the site of all its native vegetation is excessive.</li> </ul>	<p>prepared prior to any sensitive use. So far there has been no conclusive investigation to affirm that the site is contaminated or not. For this reason, it is proposed that the Environmental Audit Overlay is to be retained on the site.</p> <ul style="list-style-type: none"> <li>Due to the nature of the development and the proposed lot sizes, it is not practical to retain any of the vegetation.</li> </ul> <p><u>Recommendation:</u> Refer to Panel.</p>

### Key issues

#### Is the site suitable for the proposed use and development?

The site has been assessed as being suitable for use and development for service industry and warehouse purposes. Under the Victorian Planning Provisions, service industry is clearly defined as “Land used to launder, repair, service or wash articles, machinery, or vehicles” and warehouse is defined as “Land used to store or display goods”. All these uses are permitted on land zoned Industrial 3 Zone.

The context of the site and its location are the main contributing factors which support its proposed use and development. The adjoining site to the west is already developed and used for the sale of bulky goods. The site to the south is developed and used for motor repairs (service industry). The proposed use and development of the subject site for service industry and warehouse purposes is therefore a logical extension of these two existing land uses and also of the Kangaroo Flat South activity centre. The use of the land for the original purpose of residential is arguably less logical than light industrial use.

The site also shares a common boundary with only three residences located to the north and a landscaped buffer is proposed for this boundary.

#### Is the proposed built form acceptable for the area?

Three industrial buildings of approximately 8.4 metres high are proposed for the site. The buildings have been designed to mitigate their visual effects. Two of the buildings will have a setback of 24.5 metres with Railway Street and the third one will have a setback of 12.8 metres.

There will also be site cuts which will be parallel with Railway Street and the northern lot boundary. As a result of these site cuts, the ground levels of the buildings will be approximately 1 metre below the level of Railway Street and the adjoining residences to the north. The proposed setbacks of the buildings combined with their ground levels being below the levels of the adjoining residences and of Railway Street will minimise their visual impact in the area.

The existing industrial building on the adjoining lot to the south is constructed of pre-cast concrete panels and of colourbond steel cladding and is approximately 8.5 metres high. It has a setback of 18.7 metres with Railway Street. The proposed industrial buildings are therefore in keeping with this existing building in terms of materials, height and setback with Railway Street. In addition, various materials and shapes have been incorporated into the design of the buildings, especially to the front elevations so as to be in keeping with the existing built form and also to allow for more visual interest.

Will the use and development of the site have an unacceptable impact on the nearby residents?

It is not anticipated that the proposed use and development of the site will have an unacceptable impact on the nearby residents. This is because the use of the site will be limited to the storage of a mix of goods or their commercial display (warehousing) and to small scale service industries like motor repairs and maintenance. The gross floor areas of the tenancies, which range from 216 to 221 square metres, is an indication that the use will effectively be limited to small scale industrial businesses.

Given the sizes of the tenancies and the nature of the proposed uses, it is not expected that there will be significant material detriment to the existing level of amenity of the area and of the residents. The inevitable increase in traffic movements along Railway Street will be limited to small trucks (no larger than a Council waste collection vehicle). The size of the vehicles which will enter and exit the site can be ascertained by the design of the internal driveways or the internal loading and unloading bays. It is therefore reasonable to expect that amenity impacts due to traffic movements will not be of an unacceptable level.

The proposed built form results in all parts of the site being either buildings, landscaping, driveways or vehicle parking. Therefore, all uses on the site will be within the buildings, including loading and unloading, which minimises any potential off-site adverse effects for the adjoining residents.

The treatment of the interface between the proposed, northernmost building and the residences to the north has satisfactorily been provided for. Apart from the proposed 15 metre landscape buffer along the northern lot boundary, the building has been sited so it does not obstruct the existing line of sight from the adjacent residence. Also, as there will be no car parks to the north of the site or entry/exit to the northern elevation of the building, the impacts resulting from the use of the site will be minimised.

### The impact of the development on the natural environment

Native vegetation removal, bushfire risks and potentially contaminated soils are the main issues which relate to the natural environment. The biodiversity assessment and biodiversity impact report provided with the application has been reviewed by the Department of Environment, Land, Water and Planning (DELWP). DELWP did not object to the application as it was determined that the site does not contain any endangered species of plants or animals and the vegetation will be offset.

An assessment of the risks associated with bushfire has also been conducted in consultation with the Country Fire Authority. The findings were that the development of the site will not cause any unacceptable risks to nearby residents or properties. In its submission to the Amendment, the Country Fire Authority stated that the proposed bushfire mitigation measures and the proposed development works will actually work to reduce bushfire risks in the area. The Amendment does not propose to delete the Bushfire Management Overlay from the site.

In terms of potentially contaminated soil, the site is covered with an Environment Audit Overlay to ensure that it is conclusively investigated before it is put to any sensitive use like a childcare centre. A preliminary site investigation by the proponent found that contamination is unlikely because of a lack of previous use by the knitting mill. To manage any nuisance that may arise during construction or site excavation works, there is a proposed condition on the draft planning permit (Condition 18) requiring the owner or permit applicant to prepare a Construction Management Plan to the satisfaction of the City and the Environment Protection Authority for approval.

### **Conclusion**

Planning officers have consulted with the submitter who is opposing the proposed development, but have been unsuccessful in resolving the submission. It is recommended that Council resolve to request the Minister for Planning to appoint an Independent Panel to consider the unresolved submission.

### **Options**

Section 22(2) of the *Planning and Environment Act 1987* advises that Council has the option of accepting late submissions, but must do so if requested by the Minister for Planning.

Section 23(1) of the *Planning and Environment Act 1987* requires that in consideration of submissions received in relation to an Amendment, the Council must either:

- Change the Amendment in the manner requested by the submitters and adopt the Amendment with changes; or
- Refer the submission(s) to an Independent Panel appointed by the Minister; or
- Abandon the Amendment, or part of the Amendment.

**Resource Implications**

Officer time will be required to prepare the Amendment documentation for Panel and liaise with the Minister for Planning.

The proponent has agreed to pay for the statutory fees and extra costs incurred by the City for holding the panel as per the Policy for private Planning Scheme Amendments adopted by Council.

**Attachments**

- Explanatory report
- Draft planning permit
- Submissions (5)



*Planning and Environment Act 1987*

## **GREATER BENDIGO PLANNING SCHEME**

### **AMENDMENT C226**

#### **PLANNING PERMIT APPLICATION DSD/561/2017**

##### **EXPLANATORY REPORT**

###### **Who is the planning authority?**

This amendment has been prepared by the Greater Bendigo City Council who is the planning authority for this amendment.

The amendment has been made at the request of Phileo Australia Ltd.

###### **Land affected by the amendment**

The land affected by the amendment is at 1A Railway Street, Kangaroo Flat, being Lot 2 PS621086 and 239-249 High Street, Kangaroo Flat, being Lot 1 PS621086. The area is commonly known as the former "Rocklea Spinning Mills" site.

The land at 1A Railway Street is zoned General Residential Zone and is affected by the Development Plan Overlay Schedule 17 (Former Rocklea Mill Site, 239-249 High Street, Kangaroo Flat), the Bushfire Management Overlay and the Environmental Audit Overlay. The land measures approximately 1.9 hectares.

The land at 239-249 High Street is zoned Commercial 2 Zone and is affected by the Development Plan Overlay Schedule 17 (Former Rocklea Mill Site, 239-249 High Street, Kangaroo Flat) and partly by the Bushfire Management Overlay. This land measures approximately 5.4 hectares.

The land consists essentially of two distinct platforms with the ground surface dropping by approximately 8 metres from east to west. The western area - 239-249 High Street, is defined by a cut and fill platform where most of the Rocklea Spinning Mill buildings were located and which is currently developed with a bulky goods shopping centre. The eastern area - 1A Railway Street, is on the upper grounds and remains covered with vegetation.

The land is bounded by High Street (Calder Highway) on the western boundary and by Railway Street on the eastern boundary for a respective distance of approximately 242 metres. Along the northern boundary, the land is bounded mainly by dwellings for a distance of approximately 305 metres. To the south, the land is bounded by light industrial buildings. The land can be accessed either from High Street or from Railway Street.

The land is located on the northern periphery of the Kangaroo Flat South activity centre. The Charter Hall Lansell Shopping Centre is approximately 500 metres away to the south. To the north and across High Street to the west the land is predominantly developed with dwellings. Across Railway Street to the east is the Bendigo-Melbourne railway line and heavily vegetated public land.

The land at 1A Railway Street, has historically been covered with native vegetation and not developed or used.

Planning and Environment Regulation: 2015 - Form 9, Section 96J

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# **DRAFT PLANNING PERMIT**

**GRANTED UNDER SECTION 96I  
OF THE PLANNING AND  
ENVIRONMENT ACT 1987**

**Permit No.: DSD/561/2017**

**Planning scheme: GREATER BENDIGO  
PLANNING SCHEME**

**Responsible authority: GREATER  
BENDIGO CITY COUNCIL**

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**ADDRESS OF THE LAND: 1A RAILWAY STREET KANGAROO FLAT VIC3555  
LOT 2 PS621066**

**THE PERMIT ALLOWS: SUBDIVISION OF THE LAND INTO 46 INDUSTRIAL  
LOTS, CREATION OF COMMON PROPERTY, USE AND DEVELOPMENT OF  
THE LAND FOR SERVICE INDUSTRY AND WAREHOUSE PURPOSES,  
REDUCTION OF CAR PARKING REQUIREMENTS AND REMOVAL OF NATIVE  
VEGETATION**

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

**1. AMENDED PLANS**

Before the use and development start amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions shown and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application (Drawing Nos. A002-A010, dated 17/09/2018) but modified to show:

- (a) A landscape buffer of at least 15 metres wide along the northern boundary.
- (b) Additional tree planting of at least two *Eucalyptus polyanthemos* along the southern lot boundary.
- (c) Weather protection to all doors and entries to the buildings.

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**Date issued:**

**Date permit comes into  
operation:**  
(or if no date is specified, the permit  
comes into operation on the same day as  
the amendment to which the permit  
applies comes into operation)

**Signature for the responsible  
authority:**

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**Permit No.:**

**Page 1 of 11**

### **3. WELLBEING AND FAIRNESS**

#### **3.1 DRAFT COMMUNITY VOLUNTEERING STRATEGY**

##### **Document Information**

**Author** Steven Abbott, Manager Community Partnerships

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

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##### **Purpose**

To request Council approve the draft Community Volunteering Strategy for release for community feedback for a minimum period of 4 weeks.

##### **Summary**

The draft Community Volunteering Strategy has been informed by an extensive community and key stakeholder engagement process – including the Bendigo Volunteer Resource Centre (BVRC) – plus analysis of volunteering statistics and trends. Key themes emerged from the engagement and analysis processes and these are reflected in the draft Strategy goals and objectives.

The draft Strategy seeks to: strengthen relations between the City and BVRC in a strategic manner; guide ongoing collaboration across the community volunteering sector; and support the development of the future strategic direction for the BVRC.

##### **RECOMMENDATION**

That Council approve the release of the draft Community Volunteering Strategy for community feedback for a minimum period of 4 weeks.

##### **RESOLUTION**

Moved Cr Wrigglesworth, Seconded Cr Metcalf.

That the recommendation be adopted.

**CARRIED**

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## Policy Context

The draft Community Volunteering Strategy is aligned to:

- City of Greater Bendigo Community Plan 2017-2021, Goal 2: “Wellbeing and Fairness” 2017-2018 Actions: *“Commence the development of a Community Volunteering Strategy”* and *“Foster and support volunteerism”*.
- City of Greater Bendigo Health and Wellbeing Plan 2017-2021, Objectives: *“Strengthen community participation and belonging”* and *“Increase social connection and reduce loneliness”*.

### Community Plan Reference:

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

Goal #2            Wellbeing and Fairness

Objective #2.2   Promote positive wellbeing across the Greater Bendigo community

### Health and Wellbeing Plan Reference:

*City of Greater Bendigo Health and Wellbeing Plan 2017-2021*

Goal #4            Connected to culture and community

Objective #4.2   Build community resilience

## Report

The draft Strategy development process was supported by both an Internal Steering Committee and an External Project Reference Group, each of which included diverse membership. The process of developing this strategy relied on a partnership between the City and BVRC during the planning and community engagement stages. This will continue during implementation. The development process also relied on extensive community engagement and background research on volunteering.

### Key themes from the community engagement process and background research

The key themes that emerged from community consultation and background research are:

- The importance of providing flexible volunteering options to meet the changing needs and motivations of volunteers, and using technology to facilitate flexible volunteering options;
- The need for a centralised online register for volunteers and community organisations in Greater Bendigo;

- The need to promote and communicate volunteering opportunities through multiple platforms;
- The importance of public education and advocacy about volunteering;
- The importance of improved access and inclusion to volunteering opportunities for people of diverse backgrounds, ages, and abilities;
- Accessible and affordable training for volunteers, volunteers leaders, and community organisations;
- The importance of celebrating and recognising volunteering including informal volunteering;
- The need to establish the Greater Bendigo Volunteer Managers' Network;
- The need to establish a cross sector Volunteering Reference Group to improve coordination of activities between volunteering involving organisations and guide the activities of the Volunteer Managers' Network;
- The importance of the City and the BVRC working in partnership and collaborating with other volunteering organisations to better coordinate volunteering activities such as events;
- The importance of sustaining and renewing the volunteer workforce by connecting to wider community networks.

