

AGENDA

Ordinary Meeting of Council

6.00pm Wednesday 17 April 2019

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

VENUE:

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

NEXT MEETING:

Wednesday 15 May 2019
Bendigo Town Hall

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can be obtained online at www.bendigo.vic.gov.au

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

Council Vision

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

Council Values

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

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

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

Goals

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

ORDINARY MEETING

WEDNESDAY 17 APRIL 2019

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CRAIG NIEMANN
CHIEF EXECUTIVE OFFICER

ACKNOWLEDGEMENT OF COUNTRY

PRAYER

PRESENT

APOLOGIES

SUSPENSION OF STANDING ORDERS

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

COMMUNITY RECOGNITION

PUBLIC QUESTION TIME

Public Question Time – Purpose

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

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

Public Question Time – Where, When And Who

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

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

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

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

Acceptance of Questions

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

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

RESUMPTION OF STANDING ORDERS

That Standing Orders be resumed.

CR METCALF'S REPORT

DECLARATIONS OF CONFLICT OF INTEREST

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

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

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

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

CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting of Wednesday 20 March 2019.

The following items were considered at the Ordinary Council meeting held on Wednesday 20 March 2019 at 6.00pm.

1.1 Response to Petition: Wolstencroft Reserve Area Development

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. CARRIED

1.2 Petition: City of Greater Bendigo Community Satisfaction Survey

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

2.1 CA 87A Stumpy Gully Track and 126 Drinkwater Road, Maiden Gully - Use and Development of Land for a Dwelling and the Creation of a Carriageway Easement

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: CARRIED

2.2. CA 54 and CA 55 One Eye Forest Road, Heathcote - Use and Development of Land for a Dwelling and Associated Outbuildings; and for Group Accommodation

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. CARRIED

2.3 131 Victoria Street, Eaglehawk - Use of the Land for Industry (Steel Fabrication) and Reduction in Car Parking Requirements

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: CARRIED

2.4 11 Harveys Lane, Jackass Flat - Application for Approval of a Development Plan for a 72-Lot Subdivision

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. CARRIED

2.5 Greater Bendigo Planning Scheme Review 2018 - Adoption of Draft Report

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. CARRIED

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

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. CARRIED

3.1 Draft Community Volunteering Strategy

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

3.2 Healthy Food and Catering Policy Recommendation: That Council endorse the Healthy Food and Catering Policy. CARRIED

6.1 Draft Greater Bendigo Heritage Collection Policy

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. CARRIED

6.2 Feasibility Analysis for Storage of Greater Bendigo's Historical Artefacts

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. CARRIED

7.1 Contracts Awarded Under Delegation

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

7.2 Record of Assemblies

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

7.3 Quarterly Progress Report (Quarter 2)

Recommendation: That Council acknowledge the progress of implementing Annual Plan initiatives for 2018/2019, and receive the Annual Plan quarterly summary report.
CARRIED

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on Wednesday 20 March 2019, as circulated, be taken as read and confirmed.

1. BUDGET FOR THE FINANCIAL YEAR ENDING 30 JUNE 2020

1.1 PROPOSED BUDGET FOR THE FINANCIAL YEAR ENDING 30 JUNE 2020

Report to be tabled at the meeting

2. PETITIONS AND JOINT LETTERS

2.1 RESPONSE TO PETITION - TREES IN ELANDRA DRIVE EPSOM

Document Information

Author Tania MacLeod, Parks and Open Space

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

Purpose

This report responds to a petition received by Council on January 17 2019 requesting the City of Greater Bendigo remove existing gum trees in the nature strip of Elandra Drive and Myrtle Road, Ascot.

Summary

The petition calls for the removal of all gum trees planted in the naturestrips in Elandra Drive and on Myrtle Road between the two entrances to Elandra Drive citing claims that the species detracts from the appeal of their street, and concerns over mess, maintenance and potential damage caused by tree roots.

All 56 of the nature strip trees requested to be removed in Elandra Drive and Myrtle Road are Spotted Gums (*Corymbia maculata*) planted in early 2009 as part of the Ascot Park subdivision. All trees are now 10 years old, are well established and provide considerable shade and amenity. The reasons for their removal are unfounded and, in line with Council's Urban Tree Management Policy 2017, we cannot recommend that these trees be removed.

RECOMMENDATION

That Council resolve to retain in the streetscape all existing trees planted in Elandra Drive, Epsom.

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## Policy Context

### Community Plan Reference:

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

Goal #                      Goal 4: Presentation and managing growth.

Objective #              4.4. Keep Greater Bendigo attractive with good quality public facilities and places.  
4.4.3. Increase urban shade and provide protection for significant and heritage trees through the development of a *Greater Bendigo Tree Strategy*.

### Strategy Reference (include weblink as applicable):

Greening Greater Bendigo – currently under development. Refer to Councillor Briefing Report September 2018 for details.

### Council Policy Reference (include weblink as applicable):

Urban Tree Management Policy 2017

Section 2.1. Tree Removal Criteria

<http://www.bendigo.vic.gov.au/About/Document-Library/urban-tree-management-policy>

## Background Information

A petition was received by Council on 17 January 2019 requesting the City of Greater Bendigo remove all existing nature strip trees along Elandra Drive and Myrtle Road between the two entrances to Elandra Drive in Ascot. The petition was signed by 55 people representing 37 of 46 the lots fronting Elandra Drive and 4 from the adjacent Nirimba and Myrtle Roads (refer to figure 1). The petition was also signed by 7 people from outside of the area.

This follows the submission of similar petitions in Casuarina Gardens and Hasker Drive Kangaroo Flat that were considered at the ordinary Council meeting held on 20 February, 2019.

All 56 of the nature strip trees requested to be removed in Elandra Drive and Myrtle Road are Spotted Gums (*Corymbia maculata*) planted as part of the Ascot Park estate, completed by Birchgrove Property in 2009.

The residents of Elandra Drive are petitioning for the removal of the existing gum trees along their street. There are eight reasons given for the request to remove the existing trees. These relate to concerns over mess, maintenance and potential damage caused by tree roots and branches and include;

- Lack of street appeal;
  - The height and size of the trees;
  - The potential for root systems to cause damage to dwellings and services;
  - Concerns over mess and maintenance from leaves and debris;
  - Attracting bats, insects and white ants;
  - The potential danger to people and scratches to vehicles from falling branches.
- A full explanation of their concerns can be found in their petition (attached).

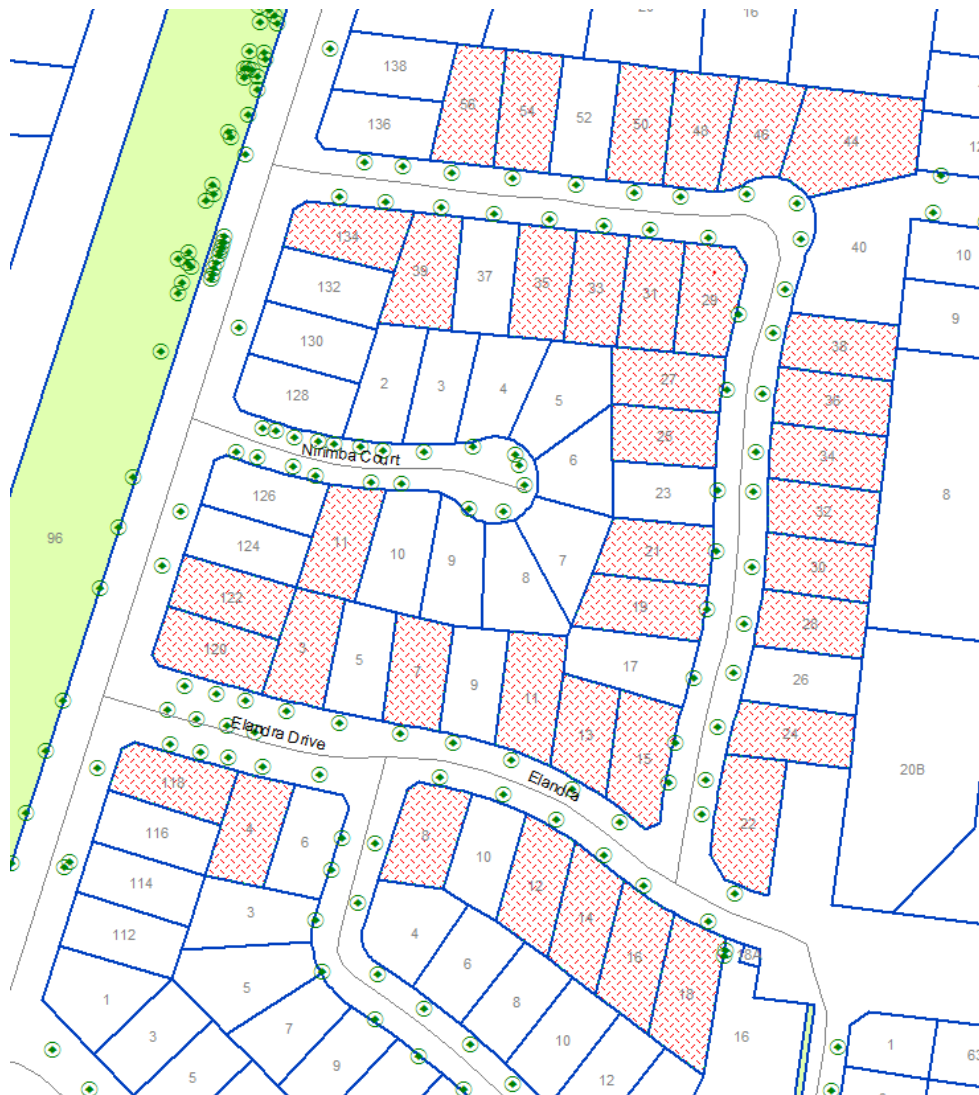


Figure 1. The lots represented by the petition are highlighted in red.



Figure 2. Elandra Drive looking north-west. Myrtle Road.



Figure 3. Elandra Drive looking west to Myrtle Road.

## Report

All 56 of the gum trees that have been requested to be removed are Spotted Gums (*Corymbia maculata*). This species, native to coastal New South Wales, is a large tree that is commonly planted as an ornamental and street tree in south-eastern Australia. It is a reliable species that copes well with dry conditions and urban environments and, in Bendigo, would be expected to grow to a height of approximately 20 meters. All trees are now 10 years old, are well established and provide considerable shade and amenity. The trees are in excellent condition with good structure and an average trunk diameter of 25 centimetres with an estimated amenity value of \$4,000 each.

The City of Greater Bendigo's Urban Tree Management Policy (the Policy) was endorsed by Council in August 2017 and clearly defines the circumstances under which trees will and will not be considered for removal. The Policy recognises the contribution urban trees make to the liveability of Greater Bendigo and ensures consistency and transparency in tree management decisions made by the City of Greater Bendigo.

Under this policy, tree removal will not be considered;

- If the tree is considered healthy and structurally sound;
- To reduce leaf, fruit and litter debris;
- For personal aesthetic preference;
- For unjustified claims of damage from tree root activity;
- To reduce the impact from any bird/bat/other animal waste or noise;
- As a preventative measure against termites.

The City of Greater Bendigo invests considerable resources in to ensuring that Council trees are maintained to a high standard thus minimising the risk of future failure or damage. Under Council's existing proactive maintenance program, each tree is inspected and works undertaken as required on a regular cycle. Our Arboriculture Unit also responds to customer queries as requested to deal with individual concerns if and when they arise. The reasons given for the removal of these trees are unfounded and, in line with Council's Urban Tree Management Policy 2017, we cannot recommend that these trees be removed.



As part of its vision to create the world's most liveable community, the City of Greater Bendigo is currently developing a tree strategy aimed at increasing tree coverage across urban areas. By far the most important driver of this strategy is the need to adapt to a changing climate in a warmer, drier and increasingly urbanised environment. With less tree cover than the average for urban areas of Bendigo and an increasing amount of urban development, tree planting efforts will need to be strengthened in the Epsom-Ascot area in the future.

The removal of existing trees in an area such as Elandra Drive in Epsom is contrary to the objectives of this strategy and as well as Council's Urban Tree Management Policy.



Figure 4. Two thermal images taken in Bendigo in January 2019 demonstrating the effect that street trees have on cooling the surrounding streetscape.

Priority/Importance:

N/A



**Options/Alternatives:**

1. Do nothing. Retain all existing street trees and inform the residents of the many benefits of street trees, this is the recommended option.
2. Remove and replace all trees with an alternative species. Costs would include the physical removal of trees and stumps, estimated to be around \$50,000; tree replacement and maintenance for new trees, approximate \$25,000; as well as loss of amenity. The 56 trees have an estimated amenity value of \$4,000 each.

**Timelines:**

N/A

**Progress:**

N/A

**Risk Analysis:**

Risks associated with following through with the requests of the petition include;

- An inconsistent approach to decision making around Council managed trees contrary to the Urban Tree Management Policy;
- Removing trees that provide essential shade in an area of Bendigo that is vulnerable to the impacts of urban heat;
- Not considering the opinions of the residents of the remaining lots;
- Reputational risk by advocating for Greening Greater Bendigo on one hand and doing the opposite on the ground.
- The financial implications of removing and replacing these street trees and diverting money that would otherwise be used for tree works of a higher priority.

**Consultation/Communication**

N/A

**Resource Implications**

Provided that the resolution is to retain the existing trees in Elandra Drive there will not be any resource implications.

**Attachments**

- i. Petition

### 3. PRESENTATION AND MANAGING GROWTH

#### 3.1 1 PERCIVAL STREET, QUARRY HILL 3550 - TWO LOT SUBDIVISION, CONSTRUCTION OF A SECOND DWELLING ON A LOT, PARTIAL DEMOLITION AND EXTENSION TO EXISTING DWELLING, CONSTRUCTION OF A FRONT FENCE AND CARPORT

##### Document Information

**Author** Shannon Rosewarne, Senior Planner

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

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##### Summary/Purpose

**Application details:** Two lot subdivision, construction of a second dwelling on a lot, partial demolition and extension to existing dwelling, construction of a front fence and carport.

**Application No:** DSD/591/2018

**Applicant:** Shane Muir Consulting Engineers Pty Ltd

**Land:** 1 Percival Street, QUARRY HILL 3550

**Zoning:** General Residential Zone

**Overlays:** Heritage Overlay 30

**No. of submissions:** 7 objections

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

**Key considerations:**

- Whether the location is appropriate for infill development.
- Whether the proposal will adversely affect the heritage significance of the place.
- Whether adequate landscaping is provided.
- Whether the proposal will result in material detriment to residential amenity.
- Whether adequate internal amenity is provided.

**Conclusion:** The application is recommended for refusal on the basis that it represents an unacceptable planning outcome with regard to neighbourhood character, ResCode, Council's Heritage Policy and the Heritage Overlay.

## **RECOMMENDATION**

Pursuant to section 61 of the Planning and Environment Act (1987), Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for construction of a second dwelling on a lot, two lot subdivision, partial demolition and extension to existing dwelling and construction of a fence at 1 Percival Street, QUARRY HILL 3550 subject to the following grounds:

1. The development will adversely impact the significance and appearance of the heritage place, contrary to Clauses 15.03, 21.08, 22.06 and 43.01 of the Greater Bendigo Planning Scheme.
2. The proposal does not comply with Clause 22.21 (Central Bendigo Residential Character Policy), Clause 55.02-1 (Neighbourhood character objectives), and is inconsistent with the purposes of Clause 32.08 (General Residential Zone) which calls for new development to respect neighbourhood character.
3. The proposal does not comply with the objectives of Clauses 55.02-1, 55.03-8, 55.05-4, 55.05-5, 55.06-1, 56.03-5, 56.04-2 and 56.04-3 of the Greater Bendigo Planning Scheme.

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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 site is located on the south eastern corner of Percival Street and Echuca Street in Quarry Hill. It is rectangular in shape with a frontage of 23.01 metres to Percival Street, a frontage of 19.25 metres to Echuca Street, a southern boundary of 22.86 metres, an eastern boundary of 21.92 metres and an overall area of 470 square metres. It contains a slope of approximately 2.7 metres which falls towards the south east corner and is unaffected by easements.

The site currently comprises a single storey weatherboard miners' cottage with a pitched corrugated iron roof. It is setback 2.2 – 3.5 metres from Percival Street and 1.8 metres from Echuca Street. A low horizontal slat fence presents to Percival Street and a high colorbond fence presents to Echuca Street.

The dwelling comprises three bedrooms, a living room and kitchen. It has a laundry which is contained within an outbuilding at the south west of the site. A carport is located at the east of the dwelling. It is accessed via a vehicle crossover at the centre of the Percival Street frontage. Private open space is located at the east and south of the dwelling. The site does not contain any significant vegetation.

The site is located in an established residential area which predominantly comprises single storey detached period dwellings, however double storey dwellings and infill residential development is found in the area.

Most properties have front fences, although the height and type of front fencing is varied. Vegetation coverage is varied.

Front and side setbacks to Percival Street in the vicinity of the site are minimal and the garages on Numbers 4 and 6 Percival Street are dominant features within the streetscape.

Adjoining the site to the east at 6 Carpenter Street is a single storey brick dwelling with a corrugated iron pitched roof. The dwelling has a frontage to Carpenter Street and a sideage to Percival Street. Vehicle access is via a driveway on Percival Street with a double garage on the Percival Street boundary.

Adjoining the site to the south at 1 Echuca Street is a single storey weatherboard dwelling with a tiled pitched roof. The dwelling is setback 5.3 metres from Echuca Street and 1.8 metres from the subject site. Its private open space is located to the east.

North east of the site on the opposite side of Percival Street is No. 4 Carpenter Street which contains a single storey brick dwelling with a corrugated iron pitched roof. The dwelling fronts Carpenter Street with a side boundary to Percival Street. Vehicle access is Percival Street with a double garage built to the Percival Street boundary. The garage is constructed of weatherboard and has a steeply pitched roof.

Directly opposite the site at No. 2 Percival Street is a single storey render and weatherboard dwelling with a tiled hipped roof. A high timber picket fence presents to the street. No. 4 Percival Street is a vacant allotment.

To the west of the site on the opposite side of Echuca Street, Numbers 2 and 4 Echuca Street each contain a single storey rendered dwelling with a tiled hipped roof. These dwellings have low rendered front fences.

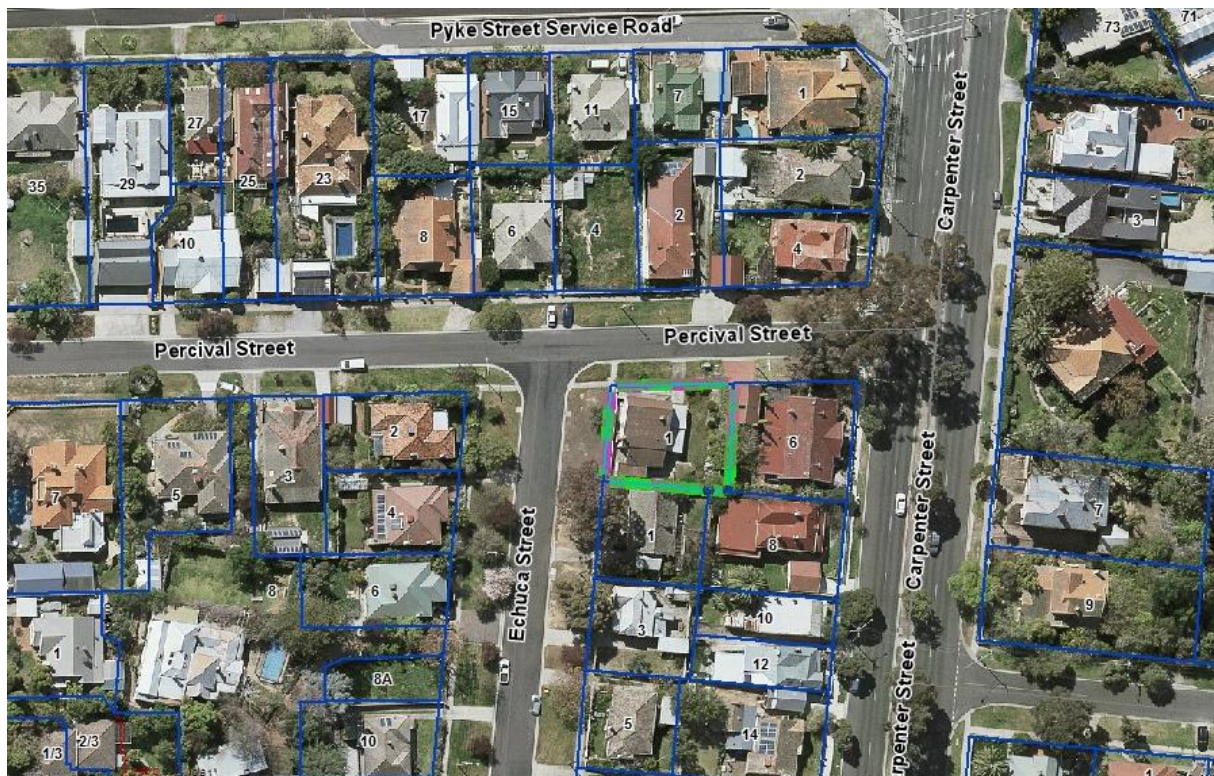


Figure 1 – Aerial photograph of the subject site and the surrounding area

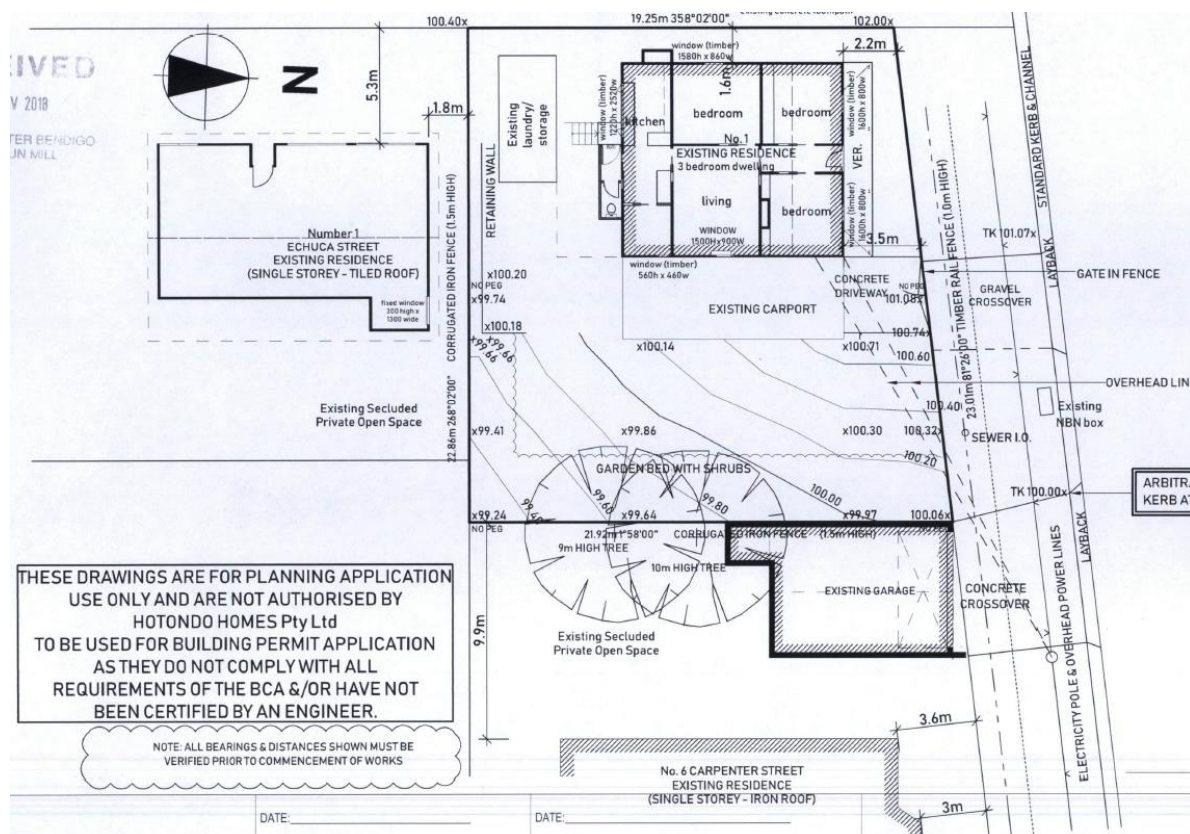


Figure 2 – Existing conditions plan



Figure 3: Location map showing subject site. Objectors' properties are marked with a red star.