#### Draft Community Volunteering Strategy Goals & Objectives

The above themes directly relate to the draft Strategy goals and objectives of:

Goal 1: Develop a culture of volunteerism in the community

1.1: Establish a coordinated approach to public education and advocacy about volunteering.

1.2: Establish a coordinated approach to volunteering related events in the community.

1.3: Establish a coordinated approach to annual events that recognise, acknowledge and celebrate volunteers.

Goal 2: Community wide coordination of volunteering through collaboration and partnerships

2.1: Establish the Greater Bendigo Volunteer Managers' Network.

2.2: Establish a Greater Bendigo Volunteering Reference Group.

2.3: Establish a central online register for volunteers and volunteer involving organisations.

2.4: Establish a coordinated approach to volunteering communications, promotion and marketing.

Goal 3: Improved and increased volunteering experiences

3.1: Improve access to a diverse range of training for volunteers.

3.2: Improve access to diverse and flexible volunteering options for volunteers.

3.3: Improve access to support information and resources for volunteers.

3.4: Increase the promotion of and support for diversity and inclusion in volunteering.

Goal 4: Improved and increased capability of volunteer leaders, community organisations and groups

- 4.1: Improve access to a diverse range of training, professional development and networking opportunities for volunteer managers / leaders and community organisations.
- 4.2: Improve access to information and resources on governance requirements, and operational and compliance requirements for not-for-profit community organisations.
- 4.3: Renew the services, systems, and funding model of the Bendigo Volunteer Resource Centre to better support a culture of volunteerism in Greater Bendigo.

Primary responsibility for implementing this Strategy will be with the City and BVRC. This will be supported by broad cooperation and collaboration of multiple volunteering involving organisations through the creation of the Greater Bendigo Community Volunteering Reference Group (Reference Group).

The role of the City will be to provide strategic level advice and support to the BVRC in the delivery of its services; support the coordination of public volunteering events and activities; coordinate research, public information, education and advocacy; and lead the establishment and operations of the Reference Group.

The role of the BVRC will be to act as the lead volunteering agency in Greater Bendigo by delivering volunteering related services and resources to volunteers, volunteer managers, and the community sector; and provide advocacy for the sector.

#### Timelines:

Community feedback period: Thursday 21 March to Thursday 18 April (4 weeks).

#### Progress:

Not commenced.

#### Risk Analysis:

The potential risks to the successful implementation of this Strategy are low in likelihood but moderate in potential impact. These risks are inadequate resourcing of the Strategy, inadequate collaboration between the City of Greater Bendigo and Bendigo Volunteer Resource Centre, and a reputational risk to the City if it fails to implement this Strategy. However, all of these risks are manageable and not likely to occur. Required resourcing for this Strategy is minimal and can be included within existing resources. The likelihood of the City and BVRC not collaborating to implement this Strategy or during the feedback process is also low because (1) the BVRC was involved with the Strategy's development and are in agreement with its broad direction; (2) the Strategy commits the City to supporting volunteering in the community; and (3) the Strategy provides a clear framework on how the City and BVRC can collaborate. This in turn reduces the risk of not implementing the Strategy and therefore reduces the risk of damage to the City's reputation.

## **Consultation/Communication**

### Internal Consultation:

The internal consultation for this draft Strategy included an internal project steering committee with representatives from Community Partnerships, Active and Healthy Lifestyles, Community Wellbeing, the Bendigo Visitor Centre, the Capital, and the Art Gallery. This was supported with a survey to City staff and volunteers, and a workshop with City volunteer coordinators.

### External Consultation:

The extensive community and key stakeholder engagement processes that have informed the draft Strategy included: an external project reference group with representatives from across the sector, a community survey, volunteer involving organisations survey, workshops, small targeted focus groups (e.g. people with a disability, seniors and young people), written submissions and an online e-forum. Between September and November 2018 the City engaged with over 740 residents and over 70 organisations of all sizes and from a range of sectors.

The opportunity to provide input into the draft Strategy was promoted via the City's website and social media platforms, local newspaper and newsletter advertising, email networks, through BVRC networks, and by leveraging off already scheduled meetings or community gatherings (e.g. Rural Communities Committee meeting, Huntly Roundtable). Key themes from this consultation are listed earlier in this report.

Community feedback on this draft Strategy will be supported by a community engagement and communications plan targeting key stakeholders and the broader community. Community feedback will include an online comments form, written submissions and workshops with key stakeholders including the BVRC.

## **Resource Implications**

Strategy implementation would have limited budgetary implications however it would require some re-prioritisation of current Community Partnerships staff workplans. External funding for specific linked initiatives could potentially be sourced via State or Commonwealth agencies (such as the Strengthening Communities Program grants) if required.

BVRC is currently a recipient of two City Grants: Medium Grant of \$10,000 for upgrading of systems to support a contemporary volunteering service model, and a Large Grant for \$25,000 per annum for two years (total \$50,000) for moving to a contemporary volunteer service model. Special conditions of funding are:



- The City of Greater Bendigo's Manager Community Partnership sit ex-officio on the BVRC Board for a period of 12 months.
- That BVRC undertake a review of its governance, management and operating models by June 2019 and implement review recommendations.

### **Attachments**

1. Draft City of Greater Bendigo Community Volunteering Strategy 2019-2023

### **3.2 HEALTHY FOOD AND CATERING POLICY**

#### **Document Information**

**Author** Rebecca Huddy, Food Systems Officer

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

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#### **Purpose**

To seek Greater Bendigo City Council's adoption of the City's Healthy Food and Catering Policy.

#### **Summary**

Together, dietary risks and obesity contribute to the highest burden of disease in Australia; this is higher than the disease burden from smoking. The City is committed to promoting healthy lifestyles (including a focus on healthy eating) across Greater Bendigo through the Public Health and Wellbeing Plan 2017-2021.

As part of this commitment the City are already working closely with local sport and recreation environments and early learning facilities to ensure healthy choices are the easy choice in Greater Bendigo. To demonstrate leadership it is recommended that Greater Bendigo City Council adopt the Healthy Food and Catering Policy for the organisation (City of Greater Bendigo).

The City of Greater Bendigo's annual expenditure on catering is significant and as well as ensuring healthy choices are selected, this policy also seeks to reduce this spend as part of ensuring that the City is being accountable and efficient on its use of public funds. The Policy also seeks to ensure all City (food) purchases are environmentally responsible by limiting food waste, food miles and favouring catering in recyclable packaging.

The Policy is guided by the Victorian Government's "Healthy Choices: Healthy Eating Policy and Catering Guide for Workplaces" and is being implemented using a phased approach across a two year period (1 January 2019 – 31 December 2020).

**RECOMMENDATION**

That Council endorse the Healthy Food and Catering Policy

**RESOLUTION**

Moved Cr Alden, Seconded Cr Metcalf.

That the recommendation be adopted.

**CARRIED**

**Cr Wrigglesworth called for a division on the voting for the motion.**

**FOR VOTE - Cr O'Rourke (Mayor), Cr Alden, Cr Emond, Cr Metcalf, Cr Pethybridge, Cr Wrigglesworth**

**AGAINST VOTE - Cr Fyffe, Cr Williams**

**ABSENT. DID NOT VOTE - Cr Flack**

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**Policy Context**

Local Governments have been shown to be a key partner in many municipalities across Australia to support and provide leadership in healthy food advocacy through policy, projects and programs. There is increasing awareness of how local government can demonstrate leadership and support to provide environments where the healthy choice is the easy choice in key settings such as workplaces, sport and recreation and early learning centres.

Recently it has become a condition of major State Government Sport and Recreation grants that healthy choices are implemented as a condition of receiving significant funding. The City demonstrating leadership in this area is consistent with a likely state wide policy trend.

**Community Plan Reference:**

*City of Greater Bendigo Community Plan 2017-2021 ([link](#))*

Goal #1	Lead and govern for all
Objective #1.4	Be accountable and efficient in its use of community's money
Goal #2	Wellbeing and fairness
Objective #2.1	Create a much healthier Greater Bendigo
Objective #2.2	Promote positive wellbeing across the Greater Bendigo community

Goal #5 Environmental Sustainability  
 Objective #5.1 Drawing on the one planet living framework to connect the health of the natural environment to the health and prosperity of our community

Strategy Reference:

*Greater Bendigo Health and Wellbeing Plan 2017-2021* ([link](#))

Goal #1 Healthy and Well  
 Objective Promote Healthy lifestyles (healthy eating)  
 Promote positive mental wellbeing

Goal #2 Able to participate  
 Objective #3 Reduce socio-economic disadvantage by increasing access to and affordability of nutritious food

Goal #5 Liveable  
 Objective Promote environmental sustainability and resilience to a changing climate

*Greater Bendigo Environment Strategy 2016-2021* ([link](#))

5.2.1. *Explore opportunities to develop a food policy* and regional food strategy that coordinates a broad range of themes, including healthy eating and the Greater Bendigo Food Hub

*2014 Healthy Together Food Security Report*

7. Develop and implement a City of Greater Bendigo Healthy Catering and Procurement Policy

Regional Strategic Plan Reference:

*Loddon Mallee Regional Strategic Plan 2015-2018* ([link](#))

Strategic Direction #4 Protect and enhance the liveability and appeal of our region

**Background Information**

Developing a Healthy Food and Catering Policy was first identified as a key recommendation in the 2014 Healthy Together Food Security Report. The recommendation to 'explore opportunities to develop a Food Policy' was then made in the Greater Bendigo Environment Strategy 2016-2021. Aligning the Policy with the State Government Healthy Choices Guidelines enables a consistent message to be filtered through settings across the state, such as workplaces, sport and recreation centres, national parks and hospitals and health services. The City are already supporting a number of major sport and recreation facilities to make healthy choices the easy choice and by developing this Policy, demonstrates their commitment to health and wellbeing as well as demonstrating environmental and financial responsibility.

Previous Council Decision(s) Date(s):

May 2014 – Council adopted the Healthy Together Greater Bendigo Food Security Report.

August 2016 – Council adopted the 2016-2021 Greater Bendigo Environment Strategy

## Report

The City has developed a Healthy Food and Catering Policy, which seeks to contribute to a healthier workplace for staff and Councillors through the promotion of healthy food and drink purchase and consumption choices. Over a period of two years (1 January 2019 – 31 December 2020), the City will phase in the implementation of the Healthy Food and Catering Policy, which is guided by the Victorian Government's "Healthy Choices: Healthy Eating Policy and Catering Guide for Workplaces" which classifies foods and drinks as:

- Green – best choices
- Amber – choose carefully
- Red – limit according to their nutritional value.

The policy also aims to reduce the overall spend on catering, ensuring all City purchases of food and drinks are financially and environmentally responsible. This will be achieved by limiting when catering can be provided and prescribing per person spending limits.

The scope of the Policy includes:

- catering for meetings, events and functions (for internal and external attendees)
- fundraising occurring on the City's premises
- Council briefings and meetings
- prizes and giveaways
- sponsorship deals
- food and drink items sold within the premises i.e. employee kitchens, tearooms and office areas
- vending machines

This policy does not apply to:

- food and drinks purchased while travelling for work
- food and drink items that employees bring from home or buy outside the premises for their personal use or celebrations (i.e. birthdays)
- food provided by external groups or individuals utilising Council run or managed buildings or facilities
- All staff Christmas party/s
- Venues where Council has on-site catering under a commercial arrangement (i.e. Ulumbarra, The Capital, Town Hall)
- Leased premises where Healthy Choices Guidelines are not embedded in the agreement (i.e. The Boardwalk, Art Gallery Café)

A Catering Panel of local catering service contractors who meet the Healthy Choices Guidelines is being established early 2019. Preference has been given to caterers who demonstrate a commitment to social procurement and environmental responsibility such as utilising local, in season produce and recyclable packaging as well as provide culturally appropriate options.

**Priority/Importance:**

Developing and implementing a Healthy Food and Catering Policy has been a key recommendation since 2014 (key recommendation of the Healthy Together Food Security Report). The recommendation to 'explore opportunities to develop a Food Policy' was also reiterated in the Greater Bendigo Environment Strategy 2016-2021. Endorsement of the Policy is important as it will position the City as a leader in the community health and wellbeing space.

**Timelines:**

Development of the policy commenced in January 2018, including planning, internal engagement and policy development. Implementation of the policy will occur over a two year period. A panel of catering providers who meet the Healthy Choices Guidelines will also be appointed in the 2018/2019 financial year.

**Progress:**

Since the 2014 Healthy Together Food Security report was endorsed, staff have developed the policy and supporting documentation with over two months of engagement. Development of the Policy commenced in January 2018, was endorsed by EMT in October 2018 and came into effect for staff 1 January 2019. A panel of catering providers that will meet the Healthy Choices Guidelines will be appointed in the 2018/2019 financial year.