Proposal

The application proposes the construction of a second dwelling on a lot, two lot subdivision, partial demolition and extension to existing dwelling and construction of a fence. The proposal is summarised as follows:

Lot 1 will contain the existing dwelling and will have an area of 243 square metres while Lot 2 would accommodate the proposed dwelling with an area of 227 square metres.

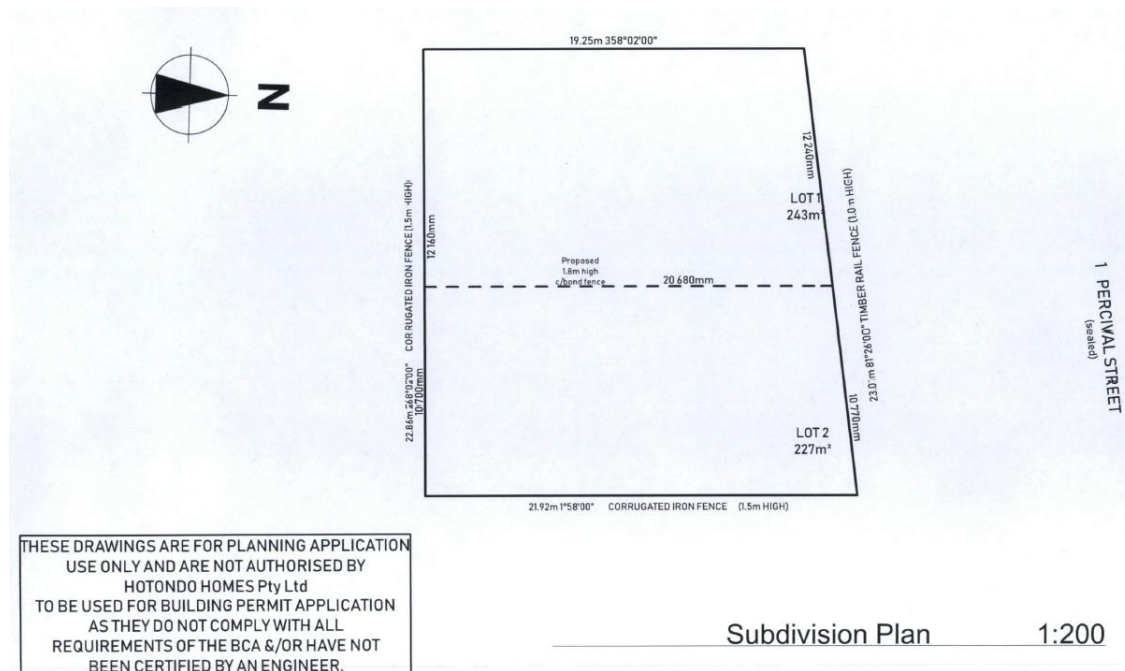


Figure 4: Plan of Subdivision

The new dwelling is proposed to be double storey and located to the east of the existing dwelling. It is proposed to provide access to the new dwelling via the site's existing driveway on Percival Street.

At ground floor level, the dwelling will comprise a living room, kitchen, bedroom with ensuite and toilet, and a single garage, with the first floor comprising two bedrooms, a bathroom and study. It will be constructed of Scyon Linea weatherboard cladding with a pitched galvanised iron roof, and will have an overall height of 7.6 metres.

The dwelling is setback between 2.6 and 3.3 metres from Percival Street at the ground floor level, with the garage setback 5.8 metres. The upper level of the dwelling is setback between 3.4 and 3.8 metres from Percival Street.

The proposal also involves partial demolition of the existing dwelling with the laundry/outbuilding to be demolished, the southern wall of the dwelling to be removed and replaced and the existing carport to be removed.

Works to the existing dwelling will involve the construction of new decking at the rear of the dwelling and a single carport. The dwelling will be converted from a three bedroom dwelling to a two bedroom dwelling by alterations to the existing floor plan. A new 3 metre wide vehicle crossover is proposed at the southern end of Echuca Street to provide access to the new carport. The existing front fence along the Percival Street frontage will be removed and replaced with a low picket fence.

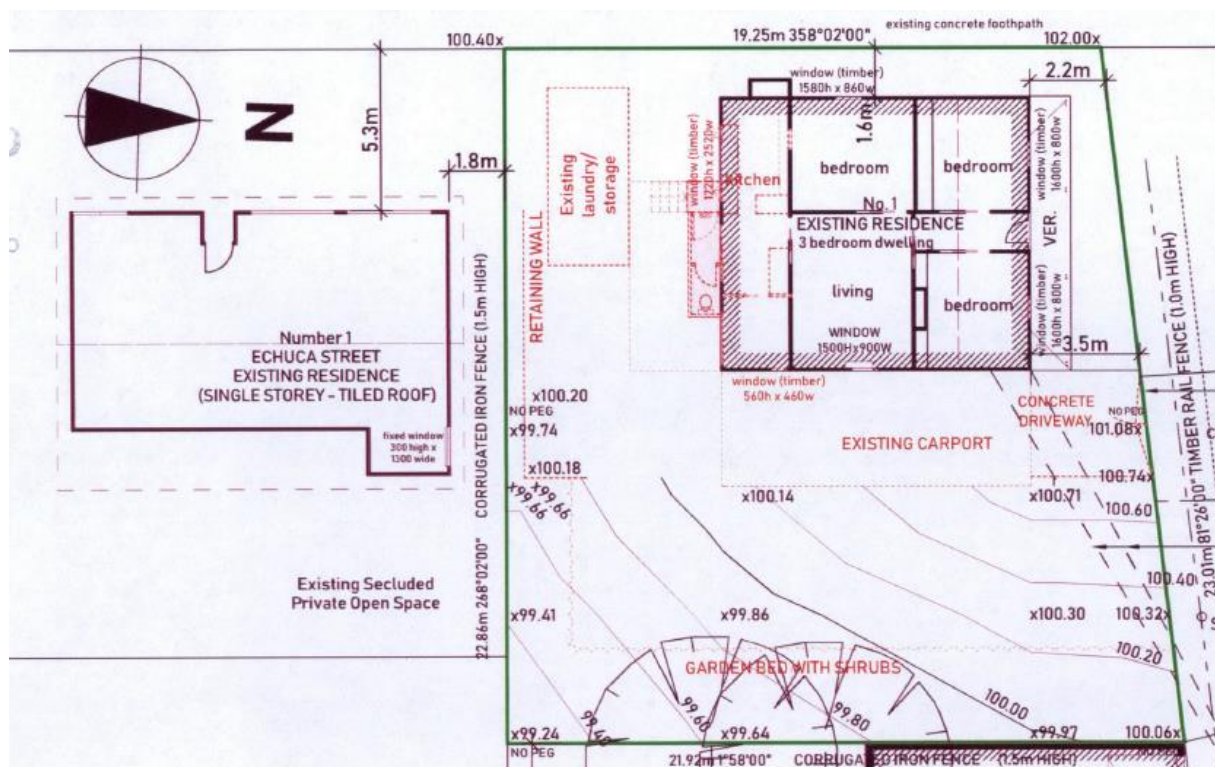


Figure 5: Demolition Plan



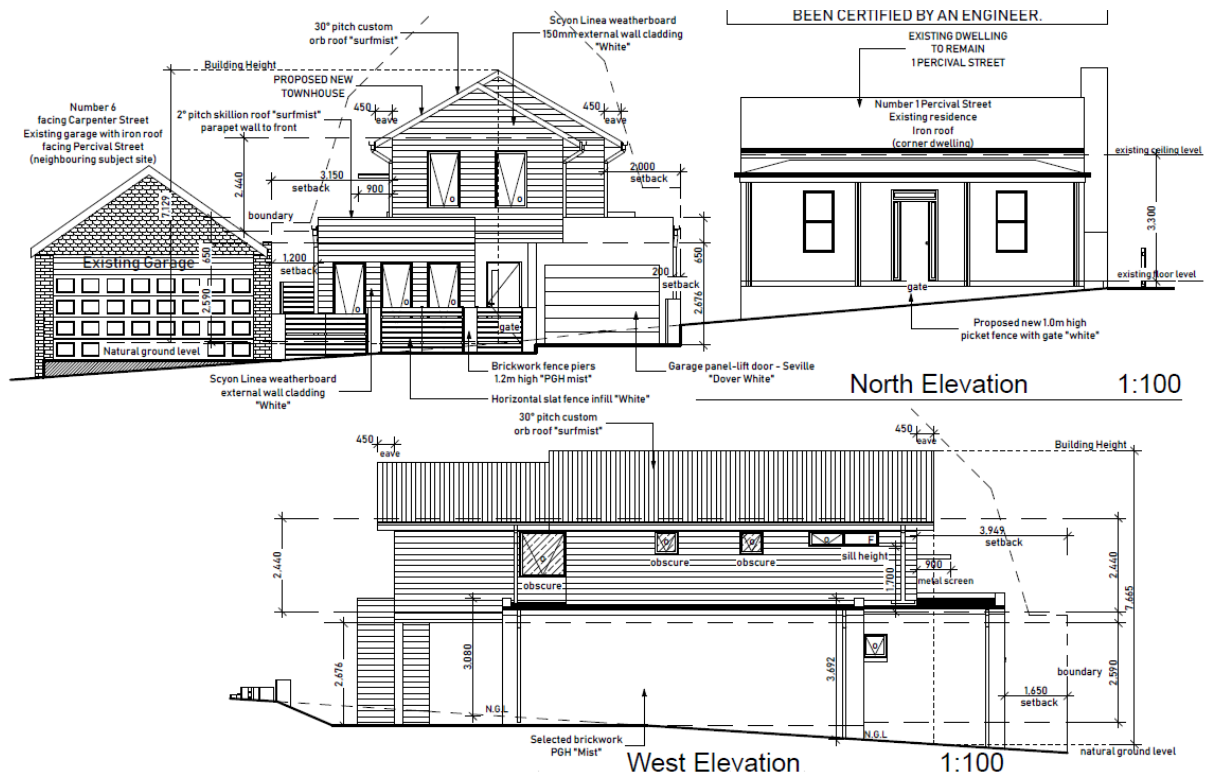


Figure 8: North and West Elevation Plans for new dwelling

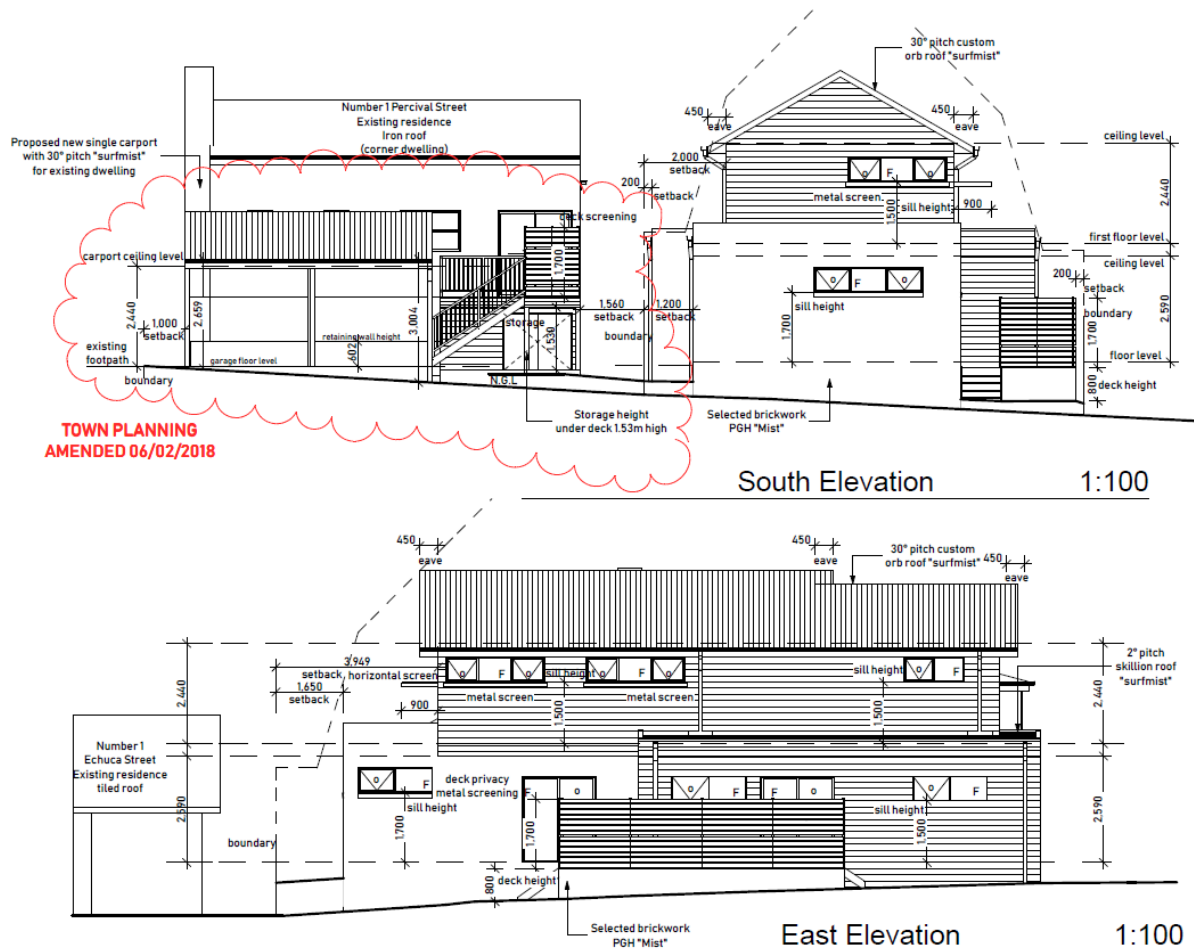


Figure 9: South and East Elevation Plans for new dwelling

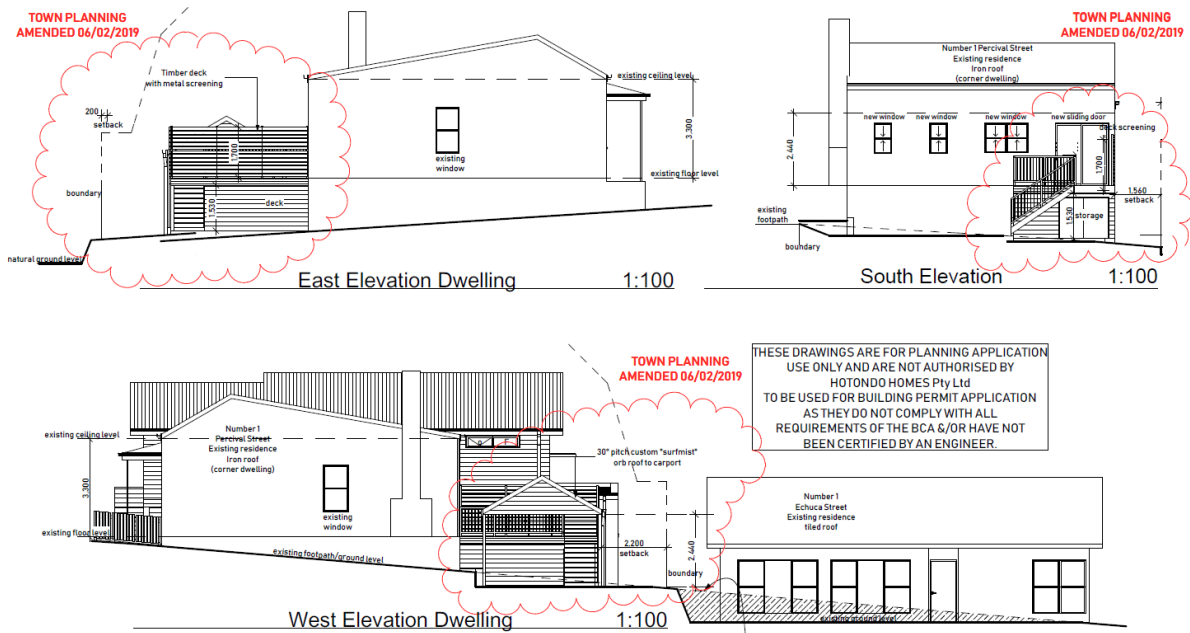


Figure 10: Elevation plans for proposed works to existing dwelling



Figure 11: Perspective images

Planning Controls - Greater Bendigo Planning Scheme

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

Planning Policy Framework

- Clause 11.01-1R Settlement – Loddon Mallee South
- Clause 15.01-2S Building design
- Clause 15.01-5S Neighbourhood character
- Clause 15.02 Sustainable development
- Clause 16.01-3S Housing diversity
- Clause 21.05 Compact Greater Bendigo
- Clause 22.06 Heritage Policy
- Clause 22.21 Quarry Hill Residential Character Policy

Other Provisions

- Clause 32.08 General Residential Zone
- Clause 43.01 Heritage Overlay
- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a Lot
- Clause 56 Residential Subdivision

Permit Triggers

The need for a planning permit is triggered by:

- Clause 32.08-3 of the General Residential Zone, which states that a permit is required to subdivide land.
- Clause 32.08-6 of the General Residential Zone, which states that a permit is required to construct more than one dwelling on a lot and that a development must meet the requirements of Clause 55.
- Clause 43.01-1 of the Heritage Overlay which states a permit is required to subdivide land, demolish a building, construct a building/carry out works, demolish and construct a fence.

Consultation/Communication

Referrals

The following internal departments have been consulted on the proposal:

Referral	Comment
Drainage	No objection subject to conditions.

Referral	Comment
Traffic	<p>The City's Traffic Engineer objected to a previous revision of the plans which included a car parking reduction for the existing dwelling. This car parking reduction is no longer proposed.</p> <p>The dimensions of all car parking spaces meet the dimensions specified in Clause 52.06 (Car parking).</p> <p>As such, the proposal is considered to meet all relevant car parking and access requirements.</p>
Heritage Advisor	<p>The proposal was not supported by the City's Heritage Advisor. The following comments were provided:</p> <p><i>Demolition</i> The extent of proposed demolition is generally supported.</p> <p><i>Setbacks and siting</i> The proposed new townhouse is aligned with the existing dwelling. The setbacks are generally in keeping and the townhouse appropriately addresses Percival Street.</p> <p><i>Form and Massing</i> The nested gables of the proposed townhouse reference a typical interwar roof form, albeit one that is not found in the surrounding streetscape. This does make it appear that the reference point for the design are the non-contributory garage structures at 4 and 6 Carpenter Street and the new dwelling with prominent garage at 8 Percival Street.</p> <p>The Heritage Design Guidelines recommend that the design of a new building should not reference atypical designs or non-contributory fabric within the streetscape.</p> <p>The parapeted lower level elements are also atypical within the streetscape, which may have been balanced by a different treatment of the nested gables.</p> <p><i>Height and Scale</i> The two storey volume is not in keeping with the almost exclusively single storey immediate streetscape.</p> <p>There is a concern that the larger volume will dominate the heritage place and detract from its significance. New development should respect the height and scale</p>

Referral	Comment
	<p>of the existing streetscape and respond to the prevailing building scale of the precinct. The setback of the upper floor is not sufficient to offset the appearance of a two-storey façade. This is not supported.</p> <p><i>Materials and finishes</i> The proposed palette of Scyon Linea board and Colorbond 'Seamist' roofing for the new townhouse are generally supported.</p> <p><i>Fencing and Car parking</i> The front fence should be sympathetic to the precinct. The proposed 1.0m high picket fence to the existing dwelling is generally supported, but more information is required for the proposed new fence to the townhouse. The height is not noted, and there are reservations around the use of horizontal slats. Vertical slats and a maximum height of 1200mm are recommended.</p> <p>The proposed new crossover to Echuca Street is generally supported. While the form of the associated car port is also generally supported, the proposed location does not appear to allow for separation from the existing house.</p> <p>Preference would be to have an increased separation between the two to allow clear differentiation between original and new fabric.</p> <p>The proposed single garage for the new dwelling is set back from the facades where it will not dominate the heritage streetscape. The design for this is generally supported.</p> <p><i>Recommendations</i> The proposed new dwelling is not supported. The two storey form within a single storey streetscape risks dominating the adjoining heritage fabric.</p> <p>It is recommended to investigate increasing the setback of the upper level and looking at the use of different forms (other than parapeted / flat roof for projecting lower level elements).</p>

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, 7 objections were received, with the grounds of objection being:

- Overdevelopment of land
- Insufficient space to grow trees and plants
- Heritage impact
- Character impact
- Car parking
- Overshadowing
- Overlooking

The objections are discussed in the assessment below.

Planning Assessment

Housing policy

Clause 11.01-1R Loddon Mallee South regional growth includes strategies which promote Bendigo as a regional city which seek to facilitate increased residential densities for underutilised sites and land in Bendigo.

Clause 16.01 Residential development promotes a diverse range of housing that meet community needs in locations that offer good access to services and transport and that is both water and energy efficient.

Clause 21.02 Key issues and influences outlines the background to the concept of Compact Greater Bendigo which the Residential Strategy promotes in order to strengthen the urban growth boundary and improve housing and transport options.

Clause 21.05 Compact Greater Bendigo provides further detail on the concept, in particular *clause 21.05-3 10 minute neighbourhoods* which has the goal of creating a network of 10 minute neighbourhoods where people can access many of their daily needs within a 10 minute walk or cycle trip from where they live.

Also of relevance in clause 21.05 is sub-clause **21.05-4 Housing density and diversity** which seeks to provide a greater choice in housing types and densities that responds to the lack of dwelling size choice in Bendigo, in particular dwellings with less than 3 bedrooms.

The site is within the urban growth boundary and is relatively close to the Bendigo CBD.

The proposal meets local and State objectives in terms of being an appropriate location for housing. The proposal provides one new three bedroom dwelling which meets the City's policy direction of providing diverse housing choice and contributes towards the goal of creating a compact urban area.

From a strategic housing policy perspective, there are no reasons why a planning permit should be not granted for an additional dwelling in this location.