**Consultation/Communication****Internal Consultation:**

The Internal Healthy Food and Catering Policy Working Group included representatives from the following units:

- Active and Healthy Lifestyles;
- Governance
- Financial Strategy

Active and Healthy Lifestyles also used the following communication and engagement methods to develop and implement the Policy:

- face to face meetings with key staff
- all staff email and flyer asking for specific feedback on the draft Policy
- articles in the Insider to introduce staff to the Policy
- All staff email to introduce staff to the new Policy
- new resources developed to assist staff to easily adhere to the Victorian Government's Healthy Choices Guidelines (Healthy Fundraising, Gifts, Sponsorship Guide; Q&A information sheet).

Officers are currently developing a Healthy Catering Guide to ensure staff are able to easily identify healthy catering options from the City's catering panel that align with the Victorian Government's Healthy Choices Guidelines.

**External Consultation:**

Healthy Eating Advisory Service (HEAS) was consulted with throughout the planning and development of the Policy to ensure compliance with the State Government Healthy Choices Guidelines. HEAS were also consulted with while appointing the City's Catering Panel.

**Resource Implications****Any known or anticipated variance to budget:**

It is intended that outcomes of this policy being implemented will result in financial savings. These savings relate to clarification of protocols in providing catering and improved employee health which directly correlates with employee absenteeism.

**Attachment**

- 1) Healthy Food and Catering Policy



**HEALTHY FOOD & CATERING POLICY**

<b>Approval Level:</b>	<b>EMT</b>
<b>Policy Type:</b>	Organisation
<b>Approval Date:</b>	09/10/2018
<b>Review Cycle:</b>	Annual after first year, biennial thereafter
<b>Review Date:</b>	09/10/2019
<b>Responsible Officer:</b>	Food Systems Officer (Active and Healthy Lifestyles)
<b>Owner:</b>	Manager Active and Healthy Lifestyles
<b>Responsible Director:</b>	Director Health and Wellbeing
<b>Relevant Legislation/Authority:</b>	Food Act 1984
<b>DOCSETID:</b>	4048944

**1. PURPOSE**

The purpose of this policy is to promote healthy and culturally appropriate food and drink purchase and consumption choices to employees and the community as part of the Council's commitment to health, safety and wellbeing. Areas of focus include:

- Catering
- Sponsorships
- Fundraising
- Gifts
- Vending machines

The policy also aims to reduce the overall spend on catering, ensuring all City purchases of food and drinks are financially and environmentally responsible.

**2. BACKGROUND**

A key recommendation of the 2014 Healthy Together Food Security Report was to develop and implement a City of Greater Bendigo Healthy Catering and Procurement Policy (Food Security Report, 2014).

Dietary risks are estimated to account for 10.55 per cent of the total burden of disease in Australia. Only 8.6 per cent of Greater Bendigo adult residents meet recommended guidelines for vegetable intake and only 42.4 per cent meet the recommended guidelines for fruit intake (Victorian Population Health Survey, 2014).

The City is committed to promoting healthy lifestyles within the municipality and has demonstrated leadership by through the Greater Bendigo Health and Wellbeing Plan 2017-2021. A key goal of the Health and Wellbeing Plan 2017 - 2021 is to ensure 'the Greater Bendigo community is healthy and well by promoting healthy lifestyles including healthy eating, increased physical activity and decreased sedentary behaviour.

Objective 1.4 in the Council's Community Plan is to be *"accountable and efficient in its use of the community's money"*. This policy aims to meet this objective by identifying the events that are appropriate for the supply of catering, limiting the use of catering and ensuring procurement practices are carried out in accordance with the requirements of the Local Government Act and relevant City policy and procedures.

Objective 5.1 in the Council's Community Plan commits to connecting the *"health of the natural environment to the health and prosperity of our community"*. This policy aims to meet this objective by supporting employees to make choices which limit food miles, packaging and waste.

### 3. SCOPE

This policy applies to all staff at the City of Greater Bendigo. It applies to:

- catering for meetings, events and functions (for internal and external attendees)
- fundraising occurring on the City's premises
- Council briefings and meetings
- prizes and giveaways
- sponsorship deals
- food and drink items sold within the premises i.e. employee kitchens, tearooms and office areas
- Vending machines

This policy does not apply to:

- food and drinks purchased while travelling for work
- food and drink items that employees bring from home or buy outside the premises for their personal use or celebrations (i.e. birthdays)
- food provided by external groups or individuals utilising Council run or managed buildings or facilities
- All staff Christmas party/s
- Venues where Council has on-site catering under a commercial arrangement (i.e. Ulumburra, The Capital, Town Hall)
- Leased premises that don't have the Healthy Choices Guidelines embedded in the contract (i.e. The Boardwalk, Art Gallery Café)

Offering healthy and culturally appropriate food and drink options on these occasions and/or in these venues is strongly encouraged.

### 4. DEFINITIONS

Catering panel	A selection of approved caterers City employees can order catering from
Council contract	A written agreement from The City that is intended to be enforceable by law

Council lease agreement	A contract between The City and the lessee that allows the lessee the rights to use the property owned or managed by The City
Council tender	A tender put out by The City
Culturally appropriate food	Foods that are commonly found and or/allowed within particular cultures (e.g. Halal, Kosher, Indigenous).
Food Donations App	A digital application which allows registration of leftover catering to be donated to another agency for use at another meeting, event or function
Food safety	Assurance that food will not cause harm to the consumer when it is prepared and/or eaten according to its intended use
Food miles	The distance food is transported from the time of its production until it reaches the consumer
Food wastage	Leftover food from a catered Council or City meeting, event or function
Healthy Choices Guidelines	State Government Guidelines developed by the Department of Health and Human Services
The City	City of Greater Bendigo

## 5. PRINCIPLES

### 5.1 Financial responsibility

The City's catering activities shall be performed with integrity and in a manner able to withstand the closest possible scrutiny. The following fundamental best practice principles will be applied to catering:

- Value for money
- Accountability
- Risk management
- Probity and transparency when using public funds.

### 5.2 Healthy Choices

Over a period of two years (2019 – 2021) Council will phase in the implementation of the Victorian Government's Healthy Choices: Healthy Eating Policy and Catering Guide for Workplaces which classifies foods and drinks as:

- Green – best choices
- Amber – choose carefully
- Red – limit according to their nutritional value.

## 6. POLICY

### 6.1 Provision of catering

Council will not fund the purchase of catering for:

- meetings of less than three hours duration unless prior approval is given by the relevant Director or CEO
- routine daily business e.g. coffee catch ups with internal staff
- regularly scheduled staff meetings
- Meetings or events with internal staff (unless there is approval from relevant Director, as an additional FBT cost may be incurred when catering is for internal staff)

To achieve the aim of limiting the use of catering the City will only supply or fund catering (breakfast, morning tea, lunch, afternoon tea, dinner) when external participants will be in attendance and the anticipated duration of the meeting, event or function is equal to or longer than three hours (unless prior approval is given by the relevant Director or CEO).

## **6.2 Maximum expenditure**

Maximum expenditures for catering services per person (2018) will be:

- Breakfast - \$20
- Morning tea - \$10
- Lunch - \$20
- Afternoon tea - \$10
- Dinner - \$35
- Light refreshment - \$10

If catering for an all-day event the maximum expenditure for catering services per person (2019) will be \$25.00.

These limits will be reviewed annually against changes in the Consumer Price Index (CPI) annually and updated on the intranet. Employees may spend more than the prescribed amounts for special or extraordinary circumstances when approval is given by the relevant Manager or Director.

## **6.3 Fringe Benefit Tax (FBT)**

Where a purchase has been made from a restaurant, hotel, motel or any other food and beverage providing business (including supermarkets) and/or purchase of movie tickets, entertainment and gift cards it is mandatory to provide Financial Strategy with FBT information. You are required to complete an FBT Entertainment Allocation Form (available on intranet), except where the purchase is made on a Corporate Purchasing Card, the FBT details are to be completed in the Corporate Purchasing Card System.

## **6.4 Catering Panel**

A Catering Panel of local catering service contractors who will meet the Healthy Choices Guidelines will be established. Preference will be given to caterers who demonstrate a commitment to social procurement and environmental responsibility such as utilising local, in season produce and recyclable packaging as well as provide culturally appropriate options. All catering services are to be provided from the approved catering service contractors included on the Catering Panel which will be listed on the intranet.

The selected caterer is to be provided with an approved City purchase order in advance of the service being provided.

#### **6.5 Staff Health and Wellbeing**

The City will increase healthy food and drink options (classified GREEN i.e. salad sandwiches, fruit, nuts) at the City's meetings, events and functions and reduce RED food and drink options (e.g. soft drinks, fried food, slices, cakes, alcohol).

Council will also work towards providing and supporting prizes, gifts, fundraising and sponsorships that align with the Victorian Government's Healthy Choices Guidelines. By July 2020, all catering, fundraising, prizes and giveaways, sponsorship deals and food and drink items (including vending machines) will adhere with the Victorian Government's Healthy Choices: Healthy Eating Policy and Catering Guide for Workplaces.

Food preferences (gluten-free, vegetarian etc.) and culturally appropriate foods should be made available at meetings, events and functions as appropriate and as requested.

#### **6.6 Alcohol**

Meeting, event and function organisers will ensure that fresh drinking water is always available free of charge. According to the Healthy Choices Guidelines, all alcohol is considered a RED drink item and will not be able to be purchased for catering, prizes, giveaways or sponsorship purposes.

#### **6.7 Waste**

Every effort is to be made when placing a purchase order to avoid wastage (both food and packaging) and to limit food miles. Staff are to consider the way catering is packaged before making a purchase order. The use of non-recyclable products such as cling wrap and polystyrene trays are discouraged; with products such as aluminium foil, cardboard, rigid plastic or aluminium trays that are recyclable encouraged. Leftover catering should be refrigerated (if required) as soon as possible and added to the Food Donations App, if fit for human consumption. Any remaining food should be disposed of using the organics recycling program.

#### **6.8 Food Safety**

All premises selected for the City's catering panel will be registered with a current and appropriate Food Act Certificate.

#### **6.9 Leases, Licenses and Service Contracts**

Where relevant, Council will work with relevant community groups and contractors to incorporate the usage of the Victorian Government's Healthy Choices Guidelines at all facilities owned or managed by the City.

## 7. ROLES AND RESPONSIBILITIES

The Active and Healthy Lifestyles Unit will be responsible for working with staff to ensure alignment with this policy. The Coordinator Strategy and Policy (Active and Healthy Lifestyles Unit) will be responsible for leading its implementation, collecting feedback and undertaking a review. Additionally, all staff have a responsibility to adhere to this policy, Directors have a responsibility to ensure all food and catering purchases in their Directorate comply with this Policy and Governance is responsible for ensuring the City's purchases align with organisational policy and report breaches of the organisational Code of Conduct. The consequence of not complying with this policy may lead to a potential breach of the City's Code of Conduct.

## 8. RELATED DOCUMENTS

- Healthy Choices: Healthy Eating Policy and Catering Guide for workplaces (DHHS) (Appendix A)
- Healthy Choices: Catering Guide for Staff (Appendix B)
- Healthy Choices: Fundraising, Gifts and Sponsorship Guide (Appendix C)

## 9. HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights of Responsibilities Charter.

## 10. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a Council unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

For further information regarding this policy, contact the Active & Healthy Lifestyles Unit.

## 11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
09/10/2018	Food Systems Officer	Active and Healthy Lifestyles	Develop	1.0	09/10/2019

**4. STRENGTHENING THE ECONOMY**

Nil.

**5. ENVIRONMENTAL SUSTAINABILITY**

Nil.



## **6. EMBRACING OUR CULTURE AND HERITAGE**

### **6.1 DRAFT GREATER BENDIGO HERITAGE COLLECTION POLICY**

#### **Document Information**

**Author**            **Dannielle Orr, Heritage Planner**

**Responsible Director**    **Bernie O'Sullivan, Strategy and Growth**

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#### **Purpose**

This report seeks Council's endorsement to adopt the draft Greater Bendigo Heritage Collection Policy. The draft Collection Policy has been developed to provide guidance for the City to more effectively manage and care for our historical objects and artefacts for current and future generations.

#### **Summary**

The draft Greater Bendigo Heritage Collection Policy (the 'Collection Policy') has been developed following Council's resolution at its 19 September 2018 Ordinary Meeting.

The draft Collection Policy will establish a balanced, transparent and consistent approach to the development and management of a Greater Bendigo Heritage Collection (the 'Heritage Collection'). The draft Collection Policy clearly outlines what will or will not be collected, by providing principles to determine the assessment of items, conditions for collecting items and the standards to be set for carrying out typical practices related to the Heritage Collection.

The draft Collection Policy outlines how the Heritage Collection will be developed and managed now and into the future, what the City's collection role is within our municipality, and how we will care for this collection.

**RECOMMENDATION**

That Council resolve to:

1. Adopt the Greater Bendigo Heritage Collection Policy.
2. Apply the Greater Bendigo Heritage Collection Policy to the City's owned / managed items and to all Council owned / managed sites.
3. Provide local collecting organisations with access to the city's collection policy template to be used for their own collections.
4. Continue to advocate and support local collecting agencies with governance and collection policy development.

**RESOLUTION**

Moved Cr Metcalf, Seconded Cr Emond.

That the recommendation be adopted.

**CARRIED**

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**Policy Context****Community Plan Reference:**

|             |                                      |
|-------------|--------------------------------------|
| Goal 6      | Embracing our culture and heritage   |
| Objective 1 | <i>Celebrate our unique heritage</i> |
| Goal 1      | Lead and govern for all              |
| Objective 1 | <i>Engage with all communities</i>   |

**Background Information**

The Strategic Artefacts Report (SAR) was considered by Council at the 19 September 2018 Ordinary Meeting. The following six recommendations were adopted, including recommendations one and two that are actioned by this report:

1. Develop a City of Greater Bendigo collection policy to be applied on completion of the historic and heritage objects and artefacts audit.
2. Establish a governance framework that requires all groups seeking support for storage to have a collection policy and ensure it has been applied appropriately.
3. Undertake a feasibility study for the development and management of an object storage and preservation facility.

Update: Recommendation 3 will be presented in a separate Council report.

4. Acknowledge the role the Post Office Gallery provides, with the support of the Bendigo Heritage Representative Group, in the display of collections items from local heritage groups.

Update: during discussion at the 19 September 2018 Ordinary Meeting, Councillors acknowledged the invaluable role the Post Office Gallery provides in educating visitors and residents about Greater Bendigo's rich history and heritage. This important role could not be undertaken without the significant support provided by the Bendigo Heritage Representative Group and its members.

5. Actively monitor the progress of recommendations 1–3 of the Strategic Artefacts Report (SAR) to enable an informed discussion with the community on the feasibility of a new museum for Bendigo.

Update: Submitters have been notified of the progress of this project and have been informed when this report was available to the public.

6. Write to all participant groups of the SAR, thanking them for their involvement and updating them on the outcomes of this Report.

Update: A letter of thanks and a brief update was sent to the five core groups involved with the SAR, following the 19 September 2018 meeting.

The City of Greater Bendigo (the 'City') has been accruing items since 1855 when Sandhurst was first declared a municipal district.

The City commenced an audit of its historic and heritage objects and artefacts in 2017/18 and this work is due to be completed by the end of the 2018/19 financial year. This current audit is in addition to two other audits undertaken on Council owned / managed sites: the Bendigo Gasworks in 2013 and the Eaglehawk Town Hall in 2016. These audits reveal that the City has a diverse range of items, dispersed across several locations.

The recent audit work has gone a long way towards accounting for the majority of items held by the City. In total, to date nearly 3,500 objects are recorded across nine Council owned / managed sites with the total count of items now nearing a level equivalent to that held in the Bendigo Art Gallery's collection (around 5,000 items). It should be noted that these audits have focused on the major Council owned / managed sites and have not yet included any of the community buildings owned / managed by the City.

Previous Council Decision(s) Date(s):

19 September 2018 – Council adopted six recommendations following community consultation on the Strategic Artefacts Report recommendations.

21 February 2018 – Council resolved to release the Strategic Artefacts Report for community consultation for a month.

## Report

The adoption of this Collection Policy will establish a balanced, transparent and consistent approach for the Heritage Collection and it clearly states what will or will not be collected, by providing:

- Principles to determine assessment of items;
- Conditions for collecting items; and
- Standards for carrying out typical collection practices.

The key principles in the Policy include:

- Historical themes - built and natural environment; community life;
- Historic period - from the 1830s to the present;
- Geographic area - within the current municipal boundaries;
- Types of items - objects and artefacts.

Once adopted, the Collection Policy can be applied to the Heritage Collection. This process will allow for items to be assessed against the principles and conditions that are significant and relevant for Greater Bendigo. Items that match the scope of the Collection Policy will be accessioned into the Heritage Collection, whilst those outside the scope will be deaccessioned to more suitable collecting institutions. Once this process is completed, it will enable a more efficient management of the Heritage Collection.

### Governance framework

A collection policy is a key strategic document for any collecting organisation, as it provides a framework for informed decision-making about the collection and guides and supports the development and management of a collection. This is the first Collection Policy for the City and it has been structured on the industry template developed by Museums Australia Victoria for their Museum Accreditation Program. The draft Collection Policy also complies with other industry standards like the National Standards for Australian Museums and Galleries (Version 1.5 2016). The draft Collection Policy has been reviewed by the curators at the Bendigo Art Gallery for their professional advice and expert guidance. The draft Collection Policy was also benchmarked against other local government collection policies from the municipalities of Ballarat, Melbourne and Sydney.

The first step towards accountability and good governance is to apply the adopted Collection Policy to the City's owned / managed items in the Heritage Collection, identified in the current audit process. There are also a small number of City owned items that are currently managed by separate legal agreement, such as the Spirit of Bendigo Locomotive, the Chinese Imperial Dragons and four guns (two WWI cannons and two HMDS Nelson barrels). While these items are under current agreements, there is no need to include them in the process of applying the adopted Collection Policy. However if, or when, management of these items reverts to the City, then the adopted Collection Policy would be applied at that time.

There are two beneficial outcomes to fully applying the adopted Collection Policy to all Council owned / managed sites. Firstly, it would ensure that Council owned / managed items in community buildings, such as honour boards, trophies etc, are accessioned, managed and cared for in an ongoing manner on behalf of the residents. Secondly, it would ensure that other collecting organisations in Greater Bendigo that are storing items in Council owned / managed sites are guided by strategic policy documents such as collection policies. This would guarantee that storage is both relevant to the Greater Bendigo municipality and justified to a collection standard. If a decision is made to proceed with an object storage and preservation facility, the City's Heritage Collection and other Greater Bendigo collecting organisations would then be in the best possible position to transition into the facility.

One of the findings of the SAR was that there are currently a small number of collecting organisations in Greater Bendigo that do not have their own collection policy. Any group or individual will be able to access the adopted Collection Policy from the City's website and it could then be used for their own collection.

To assist with skills development, the City will continue to promote the professional workshops held by Museums Australia (Victoria) on a range of collection related matters. These professional workshops are being more regularly scheduled in Bendigo. The 2018 workshop on 'Managing Collections: The Ins and Outs of Loans and Deaccessioning' was well attended by gallery, library, archives and museum people from across the region and a 2019 workshop on caring for paper collections is already planned. A workshop on collection policy development has been discussed with Museums Australia for the future. The City currently provides support and assistance for these professional workshops by communicating the program through its networks, which gives Greater Bendigo's collecting groups the opportunity to attend this excellent training.

The application of the adopted Collection Policy would need to be managed by an appropriately qualified museum expert. This ensures that the adopted Collection Policy is applied consistently, the process remains transparent and accountable and that the Heritage Collection itself has a high standard of integrity. Once the draft Collection Policy is adopted and the full extent of the City's owned / managed items is known, a budget bid will need to be developed for staffing and resourcing this work. The scope of the budget bid will be considered in the context of the storage options for the current collection, such as a single staff position to apply the adopted Collection Policy, or as dedicated staff positions for managing the application of the adopted Collection Policy and the purpose built object storage and preservation facility. Note that consideration of the object storage and preservation facility is to be considered in a separate Council report.

The application of the adopted Collection Policy would most likely take five years.

#### Priority/Importance:

The current audit work undertaken by the City has tracked nearly 3,500 items across nine Council owned / managed sites, reaching a level equivalent to that of the Bendigo Art Gallery's collection (around 5,000 objects). Adopting and applying the Collection Policy will allow for some items to be deaccessioned, but it is likely that the Heritage Collection will remain a sizeable one. Resourcing the application of the Collection Policy is a matter of high priority.

In the future, the Heritage Collection of City owned / managed items will also need appropriate storage, preferably at a single site managed to a museum standard, so the object storage and preservation facility is also a matter of high priority for the City.

#### Options/Alternatives:

The options for Council are to:

1. Adopt and apply the Greater Bendigo Heritage Collection Policy that is recommended in this report. This will commence a balanced, transparent and consistent process of managing the City's historic and heritage objects and artefacts. This is the preferred option.
2. Amend the recommendations of this report and adopt them. This may result in delays and is not the recommended option.
3. Take no further action on this matter.

#### Risk Analysis:

There is always a collection risk, that in applying a Collection Policy, items will be deaccessioned that are significant or valuable. Adopting clear and transparent principles and conditions to guide decisions with this Collection Policy, as well as employing an appropriately qualified museum professional to manage the process mitigates these risks.

There is physical risk of damage and / or loss with the current storage arrangements for the City's owned / managed items dispersed across nine locations. In the long term, this risk could be mitigated by having the majority of items stored in a controlled environment at a single site. In the interim, much damage and loss can be lessened by employing an appropriately qualified museum professional to document items, manage manual handling and establish some basic improvements in the current storage conditions where items are located.

### **Consultation/Communication**

#### Internal Consultation:

The information contained in this report was prepared through internal consultation with the Bendigo Art Gallery, Business Services and Governance.

#### External Consultation:

The Greater Bendigo Heritage Advisory Committee considered the matter at the 21 February 2019 meeting.

The Bendigo Heritage Representative Group was informed at the December 2018 meeting that the City was in the process of developing the feasibility study and a Collection Policy. Groups were invited to share their collection policies as a comparison and advice to the City, though no group took up the offer.

## Resource Implications

There will be medium resource implications from Recommendation Two to apply the Collection Policy, as this process is best undertaken by an employing an appropriately qualified museum professional. A budget request will need to be put forward for resourcing this recommendation.

Once the Collection Policy has been applied to items at the nine audited Council owned / managed sites, there will be an ongoing resource implication from Recommendation Two, to apply it to all other Council owned / managed sites. However, it is recommended that this project is undertaken as a staged project over several years, to manage the costs and resourcing.

The current budget of \$15,000 (2018/19) will only provide for the completion of the audit of the City's historic and heritage objects and artefacts.

### Budget Allocation in the Current Financial Year:

2018/19: \$15,000 for an internal audit of the City's historic and heritage objects and artefacts (second year of a two year project).

### Previous Council Support:

2017/18: \$15,000 for an internal audit of the City's heritage assets (first year of a two year project).

2016/17: \$15,000 for the 'strategic report to consider the long term sustainability of Bendigo's historical artefacts and conservation of the BHS collection'.

### Any ongoing recurrent expenditure required:

A budget request will need to be put forward for resourcing Recommendation Two, to apply the Collection Policy.

## Attachments

1. Draft Greater Bendigo Heritage Collections Policy

**GREATER BENDIGO HERITAGE COLLECTION POLICY**

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Approval Level:                 | Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Policy Type:                    | Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Approval Date:                  | 20/03/2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Review cycle:                   | <u>Four years</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Review Date:                    | 20/03/2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Responsible Officer:            | Director Strategy and Growth                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Owner:                          | Director Strategy and Growth                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Responsible Director:           | Strategy and Growth                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Relevant Legislation/Authority: | <p>Federal, state and local legislation and standards control or impact various aspects of collections, artefacts, and their assessment and management:</p> <ul style="list-style-type: none"> <li>• <i>Aboriginal Heritage Act 2006, Amendment 2016 and Regulations 2018;</i></li> <li>• <i>Burra Charter 2013 and Practice Notes;</i></li> <li>• <i>Cultural Gifts Program, Department of Communication and the Arts;</i></li> <li>• <i>Firearms Act 1996 and Control of Weapons Act 1990;</i></li> <li>• <i>Greater Bendigo Thematic Environmental History 2013;</i></li> <li>• <i>Heritage Act 2017 and Regulations 2017, and Heritage (Underwater Cultural Heritage) Regulations 2017;</i></li> <li>• <i>Local Government Act 1989;</i></li> <li>• <i>Museums Australia (Victoria) 2014 Collection Policy Template – Museum Accreditation Program;</i></li> <li>• <i>National Standards for Australian Museums and Galleries, Version 1.5, September 2016;</i></li> <li>• <i>Planning and Environment Act 1987 for the Greater Bendigo Planning Scheme;</i></li> <li>• <i>Protection of Movable Cultural Heritage Act 1986 and Regulations 2018; and</i></li> <li>• <i>Significance 2.0: A Guide to Assessing the Significance of Collections 2009.</i></li> </ul> |



|           |                            |
|-----------|----------------------------|
| DOCSETID: | To be entered once adopted |
|-----------|----------------------------|

## 1. PURPOSE

The purpose of this policy is to:

- 1.1 establish a transparent approach for the development and management of the City's Heritage Collection;
- 1.2 provide guidance to support decision making to ensure consistency for City staff and stakeholders;
- 1.3 support the communities' history, culture and collections; and
- 1.4 meet the national standards for collection management.