Heritage

The site is affected by the Heritage Overlay - Schedule 30 (HO30) – *Quarry Hill Precinct*.

The State planning policy for heritage conservation at **Clause 15.03-1S** aims to ensure the conservation of places of heritage significance. Relevant strategies to achieve this objective include encouraging appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations, retaining those elements that contribute to the importance of the heritage place, and ensuring an appropriate setting and context for heritage places is maintained or enhanced.

Clause 21.08 Environment of the Municipal Strategic Statement recognises the role that heritage plays in the municipality. It states that *“Greater Bendigo has a large number of significant heritage assets of local, state and national significance. There are buildings, sites and precincts dating from all decades of post-contact settlement since the 1850’s, following the discovery of gold, throughout the municipality. The total complex of buildings, infrastructure, urban spaces and natural resources represent the most significant asset and resource in central Victoria. Heritage is an important part of the economy of the municipality due to its role in attracting tourists, renovators and new residents who bring economic development initiatives and assets.”*

The purposes of the Heritage Overlay include conserving and enhancing heritage places of natural or cultural significance, and ensuring that development does not adversely affect the significance of heritage places.

The statement of significance for this precinct is contained within the Bendigo and Eaglehawk Heritage Study. It states that *“Quarry Hill, because of its hilly terrain, high percentage of Edwardian and late Victorian-era housing and its proximity to major cultural sites such as the Bendigo Cemetery, has both a strong period character expressed in its housing and picturesque views to and from the housing stock which enhances its sense of place. It also has a setting for individually significant sites such as the Eyrie which epitomizes the type of housing and the superb effects gained by siting against landscaped hillsides.”*

Consideration has been given to the relevant decision guidelines of this overlay including:

- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.

Clause 22.06 Heritage Policy sets out objectives which include the need to ensure that Greater Bendigo's heritage assets are maintained and protected and to ensure developments are sympathetic with the appearance and character and maintain the significance of heritage places. The policy also requires new developments to be assessed against the relevant design suggestions in the *Greater Bendigo Heritage Design Guidelines, August 2015*.

An assessment against the policy objectives and Heritage Design Guidelines is provided as follows:

Subdivision

The Heritage Policy and Heritage Design Guidelines contain objectives which seek to ensure that subdivision, and development which may result from it, does not adversely affect the significance of the heritage place and that subdivision of heritage places retains the existing built form pattern where such pattern contributes to the significance of the heritage place.

The Guidelines further state that subdivision should result in development that respects the existing rhythm/pattern of surrounding buildings and spaces between them, that subdivisions should result in lots with a similar frontage to that of dominant allotment pattern in the streetscape, and that appropriate settings and elements be maintained including the retention of original garden areas, large trees and other contributory features.

The subdivision will not result in the loss of significant features of the heritage place, in terms of large trees or original garden areas.

Frontages within Percival Street are not uniform, however most are within the range of 16-24 metres. The subject site has a frontage of 23 metres to Percival Street and the proposal will create two lots with frontages of 10.7 metres and 12.2 metres. The proposed lot widths will be narrower than most of the lots within the street, although it is acknowledged that there are other examples of lots with narrow frontages in Percival Street. The proposed boundary between the two lots allows for an appropriate curtilage for the existing dwelling to retain its appearance within the Percival Street streetscape.

However, there is a concern that the subdivision only allows for minimal spacing between the existing dwelling and any new dwelling constructed on the vacant lot. The Guidelines state that subdivision should allow for the appropriate siting, solar access, private open space, landscaping, vehicle access, parking, water management and easements within the heritage place.

The proposal provides for minimal landscaping of the site, a poorly oriented and minimal area of secluded private open space for the existing dwelling. A deck of approximately 12 square metres is proposed to be constructed on the southern side of the existing dwelling. A staircase will lead to the garden below which has a width of 2.2 metres to the southern boundary and 1.56 metres to the eastern boundary. The area of the lot and proposed site coverage provides minimal opportunities for landscaping and useable areas of private open space.

Demolition

The rear of the existing building which is proposed to be demolished is of limited heritage value. The existing carport and fence are not contributory elements.

Car Parking and Driveway

The proposed dwelling will utilise the existing driveway in Percival Street and its garage will be located behind the façade of the dwelling.

The City's Heritage Advisor has raised concerns with the location of the new driveway for the existing dwelling on the basis that its location does not allow for separation between the new carport and the existing dwelling and that there needs to be clear differentiation between original and new fabric.

Infill development/New buildings

The Heritage Policy and Guidelines contain objectives which:

- Encourage new buildings that do not adversely affect the significance, character or appearance of the heritage precinct and are visually recessive;
- Seek to ensure that the design of new buildings responds to the context of the heritage precinct and nearby contributory buildings including scale, height, mass, form, siting, setbacks and materials; and
- Encourage new development within a heritage precinct that is contemporary in appearance and does not copy historic styles or details.

The design advice within the Guidelines states that:

- Atypical buildings found in the heritage precinct should not be used as the reference point for new development design; the design approach should be respectful of the dominant characteristics of the precinct.
- The overall shape and volume and the arrangement of the parts of any new development should not dominate the Contributory buildings within the heritage precinct.

The new dwelling adopts a simplistic contemporary design which incorporates similar window proportions to the existing dwelling. However, there are concerns that the dwelling will be dominant within the streetscape due to its form and massing, as outlined in the Heritage Advisor's comments earlier in this report.

The proposed new dwelling is not sympathetic to the values of the heritage place and it is considered that the overall proposal does not comply with the objectives of the City's Heritage Policy.

Neighbourhood Character

Neighbourhood character is referenced as an important consideration throughout the Planning Scheme including Clause 15.01-5S Neighbourhood Character, Clause 22.21 Quarry Hill Residential Character Policy and Clause 32.08 General Residential Zone.

The Quarry Hill Residential Character Policy seeks to ensure that development is responsive to the desired future character of the area in which it is located, and to retain and enhance the identified elements that contribute to the character of the area.

The site is located within Quarry Hill Precinct 2. The character description for this area is:

Although the area has a mix of building styles, materials and setbacks, there is usually some consistency in the way buildings are sited within a particular streetscape. Front gardens are low in scale and mostly exotic and front fences are mainly low in height, creating an open feel to the streetscape. In some locations, mature trees in reserves or private gardens dominate the skyline.

The Statement of desired future character for this area is:

The spacious, garden suburb qualities of the streetscapes will be maintained.

An assessment against the policies objectives and design responses is provided below.

Objectives	Recommended Design Response
To maintain and strengthen the garden settings of the dwellings.	Prepare a landscape plan to accompany all applications for new dwellings. Retain large, established trees and provide for the planting of new trees wherever possible.
<i>Comment: No significant trees are proposed to be removed. An indicative landscape plan has been submitted, however no detail about plant species or numbers and other surface treatments has been provided. Small front gardens are proposed for each of the dwellings, however overall there are limited landscaped areas within the proposed site layout due to the extent of the site coverage.</i>	
To minimise site disturbance and impact of the building on the landscape.	Buildings should be designed to follow the contours of the site or step down the site.
<i>Comment: Impact of the new building on the landscape has been minimized. Some minor excavation will be required at the front of the property for the new dwelling and for the new carport for the existing dwelling. Given the slope of the site, the ground floor level for the new dwelling sits approximately 1.2 metres above natural ground level at the rear of the property.</i>	
To maintain the consistency, where present, of building front setbacks.	The front setback should be not less than the average setback of the adjoining two dwellings.
<i>Comment: The existing dwelling on the site is setback 2.2 metres from Percival Street and the adjoining dwelling to the east has a garage which is built to the Percival Street boundary. The ground floor setback of the new dwelling is considered appropriate from a character perspective; however the upper level does not respond appropriately to the heritage streetscape.</i>	

Objectives	Recommended Design Response
To maintain the rhythm of dwelling spacing.	Buildings should be off-set from at least one side boundary.
<i>Comment: The proposed dwelling has a setback of 1.2 metres to the east and 1.5 metres from the existing dwelling on the subject site. The proposal meets the design response requirement by providing offsets from boundaries.</i>	
To ensure that buildings and extensions do not dominate the streetscape.	Respect the predominant building height in the street and nearby properties. Where there is a predominance of single storey, the height of the dwelling at the front of the dwelling should match the typical single storey wall height.
<i>Comment: Whilst the upper level of the new dwelling will be setback from the ground floor façade to ensure that it is articulated, it is considered that the extent of the upper level recessing is inadequate in the surrounding heritage context and the proposed two storey building form will be dominant within the streetscape.</i>	
To use building materials and finishes that complement the dominant pattern within the streetscape.	In streetscapes where weatherboard predominates, use timber or other non-masonry cladding materials where possible, and render, bag or paint brick surfaces. Use low, pitched roof forms.
<i>Comment: The materials for the new dwelling would be Scyon Linea board and Colorbond 'Seamist' roofing, which are considered appropriate. The proposed roof is not low pitched. In this case the roof pitch has been based on those of the surrounding non-contributory dwellings and outbuildings in the street, which is considered an inappropriate response to the heritage character of the area.</i>	
To maintain and enhance the openness of the streetscape.	Provide low front fencing.
<i>Comment: Low front fencing is proposed at the frontage of the site.</i>	

Residential Amenity

Objectors have raised some concerns about amenity impacts, specifically overlooking, overshadowing and car parking

Whilst there is a degree of overshadowing to the adjoining property to the east, the proposal complies with the Overshadowing open space objective at Clause 55.04-5. Overshadowing to the adjoining property to the south is minor and complies.

With regard to overlooking, the south and east facing first floor windows, ground floor windows and decking are screened or obscure glazing in accordance with the overlooking Rescode standard, to ensure no overlooking will occur.

The proposal meets the requirements of Clause 52.06 for car parking provision. The existing dwelling will be converted to a two bedroom dwelling, which requires one car space, whilst the new dwelling requires two spaces as it is a 3 bedroom dwelling. The proposal provides for a single carport for the existing dwelling and a single garage with a tandem car space for the new dwelling.

ResCode Matters

The purpose of **Clause 55 (Two or more dwellings on a lot and residential buildings)** includes the need to achieve residential development that respects neighbourhood character and provides reasonable standards of amenity for existing and new residents.

The principal purpose of **Clause 56 (Residential subdivision)** is to create liveable and sustainable neighbourhoods and urban places with character and identity.

It is a requirement of Clauses 55 and 56 that a development/subdivision must meet all of the objectives of the clauses and should also meet all of the standards. A number of ResCode objectives have been assessed as not being met in relation to this application and these are discussed below:

Clause 55 – Two or more dwellings on a lot and residential buildings

Clause 55.02-1 Neighbourhood Character objective

The application is not adequately respectful of neighbourhood character given that the upper level setback of the proposed dwelling is not respectful of the heritage surrounding streetscape and the extent of the site coverage does not allow for appropriate garden settings and minimal landscaping opportunities.

Clause 55.03-8 Landscaping objective

As noted previously, landscaping opportunities at the site frontage and rear open space areas are limited due to the proposed site coverage and layout. Whilst a landscaping plan has been provided, it lacks detail. Whilst this could be addressed as a condition of permit, should Council decide to approve the application, there are concerns that the proposal in its current form fails to meet the objective of the character policy for this area which seeks to provide for garden settings.

Clause 55.05-4 Private Open Space Objective

Both dwellings comply with the requirement to provide for 40 square metres of private open space, including a minimum of 25 square metres of secluded private open space. However, it is considered that the proposal does not comply with the overall objective to provide for the reasonable recreation and service needs of residents.

The private open space for each dwelling comprises a deck and lower level garden areas. The usefulness of the spaces at ground level is considered limited, in particular for Lot 1 containing the existing dwelling due to the narrow widths of the garden areas. Each of the areas of private open space is located at two different levels, with the existing dwellings garden area required to be accessed via nine stairs.

The decking for the existing dwelling is screened and the combination of the level differences, screening and extent of space taken up by the carport creates a cluttered arrangement that limits landscaping opportunities and does not integrate well with the landscape character of the neighbourhood. The deck for the new dwelling also requires extensive screening. It is considered that the proposal does not comply with the objective of this clause, despite meeting the area requirements for private and secluded open space.

Clause 55.05-5 Solar Access to Private Open Space Objective

Private open space for the proposed dwelling has been provided to the east which will allow for appropriate solar access.

Private open space for the existing dwelling is provided to the south. Whilst south facing open space is allowable, the objective of this clause is not considered to be met. Shadow diagrams submitted as part of the application demonstrate that the decking will be overshadowed at all hours of the day between 9.00am and 3.00pm, which will result in a poor amenity outcome for this dwelling.

Clause 55.06-1 Design Detail Objective

The materials and window proportions of the proposed dwelling are considered to be appropriate, however the upper level setback from the street is not adequately respectful of the surrounding heritage streetscape and will result in the dwelling being dominant within the street. Overall, the design is not consistent with the desired neighbourhood character, as outlined earlier as part of the assessment of neighbourhood character.

Clause 56 – Residential subdivision

Clause 56.03-5 Neighbourhood character objective

The objective of this clause is to design subdivisions that respond to neighbourhood character. The standard states that subdivisions should: respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this Scheme, respond to and integrate with the surrounding urban environment and protect significant vegetation and site features.

Whilst the curtilage allowed for the existing dwelling is generally acceptable from a heritage point of view, when considering the potential for new development on the vacant lot, there is a concern that the lot sizes provide for minimal spacing to be achieved between the existing dwelling and any new dwelling on the vacant lot, and concern about whether this will result in an acceptable outcome in relation to providing for residential amenity within any future development, and ultimately an acceptable neighbourhood character outcome.

Clause 56.04-2 Lot area and building envelopes

Lot 2 provides for a rectangle of 10 by 15 metres. As such, the proposal satisfies the standard to be met; however there is a concern about whether the size of the lots allows for appropriate private open space and solar access.

Clause 56.04-3 Solar orientation of lots

Lot 1 containing the existing dwelling does not have optimal solar access for living areas and private open space.

Conclusion

While the site is well located within central Bendigo to take advantage of existing infrastructure, services and facilities, public open space, schools and transport, and planning policy supports higher density development close to activity centre locations; the General Residential Zone, Clause 22.21 and Clauses 55 and 56 of the Planning Scheme require that new development respects the neighbourhood character of the area.

There are concerns that the proposal will adversely impact the significance and appearance of the heritage precinct. The proposed development also fails to comply with several Rescode objectives, and will result in poor amenity outcomes. The areas of concern outlined in this report indicate that the proposal is an overdevelopment of the site.

This application should be refused on the basis that it represents an unacceptable planning outcome with regard to neighbourhood character, ResCode, the City's Heritage Policy and the Heritage Overlay.

Whilst it may be possible to subdivide and develop the site with a new dwelling, this proposal is not an appropriate planning outcome as the design will not provide for an acceptable level of amenity, and development that is respectful of and integrates well with the existing neighbourhood character, heritage precinct and streetscape.

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

3.2 74 CONDON STREET, KENNINGTON 3550 - SUBDIVISION OF THE LAND INTO 5 LOTS, CONSTRUCTION OF 5 DWELLINGS, REMOVAL OF DRAINAGE RESERVE AND ALTERATION OF ACCESS ONTO A ROAD IN A ROAD ZONE CATEGORY 1

Document Information

Author Grace Paisley, Planner

Responsible Director Bernie O'Sullivan, Director Strategy and Growth

Summary/Purpose

Application details: Subdivision of the land into 5 lots, construction of 5 dwellings, removal of drainage reserve and alteration of access onto a road in a Road Zone Category 1.

Application No: DSD/432/2018

Applicant: Sarah Trowell

Land: 74 Condon Street, KENNINGTON 3550

Zoning: General Residential Zone
Road Zone 1

Overlays: None

No. of objections: One

Consultation meeting: No

Key considerations:

- Whether the proposal is consistent with Planning Scheme policy regarding housing, design and infill development;
- Whether the proposal is consistent with Neighbourhood Character Policy and the provisions of the General Residential Zone;
- Compliance with ResCode;
- Whether the proposal will be impacted by flooding from overland flow and/or adversely impact the path and levels of the overland flow.

Conclusion: The applicant has appealed to the Victorian and Civil Administrative Tribunal (VCAT) against the City's failure to determine the application within the statutory timeframe. This report recommends Council establish the position of not supporting the proposal at the VCAT hearing scheduled for 9 May 2019.

The application material fails to demonstrate that the proposal will not be subject to flooding from overland flow or impact the path and level of overland flow.

RECOMMENDATION

Pursuant to section 61 of the Planning and Environment Act (1987), Council resolve to establish the position of Refusal to Grant a Planning Permit for subdivision of the land into 5 lots, construction of 5 dwellings, removal of drainage reserve and alteration of access onto a road in a Road Zone Category 1 at 74 Condon Street, KENNINGTON 3550 based on the following ground:

- In the absence of a drainage study demonstrating otherwise, the proposal is contrary to Clause 19.03-3S, Clause 21.08-5, Clause 55.02-4 and Clause 56.07-4 as the development will be impacted by flooding from overland flow and will raise flow levels on neighbouring properties.

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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 applicant was requested to provide a drainage study on 28 August 2018 as the property is subject to potentially problematic overland flow. The drainage study is required to determine the impact of overland flow on the proposal and the impact the proposal will have on the flow path. It is likely the study would result in changes to the design of the proposal.

Rather than provide the drainage study, the applicant chose to lodge a failure to determine proceeding at VCAT and as such a decision was not able to be made on the application.



It is likely that if the technical issue of drainage had been resolved, the City would have supported the application as it is otherwise generally in compliance with the Planning Scheme.

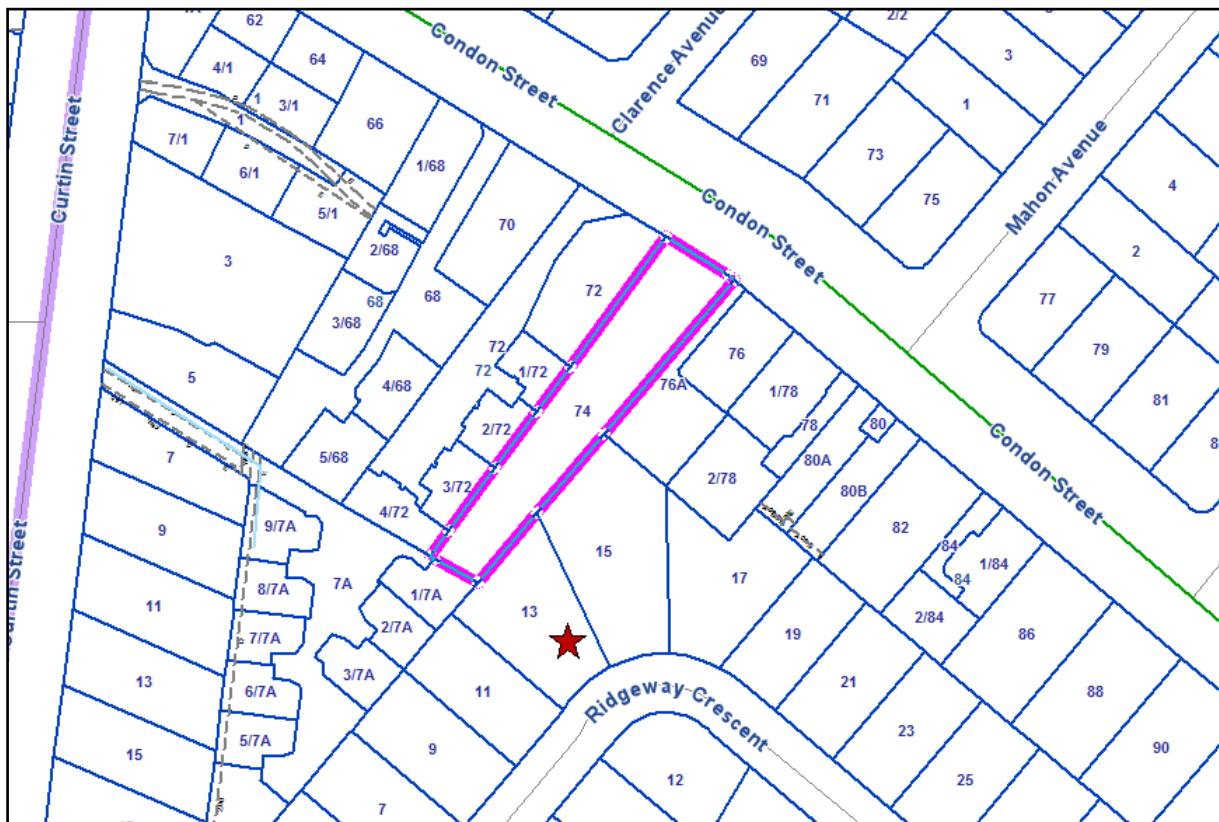
## Report

### Subject Site and Surrounds

The subject site is located on the south western side of Condon Street, is generally rectangular in shape and has an overall area of 1,662sqm. The site has a frontage of 20.13m and a depth of 99.39m. The site contains a single storey dwelling located at the front of the site, setback 5.9m from Condon Street (Road Zone Category 1). The remainder of the site is vacant and void of vegetation. The site falls approximately one metre from the front to the middle of the lot and then slightly rises again to the rear. Access to and from the site is via a crossover onto Condon Street.

The site is adjoined by residential development on all sides. To the north-west the site is adjoined by a five lot unit development with a common property driveway. To the south-west the site is adjoined by another unit development consisting of 9 lots with a common property driveway. To the south-east the site is adjoined by larger residential lots and a vacant battle axe shaped lot.

The site is located approximately 2km from the Bendigo CBD and 645m from the Strathdale activity centre.



**Figure 1:** Location map showing subject site. Objector's property marked with a star.

## Proposal

- The existing dwelling on the property will be demolished and five lots will be created with a common property driveway running along the south eastern boundary of the lot.
- An old drainage reserve which is located in the middle of the lot will be removed.
- Lot 1 will have an area of 289sqm and will contain dwelling 1. The single storey dwelling will have an overall area of 124.09sqm and will be setback 6m from the street.
- Lot 2 will have an overall area of 233sqm and will contain dwelling 2. The single storey dwelling will have an overall area of 132.15sqm.
- Lot 3 will have an overall area of 239sqm and will contain dwelling 3. The single storey dwelling will have an overall area of 126.32sqm.
- Lot 4 will have an overall area of area of 241sqm and will contain dwelling 4. The dwelling will be single storey with an area of 141.45sqm.
- Lot 5 will have an overall area of 264sqm and will contain dwelling 5. The dwelling will be single storey with an area of 137.93sqm.
- All dwellings will contain two bedrooms, two bathrooms and a single garage.