## 2. BACKGROUND

- 2.1 The City has been collecting historical artefacts since 1855 when Sandhurst was first declared a municipal district. When the former City of Bendigo was amalgamated with five neighbouring shires in 1994 to become the City of Greater Bendigo, the items held by these other historic organisations all became part of the City's collection. A stock take was carried out at the time of amalgamation of items with 'historic and other value' located in each of these council offices: Bendigo, Eaglehawk, Huntly, Marong and Strathfieldsaye, but did not include the McIvor council offices in Heathcote.
- 2.2 The Heritage Collection allows items of aesthetic, historic, scientific, social or cultural significance to be interpreted and preserved for the community.
- 2.3 The City currently manages a range of Heritage Collections including. For where the Councillor withdraws fr:
  - 2.3.1 **Antique furniture** including historic civic and government furniture, mayoral regalia, ornaments of local government office, and a range of miscellaneous items;
  - 2.3.2 **Art Busters** including eight artworks of those people who have influenced the course of Greater Bendigo history, commissioned for Federation celebrations in 2001;
  - 2.3.3 **'Gas Works' and 'Gas and Fuel Objects' Collections** which includes two collections related to the operation of this former State Electricity Commission site;

- 2.3.4 **Gifts** made to the Mayor and Councillors of Greater Bendigo Council, or to the City of Greater Bendigo;
- 2.3.5 **Graeme Robertson Cast Iron Collection** which includes a cast iron conservatory gifted to the City of Greater Bendigo by the National Trust of Australia (Victoria) in 2001;
- 2.3.6 **Making a Nation Collection** including items collected for this exhibition to commemorate the centenary of Federation in 2001; and
- 2.3.7 **Mayor and Lady Mayoress Portraits** including two portrait collections from the former City of Bendigo and Borough of Eaglehawk.

### 3. SCOPE

3.

**3.1** This policy applies to:

- 3.1.1 all historical Items owned by the City or where the City had been legally designated as the manager or as the collecting institution;
- 3.1.2 all items housed or stored in council owned or managed buildings;
- 3.1.3 items that are stored or housed with financial assistance provided by the City; and
- 3.1.4 staff involved in managing the Heritage Collection.

**3.2** The policy does not apply to:

- 3.2.1 Aboriginal cultural material;
- 3.2.2 public records;
- 3.2.3 private collections;
- 3.2.4 collections of the Bendigo Art Gallery;
- 3.2.5 collections of the Bendigo Heritage Attractions; and
- 3.2.6 organisations that are not owned or managed by the City.

### 4. DEFINITIONS

**Accession** means the formal acceptance of an item or collection of items into a collection, which allows these items to be assessed against this policy.

**City** means the Greater Bendigo City Council.

**Collection** means the body of acquired objects held in title by an organisation.

**Collecting institution** means the organisation that has legal and curatorial responsibility for the collection's management.

**Deaccession** means the implementation of a Collection Policy to an item in a collection or a group of items within a collection, which allows those items that do not match the criteria of the Collection Policy to be ethically and legally disposed of according to a process.

**Heritage Collection** means Greater Bendigo Heritage Collection.

**Item** means an object or artefact that is not a paper based record or document. Items can include original artworks and framed items, clothing and domestic textiles, personal accessories, furniture, domestic objects, tools and trade/agricultural equipment, vehicles, weapons, militaria and numismatics, and other non-paper-based three dimensional objects.

Note: 'items' does not include the asset classes of 'Major plant, fleet and equipment', 'Minor plant, fleet and equipment', and 'IT and office furniture and equipment', as defined by the City of Greater Bendigo Assets and Surplus Land Disposal Policy and Procedure (adopted November 2017).

**Significance** means the historic, aesthetic, scientific and social values that an item or collection has for past, present and future generations.

**Transfer** means the legal handover of the ownership of one organisation's collections to another, usually as a result of an organisation's ceasing to operate.

**Wind up** means the permanent closure of a collecting institution. An institution can ensure that the future of their collection is secured according to recognised ethics and codes of practices, by including a statement or 'wind-up clause' in their constitution or other legal frameworks that declares this intent and / or process.

## 5. PRINCIPLES

The Heritage Collection will be comprised of items that meet all of the following Principles:

### **Greater Bendigo's historical themes**

That it evidences or interprets one or more of the themes of Greater Bendigo's development as outlined in the *Greater Bendigo Thematic Environmental History* 2013.

### **Historic period**

That it represents the period from European contact, in the 1830s, to the present.

### **Geographic area**

That it represents the area bounded by the City of Greater Bendigo local government.

### **Types of items**

That it is an object or artefact.

## 6. POLICY

The Heritage Collection will be managed according to the following standards:

### 6.1 Acquisition

Items can be acquired by accessioning, bequest, purchase or transfer. Items can also be acquired through donation, but only unconditional donations will be considered.

Items will only be received by the Collections Manager. The item will then be assessed against this policy by the Collections Manager. If the item is to be accessioned, this final decision will be appropriately documented.

For an item to be approved for acquisition into the Heritage Collection, *all* of the following conditions must be met. These conditions are that the item *is*:

- **Relevant** to the Scope and Principles for the Heritage Collection;
- **Significant** to Greater Bendigo as a municipality;
- **Able to be interpreted or tell a story** of Greater Bendigo's history;
- **Unique / Representative** of Greater Bendigo's cultures, people or history;
- **Known and Documented** and that the provenance of the item can be provided;
- **Intact** and is in good condition, reasonably intact and has a fair integrity. Items that are badly damaged, infected by pests or mould, missing key parts or that are of a low quality will not be accepted;
- **Original** and does not duplicate an existing item in the Heritage Collection. If the offered item is in better condition, then acquisition can be considered to replace and deaccession the inferior item;
- **Safe** and that storage of the item does not pose a risk to the health of any person working with the Heritage Collection; and
- **Legal and compliant** with relevant federal, state and local legislation and regulations such as bylaws, policies and procedures, and other industry standards.

### 6.2 Deaccessioning

Items will only be removed by deaccessioning and disposal (section 6.3) under certain conditions.

Items to be removed may be suggested by any person or through a regular collection review process by the Collections Manager. Once proposed, the item will be assessed by the Collections Manager against this policy. If the item is to be deaccessioned, this final decision will be appropriately documented.

All requests for the return of an item from the Heritage Collection to its original owner / donor should be made in writing with a reason given for the return.

For an item to be approved for deaccessioning and disposal out of the Heritage Collection, it must be satisfactorily justified on *one* of the following conditions. These conditions are that the item is *not*:

- Relevant to the Scope and Principles for the Heritage Collection;
- Significant or has minimal significance to Greater Bendigo as a municipality;

- Able to be interpreted or tell a story for Greater Bendigo's history or it is unclear or ambiguous what the item is;
- Unique / Representative to Greater Bendigo's cultures, people or history, or that it is too commonplace to represent any particular aspect of Greater Bendigo. This can also be that the item is a general or widespread example of its kind;
- Known and Documented or that there is not enough information to enable further research;
- Intact or it is badly damaged, damaged beyond repair, or the costs involved with repairing the item are not reasonable or justified, or that it is infected by pests or mould, or missing key parts;
- Original and it is an inferior item already existing in the Heritage Collection, which can be replaced by the acquisition of a superior item;
- Safe and that storage of the item poses a risk to the health of any person working with the Heritage Collection, or the costs involved with making the item safe are not reasonable or justified; and
- Legal and compliant or that the legal ownership of the item is unclear or in doubt, that it has been criminally acquired or that collecting the item is not compliant with relevant federal, state and local legislation and regulations such as bylaws, policies and procedures, and other industry standards.

### **6.3 Disposal**

Items will only be removed by deaccessioning (section 6.2) and disposal under certain conditions.

All City officers, volunteers and their families are prohibited from purchasing or otherwise obtaining a deaccessioned item.

All proceeds generated by the disposal of a deaccessioned item are to be used for the future acquisition of items for the Heritage Collection.

Once items have been deaccessioned from the Heritage Collection, the process for disposing of the item is as follows.

#### **6.3.1 Cooling off**

Retain the deaccessioned item for a 'cooling off' period of at least three months.

#### **6.3.2 Return to donor**

Once the cooling off period has passed, the first offer for an item's disposal is to be made to the original donor or successor.

Note: Gifts made under the Cultural Gifts Program may be deaccessioned but are not permitted to be returned to the original owner / donor, as the donor has already received a tax deduction benefit for the gift. Returning items in this category should proceed straight to the next step, to offer the item to another collecting institution.

#### **6.3.3 Transfer to another collecting institution**

If the original donor cannot be found or has refused the item, then the next offer for the item is to be made to another collecting institution.

Preference should be given to an institution that already collects similar items or along similar themes.

#### **6.3.4 Publically sold**

If no other collecting institution is interested in the item, then the item can be publically sold. Methods for public sale include Expressions of Interest, open tender and public auction.

#### **6.3.5 Education or other use**

If the item cannot be returned, transferred or sold, then the item may be used as an education, display or interpretive item.

#### **6.3.6 Destruction**

If all other disposal methods have been exhausted, then the item can be destroyed. This method of disposal is only to be used in extreme circumstances.

### **6.4 Outward and Inward Loans**

The Heritage Collection does not currently have the capacity to manage outward or inwards loans.

Long-term outwards or inwards loans should generally not be accepted. There is a small number of pre-existing long-term / permanent outwards loans for items that are owned by the City. If management of these were to revert to the City in the future, they would then be subject to this policy.

### **6.5 Access**

The Heritage Collection is currently only accessible to City officers or by special arrangement for individual sites.

### **6.6 Disaster Planning**

The Heritage Collection does not currently have a disaster plan.

### **6.7 Documentation**

The Heritage Collection must be documented and records actively maintained. The specific documentation for items should include, where known:

- Details of the owner / donor;
- Details and condition of the item;
- A record of the receipt of the item;
- The outcome regarding the item's assessment against this policy; and
- Action taken regarding the item.

If the item is accepted, then it should be registered, numbered and catalogued to accession it into the Heritage Collection. If an item is donated, then donation forms should be completed for the item and then registered, numbered and catalogued. All further information and dealings relating to that item should then be documented on its catalogue record.

If the item is rejected, then it should be deaccessioned and disposed of according to this policy.

### **6.8 Storage**

The Heritage Collection is currently spread across several council owned / managed sites. The following practices should be introduced at the current storage sites, as far as practicable, to manage the storage and care of the Heritage Collection:

- Keep storage areas clean, secure and sealed against the weather;
- Keep items off the floor;
- Keep temperature and relative humidity as stable as possible;
- When lights are not in use, turn them off;
- Check storage areas regularly for pests and other problems;
- Store items using archival quality materials;
- Control access to the storage areas; and
- Ensure only trained staff handle items.

### **6.9 Conservation**

A regular program for assessing and conserving items should be established and maintained.

There will be two types of preventative conservation used for items in the Heritage Collection:

- In situ / exhibition environments – preventative conservation to care for items on public display, or in use. This is appropriate for items that are to be kept in a public location associated with their function, for example the Mayor and Lady Mayoress Portraits, or where the item is in regular use, such as the Mayoral Chains; and
- Controlled storage environment – preventative conservation for items in permanent storage where temperature, light and humidity conditions can be tightly controlled. This is appropriate for fragile that require a stable environment, or items that will remain in permanent storage because they are so significant that potential damage needs to be minimised.

## **7. ROLES AND RESPONSIBILITIES**

This policy will be actioned by an appropriately qualified museum expert, to ensure that all decisions are informed by the relevant industry-related expertise and knowledge.

## **8. RELATED DOCUMENTS**

This policy is also to be considered in conjunction with the:

- Asset Capitalisation Policy and Procedures (adopted December 2017);
- Asset Management Policy (adopted September 2017);
- Asset Valuation and Revaluation Procedures (adopted December 2017);
- Assets and Surplus Land Disposal Policy and Procedure (adopted November 2017);
- Community Access and Inclusion Plan 2015-2018 (adopted June 2015);

- Community Engagement Policy (adopted February 2016);
- Councillor Gift Policy (adopted October 2015);
- Cultural Diversity and Inclusion Plan 2016-2019 (adopted August 2016);
- Permanent Public Art Policy and Procedure (adopted October 2008) and Temporary Public Art Policy and Procedure (adopted April 2009);
- Place Interpretation and Naming Policy (adopted September 2018);
- Procurement Policy (adopted June 2018);
- Reconciliation Plan 2016-2019 (adopted June 2016);
- Risk Management Framework (adopted November 2012): and the
- Staff Gift Policy, Register Approval and Gift Test (updated October 2011).

Further information or advice on the Policy should be directed to the Director, Strategy and Growth.

## 9. HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

## 10. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively, such as a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through a resolution of Council.

### DOCUMENT HISTORY

| <b>Date Approved</b> | <b>Responsible Officer</b> | <b>Unit</b>          | <b>Change Type</b>                                                       | <b>Version</b>                                                       | <b>Next Review Date</b> |
|----------------------|----------------------------|----------------------|--------------------------------------------------------------------------|----------------------------------------------------------------------|-------------------------|
| <i>Month, year</i>   | <i>Insert initials</i>     | <i>Business Unit</i> | <i>Eg. Develop, Review (significant) Review (administrative), Update</i> | <i>Increase version number each time document is updated/changed</i> | <i>Month, year</i>      |



## **6.2 FEASIBILITY ANALYSIS FOR STORAGE OF GREATER BENDIGO'S HISTORICAL ARTEFACTS**

### **Document Information**

**Author** Dannielle Orr, Heritage Planner – Regional Sustainable Development

**Responsible Director** Bernie O'Sullivan, Director Strategy and Growth

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### **Purpose**

This report is to advise of the findings of the feasibility of an object storage and preservation facility to manage and care for Greater Bendigo's historical objects and artefacts, for current and future generations.

### **Summary**

The Strategic Artefacts Report (SAR) was considered by Council at its 19 September 2018 Ordinary Meeting. A key finding of the SAR was that there is a critical need for a single site built to national standards to store Greater Bendigo's historical objects and artefacts.

This report is the response to Recommendation 3, to undertake a feasibility study for the development of an object storage and preservation facility. This report only considers the feasibility of an extension to the Bendigo Regional Archive Centre at 84 Nolan Street, North Bendigo, and provides the preliminary costs for construction, fitout and staffing for this facility.

## **RECOMMENDATION**

That Council resolve to:

1. Acknowledge that a purpose built object storage and preservation facility is one of several solutions to Greater Bendigo's collection issues.
2. Investigate the potential for project partners and funding assistance from State bodies, such as Creative Victoria and Museums Victoria, to determine the full extent of the cost burden on the City in a business case for an object storage and preservation facility at 84 Nolan Street, North Bendigo.
3. Concurrently, prepare detailed design plans for an object storage and preservation facility at 84 Nolan Street, North Bendigo, to understand the full costings and building capacity for discussions and funding applications with potential partners.

## **RESOLUTION**

Moved Cr Emond, Seconded Cr Alden.

That the recommendation be adopted.

**CARRIED**

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## **Policy Context**

### **Community Plan Reference:**

Goal 1	Lead and govern for all
Objective 1	<i>Engage with all communities</i>
Goal 6	Embracing our culture and heritage
Objective 1	<i>Celebrate our unique heritage</i>

## **Background Information**

The Strategic Artefacts Report (SAR) was considered by Council at the 19 September 2018 Ordinary Meeting. The SAR documents that there is a critical need for an object storage and preservation facility for community collections.

Concurrently to the SAR, the City has also been carrying out an audit of heritage and historic objects and artefacts at the main Council owned / managed properties. The audit commenced in 2017/18 and is due to be completed by the end of 2018/19. This audit has identified that there are nearly 3,500 items dispersed across nine major Council owned / managed sites that require appropriate storage.

This report responds to the following Recommendation from the 19 September 2018 Ordinary Meeting regarding Greater Bendigo's historical artefacts, to:

3. *Undertake a feasibility study for the development and management of an object storage and preservation facility.*

#### Previous Council Decision Dates:

19 September 2018 – Council adopted six recommendations following community consultation on the Strategic Artefacts Report recommendations.

21 February 2018 – Council resolved to release the SAR for community consultation for a month.

#### **Report**

At this preliminary stage, the assumption has been made to investigate the construction of an extension to the Bendigo Archives Regional Centre (BRAC) at 84 Nolan Street, North Bendigo. No other site or option has been explored at this point in time.

#### Cost Details - Quantity Surveying Estimate

MP Cordia and Associates was commissioned to provide a Cost Plan A for an extension to BRAC at 84 Nolan Street, North Bendigo.

Cost Plan A includes completed construction costs incorporating a 'Passive House' construction to enable a sustainable and low-energy outcome for the object storage and preservation facility. Typically, storage spaces built to national museum standards are massive users of unrenewable resources for temperature and humidity control, which results in high operational costs.

The Total Estimate Cost for the facility and fitout for the project is \$2,850,802 (GST inclusive and as at 12 December 2018).

The Cost Plan A is Attachment 1 to this Report.

#### Staffing

The SAR recommended that two City of Greater Bendigo positions are required to manage an object storage and preservation facility. These are a Collections Manager / Registrar (Band 8A) to manage and care for the Heritage Collection and a Public Engagement Officer (Band 6A) to focus on public engagement, volunteer co-ordination, training and online content. Both positions would require museum-related qualifications, experience and knowledge.

Staffing salaries with on-costs (at current pay rates) are:

- Collections Manager / Registrar (Band 8A) = \$122,184; and
- Public Engagement Officer (Band 6A) = \$93,557.

These staffing arrangements are recommended for an object storage and preservation facility if a decision is made to proceed with a dedicated repository. However, as the current audit work has shown, the number of items that could form the City's part of a Heritage Collection is substantial at nearly 3,500 items, with the audit not yet completed. A Draft Greater Bendigo Heritage Collection Policy (Collection Policy) has been developed and this is presented in a separate Council report. If it is adopted, it is recommended that an appropriately qualified museum expert be responsible for applying it to the City's owned / managed items. One position could be considered to apply the adopted Collection Policy, with the second position brought on if a purpose built object storage and preservation facility is constructed in the future.

#### Total Estimated Cost

Type	Cost
Cost Plan A (GST incl) – for a Passive House extension (incl statutory fees)	\$2,850,802
Staffing (no GST req) – for 2 staff salaries and on-costs per annum	\$215,741
<b>TOTAL ESTIMATE COST</b>	<b>\$3,066,546</b>

#### Statutory Planning Considerations

The project will not alter the existing access or egress to the BRAC facility at 84 Nolan Street. A planning permit will be required for an 'expansion to existing offices and store including parking waiver' with public notification. Statutory costs are included in the Cost Plan A that is Attachment 1 to this Report.

#### Other Considerations – Current Costs

The City provides financial assistance for many of the five core community groups that were part of the SAR. For the 2017/2018 financial year, these maintenance costs totalled \$343,199 for the following Council owned / managed sites:

1. BRAC, 84 Nolan Street, North Bendigo;
2. Specimen Cottage, Bendigo;
3. Camp Hill Precinct, Heathcote;
4. Former Eaglehawk Courthouse and log lock-up (incl Star Cinema); and
5. Former Huntly Historic Shire offices and Courthouse.
6. (Elmore Museum is operated from Public Transport of Victoria buildings)

It should be noted that whilst all of the core community groups do have collections, this is not the only activity undertaken by these groups at these sites. These groups also carry out research and other historical society business at these locations. It should also be noted that it is difficult to itemise costs at some locations – for instance, the BRAC figures are for the site as a whole and are not itemised to detail the archive facility separately from the four shipping containers containing object collections. Likewise, the Eaglehawk civic precinct captures the Courthouse and log lock-up as well as the Town Hall that includes the Star Cinema activities. In addition to these general costs, the City undertakes specific capital works on some of these heritage buildings, such as the TAFE owned Specimen Cottage, and these figures are not included here.

## Feasibility Analysis

The total estimated cost of just over \$3 million for constructing and staffing an object storage and preservation facility is substantial. It should be noted that Cost Plan A estimates are a one-off cost, whilst the salary and on-costs are a per annum figure for staffing the facility over time. An object storage and preservation facility is a long term project that will take years to plan, design, construct and then maintain, if a decision is made to proceed.

The best comparable example in Greater Bendigo is the Bendigo Regional Archive Centre already existing at 84 Nolan Street, North Bendigo. This facility was similarly identified through various pieces of strategic work undertaken since the late 1980s. The initial concept for the project in the early 2000s was to develop a facility for Greater Bendigo that would include both records and artefacts. However, as costs were identified, the project concentrated primarily on developing the archival facility and the BRAC site at Nolan Street was officially opened in 2011.

BRAC was made possible through a partnership between the State Government, the Public Records Office of Victoria (PROV), the Goldfields Library Corporation (GLC) and the City of Greater Bendigo. The construction of this state-of-the-art facility at Nolan Street was funded by a total grant of \$1.3 million from the Regional Infrastructure Development Fund (in 2002 and 2009), the City contributed \$250,000 to purchase the land at 84 Nolan Street and PROV provided \$285,000 for the specialised archival shelving.

BRAC employs two part time staff members located at the Bendigo Library, who started the research and archive service in 2007, five years before the archival facility was constructed and completed.

There are also other substantial ongoing costs and commitments for BRAC year to year:

- The City makes a contribution of over \$100,000 to the GLC to operate the research service;
- The staffing and public access reading room are managed by the GLC;
- 600 hours of professional archival consulting and expertise are provided by PROV; and
- Essential service expenses at Nolan Street are covered by the City.

## Priority/Importance:

The SAR documents that the object storage and preservation facility is a matter of high priority for community collections in Greater Bendigo.

City owned / managed items will also need appropriate storage at a future point, so the object storage and preservation facility is a matter of high priority for the City.

## Options/Alternatives:

The options for Council are to:

1. Acknowledge that a purpose built facility is one of several solutions to Greater Bendigo's collection issues and begin investigating partner, funding and design options for the BRAC site at 84 Nolan Street. This will begin the concept stage of an object storage and preservation facility. This is the preferred option.

2. Amend the recommendations of this Report and adopt them. This may result in delays and is not the recommended option.
3. Identify alternate sites to the Nolan Street property under consideration in this Report. This will result in delays and is not the recommended option.
4. Take no further action on this matter.

#### Risk Analysis:

The financial risk to the organisation of progressing independently with an object storage and preservation facility is substantial. It is therefore the recommendation of this report that Council follow the model already provided by the BRAC facility and investigate the potential for project partners and funding assistance to share and mitigate any potential risks. Investigating project partners and funding assistance will ensure that a sound financial and management outcome eventuates.

### **Consultation/Communication**

#### Internal Consultation:

The information contained in this report was prepared through internal consultation with the Bendigo Art Gallery, Business Transformation, Information Management, People and Culture, and Property units.

#### External Consultation:

The Greater Bendigo Heritage Advisory Committee was briefed on the matter at the February 21 2019 meeting.

The Bendigo Heritage Representative Group was informed at the December 2018 meeting that the City was in the process of developing the feasibility study and a collection policy.

### **Resource Implications**

The main resource implication relates to the substantial costs of constructing and staffing an object storage and preservation facility. For this reason, it is recommended that Council investigate whether other stakeholders and partners could be brought on board this project, if a decision is made in favour.

There will be costs involved to prepare detailed design plans for an object storage and preservation facility at 84 Nolan Street, North Bendigo. A budget request would need to be put forward for resourcing this component.

#### Budget Allocation in the Current Financial Year:

2018/19: \$15,000 for an internal audit of the City's historic and heritage objects and artefacts (second year of a two year project).

**Previous Council Support:**

- 2017/18: \$15,000 for an internal audit of the City's heritage assets (first year of a two year project).
- 2016/17: \$15,000 for the 'strategic report to consider the long term sustainability of Bendigo's historical artefacts & conservation of the BHS collection'.

**External Funding Sources:**

This report recommends investigating the potential for external funding sources for an object storage and preservation facility at BRAC at 84 Nolan Street, North Bendigo.

**Current Estimate or Tender Price:**

\$3,066,546.00

**Attachments**

1. Cost Plan A MP Cordia and Associations for a proposed extension to BRAC, 84 Nolan Street, North Bendigo

## **7. LEAD AND GOVERN FOR ALL**

### **7.1 CONTRACTS AWARDED UNDER DELEGATION**

#### **Document Information**

<b>Author</b>	<b>Lee Taig, Contract Support Administrator, Governance Unit</b>
<b>Responsible Director</b>	<b>Andrew Cooney, Director Corporate Performance</b>

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#### **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.

#### **RESOLUTION**

Moved Cr Williams, Seconded Cr Metcalf.

That the recommendation be adopted.

**CARRIED**

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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                               | Delegated Officer                  | Date Signed      |
|-------------------|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------|------------------|
| Capital Contracts |                                                                                                           |                                                     |                                    |                  |
| CT000437          | Supply & Delivery of One (1) 420hp Tipper Truck                                                           | Ron Poyser Motors Pty Ltd                           | Debbie Wood                        | 31 January 2019  |
|                   | Price: \$176,850.07                                                                                       | Practical Completion: May 2019                      |                                    |                  |
| CT000435          | Supply & Delivery of One (1) Excavator                                                                    | Delecca's Pty Ltd                                   | Debbie Wood                        | 31 January 2019  |
|                   | Price: \$118,563.00                                                                                       | Practical Completion: February 2019                 |                                    |                  |
| CT000444          | Elmore Recreation Reserve Oval Lighting Works                                                             | DeAraugo & Lea Electrical Contractors (Vic) Pty Ltd | Debbie Wood                        | 06 February 2019 |
|                   | Price: \$277,500.00                                                                                       | Practical Completion: 18 April 2019                 |                                    |                  |
| CT000432          | Bendigo Aquatic Centre Clubroom                                                                           | BLR Provincial Construction Pty Ltd                 | Vicky Mason                        | 14 February 2019 |
|                   | Price: \$216,534.00                                                                                       | Practical Completion: 17 May 2019                   |                                    |                  |
| Service Contracts |                                                                                                           |                                                     |                                    |                  |
| Contract Number   | Project:                                                                                                  | Successful Contractor:                              | Delegated Officer:                 | Date Signed      |
| CT000441          | Provision of Maintenance Services for Automatic Doors                                                     | Auto Door Control Services Pty Ltd                  | Debbie Wood                        | 06 February 2019 |
|                   | Price: Schedule of Rates                                                                                  | Initial Term: 3 Years                               | Extension Options: 4 Years (2 + 2) |                  |
|                   | Current annual Council Budget for the goods/services contracted via this schedule of rates is \$10,000.00 |                                                     |                                    |                  |

## 7.2 RECORD OF ASSEMBLIES

### Document Information

**Author** Miki Wilson, 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.

### RESOLUTION

Moved Cr Williams, Seconded Cr Metcalf.