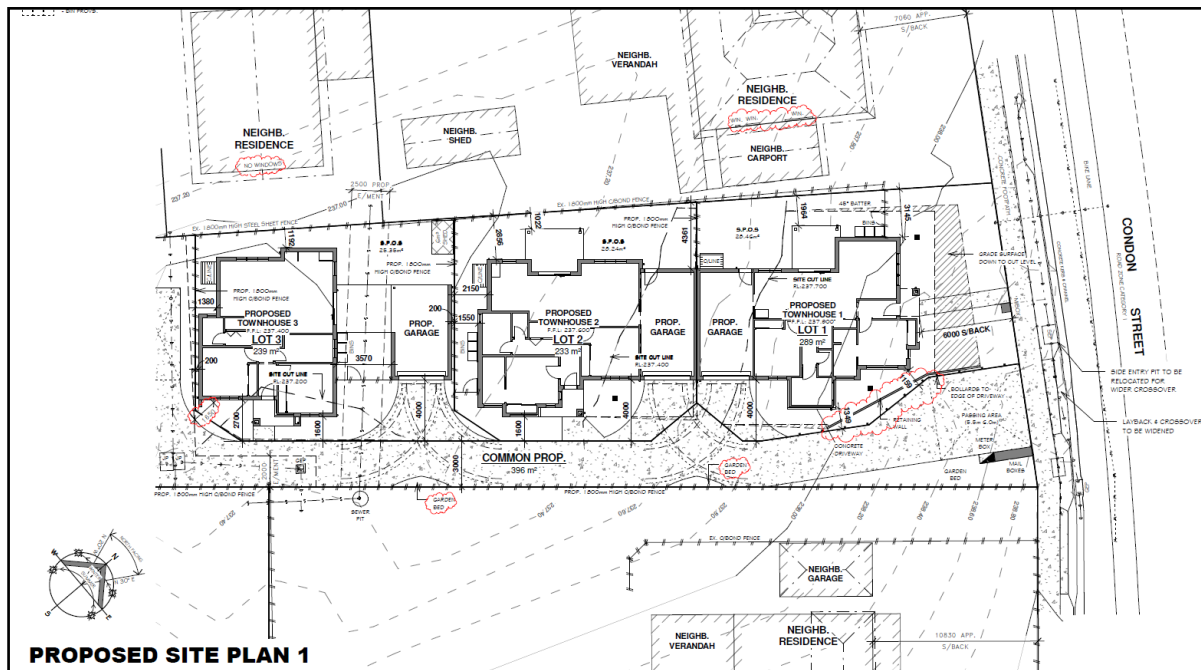
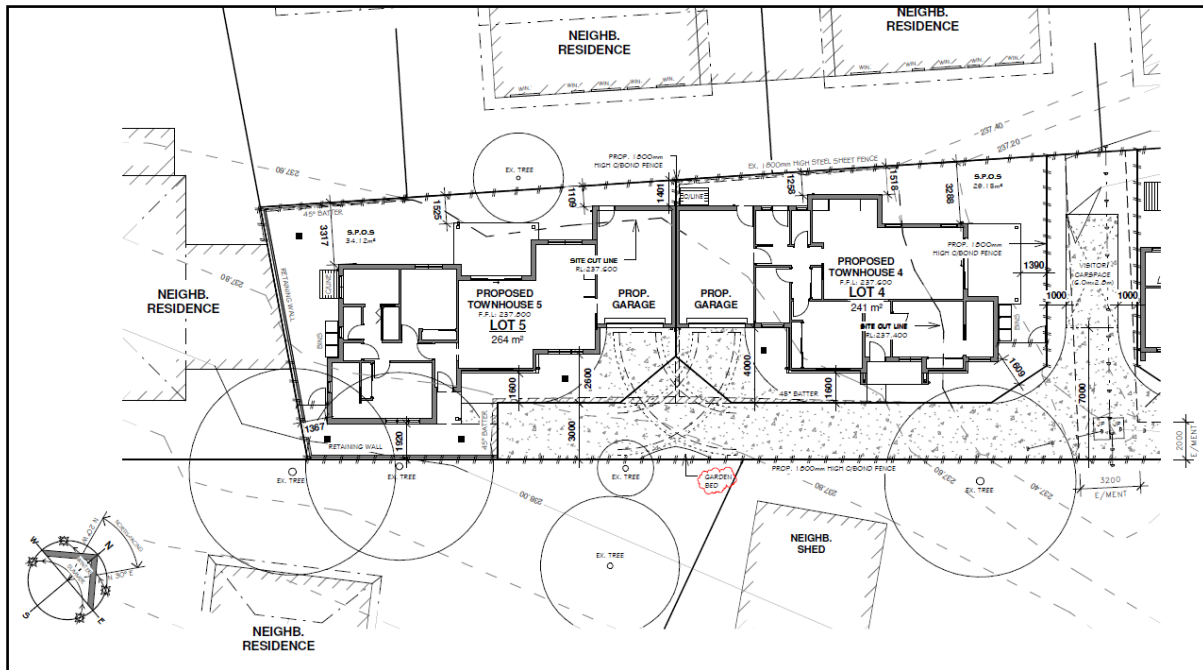
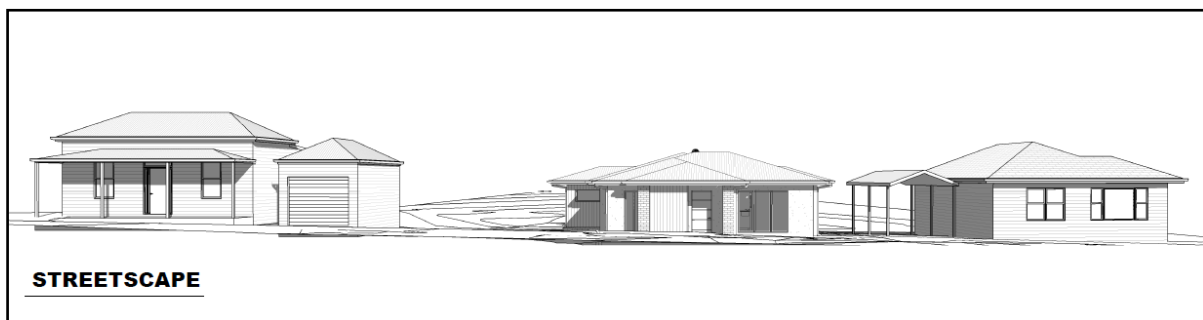


Figure 2: Site plan 1



**Figure 3:** Site plan 2



**Figure 4:** Streetscape elevation

## Planning Controls - Greater Bendigo Planning Scheme

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

### Planning Policy Framework

- 11.01-1S Victoria - Settlement
- 11.01-1R Settlement Loddon Mallee South
- 15.01-3S Subdivision design
- 15.01-15S Neighbourhood character
- 16.01-3S Housing diversity
- 16.01-4S Housing affordability
- 19.03-3S Integrated water management

### Municipal Strategic Statement

- 21.05 Compact Greater Bendigo
- 21.05-4 Housing Density and Diversity
- 21.08-5 Flooding

Local Planning Policies

- 22.24 Strathdale/Kennington Residential Character Policy

Other Provisions

- 32.08 General Residential Zone
- 52.02 Easements, Restrictions and Reserves
- 52.29 Land Adjacent to a Road Zone, Category 1
- 55 Two or more dwellings on a lot
- 56 Residential subdivision

**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                                                                                                                                                                                                                                                                               |
| Downer                                   | No objection subject to conditions                                                                                                                                                                                                                                                                               |
| VicRoads                                 | No objection subject to conditions                                                                                                                                                                                                                                                                               |
| Traffic & Design                         | No objection subject to conditions                                                                                                                                                                                                                                                                               |
| Drainage                                 | Further information requested in the form of a drainage study.                                                                                                                                                                                                                                                   |
| Environmental Sustainable Design Officer | No objection. The comments included recommended voluntary changes to the plans which were not made. It should be noted that application was received prior to Amendment GC110 which introduced Clause 22.10 - environmentally sustainable development. As such, Clause 22.10 does not apply to this application. |

Public Notification

The applicant was directed by VCAT to give notice of the application. The application was advertised by way of a notice on the site and letters to adjoining and nearby owners and occupiers.

As a result of advertising, one objection was received, with the grounds of objection being:

- Drainage – the objection notes that in storm events, water builds up and if drainage is restricted, flooding of their property is likely to occur.
- Privacy and overlooking – replacement of the damaged common fence. The objector requests a 2 metre high fence on the common boundary.

- The objector also made a comment wishing the developer to treat them and other neighbours with respect and consideration in the planning and construction phases.

The objection is discussed below.

## Planning Assessment

### Planning Policy Framework and Local Planning Policy Framework

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. It also states that planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport and communication, water, sewerage and social facilities. The proposal supports these objectives.

Clause 11.01-1R Settlement - Loddon Mallee South has the strategies to support Bendigo as the major population and growth hub for the region and facilitating increased commercial and residential densities, mixed use development and revitalisation projects for underutilised sites and land in Bendigo. The proposed subdivision and development will support the demand for housing as a result of population growth in the municipality.

Clause 16.01 Residential development promotes a diverse range of housing that meets community needs in locations that offer good access to services and transport and that is energy efficient. Clause 16.01-3S Housing diversity seeks to provide for a range of housing types to meet increasingly diverse needs.

Clause 19.03-3S relates to sustainable management of drainage and storm water through an integrated water management approach. The strategies in the clause require planning to minimise flood risks and provide urban environments that are more resilient to the effects of climate change. The drainage study requested is required to provide flood levels for the proposal to assist in mitigating potential flooding of the dwellings in a storm event and also to ensure flow levels are not raised on adjoining properties. Without the study, it cannot be concluded that the dwellings will not be subject to flooding in storm events.

The *Greater Bendigo Residential Strategy (2014)* encourages urban consolidation in areas which have good access to local services and facilities. A key component of the Strategy is implementing the concept of '10 minute neighbourhoods' around activity centres.

Clause 21.05 Compact Bendigo encourages '10 minute neighbourhoods' which are attractive and feature well designed residential and mixed use developments, offer a range of housing choices, convenient access to public transport and activity centres, and have community and commercial facilities that are highly accessible by a variety of transport modes, in particular walking and cycling. Clause 21.05 states that:

*"A 10 minute neighbourhood is an identifiable community where people can access many (but not necessarily all) of their daily needs within a 10 minute walk or cycle trip from where they live. Daily needs can include shops, schools, employment, a range of community facilities and public transport."*

The location of this proposal is approximately 645m from the Strathdale activity centre as noted at Clause 21.07-2 (Economic Development – Activity Centres) in the Planning Scheme. The activity centre is within 10 minutes walking distance of the site meeting the 10 minute neighbourhood concept. The site is also within walking/cycling distance of schools, public transport and open space.

Clause 21.05-4 identifies that there is a significant mismatch between the type of dwellings that exist and household size with an oversupply of three plus bedrooms. This development proposes two bedroom dwellings which is supported by this policy statement.

The proposal will support the demand for housing as a result of increasing population growth. The proposal is in accordance with State policy regarding supporting higher density developments that are in proximity to activity centres and activity nodes or public transport.

The site is affected by Clause 22.24 Strathdale/Kennington Residential Character (Precinct 4) Policy which has the principal objectives of ensuring that development is responsive to the desired future character of the area in which it is located and to retain and enhance the identified elements that contribute to its character.

The policy sets out how the desired future character is to be achieved by the following objectives and design responses.

| Objectives                                                                                                                                                                                                                                                                    | Response                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| To maintain and strengthen the garden setting of the dwellings.                                                                                                                                                                                                               | Prepare a landscape plan to accompany all applications for new dwellings.                                                                                                                                                                               |
| <i>Comment: An acceptable landscape plan has been provided.</i>                                                                                                                                                                                                               |                                                                                                                                                                                                                                                         |
| To minimise site disturbance and impact of the building on the landscape.                                                                                                                                                                                                     | Buildings should be designed to follow the contours of the site or step down the site.                                                                                                                                                                  |
| <i>Comment: Due to the fall of the land some cut and fill will be required, however this is not unreasonable and will not adversely impact the landscape.</i>                                                                                                                 |                                                                                                                                                                                                                                                         |
| To maintain the consistency, where present, of building front setback.                                                                                                                                                                                                        | The front setback should be not less than the average setback of the adjoining two dwellings.                                                                                                                                                           |
| <i>Comment: The front setback will be less than the average of the adjoining two dwellings. However, the setback proposed is more than the existing dwelling on the site. The consistency of front setbacks in the street will not be adversely impacted by the proposal.</i> |                                                                                                                                                                                                                                                         |
| To reflect the existing rhythm of dwelling spacing.                                                                                                                                                                                                                           | Buildings should be setback between 1 and 3 metres from both side boundaries, based on the predominant pattern in the streetscape.<br><br>Use low pitched roof forms.<br><br>Articulate front and side facades to reflect building forms in the street. |

| Objectives                                                                                                                                                                                                             | Response                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| <i>Comment: The dwellings are setback from both side boundaries, have low pitched roof forms and are reasonably articulated.</i>                                                                                       |                                                                                                                 |
| To ensure that buildings and extensions do not dominate the streetscape.                                                                                                                                               | Respect the predominant building height in the street and nearby properties.<br><br>Use low pitched roof forms. |
| <i>Comment: The dwellings are single storey which is in keeping with the predominant building height in the street. 18 degree roof pitches are proposed which is acceptable.</i>                                       |                                                                                                                 |
| To use building materials and finishes that complement the dominant pattern within the streetscape.                                                                                                                    | In streetscapes where weatherboard predominates, render, bag or paint brick surfaces.                           |
| <i>Comment: The proposal would have a variety of materials including vertical groove cladding, face brickwork and rendered brickwork. This will complement the mixture of building materials within Condon Street.</i> |                                                                                                                 |
| To maintain the openness of the streetscape.                                                                                                                                                                           | Provide low or open style front fences.                                                                         |
| <i>Comment: The majority of the site will remain open.</i>                                                                                                                                                             |                                                                                                                 |

### General Residential Zone

The purpose of the General Residential Zone is to encourage development that respects the neighbourhood character of the area and to encourage diversity of housing types and housing growth, particularly in locations offering good access to services and transport.

The proposal respects the character of the area as demonstrated in the above assessment against the relevant local residential character policy. The development of 2 bedroom dwellings will add to the diversity of housing within the municipality and the location of the site in proximity to open space, services and public transport means that it is well located for infill development.

A requirement of the General Residential Zone relates to the need to provide a complying Minimum Garden Area.

As the application is proposing to construct 5 dwellings and the land area is over 650 square metres in size, 35% of the overall site must be provided as garden area. Garden area is a mandatory requirement under the General Residential Zone and cannot be varied.

The plans submitted with the application demonstrate the proposal complies with the requirement with 35.3% of the site meeting the garden area definition.



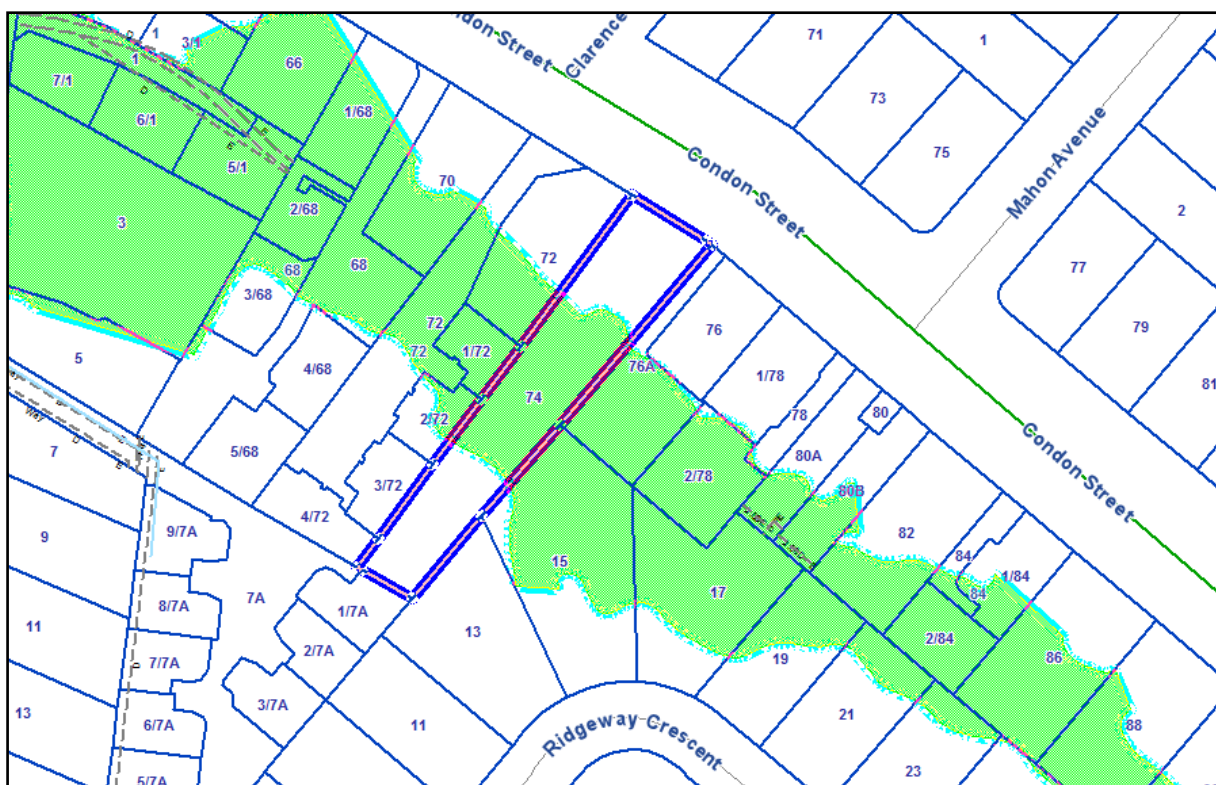
## Drainage

The application was referred to the City's Development Engineer for advice. It was advised that the *Bendigo Urban Flood Study (2013)* identified the site is subject to overland flow. A drainage study assessing the impact of the proposed development on the 15% storm event overland flow was required. The study is required to demonstrate that the development will not raise flow levels on neighbouring properties and set appropriate floor levels for the development close to the overland flow paths.

Due to the significant volume of water flowing through the property in a storm event, it is likely that the drainage study will require changes to the design of the development including the potential for the removal of the middle dwelling.

The drainage study has not been submitted to the City and therefore a full assessment of the impact the proposal will have on the overland flow path is unable to be completed.

As it cannot be determined whether the proposal will raise the flow levels or direct the flow onto adjoining properties, the application should not be supported.



**Figure 5:** Map showing the areas subject to overland flow as identified by the Bendigo Urban Flood Study

## Compliance with ResCode (Clauses 55 and 56)

Compliance with the objectives of Clause 55 and Clause 56 are a mandatory requirement for residential developments within the General Residential Zone. The standards of Clause 55 and Clause 56 can be varied.



With the exception of Clause 55.02-4 and 56.07-4 which relate to drainage infrastructure, urban run-off and storm water, the proposal is generally compliant with the objectives of ResCode.

Clause 55.02-4 Infrastructure objectives

The relevant objective under this clause is to ensure development does not unreasonably overload the capacity of utility services and infrastructure, including drainage. No information has been provided with the application to support that this will not occur.

Clause 55.03-1 Street setback objective

This clause has the objective to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Based on the standard, the street setback required is 8.945m. The proposed front dwelling is setback 6m from the street. This is acceptable based on the setback of the existing dwelling being 5.96m and the setbacks of other dwellings in the street.

The context of the site and the overall design response indicate the variation to the setback standard is appropriate. The proposal will respect the neighbourhood character and make efficient use of the site.

Clause 56.07-4 Urban run-off management objectives

One of the objectives for this clause is to minimise damage to properties and inconvenience to residents from urban run-off.

As discussed earlier in this report, in the absence of a drainage study demonstrating otherwise, the development will be flooded due to overland flow and this will likely result in damage to the proposed development and adjoining properties.

Objection

The objection received raises concerns over overland flow and the potential for the development to redirect stormwater onto their property. The application does not provide any evidence that this will not occur.

In regards to fencing, the plans submitted with the application indicate a proposed 1.8m high Colorbond fence along the common boundary with the objector.

**Conclusion**

In the absence of a drainage study demonstrating otherwise, the proposal is not in accordance with Planning Policy Framework, Local Planning Policy Framework and the requirements of Clause 55 and 56 regarding overland flow.

For this reason, the proposal is deemed inappropriate and it is recommended Council establish the position of not supporting the proposal at the upcoming VCAT hearing.

**Options**

In this case, being that the application is to be determined by the Tribunal, Council has the options of establishing a position of either supporting the proposal or not supporting the proposal as presented.

**Attachments**

- Objection / Statement of Grounds

### 3.3 7 JULIAN COURT, EPSOM 3551 - THREE LOT SUBDIVISION AND CONSTRUCTION OF THREE DWELLINGS

#### Document Information

**Author** Kahlia Reid, Senior Planner

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

#### Summary/Purpose

Application details: Three lot subdivision and construction of dwellings.

Application No: DSD/684/2017

Applicant: Spiire Australia Pty Ltd

Land: 7 Julian Court, EPSOM 3551

Zoning: General Residential Zone

Overlays: Land Subject to Inundation Overlay

No. of objections: 10

Consultation meeting: A consultation meeting was not undertaken for the application. The applicant prepared a written response to the concerns outlined which was circulated to all objectors. No withdrawals occurred as a result of the applicant's response.

It is noted that consultation was undertaken for a similar proposal at 8 Julian Court which is discussed later in this report.

Key considerations:

- Is there strategic support for a development of this nature?
- Is the site capable of supporting the proposed subdivision and development?
- Will the proposal have an adverse impact on the amenity and character of the area?
- Will the proposal generate unreasonable traffic and parking impacts?
- Does the proposal comply with the requirements of ResCode (Clause 55 and 56)?

Conclusion: It is considered that the proposal provides an acceptable planning outcome, subject to conditions, taking into account relevant requirements of the Greater Bendigo Planning Scheme.

## **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 a three lot subdivision and construction of three dwellings at 7 Julian Court, EPSOM 3551 subject to the conditions at the end of this report.

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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 received on 23 October 2017 and proposed a three lot subdivision and the construction of three dwellings (two of which were double storey).

Further information was requested and upon the approval of Amendment C221 the Land Subject to Inundation Overlay was applied to the land.

The applicant spent a considerable amount of time responding to the City's further information request with amended documentation received on 7 November 2018.

A subsequent amendment was received on 4 December 2018 and it is this amended documentation the application assessment is based upon.

The most notable change between plans is the layout of the site and the reduction of all three dwellings to single storey.

In addition, it is also noted that a similar application (three lot subdivision and construction of three dwellings), has previously been considered on the adjoining site to the west known as 8 Julian Court. The application was reported to the 19 July 2017 Council Meeting with an officer recommendation of approval.

The recommendation was overturned and the application was refused.

The decision was appealed at the Victorian Civil and Administrative Tribunal (VCAT). Following the hearing a planning permit was granted.

Report

Subject Site and Surrounds

The site is generally a rectangular shaped allotment with a narrower frontage (approximately 8 metres) to Julian Court due to its location at the south eastern end of the court bowl. The site has a total area of 937 square metres and is currently vacant with no notable features. The northern and southern boundaries of the site are denoted by colorbond fencing. There is currently no fencing along the eastern boundary of the site.

A 2.5 metre wide easement extends along the eastern boundary of the site in favour of Coliban Water.



Figure 1: Location map showing subject site. Objectors' properties marked with a star.

The site is located within an established residential area, typically denoted by standard residential allotments (greater than 800 square metres) with single detached dwelling constructed from brick with colorbond roofs and garages presenting to the street.

There are examples of smaller lots and development in the area including to the west of the site at 8 Julian Court and on the corner of Julian Court and Tobin Crescent.