That the recommendation be adopted.

**CARRIED**

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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

<b><i>Meeting Information</i></b>		
<b>Meeting Name/Type</b>	Consultation meeting	
<b>Meeting Date</b>	16 January 2019	
<b>Matters discussed</b>	Planning application DEV/111/2018 11 Harveys Lane, JACKASS FLAT 3556 Application for approval of a development plan for a staged subdivision of land and removal of native vegetation	
<b><i>Attendees/Apologies</i></b>		
<b>Councillors</b>	Cr Andrea Metcalf Cr Malcolm Pethybridge	
<b>Staff/ Community Representatives</b>	Chris Duckett Applicant Objectors	
<b><i>Conflict of Interest disclosures</i></b>		
<b>Matter No.</b>	<b>Councillor/officer making disclosure</b>	<b>Councillor/officer left meeting</b>
	Nil	

<b><i>Meeting Information</i></b>		
<b>Meeting Name/Type</b>		Consultation meeting
<b>Meeting Date</b>		24 January 2019
<b>Matters discussed</b>		Planning application AM/753/2016/A 8A Echuca Street, QUARRY HILL 3550 Construction of dwelling, removal of front fence and construct new fence. (Amendment to allow for alterations to layout)
<b><i>Attendees/Apologies</i></b>		
<b>Councillors</b>		Cr Rod Fyffe, Cr Matt Emond
<b>Staff/ Community Representatives</b>		Grace Paisley Applicant Objectors
<b><i>Conflict of Interest disclosures</i></b>		
<b>Matter</b>	<b>Councillor/officer making disclosure</b>	<b>Councillor/officer left</b>

<b>No.</b>		<b>meeting</b>
	Nil	

<i>Meeting Information</i>		
Meeting Name/Type	Consultation meeting	
Meeting Date	8 February 2019	
Matters discussed	Planning application DSD/622/2018 217 Wattle Street & 4 Robshaw Street, IRONBARK 3550 4 lot subdivision of land and construction of 4 dwellings	
<i>Attendees/Apologies</i>		
Councillors	Cr Metcalf Cr Williams Cr Pethybridge	
Staff/ Community Representatives	Beth Lavery Applicant Objectors	
<i>Conflict of Interest disclosures</i>		
Matter No.	Councillor/officer making disclosure	Councillor/officer left meeting
	Nil	

Meeting Information		
Meeting Name/Type	Councillors' Briefing	
Meeting Date	4 February 2019	
Matters discussed	1. Bendigo West Framework Plan - Maiden Gully and Marong 2. GovHub update 3. Draft Ordinary Meeting agenda review 4. Budget	
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 Andrew Cooney Ms Vicky Mason Ms Debbie Wood Ms Miki Wilson	
Conflict of Interest disclosures		
Matter No.	Councillor/officer making disclosure	Councillor/officer left meeting
	Nil	

<b><i>Meeting Information</i></b>		
<b>Meeting Name/Type</b>	Councillors' Briefing	
<b>Meeting Date</b>	11 February 2019	
<b>Matters discussed</b>	1. Budget and Finance Committee Quarter 2 2. Insurance management 3. Planning matters 4. GovHub update 5. Community Buildings Policy	
<b><i>Attendees/Apologies</i></b>		
<b>Councillors</b>	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	
<b>Staff/ Community Representatives</b>	Mr Craig Niemann Mr Bernie O'Sullivan Mr Andrew Cooney Ms Vicky Mason Ms Debbie Wood Ms Miki Wilson	
<b><i>Conflict of Interest disclosures</i></b>		
<b>Matter No.</b>	<b>Councillor/officer making disclosure</b>	<b>Councillor/officer left meeting</b>
	Nil	

Meeting Information		
Meeting Name/Type	Sustainability and Environment Advisory Committee	
Meeting Date	5 February 2019	
Matters discussed	1. Central Victorian Biolinks Alliance 2. Resource Recovery and Education 3. Queensland Fruit Fly launch 4. One Planet Living report 5. Committee terms of reference review 6. Bendigo Sustainability Group events 7. DELWP Climate Grants	
Attendees/Apologies		
Councillors	Cr Jennifer Alden Cr Andrea Metcalf Cr Margaret O'Rourke	
Staff/ Community Representatives	Mr Bernie O'Sullivan Mr Anthony Sheean Ms Brooke Pearce/ Mr James Shaddick Mr Chris Weir Mr Geoff Caine Ms Jess Milroy Ms Terri Williams Mr Colin Smith Ms Sophie Bickford Ms Natalie Wills Mr Rob Law <b>Apologies:</b> Mr Trevor Budge Mr Glenn Pomeroy/ Ms Kelly Button Ms Meg Caffin Ms Pamela Beattie	
Conflict of Interest disclosures		
Matter No.	Councillor/officer making disclosure	Councillor/officer left meeting
	Nil	

Meeting Information		
Meeting Name/Type	Bendigo Heritage Advisory Committee	
Meeting Date	21 February 2019	
Matters discussed	1. Rosalind Park Precinct Master Plan 2. 'Reimaging Bendigo Creek' 3. Draft Greater Bendigo Heritage Collection Policy 4. Greater Bendigo's Historical Artefacts 5. Place Interpretation and Naming Policy 6. Heritage Advisor position 7. GovHub	
Attendees/Apologies		
Councillors	Cr Matt Emond	
Staff/ Community Representatives	Ms Angela Gladman Ms Wonona Fuzzard Mr Gary Lantzsch Dr Dannielle Orr/ Mr Peter Abbott Mr Laurie Brown Bishop Andrew Curnow Mr Bruce McClure Mr Jon Marshallsay Ms Jess Milroy Ms Jenny Trewartha Mr Darren Wright <b>Apologies:</b> Ms Emma Bryant Mr Trevor Budge Ms Trudy Rickard/ Dr Di Smith Mr Calum Walker	
Conflict of Interest disclosures		
Matter No.	Councillor/officer making disclosure	Councillor/officer left meeting
	Nil	



### 7.3 QUARTERLY PROGRESS REPORT (QUARTER 2)

#### Document Information

Author	Kathryn Loy, Planning and Reporting Officer Michael Smyth, Manager Business Transformation
Responsible Director	Andrew Cooney, Director Corporate Performance

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#### Purpose/Summary

To report to Council progress on the implementation of Annual Plan initiatives for the second quarter 2018/2019.

#### **RECOMMENDATION**

That Council acknowledge the progress of implementing Annual Plan initiatives for 2018/2019, and receive the Annual Plan quarterly summary report.

#### **RESOLUTION**

Moved Cr Fyffe, Seconded Cr Williams.

That the recommendation be adopted.

**CARRIED**

#### Policy Context

##### Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021

Goal 1: Lead and govern for all

Objective: 1:2 Explain the reason for its decisions

#### Report

The Community Plan is a key strategic Council document to inform the community and council officers of Council priorities and commitment to six key goals. The six Community Plan goals are:

1. Lead and govern for all
2. Wellbeing and fairness

3. Strengthening the economy
4. Presentation and managing growth
5. Environmental sustainability
6. Embracing our culture and heritage

The Community Plan is supported by the Annual Plan developed each year and the Annual Plan is reported on quarterly.

This report is the second quarterly update for the Annual Plan 2018/2019.

### **Conclusion**

The Community Plan 2017-2021 is Council's key strategic plan that guides the work of Council and informs the community of the shared priorities of this Council for its four-year term. Reporting on progress against this plan is an important mechanism for keeping the community up to date with the work of Council, and its progress implementing the Community Plan. The summary report shares key achievements for the quarter.

### **Attachment 1**

Annual Plan Summary report

December 2018 update

*Greater Bendigo – creating the  
world's most liveable community.*

# G / POPULATION GROWTH / COMMUNITY ENGAGEMENT / COMMUNITY PLAN / ENVIRONMENT / 2017-2021 / HEALTH / COMMUNITY ENGAGEMENT

A liveable community is one which enables people to live healthy, safe, harmonious lives in attractive and affordable settings. Liveable places have an excellent range of services for children and adults of all ages and facilities that are accessible to all. They don't make unsustainable demands on the environment.

Council has set the following six Strategic Objectives to guide its decisions and actions over the next four years:

## Strategic Objective 1

### Lead and govern for all

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

## Strategic Objective 2

### Wellbeing and fairness

Inclusive policies, partnerships and projects that increase access improve health and learning opportunities by building better connections and quality of life for all.

## Strategic Objective 3

### Strengthening the economy

Advocacy, innovation and support to grow jobs and diversify the local and regional economy.

## Strategic Objective 4

### Presentation and managing growth

Planning, developments and infrastructure that increase our liveability and pride in where we live.

## Strategic Objective 5

### Environmental sustainability

Protect and enhance our environment, conserve our resources and increase resilience to a changing climate.

## Strategic Objective 6

### Embracing our culture and heritage

Recognise and celebrate our unique history and diverse cultures.

## Goal 1: Council will lead and govern for all

*Effective community engagement guides well informed decision-making and financially responsible resource allocations and processes that are transparent and accountable.*

### Objectives

- Engage with all communities
- Explain the reason for its decisions
- Be innovative and financially responsible
- Be accountable and efficient in its use of the community's money
- Take a leadership role in regional planning and advocacy and work in partnership with regional councils

### December 2018 update

- 18 young people have now been appointed to the Youth Council
- The City is working in partnership with the Victorian Planning Authority to develop a new Industrial Land Development Strategy
- Round Table events and Ward Tours have been held across many communities within Greater Bendigo



## Goal 2: Wellbeing and fairness

*Inclusive policies, advocacy, partnerships and projects that improve participation and opportunities for equity and health. Increasing access and building better connections and quality of life for all.*

### Objectives

- Create a much healthier Greater Bendigo
- Promote positive wellbeing across the Greater Bendigo community
- Promote community connection
- Support participation and development for residents of all ages and abilities
- Create safe and resilient communities

### December 2018 update

- Shortlisting and due diligence for potential sites for a Greater Bendigo Food Hub is ongoing, with business planning and concept planning expected to commence in the first quarter of 2019
- The City is working with the sport and recreation facilities to implement VicHealth's Water in Sport initiative to encourage healthier drink choices (facility drink fridges are all healthy choices compliant)
- Tenders closing in February for the construction of the oval lighting at the Elmore Recreation Reserve
- The Career Horizons program continues to be implemented
- Preliminary works have been completed for construction of the Ironbark Gully Trail including soil testing





## Goal 3: Strengthening the economy

*Advocacy, innovation and support to grow jobs, attract visitors and diversify the local and regional economy.*

### Objectives

- Support local businesses and industry to be strong, vibrant and to grow and develop
- Make it easier for people to transition from education to employment
- Ensure Greater Bendigo is a welcoming place for new businesses and industries and supports creativity and innovation and visitor attraction

### December 2018 update

- City Centre Activation Plan has been adopted and actions are being progressively implemented, with the pop up park officially opened on 15 December 2018
- Funding submissions have been submitted to both State and Federal government for terminal expansion at the Bendigo Airport
- Greater *CREATIVE* Bendigo, the City's first Arts and Creative industry Strategy was adopted by Council on November 21, 2018



## Goal 4: Presentation and managing growth

*Plans, developments and infrastructure that increase our liveability and pride in where we live.*

### Objectives

- Plans for a growing population
- Plan to meet future housing needs
- Continue to implement strategies that increase the capacity of transport networks to better move people and goods and foster behaviour change that increases walking, cycling and use of public transport
- Keep Greater Bendigo attractive with good quality public facilities and places
- Provide and maintain urban and rural infrastructure to support the liveability of our community

### December 2018 update

- The Housing Strategy also recognises that continued outward sprawl is not sustainable into the future and that there needs to be better use of existing urban areas
- VicRoads has received funding for safety improvements at the High Street / Elm Street, Golden Square intersection with the City to design and deliver the project
- Advocacy for more jobs and increased funding is continuing for the GovHub project





## Goal 5: Environmental sustainability

*Protect and enhance our environment, conserve resources, reduce waste and the impact of climate change.*

### Objectives

- Drawing on the One Planet Living framework connect the health of the natural environment to the health and prosperity of our community
- Demonstrate leadership in sustaining the rich biological diversity of the Greater Bendigo region that sustains health ecosystems

### December 2018 update

- The draft strategy is on track for completion June 2019 for the Urban Tree Strategy
- The study for solar park developments will be publically available in early 2019



## Goal 6: Embracing our culture and heritage

*Recognise and celebrate our unique history and diverse cultures.*

### Objectives

- Celebrate our unique heritage
- Build pride in and shared responsibility for our public spaces
- Offer and support a diverse range of events that attract and connect people
- Embrace diversity
- Advance reconciliation

### December 2018 update

- Funding for the Chinese precinct and the Golden Dragon Museum redevelopment is currently being raised by Federal politicians in the lead up to the election
- Consultants are currently undertaking a gap analysis to assist the City to deliver the heritage program in a strategic and efficient manner





Council has continued to endorse a vision for improved liveability for the whole population. Knowing where we are making progress towards this vision requires us to set some measures or benchmarks where Greater Bendigo can be compared with other locations.