A pedestrian walkway delineates the western boundary of the site, providing access to Epsom Village which is a commercial precinct containing a number of businesses including a supermarket and chemist.

An oval / area of open space is also located approximately 45 metres south of the site in Market Garden Circuit.

The Epsom railway station is located approximately 400 metres south east of the site.

Proposal

The application seeks planning approval for the subdivision of land into three lots and the construction of three dwellings.

Subdivision

The application will subdivide the site into three lots which will utilise a common property access from Julian Court. The lots range in size from 217.68 square metres to 250.90 square metres.

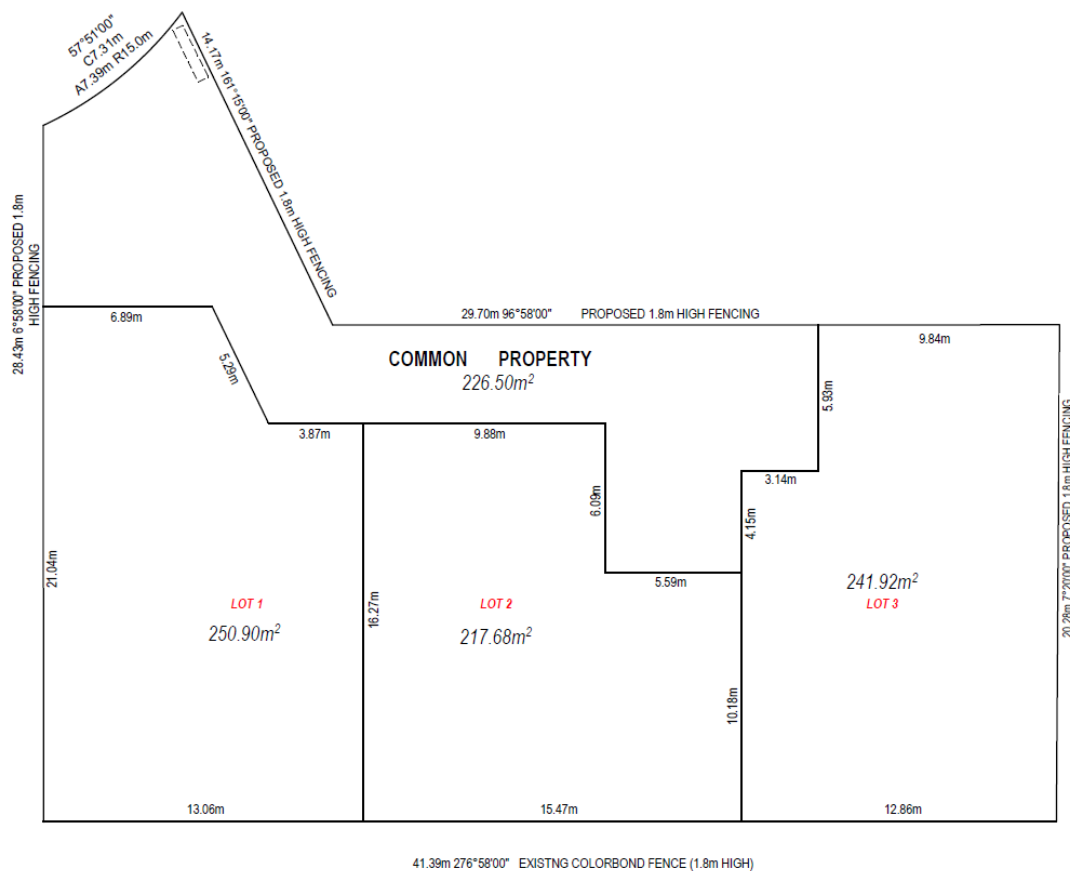


Figure 2: Proposed plan of subdivision

Three single storey dwellings are proposed to be constructed on the site.

Dwelling 1 will contain a single garage with an additional car parking space located in front of the garage, while Dwellings 2 and 3 will each have a double garage.

The dwellings are proposed to be constructed from brick with colorbond roofs.





Figure 4: Elevation perspective

Access

Access to the lots will be provided by a single common driveway from Julian Court. The driveway will extend along the northern boundary of the site and has been designed to allow all vehicles to enter and exit the site in a forward direction.

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
- 11.02-1S Supply of Urban Land
- 11.03-2S Growth Areas
- 13.03-1S Floodplain Management
- 15.01-1S Urban Design
- 15.01-2S Building Design
- 15.01-3S Subdivision Design
- 15.01-4S Healthy Neighbourhoods
- 15.01-5 Neighbourhood Character
- 15.02-1S Energy and Resource Efficiency
- 16.01-1S Integrated Housing
- 16.01-2S Location of Residential Development
- 16.01-3S Housing Diversity
- 16.01-4S Housing Affordability
- 19.03-3S Integrated Water Management

Municipal Strategic Statement

- 21.02 Key Issues and Influences
- 21.05 Compact Greater Bendigo
- 21.08 Environment
- 21.09 Integrated Transport and Infrastructure
- 21.10 Reference Documents

Local Planning Policies

There are no local planning policies relevant to this application.

Other Provisions

- 32.08 General Residential Zone
- 44.04 Land Subject to Inundation Overlay – Schedule 1
- 52.06 Car Parking
- 53.01 Public Open Space Contribution and Subdivision
- 55 Two or More Dwellings on a Lot
- 56 Residential Subdivision

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
Downer	No objection subject to conditions
North Central CMA	No objection subject to conditions
Traffic & Design	No objection subject to conditions
Drainage	No objection subject to conditions

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, 10 objections were received, with the grounds of objection being:

- Loss of neighbourhood character
- Safety of residents
- Increased traffic / congestion

- Compromised access for emergency vehicles
- Waste and recycling
- Noise
- Lack of car parking (including visitor spaces)
- Blocking of pedestrian spaces
- Drainage
- Water pressure
- Overdevelopment
- Overshadowing
- Property value
- Inadequacy of advertising
- Construction period
- No bollards in common property to protect fences
- Body corporate

The objections are discussed throughout the planning assessment.

Planning Assessment

Is there strategic support for a development of this nature?

The site is located within an established, serviced residential area of Epsom, immediately north east of Epsom Village.

This area is included within the City of Greater Bendigo's Urban Growth Boundary (UGB) which is identified in Clause 21.05-2 as *"a policy tool to manage Bendigo's outward growth by channelling residential and other urban land uses and development into designated growth areas."*

The immediate residential area is typically denoted by standard residential allotments (greater than 800 square metres), with single detached dwellings, although it is noted there are some examples of smaller lots and higher density development, including immediately to the west of the site.

Clause 21.05-4 Housing Density and Diversity has an objective *"to provide greater choice in housing types and densities that responds to community needs."*

The application seeks to develop the site with three single storey dwellings on lots between 217.68 square metres and 250.90 square metres which will provide development on smaller lots than those typically found in the area.

While the lot sizes may be different to those typically found in the area it does not mean they are not appropriate, especially when taking into account the policy context outlined in the Greater Bendigo Planning Scheme which encourages greater choice in housing densities to support the changing needs of the community.

The purpose of the General Residential Zone includes to encourage development that respects the neighbourhood character of the area and to encourage diversity of housing types and housing growth particularly in locations offering good access to services and transport.

The proposal will contribute to offering housing on alternative sized allotments in an area which is serviced and accessible by various forms of transport.

In this instance there is strategic support for the proposal as:

- The site is located within a serviced area inside the UGB.
- The Residential Growth Framework identifies that the site is within an Integrated Activity Area and Employment Area.
- The site is within a 10 Minute Neighbourhood – this being an identifiable community where people can access many (but not necessarily all) their daily needs within a 10 minute walk or cycle trip from where they live. Daily needs can include shops, schools, employment, a range of community facilities and public transport.
- The proposal provides for alternative lot sizes to support community needs.
- There are alternative transport options within walking distance of the site (i.e. railway station located approximately 400 metres to the south east).

Is the site capable of supporting the proposed subdivision and development?

The site has a total area of 937 square metres and is orientated east to west along its longest axis.

Under the General Residential Zone there are no minimum lot sizes, however a proposal which creates lots less than 300 square metres is required to be accompanied by full development plans.

In this instance, the application has included plans for the development of a single storey dwelling on each allotment.

The City's Drainage Engineer has reviewed the application and will require detailed drainage plans to be prepared and endorsed prior to the subdivision being certified or any works commencing on the site. In addition underground drainage works will form part of the construction works required ensuring that the drainage capacity of the area is capable of supporting the additional demand.

The application was referred to Coliban Water, Downer and Powercor who have not objected to the granting of a planning permit.

Each authority has set out conditions required to be included on any permit, most of which are standard requirements, however it is noted that Coliban Water will require the *"owner to upgrade the existing CN 63 PE main within Julian Court in accordance with Coliban Water's developer Installed Works process to cater for the additional two lots."*

Subject to undertaking works as required by relevant authorities, the site can be appropriately serviced without having an adverse impact on the surrounding development.

The site is also identified as being within an area subject to flooding in a 1% AEP flood event. The application was referred to North Central Catchment Management Authority who had no objection to the proposal subject to appropriate floor levels being imposed on the dwellings and garages.

It is considered the site is capable of supporting the proposal.

Will the proposal have an adverse impact on the amenity and character of the area?

The site is located within an area which is not identified as being within a Neighbourhood Character Overlay and is not identified as being within one of the City of Greater Bendigo's Residential Character Precincts.

The General Residential Zone does not set minimum lot sizes for subdivision and no restrictions were included on property titles preventing further subdivision.

As previously identified in this report, the immediate residential area is typically denoted by standard residential allotments (greater than 800 square metres) with single detached dwellings, although with some examples of smaller lots and higher density development.

The proposed subdivision and development is respectful of the established character of the area as:

- It will result in detached residential development.
- The dwellings are single storey.
- The building materials and finishes are consistent with the built form of the area.
- The lots still allow for development which generally complies with the requirements of the Greater Bendigo Planning Scheme.
- Site coverage is in keeping with existing developed allotments.

The proposed land use and development is consistent with the pattern of development within Julian Court and the residential nature of the proposal will ensure there are limited amenity impacts.

Whilst it is acknowledged there is likely to be increased noise and traffic during the construction stage, the road network is capable of supporting the additional traffic movements and there are State requirements which builders must abide by in terms of noise.

Overall it is considered the proposal is respectful of the established neighbourhood character and the proposal will not result in unreasonable amenity impacts.

The above is also supported by the previous VCAT decision (Langdon Building Pty Ltd v Greater Bendigo CC [2018] VCAT 341 6 March 2018) at 8 Julian Court for a similar proposal which stated in paragraph 15 *"this proposal successfully achieves the appropriate balance called for by the planning scheme. The proposal does make a contribution (albeit a modest one) to the achievement of State and local housing and settlement policies, and it does so in a manner that is respectful of neighbourhood character and does not give rise to unacceptable amenity impacts."*

Will the proposal generate unreasonable traffic and parking impacts?

The proposal will result in the creation of two additional lots within Julian Court and allow for the construction of three dwellings. Each dwelling will contain two onsite car parking spaces which meets the requirements of Clause 52.06 Car Parking.

As the development is for less than five dwellings there is no requirement for visitor car parking to be provided onsite.

Advice was sought from the City's Engineering Unit regarding the traffic capacity of Julian Court and the impact of the application.

It was advised that the current estimated traffic volume at the northern end of Julian Court is 110 vehicle movements per day. This will increase to an estimated 160 vehicle movements upon completion of the development underway at 8 Julian Court and the future development of 5 Julian Court.

The proposed development at 7 Julian Court would add approximately an additional 20 vehicle movements per day (based on the creation of two additional lots). In total, these developments would result in approximately 180 vehicle movements within Julian Court

Julian Court has the capacity of supporting approximately 300 vehicle movements per day and therefore the proposal will not result in unreasonable traffic generation.

Does the proposal comply with the requirements of ResCode (Clause 55 and 56)?

The application is required to be considered under the provisions of Clause 55 Two or More Dwellings on a Lot and Clause 56 Residential Subdivision under the Greater Bendigo Planning Scheme.

It is considered that the proposal generally complies with the requirements of ResCode with key objectives discussed below.

- *Clause 55.02-5 Integration with the Street* – the objective is to integrate the layout of the development with the street.

The site has a relatively narrow frontage to Julian Court due to its location at the end of the court bowl, limiting the development integration that can occur with the street.

The development has been orientated to run in an east to west direction across the site, with Dwelling 1 being designed to present towards the streetscape.

A single access will be provided to service all three dwellings with the balance of the frontage to remain open to prevent the loss of views to and from the site.

To further integrate the development site not only with the street but the adjoining public walkway, a lower fence will be required to be constructed along the western boundary between Julian Court and the garage of Dwelling 1. This will be a condition of permit to ensure appropriate integration and enhance passive surveillance over the public area.

Overall, given the constraints of the site in terms of its shape and location at the end of the court bowl, the proposed subdivision and development layout has taken reasonable steps to integrate with the street.

- *Clause 55.03-3 Site Coverage* – the objective is to ensure that the site coverage respects the existing or preferred character and responds to the features of the site.

The standard under this provision requires that no more than 60 percent of the site can be covered by buildings.

The site has a total area of 937 square metres and the total footprint of all three dwellings will cover an area of 402.31 square metres. This will result in a total site coverage of approximately 43 percent which is well below the maximum allowable limit under the standard.

This extent of site coverage is comparable, if not less than the typical site coverage of nearby properties.

- *Clause 55.03-4 Permeability and Stormwater Management* – the objective is to reduce the impact of increased stormwater run-off on the drainage system, facilitate on-site stormwater infiltration and encourage stormwater management that maximises the retention and reuse of stormwater.

The plans submitted by the applicant provide for the inclusion of significant landscaping on the site, both in the common property and on individual sites. Approximately 35 percent of the site will be landscaped / made up by permeable surfaces which is above the minimum 20 percent required by the standard.

The City's Drainage Engineer has assessed the proposal in relation to stormwater and is satisfied that appropriate drainage can be achieved for the development, however, detailed drainage plans and civil works requirements will be included as a condition of the planning permit.

- *Clause 55.03-5 Energy Efficiency* – the objective is to achieve and protect energy efficient dwellings and residential buildings and to ensure the orientation and layout of the development reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.

The site is orientated east to west along its longest axis with a small frontage to Julian Court. In order to maximise the development potential of the site a common access will be created along the northern boundary to facilitate access to each dwelling.

The location of the access does reduce the capacity for the proposed dwellings to maximise solar access to habitable rooms and seclude private open space.

Whilst it is considered that the internal layout of the dwellings could have been better designed to improve energy efficiency, the development is still considered an acceptable outcome.

- *Clause 55.05-4 Private Open Space* – the objective is to provide adequate private open space for the reasonable recreation and service needs of residents.

The standard requires dwellings to have a minimum private open space area of 40 square metres and a minimum secluded private open space area of 25 square metres with a minimum dimension of 3 metres.

In this instance each dwelling has been provided with adequate private and secluded private open space to satisfy the standard as summarised below:

- Dwelling 1 – has an area of open space of 126.79 square metres and an area of secluded private open space of 29.14 square metres.
 - Dwelling 2 – has an area of open space of 85.17 square metres and an area of secluded private open space of 42 square metres.
 - Dwelling 3 – has an area of open space of 96.23 square metres and an area of secluded private open space of 68.44 square metres.
- *Clause 55.05-5 Solar Access to Open Space* – the objective is to allow solar access into the secluded private open space of new dwellings and residential buildings.

Dwelling 1 – the secluded private open space is located on the southern side of the garage and western side of the dwelling. The area of secluded private open space has a width of 4.5 metres and a depth of 7 metres. Whilst the secluded private open space is located to the south of the garage, the depth of the space complies with the standard and therefore is an acceptable outcome.

Dwelling 2 – the secluded private open space is located on the southern side of the dwelling and garage. The area of secluded private open space has a width of 3 metres and a length of 15.47 metres. Due to the siting of the secluded private open space on the southern side of the building, the width of open space should be a minimum 4.1 metres taking into account wall height. This cannot be achieved, however, it is considered that it is still an acceptable outcome as other parts of the site's open space are located on the north and western elevation and there are areas of public open space within close proximity to the site which can be utilised by residents.

Dwelling 3 – the secluded private open space is located on the eastern side of the dwelling and garage. The area of secluded private open space has a width of 3.37 metres and a length of 20.28 metres. Given the location on the eastern side of the dwelling and size of area the space complies with the standard and therefore is an acceptable outcome.

- **Clause 56.04-1 Lot Diversity and Distribution** – the objective is to achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport, provide higher housing densities within walking distance of activity centres, achieve increased housing densities in designated growth areas and provide a range of lot sizes to suit a variety of dwelling and household types.

The proposal will result in the creation of three lots on the site ranging in size from 217.68 square metres to 250.90 square metres which are smaller than those typically found in the area.

Under the General Residential Zone there is no minimum lot size and no restrictions were placed on title to prevent further subdivision during the creation of Julian Court.

The proposed lot sizes will contribute to providing greater diversity in housing choice, an increased housing density within an established activity centre in close proximity to commercial and community services and meet the changing needs of the community.

It is considered that the proposed subdivision achieves the objective of this Clause.

Other Matters

Garden Area – under the General Residential Zone an application to construct or extend a dwelling must provide the minimum garden area requirements. In this instance as the site is above 650 square metres 35 percent of the site must be made available as garden area. The plans demonstrate that this requirement is being met.

Garbage Collection – a number of objections raised the issue of garbage collection given the small frontage the site has to Julian Court due to it being located at the end of the court bowl. The City has reviewed the space in front of the site at the back of the kerb and agree that the placement of six bins will be constrained in this area. It is therefore recommended that a condition be included on the planning permit requiring private collection.

Property Value – VCAT has consistently stated that property value is not a relevant planning consideration. In addition, no evidence has been provided to support this objection.

Inadequacy in Advertising - the applicant was required to display a sign on site and send individual notices to owners and occupiers of adjoining properties during the advertising period of the application. This was done within the advertising periods set out by the City of Greater Bendigo and did not include the period between Christmas and the New Year. It was reported that the sign went missing from the site during the advertising period and therefore the applicant was directed to reinstate the sign for another two weeks in January. Advertising has been satisfactorily undertaken.

Body Corporate – the arrangements of the body corporate is not a planning consideration, however, all spaces within the common property will be required to be appropriately managed by the body corporate following completion of the proposal.

Conclusion

The proposed subdivision and development is supported by Local Planning Policy, the General Residential Zone and other provisions of the Greater Bendigo Planning Scheme.

The layout and dwelling design is appropriate, taking into consideration issues raised by objectors included neighbourhood character, amenity, traffic and parking.

The proposal will support increased residential diversity and density in a fully serviced, accessible location which has access to commercial services, open space and public transport.

Overall the proposal is an appropriate and orderly planning outcome.

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. AMENDED PLANS REQUIRED

Prior to the commencement of the development, 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but amended to show:

- (a) A minimum setback of 1.5 metres from habitable windows and the access or a setback of 1 metre if the windows had a minimum sill height of 1.4 metres above the access.
- (b) Realignment of proposed boundaries between Lot 2 and 3 to follow edge of driveway.
- (c) Existing and proposed fencing details in accordance with Condition 3
- (d) Bollard lighting within the common property
- (e) Floor levels in accordance with Condition 26

2. NO LAYOUT ALTERATION

The development as shown on the endorsed plans 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. This does not apply to any permit exemptions for buildings and works specified in clauses 62.02-1 and 62.02-2 of the Greater Bendigo Planning Scheme unless specifically noted as a permit condition

3. LANDSCAPE PLAN REQUIRED

Prior to the commencement of development, 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) Details of surface finishes of pathways and driveways. The driveway surface must not be a 'raw concrete' finish i.e. must be textured, colored or treated in an appropriate manner.
- (b) Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. The planting must include locally indigenous shrubs with a minimum fully grown height of 1.2 metres.
- (c) Fencing no higher than 1.2 metres high between the Julian Court frontage and the garage of Dwelling 1.

4. COMPLETION OF LANDSCAPING

Prior to the occupation of the development starts 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.

5. 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

6. FENCING

The fence(s) as shown on the endorsed plans must be erected and maintained to the satisfaction of the responsible authority.

7. GENERAL EXTERIOR TREATMENT

The exterior treatment of the buildings permitted by this permit including all exterior decoration, materials, finishes and colours must be to the satisfaction of the responsible authority. The exterior treatment of the building(s) must be maintained to the satisfaction of the responsible authority.

8. REFRIGERATION & AIR-CONDITIONING EQUIPMENT

Any equipment required for refrigeration, air-conditioning, heating and the like must be suitably insulated for the purpose of reducing noise emissions and must be located so as to not be highly visible from the street to the satisfaction of the responsible authority.

9. 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.

10. DETAILED DRAINAGE PLANS

Before the plan of subdivision is certified under the Subdivision Act 1988 or the commencement of development, 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 then will form part of the permit. The plans must be drawn to scale with dimensions. The plans must include:

- (a) Direction of stormwater run off
- (b) A point of discharge for each lot
- (c) Independent drainage for each lot

11. DRAINAGE EASEMENTS

The subdivision must provide easements for drainage within and through the subject land for external outfall drainage to a point of lawful discharge to the satisfaction of the responsible authority.

12. CONSTRUCTION OF WORKS

Road works, drainage and other civil works must be constructed in accordance with the City of Greater Bendigo Infrastructure Design Manual, with plans and specifications approved by the responsible authority and must include:

- (a) Underground drainage
- (b) Underground conduits for water, gas, electricity and telecommunications

13. CITY OF GREATER BENDIGO ASSETS

Prior to the commencement of development, the owner or developer must submit to the responsible authority a written report and photos of any prior

damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to any public infrastructure caused as a result of the development or use permitted by this permit.

14. **VEHICLE CROSSINGS**

Vehicular access to the subject land from any roadway or service lane (and vice versa) must be by way of a vehicle crossing(s) constructed at right angles to the road, to suit the proposed driveway(s) and vehicles that will use the crossing. A Works within Road Reserves permit must be obtained from the City of Greater Bendigo Engineering & Public Space Unit prior to any work commencing in the road reserve.

15. **SEALED CAR PARK**

Areas set aside for the parking of vehicles together with the access must be properly formed to such levels that they can be utilised in accordance with the endorsed plan and must be drained and provided with an impervious all weather seal coat. The areas must be constructed, drained and maintained in a continuously useable condition to the satisfaction of the responsible authority.

16. **USE OF CAR PARKING AREAS**

Areas set aside for the parking and movement of vehicles as shown on the endorsed plan must be made available for such use and must not be used for any other purpose.

17. **PEDESTRIAN SIGHTLINES**

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 City of Greater Bendigo Planning Scheme.

18. **SITE ACCESS**

All vehicles must enter and exit the site in a forward direction.

19. **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.

20. **CONSTRUCTION MANAGEMENT PLAN**

Prior to the commencement of development a Construction Management Plan (CMP) must be submitted to, and approved in writing by, the Responsible authority. The CMP must include, but not be limited to:

- (a) Proposed times of construction;
- (b) Dust management including techniques to prevent mud and dirt being transported from the site to adjacent streets and
- (c) Any impacts upon adjacent roads and pedestrian walkways and providing

for adequate movement and circulation of vehicles and pedestrians adjacent to the land during the construction phase;

- (d) Proposed parking and standing locations for construction vehicles and construction workers vehicles;
- (e) Temporary fencing works;
- (f) Number of workers expected to work on the site at any time;
- (g) A liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced.

The development must be undertaken in accordance with the approved CMP to the satisfaction of the responsible authority.

21. SECTION 173 AGREEMENT

Prior to the issue of a Statement of Compliance or before a Certificate of Occupancy is issued, the applicant/owner must enter into an agreement under section 173 of the Planning & Environment Act 1987.

- The owners of lots within the subdivision must make private arrangements for the collections of domestic garbage refuse and recyclable materials.

22. TELECOMMUNICATIONS

The owner of the land must enter into an agreement with:

- A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time.
- A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time.
- A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

23. POWERCOR

The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with section 8 of that Act.

The applicant shall:

- (a) Provide an electricity supply to all lots in the subdivision in accordance with

Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.

- (b) The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification which shows any which have been required.
- (c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- (d) Any construction works must comply with Energy Safe Victoria's "No Go Zone" rules.

24. COLIBAN WATER

- (a) The owner is required to provide reticulated water and sewerage services to each of the lots within the subdivision and comply with any requirements arising from any effect of the proposed development on Coliban Water assets. Services are to be provided in accordance with our specifications.
- (b) The owner is required to upgrade the existing DN63 PE main within Julian Court in accordance with Coliban Water's developer Installed Works process to cater for the additional two lots. This main will need to be upsized to a DN100 main in order to satisfy capacity requirements.
- (c) All Coliban Water assets within the subdivision, both existing and proposed are to be protected by an easement in favour of Coliban Region Water Corporation.

25. DOWNER

The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with section 8 of the Subdivision Act 1988.

26. NORTH CENTRAL CATCHMENT MANAGEMENT AUTHORITY

- (a) The finished floor level of the proposed dwelling/building must be constructed a minimum of 0.3 metres above the 1% AEP flood level of 185.8 metres, i.e. no lower than 186.1 metres to Australian Height Datum. Prior to the issue of an Occupancy Permit, a certified plan, showing finished floor levels (as constructed) to the Australian Height Datum, must be submitted to the Responsible Authority and North Central Catchment Management Authority to demonstrate that the floor levels have been constructed in accordance with North Central Catchment Management Authority's requirements.
- (b) Any new garage must be constructed with finished floor or surface levels no lower than 185.95 to Australian Height Datum (AHD). Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to North Central Catchment Management Authority to demonstrate that the floor levels have been constructed in accordance with North Central Catchment Management Authority's requirements.

27. 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.

28. EXPIRY OF THE PERMIT – SUBDIVISION AND DWELLINGS

This permit will expire if:

- (a) The plan of subdivision is not certified within two years from the date of this permit; or
- (b) The subdivision is not completed within five years from the date of certification of the plan of subdivision; or
- (c) Construction of the approved dwellings is not completed within 7 years from the date of this permit.

The responsible authority may extend the time for certification of the plan, or for the completion of the dwellings, if a request is made in writing before the permit expires or thereafter, within the period allowed by section 69 of the Planning and Environment Act 1987.

City of Greater Bendigo Engineering & Public Space Note

A Works within Road Reserves permit must be obtained from the City of Greater Bendigo Engineering & Public Space Unit 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 note 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.

North Central CMA Note

Flood levels for the 1% AEP (100 year ARI) flood event have been estimated for this area under provisions of the *Water Act 1989*. The applicable 1% AEP flood level for the location described above is 185.8 metres AHD, which was obtained from the Bendigo Urban Flood Study (2013).

3.4 9 HALL STREET, EAGLEHAWK 3556 - USE AND DEVELOPMENT OF LAND FOR PLACE OF ASSEMBLY (ACCESS CREATIVE STUDIOS), EXTERNAL ALTERATIONS TO BUILDING, CONSTRUCTION OF A PERGOLA AND DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE

Document Information

Author Beth Lavery, Planner

Responsible Director Bernie O'Sullivan, Director Strategy and Growth

Summary/Purpose

Application details: Use and development of land for place of assembly (Access Creative Studios), external alterations to building, construction of a pergola and display of business identification signage.

Application No: DU/752/2018

Applicant: Access Australia Group Limited

Land: 9 Hall Street, EAGLEHAWK 3556

Zoning: General Residential Zone

Overlays: Heritage Overlay 356

No. of objections: 5

Consultation meeting: No consultation meeting was held. Informal consultation occurred via a written response to objections from the applicant. No objections were withdrawn following the circulation of this response.

Key considerations:

- Whether the proposed use has been correctly defined;
- Whether the proposed use is appropriate in a residential context; and
- Whether the use will result in unreasonable amenity impacts due to no car parking being provided to support the proposed use.

Conclusion: It is considered that the proposed use and development of the land is consistent with the objectives of the General Residential Zone and Heritage Overlay.

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 the use and development of land for place of assembly (Access Creative Studios), external alterations to building, construction of a pergola and display of business identification signage at 9 Hall Street, EAGLEHAWK 3556 subject to the conditions at the end of this report.

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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**

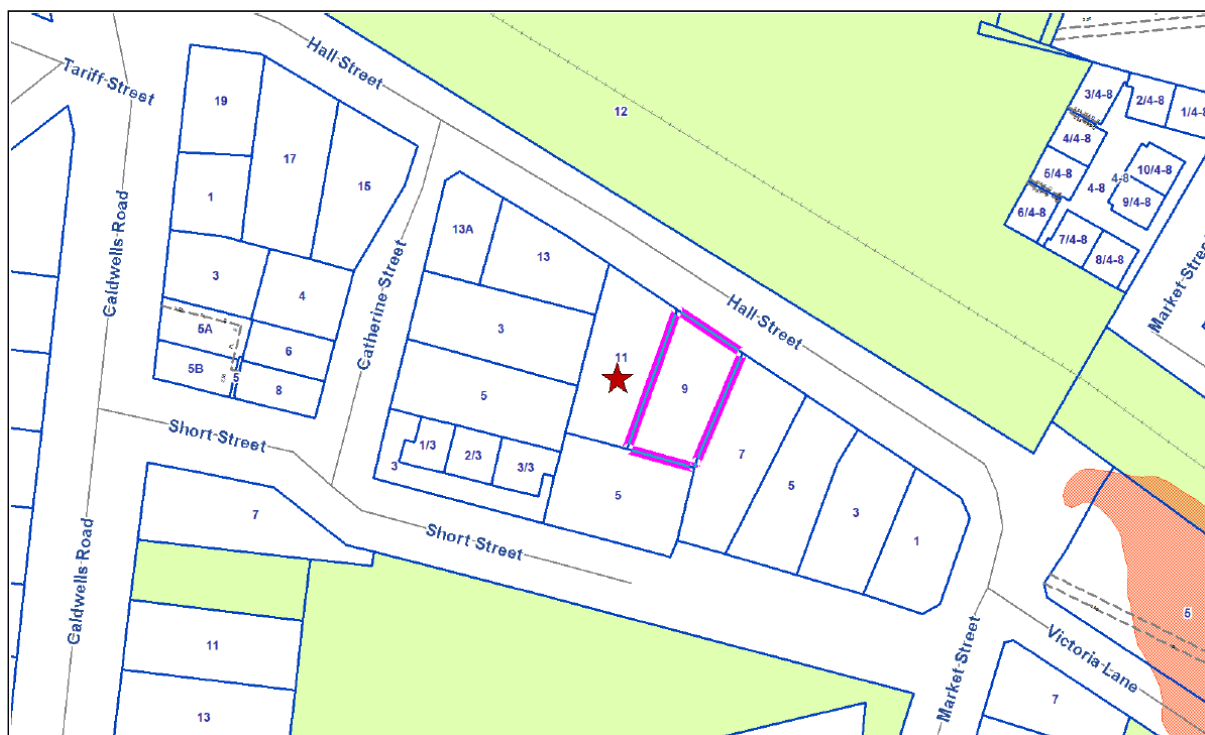
The subject land is an irregularly shaped parcel of land, with a frontage of 22.13m to Hall Street, a depth of 36-43 metres and a total area of approximately 822m<sup>2</sup>. The land contains an existing single storey rendered brick building, which has historically been used as the Railway Hotel. The building is built to the front boundary, and covers much of the allotment, save for a small portion running along the eastern boundary providing vehicle access to the site and the backyard of the property. There appears to have been a number of additions and alterations to the rear of the original structure over the years.

Immediately surrounding the site is a modest miners cottage to the west which is currently undergoing renovation, a Victorian era dwelling to the east, and a single storey dwelling to the rear. More broadly the precinct contains a number of other Victorian or post war era dwellings.

The Eaglehawk Railway Station is located to the north west of the site, and contains a number of buildings including the station itself, platform, toilet block, associated office and sheds, along with a small number of marked car parking spaces adjacent with the road reserve. The wide road reserve also allows for some informal car parking along Hall Street to the east of the marked spaces and onto a vacant part of the station land, directly opposite the subject land. Informal parking along the road reserve also extends west of the station. The Railway Station is currently undergoing works which include an extension to the platform, works to the station building and the provision of 62 on site car parking spaces.

Hall Street itself is a sealed single carriageway with kerb and channel present adjoining the residential properties and bluestone guttering adjoining the railway station frontage.

The site is located approximately 400m south west of the Eaglehawk town centre.



**Figure 1:** Location map showing subject site. Objector's property marked with a star. The other four objectors live outside the boundaries of the map.



**Figure 2:** Existing building on site.

### Proposal

The application proposes use of the land for a place of assembly, along with some minor alterations to the existing building, construction of a pergola to the rear of the building, and the display of signage.

The use as a place of assembly would see Access Creative Studios (a part of Access Australia Group) use the existing building to provide social inclusion programs for adults, with activities including movement and relaxation, visual arts, literacy/numeracy, gardening, woodwork, artistic metal work, healthy eating workshops and up cycle workshops.

The proposed hours of operation would be 8:30am-5:00pm Monday to Friday, and 9:00am-3:00pm Saturday. On average, it is anticipated that there would be four programs operating at any one time, with each program accommodating approximately 10 people, plus staff members. This equates to approximately 40-60 people on site at any one time.

In order to facilitate this use, internal rearrangement to the building is proposed, with new entries to the side and rear of the building and construction of a pergola above the rear access ramp.

An existing storage shed at the rear of the site will be enlarged and new signage will be affixed to the front façade.



Figure 3: Existing floor plan and demolition plan.

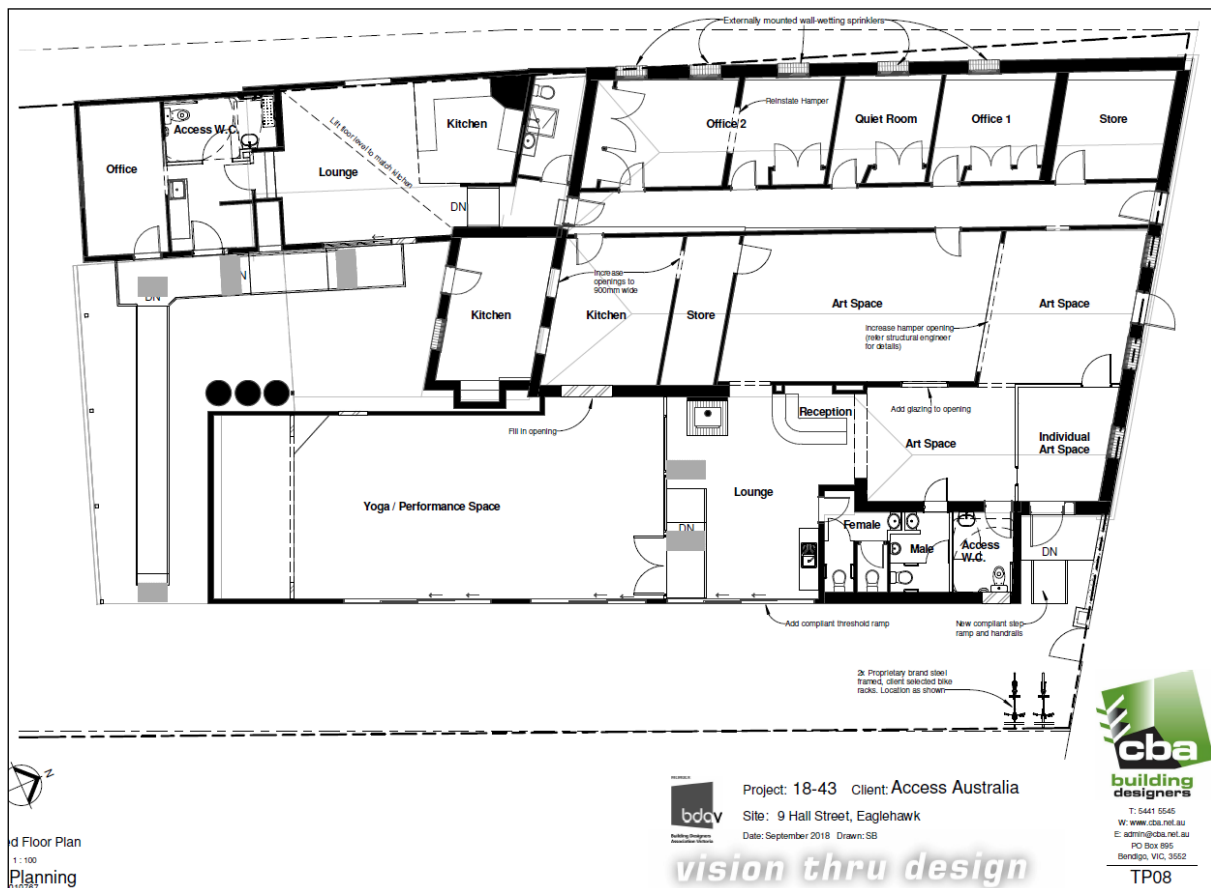


Figure 4: Proposed floor plan.



**Figure 5:** Proposed signage. Amendment will be required to ensure that the existing signage will not be covered

## Planning Controls - Greater Bendigo Planning Scheme

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

### Planning Policy Framework

- 11.01S Settlement
- 13.07-1S Amenity
- 15.01-1S Urban Design
- 15.01-2S Building Design
- 15.03-1S Heritage Conservation
- 17 Economic Development
- 17.01-1S Diversified Economy
- 17.02-1S Commercial – Business
- 19.02-1S Community Infrastructure
- 19.02-3S Cultural Facilities

### Municipal Strategic Statement

- 21.01 Municipal Profile
- 21.02-1 Compact Greater Bendigo
- 21.03-5 10 Minute Neighbourhoods
- 21.04-2 Strategic Framework Plan
- 21.07 Economic Development

### Local Planning Policies

- 22.06 Heritage Policy
- 22.29 Advertising and Signage Policy

**Other Provisions**

- 32.08 General Residential Zone
- 43.01 Heritage Overlay
- 52.05 Signs
- 52.06 Car parking
- 52.34 Bicycle facilities

Note: Clause 52.06 Car Parking - now states (as of October 2018) that a permit is not required to reduce the number of car spaces specified for a new use of land if the number of car parking spaces required for the new use is lesser than that of the existing use of the land.

**Consultation/Communication****Referrals**

The following internal departments have been consulted on the proposal:

| Referral             | Comment                                                                                                                                                                                                                   |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Traffic              | No objection                                                                                                                                                                                                              |
| Drainage             | No objection                                                                                                                                                                                                              |
| Heritage             | No objection to the proposal, however the location of and scale of the proposed signage will require amendment to ensure the existing hotel sign is not covered, and the significance of the building is not compromised. |
| Environmental Health | No objection.                                                                                                                                                                                                             |

**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, five objections were received, with the grounds of objection being:

- Proposed use is not a place of assembly and is an office;
- Inappropriate siting for a commercial use;
- No parking provided to support use.

The objections are discussed within the planning assessment below.

## Planning Assessment

### Consistency with planning policy

Both State and local policy at Clauses 15.03-1S, 21.02-2 and 22.06 encourage the sympathetic re-use and adaptation of heritage places so that such places are maintained and enhanced. The proposal is consistent with this policy intent and represents an opportunity to ensure that the historic Railway Hotel building is appropriately preserved into the future. A condition requiring amended plans will be required to show revised signage for the site, to ensure that the existing hotel signage remains uncovered.

Policy also encourages increased access to social infrastructure and the development of community uses within activity centres to satisfy community needs through Clauses 19.02-4S and 21.07-2. The site is strategically located in close proximity to the railway station and public transport networks, as well as being within walking distance from the Eaglehawk town centre, ensuring ease of accessibility for users of the services.

### Is the proposed use correctly defined as Place of Assembly?

Place of assembly is defined at Clause 73.03 of the Greater Bendigo Planning Scheme as:

*'Land where people congregate for religious or cultural activities, entertainment, or meetings'.*

An office is defined as:

*'Land used for administration, or clerical, technical, professional or other like business activity. No goods or materials intended for manufacture, sale, or hire may be stored on the land. Other than electoral office and medical centre, it does not include any other defined use'.*

Within the table of uses at Clause 32.08-2 of the General Residential Zone, place of assembly is listed as a Section 2, permit required use. Office (other than Medical Centre) is listed as a Section 3, prohibited use.

The proposed use is for Access Creative Studios to run a range of social inclusion programs on site, which will service the community and in particular, those in need of social support. Although Access Australia as a broader organisation provides employment and training services, these services are separate to Access Creative Studios and will not be provided on this site.

The proposed use as described in the application material is within the realms of a place of assembly as defined by the Scheme. While there will no doubt be an administrative component to the proposed use, and office areas to support this have been defined on the plans, it is considered this is ancillary to the primary place of assembly use, and not a use in its own right (which would be prohibited by the Planning Scheme).

### Is this use appropriate in a residential area?

The purpose of the General Residential Zone includes allowing '*...educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations*'.

To assist in the assessment of non-residential use and development, the Zone sets out a number of decision guidelines, which include:

- Whether the use or development is compatible with residential use;
- Whether the use generally serves local community needs;
- The scale and intensity of the use and development; and
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

The site has contained a previous non-residential use in the form of the Railway Hotel, which only ceased operations in recent years. This previous use could have potentially generated a number of amenity impacts at odds with the surrounding residential use. In comparison, the proposed use will generally be limited to business hours and only a small number of hours on the weekend. Additionally, the materials and method of construction of the existing building are likely to offer some noise attenuation which would act to limit impacts on neighbouring properties. The proposed use is not inappropriate within a residential context.

Given the nature of the programs to be offered, and those likely to access the services, it is not unreasonable to assume the use will serve the local community in some way.

No parking was previously provided on site to service the hotel use, so the proposed change of use is unlikely to generate any traffic issues beyond what may have already been experienced in association with the hotel use. By virtue of its location near the railway station, the site has good public transport connections including both bus and rail. In addition, given the proximity to the station, there is some existing parking located within the vicinity of the site, both formal and informal. Further, the proposed upgrades to the station which are currently in progress will provide further parking nearby to the site. As such, it is considered that there will be sufficient parking available in the area to service parking demand, and that the traffic generated by proposed users not likely to result in significant impacts to nearby residents.

It is important to note that no reduction in car parking requirements is required for the proposal under the requirements of the Planning Scheme, owing to the former use and associated parking rates (Hotel = 0.4 spaces to each patron permitted), which are higher than the rates for the proposed use (Place of Assembly = 0.3 spaces to each patron permitted).

The required number of bicycle parking spaces will be provided in accordance with Clause 52.34, and a condition is also proposed to limit number of persons present on the site at any one time to 60.



## Conclusion

It is considered that the proposed use and development of the land are consistent with the objectives of the General Residential Zone and Heritage Overlay, and represent an appropriate planning outcome for the site.

## 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.

## Proposed Notice of Decision Conditions

### 1. MODIFIED PLAN REQUIRED

Before the use and development starts, 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) A modification to the scale and location of the proposed signage to complement the existing signage on the building

### 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. GENERAL AMENITY

The use permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality.

### 4. HOURS OF OPERATION

Except with the prior written consent of the responsible authority, the use permitted by this permit must operate only between the following times:

- Monday to Friday 8.30am to 5.00pm
- Saturday 9.00am to 3.00pm

### 5. NUMBER OF PERSONS

No more than *60 persons* may be present on the premises at any one time without the written consent of the responsible authority.

### 6. BAFFLED LIGHTING

Outdoor lighting, where provided, must be designed, baffled and located to the satisfaction of the responsible authority such that no direct light is emitted outside the boundaries of the subject land.

### 7. SIGNAGE

Any signs to be fixed to the building must be attached in such a way to ensure that no damage occurs to the fabric of the building.

8. GENERAL DRAINAGE

The proposed building(s) and works must be drained to the satisfaction of the City of Greater Bendigo as the responsible drainage authority.

9. FOOD ACT 1984

A registration with City of Greater Bendigo currently exists for the premises under the Food Act 1984. An inspection prior to the use commencing is encouraged to assess compliance for food safety.

10. EXPIRY OF PERMIT

This permit will expire if the development permitted by 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.

## **4. WELLBEING AND FAIRNESS**

### **4.1 DRAFT WALK, CYCLE GREATER BENDIGO STRATEGY**

#### **Document Information**

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#### **Purpose**

Request that Council review the draft Walking and Cycling Strategy and approve its release for community review and comment. The draft Strategy outlines priorities and frameworks that aim to make it easier for more people to walk and cycle more often for everyday travel and recreation in Greater Bendigo.

#### **Summary**

A draft of the Walking and Cycling Strategy (the Strategy) has been prepared and is ready to be released for community review and comment. Drafting of the Strategy is an action of the Greater Bendigo Community Plan (2017–21) and will replace the previous Cycling Strategy (2006). Development of the draft Strategy follows an extensive community engagement period from June to August 2018. More than 700 face to face interactions, 500 surveys, 1500 interactive map engagements and five school visits were part of this process. A Walking and Cycling Community Reference Group has been established with membership reflecting a diverse representation of the community.

Walking and cycling are activities that can be incorporated into everyday life through transport and recreation. Incorporating walking and cycling into everyday activities greatly improves the ability of a person to reach recommended daily physical activity targets.

The Strategy will contribute to improved health and wellbeing across Greater Bendigo by addressing the key themes:

- *Comfort, connection and convenience (infrastructure)*

Make walking and cycling a viable, safe and enjoyable experience by connecting networks and improving crossings.

- *Activating community, culture and capacity (programs and events)*

Helping people to discover the infrastructure, programs and events available and connecting them to walking and cycling communities.

- *Information and awareness*

Making it easier to find your way and access walking and cycling information and directions.

Feedback from the community will ensure the Strategy reflects their needs, wants and aspirations for walking and cycling.

## **RECOMMENDATION**

That Greater Bendigo City Council resolve to:

1. Release the draft Walking and Cycling Strategy for a period of four weeks for community review and feedback; and
2. Receive a further report, informed by the community feedback, with a final Walking and Cycling Strategy for consideration.