**Twenty four liveability indicators have been chosen that relate to the following areas:**

- A much healthier Greater Bendigo
- A fairer and more inclusive Greater Bendigo
- A more resilient Greater Bendigo
- A planned Greater Bendigo
- A proud and safe Greater Bendigo
- A sustainable Greater Bendigo
- A more creative, productive, innovative, adaptive and engaged Greater Bendigo

## Councillors

### *Eppalock Ward*

**Cr Margaret O'Rourke**

*Mayor 2017-2018*

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**Cr Yvonne Wrigglesworth**

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**Cr George Flack**

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### *Lockwood Ward*

**Cr Jennifer Alden**

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**Cr Matt Emond**

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**Cr Rod Fyffe**

*Deputy Mayor 2018-2019*

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### *Whipstick Ward*

**Cr James Williams**

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**Cr Andrea Metcalf**

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**Cr Malcolm Pethybridge**

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*Correct as of December 2018.*

195-229 Lyttleton Terrace, Bendigo

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**8. URGENT BUSINESS**

Nil.

**9. NOTICES OF MOTION**

Nil.



## 10. COUNCILLORS' REPORTS

Cr Wrigglesworth reported on her attendance at the following meetings and events:

- Expressed acknowledgement to the City's Andrew Cockerall for his work on the Heathcote Township Planning project which is now on community exhibition; Andrew's role in encompassing the community in a very constructive reference group is to be commended
- Chaired Redesdale's Recreation Reserve Triennial Meeting
- Lake Eppalock Advisory Group - evaluation workshop on the four years of work since the group was established and continues to keep the momentum going on this work (41% capacity currently at the Lake)
- With Cr Alden, attended Bendigo's Longest Lunch, which was 'really long' and expressed appreciation to the Bendigo Winegrowers and there is a high number of visitors that have been attending this very special event for many years
- Bendigo Tourism Networking evening to officially launch the Visitor Guide and also a 'sneak preview' of the Tudors to Windsors exhibition

*Cr Emond reported on his attendance at the following meetings and events:*

- Attended IT News Benchmark Awards 2019 CoGB won Local Government Project of the Year for the Bendigo Internet of Things
- Rode the Royal train from Southern Cross station to Bendigo - congratulations to the Victorian Goldfields Railway and the Seymour Rail Heritage Centre for the work on restoration and providing a unique experience for train lovers and visitors to Bendigo for the Tudors to Windsors exhibition
- Attended Tudors to Windsors exhibition opening at Bendigo Art Gallery
- Numerous meetings, phone calls and community events

Cr Williams reported on his attendance at the following meetings and events:

- Eaglehawk Dahlia and Arts Festival - wonderful festival, as always and the publication of 40 years of Dahlia and Arts is a very interesting read - congratulations to David Richards and the team
- Discussions with Bike Victoria and Bike Bendigo on the O'Keefe Rail Trail
- Attended Bendigo Country Week Bowls Luncheon - this brings 800+ bowlers to Bendigo from across Victoria
- Meeting with the Raywood Recreation Reserve Committee with fellow Ward Councillors to progress discussions for improved infrastructure at the reserve
- Attended Rail Freight Alliance Meeting in Melbourne
- Reimagine Bendigo Creek tour
- Attended Water Sensitive Cities working group meeting
- Attended function with the Richmond Football Club - with an inspiring talk by Neil Balme and the support to young footballers
- Attended the Campaspe Environment Waterflow Commission meeting
- Travelled the Royal Train to the Tudors to Windsors exhibition launch!

*Cr Metcalf reported as follows:*

*I attended the Rotary clubs of Bendigo and South Bendigo fundraiser for junior football. The money raised will be used to provide sandwich boards at all Junior football games with messages around reminding parents 'it's only a game', the officials are often parents volunteering to support junior sport and it's not the AFL.*

*I went to Holy Rosary School at White Hills for a grilling by the grade 3 students who are learning about the levels of Government, about our local council, what ward we are under, who our councillors are and what your job is. Questions from the children were do we send out bills? I said we like to call them rates. How do we look after animals? Larger blocks, the Spring Gully Mountain bike Plan. I highlighted all of the assets that are in Whipstick Ward. Some of the students thought the Ward may have gone down to Melbourne. Maybe we could incorporate it all into Whipstick Ward. I'm going back after the Council Budget is finalised to talk about this with them.*

*The Tudors to Windsors exhibition I can highly recommend this to people. I believe the Art Gallery is also doing high tea while this exhibition is on so it makes even more appealing to attend. The Mayor and myself had a private tour of the royal train on Saturday thanks to Ian.*

*I was at the Eaglehawk Family Fun Day on Sunday. It was the biggest crowd on a beautiful day. I was watching the children versus the adults in the tug of war and of course the children won. There was face painting, an animal petting zoo, rides, jumping castle and it was all free. I know the COGB contributed financially to this free event.*

*Happy birthday to Cr Fyffe being 70 years young.*

*Good luck to the Huntly cricket team in this week's cricket grand final. Whipstick Ward is right behind you.*

Cr Pethybridge reported on his attendance at the following meetings and events:

- Emerge Big Gathering
- Energy saving – Human Powered Vehicles at Tom Flood Sports Centre ...
- Launch of La Trobe University's 'O' Week
- Bendigo Sports Star of the Year Gala Award Night
- Project Compassion's 'Pancake Day' in the Hargreaves Mall
- Karen Welcome to Bendigo with Bendigo Community Health
- Grandstand opening at the Fosterville Gold Tennis Centre in Nolan Street
- State Senior Fire Brigade Championships at Weeroona Oval
- ... back to Tom Flood Sports Centre for the Bendigo International Madison
- Travelled on the 'Royal Train' from Southern Cross Station to Bendigo to mark the Tudor to Windsors Exhibition Launch and attendance at the launch at the Bendigo Art Gallery

*Cr Alden reported on her attendance at the following meetings and events:*

- Water sensitive Bendigo partnership launch and new network meeting
- Qantas launch
- Arena theatre fundraiser
- Skype meeting with City of Alba for City of Gastronomy international project liaison
- Thanks to Bendigo Winemakers for my attendance at the Melbourne Food & Wine Longest Lunch in Rosalind Park. 40% of 150 attendees from outside Bendigo.
- **IWD** several events including speaking at the launch of the Bendigo Gender Coalition's gender equity video and leadership statement. 15 years ago when managing Women's Health Loddon Mallee I wouldn't have imagined the two hundred or so people who were in that room would be engaged in such an important social change process of addressing fairness and equality of outcomes for women.
- **School Strike 4 Climate** was a well organised lesson in democracy for our young community members. The recent acceleration of our climate crisis has now drawn serious concern in the generation who will have to contend with the rapid decline we are seeing in our natural world with less species, less insects, glacier free, hotter, drier, more disrupted, with hundreds of millions of climate refugees and as we have had reported by Australian scientists this week - no more winters in Australia by the year 2050. The fact that over 1.4 million children have demonstrated their acute concern for the their future world in over 125 countries and over 2000 locations at their first combined effort is a wake-up call for complacency, inaction in the face of scientific evidence and downright climate denialism and policy sabotage of the older generations, particularly by some in our federal government.

We have a decade of opportunity to implement some of the solutions to mitigate this crisis to prevent temperatures rising beyond 1.5 degrees as per the Paris climate agreement. We can show leadership via increasing council actions using evidence we have to invest for a more liveable Bendigo in the future. I believe we should be pursuing ramping up investments that will make that happen.

- It's **Cultural Diversity Week** - last Saturday's Zinda festival Night in Rosalind Park saw thousands enjoying a balmy Autumn evening with a wide range of tasty foods plus music and even dancing...and also the Community Human Rights Forum. Tomorrow I will speak at Cultural Harmony Day La Trobe university - the place for broadening our horizons, as well as the annual Bendigo Interfaith Council dinner. At those events it will be an opportunity to reflect on the loss and sorrow of our Muslim community members following the New Zealand terror attack. Bendigo stands alongside our newer community members and offer our strongest support for their involvement in the daily life of Bendigo.

It has also made me reflect on those small numbers of people who have caused grief in Bendigo by their actions in promoting anti-muslim sentiment. In recent times a small group of local protesters may be pleased with their daily efforts to maintain a white Australia, but I personally find their actions bring shame upon our community, are a source of embarrassment and do not reflect my country nor my Bendigo.

The benefits to our community of multiculturalism have been quantified in reports such as the Deloitte Access Economics report that has shown the economic impact of the Karen population alone on Bendigo's economy has been \$67 million. I also attended the Karen Welcome Video launch.

Bendigo's social capital has been enriched, along with our increase in diversity and in this Cultural Diversity week this wealth is something I am proud to celebrate.

## 11. MAYOR'S REPORT

The Mayor, Cr Margaret O'Rourke, tabled a report on her attendance at the following meetings and events:

- GovHub interview
- Attended the official unveiling of the water tank mural in commemoration of the Redesdale 2009 Victorian bushfire memorial
- Officiated at Emerge Big Gathering for the announcement of the 2019 Emerge Cultural Ambassadors for Bendigo, Wyndham, Outer North Metro and Shepparton as part of Multicultural Arts Victoria's Emerge Cultural Leadership program
- Attended the Opera performance at the Mia Mia Hall
- Attended the Wanyarram Dhelk overview as part of the Reimagining Bendigo Creek at Knight St, White Hills.
- Provided a Civic welcome to students at La Trobe University as part of O Week
- Attended the luncheon with Shadow Attorney-General Mark Dreyfus MP
- Attended the Water Sensitive Bendigo panel discussion and networking lunch
- Attended the State of Economic Market Breakfast at the Conservatory at the all Seasons
- Bendigo Sports Star Gala night
- Held Eppalock Ward Listening Post in Strathdale Park Crook St Strathdale
- Attended the Rotary club of Bendigo Sandhurst lunch with knitters for the East Timor project
- Chaired the Bendigo Maubisse Friendship Committee meeting
- Officiated at the launch of the Bendigo Tramways pop-up Café Royal Tram at the Rosalind Park Piazza
- Attended the School Climate Strike in support of young people having their say
- Officiated at launch of Hyra Usman's Threads of Diversity
- Officiated at the Community Human Rights Forum
- Chaired the Bendigo Safe Community Forum
- Participated in the 48th Eaglehawk Dahlia and Arts Festival Gala Parade
- Officiated at the opening of the Tudors to Windsor: British Royal Portraits

- Officiated at the Qantas Business Launch presented by Be.Bendigo
- Provided a welcome and attended the 49th Annual Bendigo Bank Country Bowls Week official luncheon at the Bendigo Bowls Club
- Continued “Meet the Mayor” with residents
- Participated in numerous workshops and forums
- Participated in numerous radio, newspaper, television media interviews and photo opportunities
- Met with many residents, businesses and community groups regarding a wide range of issues.

Thank you to the Deputy Mayor and those Councillors who represented me at events I was unable to attend.

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

The Chief Executive Officer, Mr Craig Niemann, tabled a report on his attendance at the following meetings and events:

- Attended the Audit and Risk Committee workshop and meeting
- Attended the LGPro 2019 Annual Conference Dinner at which Ben Devanny graduated from the Emerging Leaders Program
- Participated in regular radio and media interviews
- Pleased to preside over the Installation Ceremony of the Youth Council Mayor and Deputy Mayor
- Attended a meeting of the Board of Bendigo Heritage Attractions
- Participated as a panel member for the session of Planning for the Future of Regional Victoria at the Victoria Transport Infrastructure Summit
- Joined key agencies to sign a memorandum of understanding for a Water Sensitive Bendigo as part of joint effort to prepare a sustainable water future for the Bendigo Region.
- Participated in Executive Management Group meetings of Regional Cities Victoria
- Participated in a number of meetings with residents regarding a variety of subjects
- Met with Regional Director - Loddon Mallee, Department of Environment, Land, Water and Planning
- Attended the Gender Equity in Greater Bendigo forum
- Attended the announcement by Minister Jaclyn Symes of \$50,000 for the development of the Showgrounds Master Plan
- Participated as MC at the official opening of the Bendigo Tennis Centre Redevelopment Grandstand Opening Ceremony. Senator Jane Hume, Mr Simon Baker and Mrs Evonne Goolagong Cawley jointly cut the ribbon to open the Grandstand
- Met with Ms Maree Edwards to provide an update on projects
- Attended the media launch of the Royal Tram official opening
- Met with Minister Jacinta Allan to provide an update on projects
- Attended the Qantas Business Launch presented by Be.Bendigo

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

Nil.

**There being no further business, the meeting closed at 8:40pm.**

**Confirmed:**

**17 April 2019**

**Chair**