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Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal 2 Wellbeing and Fairness

Objective 2 Prioritise efforts to promote physical and mental wellbeing

Action Complete the updated Walking and Cycling Strategy and commence implementation

Strategy Reference:

Greater Bendigo Health and Wellbeing Plan 2017–21 ([link](#))

- Goal 1: Healthy and well
The Greater Bendigo community has good physical and mental health supported by healthy lifestyles
- Goal 4: Connected to culture and community
- The Greater Bendigo community is socially engaged and inclusive and is a place where people can safely identify and connect with their culture and identity
- Goal 5: Liveable
The Greater Bendigo community is adaptable and resilient and has access to sustainable natural, built, social and economic environments that support and enhance health and wellbeing.

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

- Action Area 3 – Sustainable Transport
 - 3.1 Support the transition of Greater Bendigo to an integrated transport and mobility network
 - 3.2 Work towards Greater Bendigo having the required infrastructure to transition to efficient, effective and accessible shared low carbon transport options
 - 3.3 Support low carbon modes of transport

Integrated Transport and Land Use Strategy, Connecting Greater Bendigo 2014 (ITLUS) ([link](#))

- Objective 2 – Healthy Greater Bendigo
 - 2.1 Enable more people to live healthier lives by making walking and cycling to daily destinations safer and easier.
 - 2.1.1 Plan and implement complete 10 Minute Neighbourhoods where people can walk or cycle to meet their daily needs.
 - 2.1.2 Complete a safe, convenient and connected network of footpaths and walking paths to serve the City's needs.
 - 2.1.3 Complete a network of safe off road, on road and designated on road bicycle infrastructure for all capabilities and experience levels.

Greater Bendigo Public Space Plan (2018) ([link](#))

- Section 2.4 – City-wide network of public space corridors
Progress the public space corridor network including its structure and the conceptual design of individual sections of the network through a process of field investigations, community consultation and internal review as part of the Walking and Cycling Strategy

Background Information

Many of the actions identified in the Cycling Strategy (2006) have been implemented. Action 2.2 of the Community Plan 2017–21 includes the development of an updated Walking and Cycling Strategy. Community engagement activities were undertaken in 2018 and a draft Strategy has been prepared. The draft Strategy is now ready to be released for community review and comment.

The City is responsible for the planning, development, management and activation of footpaths, shared paths, cycle ways and bike lanes. This strategy builds on the City's Cycling Strategy (2006), the Integrated Transport and Land Use Strategy (2014) and related strategies.

Walking and cycling has many benefits for individuals and the community. Individuals benefit from low cost, accessible, healthy, everyday physical activity and transport options. The whole community benefits from greater overall health, reduced health costs, sense of community, social interaction, economic opportunities and environmental outcomes including reduced urban congestion, air and noise pollution. Walking and cycling are activities that can be integrated into everyday life as daily transport and recreation making it easier to meet recommended physical activity targets.

The City's Active Living Census report (ALC 2014) identified walking (32.2%), cycling (11.9%) and bushwalking (8.8%) as three of the highest year-round physical activities undertaken by residents for health and exercise. Everyday walking and cycling has possibly the greatest potential to reduce sedentary behaviours and improve health and wellbeing of our communities.

Report

The draft Strategy provides a strategic framework and actions that will provide the physical conditions and social support to enable more people to walk and cycle more often throughout Greater Bendigo.

The draft Strategy was developed by:

- Reviewing progress made since the previous Cycling Strategy.
- Investigating walking and cycling participation trends, current planning approaches and research.
- Engaging with key stakeholders across the community to understand issues and concerns, opportunities, aspirations and priorities for walking and cycling, including 700 face to face interactions, 1800 interactions with the online Walk, Cycle Greater Bendigo spot map and 500 surveys.
- Identifying priorities for community participation, infrastructure activation and behaviour change initiatives.
- Developing decision making principles and prioritisation framework for walking and cycling infrastructure and projects.
- Establishing a Walking and Cycling Community Reference Group.
- Developing an evaluation framework to monitor implementation of the Walking and Cycling Strategy.

Hundreds of residents and community organisations, including the Walking and Cycling Community Reference Group, contributed to developing a shared vision for the Strategy through community engagement activities. Residents expressed a desire for connected networks of footpaths, trails and protected cycleways across the city. Ultimately, residents want to feel like walking and cycling are safe, comfortable, convenient and viable choices for travel and recreation and that the City of Greater Bendigo is a leading walking and cycling regional city and municipality. Comfort is the combination of factors that contribute to a person's choice to walk or cycle. These factors include:

- Ability – skills and confidence.
- Safety – including protection from traffic and passive surveillance to prevent isolation.
- Physical – slope, surface material, accessibility.
- Environment – protection from elements, shade, places to rest and recover.
- Legibility – knowing where you are and where you are going.
- Culture and belonging – vibrancy, a sense of community ownership and pride.

Further details on key findings from the engagement process are detailed in the Consultation/Communication section of this report.

The draft Strategy vision is:

Greater Bendigo, Australia's regional walking and cycling capital – making every day walking and cycling easier for all ages and abilities.

The draft strategy is guided by the following principles:

- Equity – ensuring equitable provision across places and communities to support people to walk and cycle more often.
- All Ages, All Abilities – making walking and cycling possible in more places from childhood to later life.
- Partnerships – Ongoing engagement and working in partnership with communities, government and stakeholders.
- Evaluation – Monitoring our progress, evaluation and ongoing improvement.

The principles guide the key action areas for the strategy. These are:

- Comfort, connection and convenience (infrastructure) – making walking and cycling a viable, safe and enjoyable experience by connecting networks and improving crossings.
- Activating community, culture and capacity (programs and events) – helping people to discover the infrastructure, programs and events available and connecting them to walking and cycling communities.
- Information and awareness – making it easier to find your way, and access walking and cycling information and directions.

Key actions include:

- Implementing a new walking and cycling infrastructure hierarchy and decision-making framework.
- Develop a standard walking and cycling infrastructure design manual linked to the hierarchy and decision-making framework.
- Integrating behaviour change and activation initiatives with infrastructure development.
- Developing Small Township walking and cycling plans.
- Establish an ongoing Walking and Cycling Community Reference Group.
- Developing sustainable plans for significant regional trails.
- Seeking support and funding from the State Government to implement key projects.

Key infrastructure actions include:

- Implementing the university to city centre walking and cycling route.
- Linking towns to Bendigo (Huntly, Eaglehawk, Maiden Gully).
- Developing a Regional City Trail – linking seven existing urban trails to complete a continuous 22km trail loop around Bendigo's middle suburbs, comparable to Melbourne's Capital City Trail.
- Developing the Bendigo Low-line trail.
- Developing a protected cycleway minimum grid for the city centre.
- Developing the Ewing Park Activation Hub.
- Improving trail crossings and priority road crossings.

The draft Strategy also outlines new prioritisation frameworks to provide guidance to staff when undertaking walking and cycling projects. These include a set of hierarchies for infrastructure, as well as a decision-making framework. Hierarchies for footpaths, walking circuits, trails, cycleways and bicycle lanes will be implemented to determine standards and design principles for walking and cycling infrastructure and associated amenities.

The decision-making frameworks will apply criteria and weightings to ensure a variety of factors are evaluated in the prioritisation of walking and cycling infrastructure development, ensuring a level of consistency and transparency in decision making.

Criteria within the hierarchy include:

- Strategic benefit
- Safety
- Participation in walking and cycling
- Connectivity
- Accessibility
- Financial viability

Priority/Importance:

The previous Cycling Strategy (2006) is out of date and a new strategy is required to set priorities and directions that reflect the current needs of the community.

Options/Alternatives:

Council has the option release the Draft Walking and Cycling Strategy for community review or alternatively seek amendments or further information from officers prior to releasing it for community review and comment.

Risk Analysis:

The City has engaged extensively with the community, organisations, schools and individual residents. The Walking and Cycling Community Reference Group has also been established. There has been a strong contribution to the process by these groups and an appreciation of the need for an updated plan for walking and cycling. Releasing the draft Strategy for community review provides an opportunity for the community to provide comment before the Strategy is refined and finalised for Council to adopt. It also provides an opportunity for those who didn't participate in the first round of engagement to have their say.

There is a risk that the community's focus has not been accurately reflected in the draft Strategy and by releasing the draft Strategy for community review and feedback this risk should be mitigated.

By not releasing the draft Strategy for comment, development of the Strategy will be delayed, leaving the City without any current strategic directions for walking and cycling investment and a reduced ability to seek funding from external sources.

Consultation/Communication

Internal Consultation:

An internal Project Control Group has provided oversight and governance throughout the development of the draft Strategy. Representation on the Project Control Group includes representations from following business units:

- Active and Healthy Lifestyles (project lead)
- Engineering
- Regional Sustainable Development
- Community Wellbeing
- Parks and Open Space

An independent consultant has undertaken an internal review of processes, roles and prioritisation frameworks across the organisation. This has informed the development of the prioritisation framework. Additional units involved in this process included Tourism, Works and the Project Management Office.

External Consultation:

An eight week community engagement process was undertaken from June to August 2018. Engagement activities and participation included:

- 26 engagement events including listening posts, trail intercepts and school visits to Heathcote, Huntly, Eaglehawk and Kangaroo Flat.
- More than 700 face to face interactions with residents.
- 812 spots added to the Crowdsport (walkcyclegb.crowdsport.com.au) map recording walking and cycling issues and ideas, 539 comments and 559 supports were registered.
- 511 surveys completed by residents (361) and school students (150).
- More than 20 submissions received from residents and community organisations.

Key data from the review of engagement activities includes:

Walking and cycling

- Female respondents are almost twice as likely (40%) to abandon a walking or cycling journey than male respondents (23%) when part of the journey feels unsafe.

Walking

- 74% of surveyed residents would like to walk more often.
- The most significant barriers to walking were finding time, connecting networks and safety.
- New footpaths, trails and accessibility improvements, crossings, maps and way finding signs were the most common suggestions for improvements.

Cycling

- Less than 5% of female respondents feel comfortable riding a bicycle with traffic
- A much higher proportion of female respondents are comfortable riding on shared paths (87.5%) and cycleways that are protected from vehicles (70%)
- There is a strong demand for connecting trails, places and providing protection from motor vehicles at crossings, intersections and on-roads.

A number of key themes have emerged through the engagement process:

- Equity – ensuring equitable provision across places, gender and communities to support people to walk and cycle more often.
- All Ages, All Abilities (8 to 80) – from childhood independence to later in life.
- Comfort, connection and convenience – Making walking and cycling a viable, safe and enjoyable experience by connecting networks and improving crossings.
- Activating community, culture and capacity.
- Monitoring and evaluating our progress.

The Walking and Cycling Community Reference Group has been established with diverse representation from across walking and cycling communities, age, gender, cultural, rural, town and urban communities. The Reference Group has provided input into directions for the Strategy.

Resource Implications

No new financial resources are required.

Previous Council Support:

A \$20,000 budget was allocated in the 2017/18 Council Budget

External Funding Sources:

VicRoads contributed \$10,000 in 2017/18 from the Building Our Regions funding program to support community engagement activities including the Walk, Cycle Greater Bendigo interactive map.

Any ongoing recurrent expenditure required:

The final Strategy will have financial and resource implications. The Strategy will provide the guidance to officers to assist in identifying and prioritise future walking and cycling projects, which will still be subject to future Council budget processes. This will provide an up to date prioritisation framework for walking and cycling projects and improve the City's ability to seek funds from State Government and other sources.

Attachments

ATTACHMENT 1: Draft Walk, Cycle Greater Bendigo Strategy Main strategy document

ATTACHMENT 2: Draft-Walk, Cycle Greater Bendigo Strategic Summary

ATTACHMENT 3: Draft Walk, Cycle Greater Bendigo Strategy Framework

ATTACHMENT 4: Draft Walk, Cycle Greater Bendigo Strategy Attachment-Map Hierarchy

ATTACHMENT 5: Draft Walk, Cycle Greater Bendigo Strategy Attachment-Decision making and hierarchy and roles (DRAFT)

5. STRENGTHENING THE ECONOMY

5.1 DRAFT LODDON CAMPASPE REGIONAL ECONOMIC GROWTH STRATEGY

Document Information

Author Peter Hargreaves, Coordinator, Civic and Governance Support

Responsible Officer Craig Niemann, Chief Executive Officer

Purpose

To endorse the Draft Loddon Campaspe Regional Economic Growth Strategy as a plan that will support the Loddon Campaspe's economy.

Summary

The Loddon Campaspe Regional Economic Growth Strategy has been jointly prepared by the Loddon Mallee Regional Development Australia (RDA) Committee and the Loddon Campaspe Regional Partnership.

It is one of two Regional Economic Growth Strategies (Mallee and Loddon Campaspe) covering the Loddon Mallee region.

The strategy's purpose is to focus actions towards those activities that will provide the greatest benefit to the region's economy. The document could also provide a platform for coordinated regional advocacy.

RECOMMENDATION

That Council endorse the Draft Loddon Campaspe Regional Economic Growth Strategy.

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#### **Policy Context**

This strategy supports the aims, objectives and actions of key strategic documents of the Greater Bendigo City Council including:-

- City of Greater Bendigo Community Plan 2017-2021
- Plan Greater Bendigo
- Integrated Transport and Land Use Strategy

It also supports other key Greater Bendigo projects including:-

- The bid by Greater Bendigo and other neighbouring municipalities for UNESCO World Heritage Listing for the Central Victorian Goldfields
- The City's application to be appointed as Australia's first UNESCO Creative City of Gastronomy and
- CBD Activation

#### Community Plan Reference:

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

*Goal 3 – Strengthening the economy*

*Objective – Advocacy, innovation and support to grow jobs, attract visitors and diversify the local and regional economy.*

### **Background Information**

The Loddon Mallee Regional Development Australia (RDA) Committee is one of approximately 52 RDA Committees giving coverage across Australia

The Loddon Campaspe region is the Loddon Campaspe Regional Partnership region, which includes the six municipalities of Greater Bendigo, Loddon, Campaspe, Mount Alexander, Central Goldfields and Mount Macedon.

The Loddon Campaspe Regional Partnership was established to advise the Victorian Government of the region's priorities. Similarly, the Loddon Mallee RDA Committee has a role to inform the Commonwealth Government of our region's economic priorities.

The economic growth strategy is a successor to the Loddon Mallee Regional Strategic Plan 2015-18 that was prepared by the Loddon Mallee RDA. In comparison to its predecessor, the strategy has a tighter economic focus.

### **Report**

The Loddon Mallee Regional Development Australia (RDA) Committee in collaboration with the Loddon Campaspe Regional Partnership (LCRP) initiated the development of the strategy. To be delivered over three distinct project stages, it will develop the next significant strategic economic development framework at a regional scale.

Stage One of the project involved preparing a consolidated economic analysis, or 'state of the region' report based on a combination of the most recently available evidence (data and information) and targeted engagement to ensure the capture of regional insights..

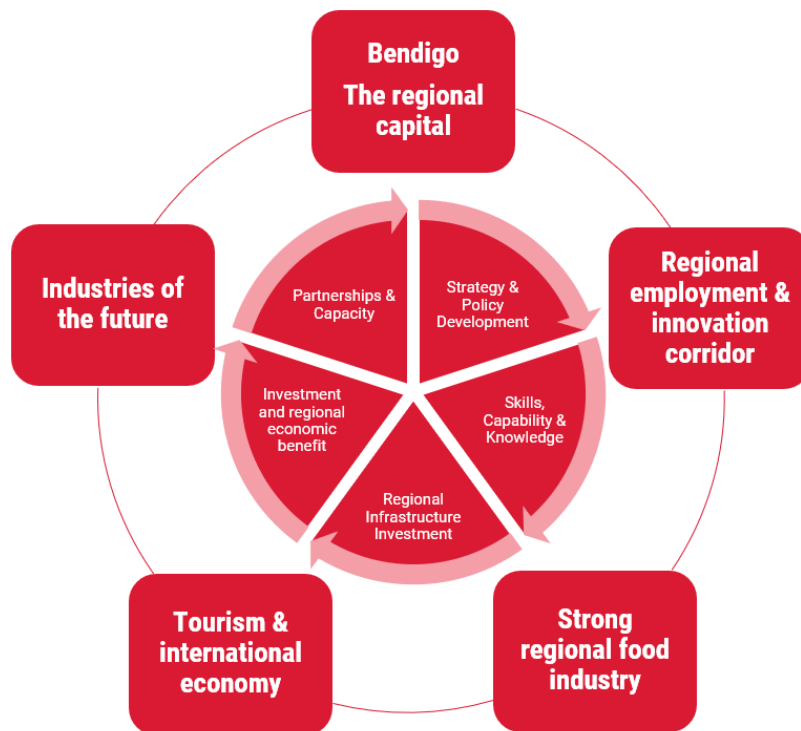
The Loddon Campaspe is the most populous region within the Loddon Mallee. It has sustained growth of 1.25% per annum and is forecast to proportionally increase to represent 75% of the Loddon Mallee population by 2031.

Since the last Census, 17,458 new jobs were created in the Loddon Campaspe. The key sectors to expand the local economic base were Health Care & Social Assistance,

Construction, Accommodation & Food Services, Education & Training, Agriculture, Forestry & Fishing and Administrative Services.

Under this strategy five regional focal investment areas underpin the success of the region as outlined in Fig 1.

Figure 1 ES-1 Regional Economic Growth Strategy Framework



This includes a focus on population-driven industries associated with Bendigo as the regional capital, and the regional employment and innovation corridor between Clarkefield and Echuca Moama.

Other regional strengths including agriculture, food processing, tourism and emerging industries are also identified with supporting economic direction.

The strategy also seeks to respond to demands for future skills and emerging industry sectors that leverage intrinsic regional strengths.

The strategy has a 10-year planning horizon. Once it is endorsed, work will commence on an implementation plan and production of an investment prospectus that will highlight those shovel-ready investments that need to be made to realise the vision within the strategy.

Like earlier regional strategic plans, it is envisaged this strategy could be used by all the region's stakeholders to demonstrate where a proposed investment is aligned with regional priorities.

The strategy will also be used by the Loddon Mallee RDA and Regional Partnership Committees to focus their efforts economic focused regional bodies.

**Timelines:**

Once the strategy is endorsed, work will commence on an implementation plan, and production of an investment prospectus to highlight those shovel ready investments needed to implement the strategy.

The investment prospectus will be prepared by the end of the financial year.

**Consultation/Communication**

This new strategy has been prepared using inputs from several workshops held across the region and the two Regional Partnership Assemblies held in 2018.

**Attachments**

1. Draft Loddon Campaspe Economic Growth Strategy

## **6. ENVIRONMENTAL SUSTAINABILITY**

### **6.1 BENDIGO AIRPORT VEGETATION OFFSET STRATEGY**

#### **Document Information**

**Author** Emma Bryant, Amendments and Heritage Coordinator

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

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#### **Summary/Purpose**

The purpose of this report is to recommend to Council the preferred option for providing the vegetation offsets required for the removal of vegetation around the Bendigo Airport. Vegetation obstructing the Obstacle Limitation Surface (OLS) was removed to obtain Civil Aviation Safety Authority (CASA) certification for the Airport. This report also recommends that Council approve and commence the process of transferring to the Crown for use in the Bendigo Regional Park, part of CA 92J Parish of Sandhurst and CA 5 James Cook Drive, Emu Creek and in return request Committee of Management status for land currently in the Park that requires active vegetation management for the Airport.

Planning permits and works approvals were obtained for tree lopping/removal within the OLS with a condition from the Department of Environment, Land, Water and Planning (DELWP) that an Offset Strategy be prepared and approved, and offsets provided within 6 months. The City agreed that the method of providing offsets would be decided by Council by April 2019, and that a land transfer between Council and Parks Victoria be considered as part of the Offset Strategy to reduce impacts of vegetation removal in the Regional Park.

#### **Key Issues are:**

- Maintaining aircraft and passenger safety;
- Supporting expansion of the airport, particularly QANTAS passenger flights;
- Vegetation lopping/removal and delivering offsets.

## **RECOMMENDATION**

That Council resolve to:

1. Support Option No.2 of the *Bendigo Airport Tree Removal Offset Strategy* February 2019, which requires transferring Council owned land to the Crown.
2. Approve and commence the process of transferring the Eastern portion of Crown Allotment 92J, Parish of Sandhurst, Volume 7844, Folio 024 (approximately 19ha) to the Crown to provide vegetation offsets and land for the Bendigo Regional Park.
3. Approve and commence the process of transferring Crown Allotment 5 James Cook Drive, Emu Creek, Volume 08776 Folio 697 (approximately 32ha) to the Crown to obtain vegetation offsets and provide land for the Bendigo Regional Park.
4. Request the Minister for Environment to remove the following parcels of land from the Bendigo Regional Park and include them in the Bendigo Aerodrome Reserve with City of Greater Bendigo as Committee of Management: part Crown Allotment 323C Golf Course Road, Ascot; Part of Crown Allotment 2151, Parish of Sandhurst; and part of Crown Allotment 2173, Parish of Sandhurst.

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Policy Context

Greater Bendigo Community Plan 2017 – 2021

Goal 3: Strengthening the economy

Objective 3.3: Ensure Greater Bendigo is a welcoming place for new businesses and industries and supports creativity and innovation and visitor attraction.

Major initiative: Advocate for funding to upgrade the Bendigo Airport Terminal and extension of utilities to attract commercial activity to the airport.

Goal 4: Presentation and managing growth

Objective 4.5: Provide and maintain urban and rural infrastructure to support the liveability of our community.

Goal 5: Environmental Sustainability

Objective 5.2: Demonstrate leadership in sustaining the rich biological diversity of the Greater Bendigo region that sustains health ecosystems.

City of Greater Bendigo Planning Scheme

State Planning Policy:

The following policies are considered relevant in the consideration of the proposal:

Clause 11.01-1R Settlement – Loddon Mallee South

A strategy of this clause is to:

- *Support Bendigo as the regional city and the major population and economic growth hub for the region, offering a range of employment and services.*

Clause 12.01-2S Native vegetation management

The objective of this clause is:

- *To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.*

Clause 15.04-1R Planning for airports and airfields

The objective of this clause is to:

- *To strengthen the role of Victoria's airports and airfields within the state's economic and transport infrastructure, facilitate their siting and expansion and protect their ongoing operation.*

Clause 15.04-1R Bendigo Airport – Loddon Mallee South

The strategy of this clause is to:

- *Support upgrades at Bendigo Airport that improve access and infrastructure for emergency services.*

Local Planning Policy

The following policies are relevant in the consideration of the proposal:

Clause 21.07 Economic Development

The objectives of this clause are:

- *To facilitate a strong and diverse economy that fosters innovation, learning, jobs, development and productivity in Greater Bendigo.*
- *To continue to grow Bendigo as the key regional city and economic growth hub for the Loddon Mallee South region.*

Clause 21.08 Environment

The objectives of this clause are:

- *To protect the environmental assets of the municipality including the national parks, regional park and areas of flora and fauna significance.*
- *To maximise the retention of native vegetation in privately owned forested areas.*

Clause 21.09-5 Bendigo Airport

The objectives of this clause are:

- *To protect the operations of Bendigo Airport for emergency services, private and commercial flight activity, including flight training, recreation and charter operations.*
- *To support the redevelopment of the Bendigo Airport, including a new runway and business park, to sustain the viability of the airport.*

Bendigo Airport Strategic Plan (May 2017)

This Plan aims to move the airport from a Tier 6 Regional airport, without regular passenger transport services, to a Tier 3 Major regional airport with direct interstate services or Tier 2 Non-capital city international gateway airport. The Bendigo Airport could not achieve this without transitioning to a Certified Airport, pursuant to CASA.

The above goals, strategies and plans demonstrate that upgrading the Bendigo Airport to a Tier 3 Regional Airport is a key goal of the City. Subsequently, the proposal to remove vegetation that obstructs the Bendigo Airport OLS is considered to be consistent with these strategic directions and goals.

Background Information

The Bendigo Airport was required to be upgraded from a Registered Aerodrome to a Certified Aerodrome as defined by CASA by March 2019, to enable QANTAS flights to commence from 31 March 2019. Certification could only be obtained if there were no obstacles protruding through the OLS. A survey of obstacle limitations, conducted in July 2018, identified a number of trees protruding through the OLS.

OLSs are a series of surfaces that set the height limits of objects around an airport. Objects that protrude through the OLS become obstacles, pursuant to Chapter 10 *Obstacles in Airspace, Rules and Practices for Aerodromes*, CASA.

To lop or remove the trees, a series of approvals were required, including planning permits with vegetation offsets approved by DELWP and Parks Victoria works agreements, which included consultation with Dja Dja Wurrung Clans Aboriginal Corporation.

As part of the planning permit process, DELWP included conditions on the permit that an Offset Strategy must be prepared and approved by the Secretary of the department administering the *Conservation, Forest and Lands Act 1987* that included options for providing offsets, and that the offsets be secured within 6 months of the permit being issued (issued 21 February 2019). DELWP also requested that Council make a decision on the options listed within the Offset Strategy within 2 months.

Once certification is obtained, the OLS must be surveyed and reviewed annually. It is foreshadowed that the removal/lopping of vegetation within the OLS is likely to continue to be required annually in accordance with CASA requirements, requiring further permits and works approvals. The City is undertaking predictive 3D modelling to estimate the amount of vegetation that may need to be removed over the next 10 years. The City will then prepare a Vegetation Management Plan and a planning permit application to manage these future removals, as advised by DELWP.

In addition, in order to obtain Parks Victoria approval to remove vegetation within the Regional Park, the City also committed to investigating the option of a land 'transfer' between parties, to reduce impacts on the Regional Park.

The land 'transfer' would result in Council becoming Committee of Management for areas within the Park that may need vegetation management and in return, Parks Victoria would receive land from Council to go into the Regional Park that will not need vegetation management as it is outside of the OLS. The predictive vegetation removal modelling will be used to help define the areas of the Park that may be impacted and should be transferred.

Previous Council decisions

20 July 2005	Resolved that the airport remains at this location after investigating other options and strategic studies.
3 June 2009	Adopted <i>Bendigo Aerodrome Master Plan 2007-2022</i> and <i>Bendigo Airport Strategic Plan June 2009</i> .
29 February 2012	Adopted preferred new runway alignment and indicative budget.
27 March 2013	Appointed Advisory Committee members for project.
12 February 2014	Resolved to request the Minister to Authorise and Exhibit Planning Scheme Amendment C175 and planning permit.
3 December 2014	Resolved to request the Minister to appoint an independent Panel to consider outstanding submissions.
6 May 2015	Adopted Greater Bendigo Planning Scheme Amendment C175 and planning permit with changes, and forward to Minister for Planning for approval.
17 May 2017	Bendigo Airport Strategic Plan 2017 adopted by Council.

Report

A decision is required from Council on how offsets will be provided for vegetation management for the Bendigo Airport certification. An Offset Strategy (see attachment 1) has been prepared that outlines the offsets required (0.011 general habitat hectares and 24 specific species) and the options available for providing these offsets.

Option 1: Purchase offset credits external market

The offsets required are available on the open offset credit market, however, they are difficult to obtain and price, given their scarcity, and because of this their value is predicted to increase significantly in the future. It is estimated that this option would cost between \$100,000 to \$200,000. The City could also use offsets already owned and registered by Council to cover some but not all of the required offsets. Offsets currently owned by Council do not meet the full list required for the Airport removals.

Issues:

- Only provides a solution to finding offsets for the short term. The City would need to purchase credits each year.
- If using existing Council credits, less of these would then be available for other Council projects.
- Does not manage Parks Victoria and Dja Dja Wurrung feedback regarding cumulative impacts on the Bendigo Regional Park as it does not include a 'land transfer'.

Option 2: Register offset credits including transfer of land to the Crown

The Council owns a vegetated property to the east of the airport (Crown Allotment 92J, Parish of Sandhurst, see Figure 1 below) that adjoins the Regional Park and that could be transferred to the Crown and incorporated into the Park. This property has been assessed for offsets and contains more than the required general and species habitat units for the Airport.

Under the offset system, the City would firstly register the credits for use for short and long term vegetation removal. Council would then have the option of retaining ownership of the land with a management plan (eg fencing, land repair, revegetation) or transferring it to the Crown with or without a management plan. If transferring to the Crown with a management plan, Council would obtain further credits including 10% extra for transferring to the Regional Park. Both options require the offset credits to be registered on the Native Vegetation Credit Register for Council's exclusive use, however, we receive further credits including 10% extra for transferring the land to the Crown as Regional Park. Any offset credits not required for the Airport will remain available for use on other City projects. (Refer attachment 2 for estimated value of offsets).

The land is encumbered with a section 173 agreement to provide a drainage basin in the western portion of the land to manage water coming from the Wellsford Estate located to the south. This corner is also affected by the OLS and may need vegetation removal in the future. This area (approximately 8.35ha) would need to be subdivided off and retained in Council ownership, leaving approximately 19ha for transfer, as per Figure 1.



Figure 1: Crown Allotment 92J, Parish of Sandhurst

Parks Victoria has indicated that in any land 'transfer' it would want to ensure that *'there is no net loss of land from the Park.'* Although transferring this parcel of land alone would provide the City with sufficient offsets for the Airport Project for the longer term, it would not meet the requirements of Parks Victoria that it receives an equal amount of land for that which is removed from the Park.

An assessment has been made that approximately 49ha of Regional Park will potentially be affected by future vegetation management for the Airport (see map at attachment 3), therefore a further 30ha of land for transfer to the Crown is required. Another parcel of land owned by Council, Crown Allotment 5 James Cook Drive, Emu Creek (see Figure 2 below), has been identified for a potential land transfer and has also been assessed for offsets. As this land is adjoining National Park, in transferring it to the Crown, the City would receive an extra 20% of offset credits on top of the base vegetation credits (refer Attachment 2). As with the first parcel, these offsets would be registered and be available for Council use or for selling to other parties. This land was originally purchased by the City to use for offsets as it is heavily vegetated, has steep terrain and is difficult to access.

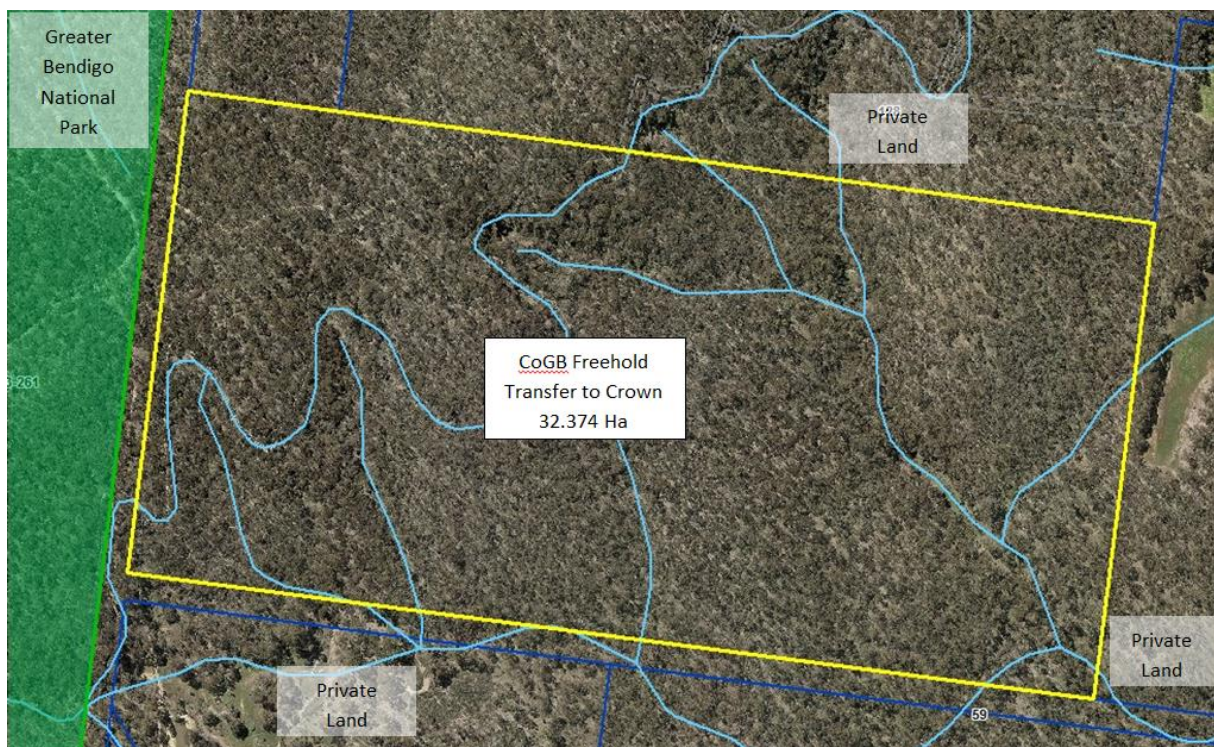


Figure 2: CA James Cook Drive, Emu Creek

In transferring this land to the Crown, the Council in exchange would request the Minister for Environment to excise the following parcels of land from the Bendigo Regional Park so that it can be managed in accordance with the CASA requirements, and include them in the Bendigo Aerodrome Reserve with City of Greater Bendigo as Committee of Management: part Crown Allotment 323C Golf Course Road, Ascot; Part of Crown Allotment 2151, Parish of Sandhurst; and part of Crown Allotment 2061, Parish of Sandhurst (see Attachment 3 of estimated areas for transfer).

DELWP has already commenced the process of transferring another parcel of land, Crown Allotment 365R, Parish of Sandhurst, that is immediately south of the Airport and currently cleared of vegetation, from a Forest Reserve to the Bendigo Aerodrome Reserve with the City as Committee of Management.

Issues:

- This option provides greater certainty in the long term for managing vegetation in the OLS;

- Meets Parks Victoria's requirements of no net loss of land to the Park;
- The City will need to demonstrate value to the community of the land transfer;
- Acknowledgment that other parties need to provide the City with Committee of Management status;
- James Cook Drive parcel also transferred to Parks Victoria.

Implementation of Recommended Option

It is recommended that Option 2 of the Offset Strategy be supported for providing the offsets for the Airport project, for the reasons discussed below:

- Provides greater certainty for the future operation of the Airport;
- Reduces impacts on the Regional Park;
- Provides Council with a large amount of offsets for use at the Airport and future projects.

The steps required to implement this option include:

TASK	DATE
Obtain final land valuations for Council land parcels to be transferred.	March 2019 - underway
Obtain final ecologist report for removed vegetation and apply for reduction in offsets, if relevant.	March 2019 - underway
Map vegetation that may need to be removed around the Airport and land affected, including from the Regional Park.	April 2019
Subdivide the western end of CA 92J for drainage and vegetation management. Arrange to remove the existing Section 173 Agreement from portion of CA 92J to be transferred to Crown.	May 2019
Meet with owners, land managers and Traditional Owners about the land transfer.	May 2019
Register vegetation offsets on Council land parcels for transfer on credit register.	May 2019
Write to the Minister for Environment to offer transfer of land parcels to Regional and National Park and request excision of land from the Regional Park and transfer to Aerodrome Reserve.	May 2019
Prepare a Vegetation Management Plan and planning permit application to remove vegetation required for managing the OLS requirements.	June 2019

Consultation/Communication

Regular communications and consultation has occurred with DELWP and Parks Victoria staff, including a Project Control Group and working group.

Consultation occurred with the Dja Dja Wurrung when obtaining Parks Victoria approval and will continue to occur around the land transfer option and potential future management of transferred land.

Private landholders affected by tree removal were consulted as part of the planning permit application process and will be consulted in any future planning application process.

If Council sells or transfers land to the Crown, a Minister or other public body, it is exempt (under section 191 of the *Local Government Act*) from complying with the typical public notice and consultation requirements in section 189 of the Act. Accordingly, if Council transferred land to the Crown to meet ongoing vegetation conservation requirements, Council is not obliged to undertake a period of public consultation in relation to that transfer. Given that CA 92J was purchased to allow for future expansion of the Airport, and CA 5 James Cook Drive was purchased to provide offsets, it is considered that transferring the parcels to the Crown to provide offsets for the Airport and reduce impacts on the Regional Park does not require a public consultation process.

Conclusion

Council's adopted strategies clearly demonstrate support for upgrading the Bendigo Airport to provide for direct interstate passenger flights. In order to achieve this, the Bendigo Airport had to become a Certified Airport, as defined by CASA, which requires removal of protrusions into the OLS. In order to retain certification, CASA will monitor potential protrusions annually. Removal of vegetation that obstructs the Bendigo Airport OLS is considered to be consistent with the strategic directions of the City. Providing vegetation offsets and ensuring there is no net loss to the Regional Park balances the competing strategies of protection of native vegetation and ensuring the economic viability and safety of the airport.

The recommended option of transferring Council owned land to the Crown, including registering the offsets, and requesting Committee of Management status for Crown land near the Airport, provides for a more secure future for the Airport and for passenger safety, good value for Council through obtaining valuable offsets, and a better outcome for the Park by swapping better land in and managed land out.

Options

Council has the option of:

- Supporting the recommendation.
- Rejecting the recommendation and choosing Option 1 instead.

Resource Implications

Staff time from Statutory Planning, Governance, Parks and Open Space, and Property Services will be required to prepare the land for transfer, register offset credits and obtain approvals for future vegetation management.

The City will obtain a significant value of offset credits from the recommended option. If the land is transferred to the Crown with a management plan, the credits will be worth in excess of \$100,000 or more, but may cost approximately \$50,000 to implement the management plan (fencing, land repair, revegetation, etc).

Attachments

- Bendigo Airport Offset Strategy
- Estimate of Offset values
- Map of potential land transfer for vegetation management

7. EMBRACING OUR CULTURE AND HERITAGE

7.1 BENDIGO OUTDOOR PERFORMING ARTS SPACE FEASIBILITY STUDY

Document Information

Author Maree Tonkin, Coordinator Creative Communities

Responsible Director Bernie O'Sullivan, Strategy and Growth

Summary/Purpose

To receive the Bendigo Outdoor Performing Arts Space Feasibility Study (OPAS) report prepared by Hirst Projects, TERRIOR PTY Ltd and MCA on behalf of project partners, the Rotary Club of Bendigo, City of Greater Bendigo and Regional Development Victoria (RDV).

In 2017 the Rotary Club of Bendigo presented to Councillors their vision for the development of an Outdoor Performing Arts Space and requested support to undertake a feasibility study. Council approved a budget allocation of \$10,000 to contribute towards the Outdoor Performing Arts Space Feasibility Study. Additional funds to cover the full cost of the project were provided by the Rotary Club of Bendigo and a grant through Regional Development Victoria's Stronger Regional Communities Plan was secured in June 2018.

A project working group (PWG), chaired by the City of Greater Bendigo, was established to oversee the study and provide advice to the independent consultants. This group included volunteer community representatives from the Rotary Club of Bendigo, Bendigo Blues and Roots Festival, Scots Day Out and representatives from The City of Greater Bendigo and RDV.

Following a request for quotation and interview process, independent consultants, Hirst Projects, TERRIOR PTY Ltd and MCA were formerly appointed to undertake the study on behalf of the project partners. The project sought to investigate the demand and need for a potential Outdoor Performing Arts Space and to explore siting, scale and the type of infrastructure that may be required in the future. The study investigated several sites and considered both permanent and temporary solutions.

The investigation did not identify a strong demand to justify significant investment in a new outdoor performing arts facility at this point in time, nor did the investigation recommend investment in mobile or temporary event infrastructure. The study does, however identify a range of concepts that Council may wish to explore further or re-examine in the future as demand increases for outdoor performance and event facilities over time.

RECOMMENDATION

That Council resolve to:

1. Receive the Bendigo Outdoor Performing Arts Space Feasibility Study 2018-2019 report prepared by independent consultants, Hirst Projects, TERRIOR PTY Ltd and MCA;
2. Agree to monitor demand for a new major outdoor performing space within the next 5-10 years;
3. Consider and agree to prioritise a program of minor upgrades to existing event spaces, being guided by Appendix 5 of the Hirst report;
4. Acknowledge and thank the Rotary Club of Bendigo and Regional Development Victoria for their financial contribution towards the project and volunteer community members for their participation as part of the Project Working Group.

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## **Policy Context**

### City of Greater Bendigo Community Plan 2017-2021

Goal 6 Embracing our culture and heritage

Objective 6.3.4 - Attract state, national and internationally recognised arts and cultural experiences in public spaces and buildings. Complete a feasibility study for an Outdoor Performing Arts Space.

### Greater CREATIVE Bendigo 2018

Action 4:

Ensure further development of the precinct meets the Greater CREATIVE Bendigo vision, is generally in accordance with the View Street Master Plan, including considering the need for:

- Community arts and cultural spaces (action 5);
- Aboriginal and Torres Strait Islander gallery and workspace (action 6);
- Storage, exhibition and retail space at Bendigo Art Gallery (action 22).

Action 5:

Audit existing community arts and cultural spaces and creative businesses in the municipality, to determine future infrastructure needs.

### Regional Strategic Plan Reference:

Loddon Mallee Regional Strategic Plan (2015-2018)

Priority Areas:

- 1.8 Invest in tourism product, assets and related infrastructure.
- 4.8 Support thriving arts, culture, sports, recreation and major events

The project received funding from RDV due to the project's strong alignment with the Loddon Mallee Regional Strategic Plan's directions of investing in tourism products, assets and related infrastructure; building on the strengths of regional centres; and supporting culture, sports, recreation and major events.

The project also aligns with the Bendigo Region Destination Management Plan by leveraging the City's reputation for arts and cultural events, and increasing potential night time activity. (Bendigo Region Destination Management Plan Objective 5 Leveraging Arts and Culture Growth).

## Report

The Outdoor Performing Arts Space Feasibility study (OPAS) is a community led initiative funded by the Rotary Club of Bendigo, the City of Greater Bendigo and the Victorian State Government (Regional Development Victoria). Community event organisers have long argued that Greater Bendigo could benefit from the development of a new outdoor performing arts space to complement existing facilities such as the newly developed Bendigo Botanic Garden's Garden of the Future and /or enhance outdoor event locations such as Rosalind Park, Canterbury Gardens, Hargreaves Mall, Lake Weeroona, Strathdale Park and Dai Gum San to name a few.

The Rotary Club of Bendigo has been a strong advocate for the reinstatement of a permanent outdoor stage in lower Rosalind Park and/or within close proximity to the arts and cultural precinct. Their tireless advocacy and enthusiasm to realise this vision is the catalyst for undertaking the Outdoor Performing Arts Space Feasibility Study.

While the concept of a permanent stage facility in lower Rosalind Park was included in the investigation and a site of much interest, the scope of the investigation was much broader and consultants were asked to explore a range of options that could potentially meet the diverse needs and aspirations of local, regional and national event organisers and producers.

Greater Bendigo is experiencing significant growth in the presentation of festivals, events and celebrations and this is evidenced in newly released tourism figures. In 2017/2018 the City of Greater Bendigo recorded 1,317 event enquires and bookings, predominately in the City Centre event locations of Dai Gum San, Hargreaves Mall, Rosalind Park and the Bendigo Botanic Gardens.

Lower Rosalind Park is currently the location of choice for many major event organisers due to its close proximity to the City Centre, shaded areas and attractive green spaces. The City of Greater Bendigo events team supported 11 art, cultural and music events attended by 43,047 people. (*Excludes Bendigo Easter Festival's 100,000 people*)

Larger scale events held in Rosalind Park were Scots Day Out (audience of approximately 3,000), Bendigo Blues and Roots Music Festival Rosalind Park event (3,000-4,000), Bendigo Easter Festival (100,000+), Bendigo Rotary Club Christmas Carols (5,000-7,000) and more recently a range of culturally significant celebrations such as YAPENYA lead by Dja Dja Wurrung Aboriginal Clans Corporation (1,000), Poppet (3,000) and ZINDA Festival, a celebration of Greater Bendigo's culturally diverse communities attracted approximately 4,000 people.

The popular multi-site *Summer in the Parks* program hosts 100+ events between December to March annually, *Groovin' the Moo* at the Bendigo Showground sold out with 16,000 tickets sold in under 2 hours; and *Sutton Grange Winery* recently gained approval from Mount Alexander Shire Council to increase venue capacity from 6,000 to 15,000. The visitor economy is a major industry for Bendigo and the wider region, and currently the Bendigo-Loddon Region ranks 23<sup>rd</sup> nationally for day trips and attracted 2,424,000 visits in 2017.

The Outdoor Performing Arts Space Study is an important investigation as this initial work seeks to identify the demand for infrastructure to support major outdoor events into the future and to ensure that Greater Bendigo and the regions continue to plan for growth and thrive as vibrant creative destinations.

Major events not only contribute to the economic viability of our City, they are a catalyst for communities and people to come together to participate in a range of shared experiences, they provide a platform for creative and cultural expression and create a culture of inclusion that improves economic and social wellbeing outcomes for all.

#### Previous Council Decision Dates:

At its Ordinary Meeting on 27 April 2017, Council resolved to provide a budget allocation of \$10,000 to contribute to the cost of the Outdoor Performing Arts Space Feasibility Study. This decision was made following a presentation by Rotary Club of Bendigo as part of the normal budget cycle process.

#### Priority/Importance:

The concept of an outdoor performing arts space is matter of high importance to the Rotary Club of Bendigo, as presenters of the annual Rotary Carols by Candlelight event. Organisers and their supporters have advocated for a feasibility study to be prioritised over many years. Council also acknowledged the importance of this initiative as evidenced in the Community Plan 2017-2021 and through the provision of a \$10,000 budget allocation to support the study.

#### Options/Alternatives:

The investigation did not identify a strong demand for investment in a major new performing arts facility at this stage, nor did the investigation recommend investment in mobile or temporary event infrastructure. The investigation does, however, identify a range of concepts that Council may wish to explore or re-examine as demand increases for outdoor performance space and event infrastructure over time.

The concept options are summarised below (extracted from report);

**Concept Option – Adaption and Flexibility Now***Mobile options*

*Events in Bendigo already utilise temporary/mobile stage and audio solutions. There is little interest in this solution or an opportunity, because it would not meet the requirement of the OPAS being an attractor to potential users. Occasional events using temporary/mobile solutions require access and siting, as well as consideration of parking and traffic management, operation and cost. These costs increase as the number of users increase for temporary/mobile solutions. It is also not considered appropriate for Council to invest in their own temporary/mobile solution equipment; this would be a significant ongoing cost for Council.*

**Concept Option – Expansion and Enhancement***Establishing a facility at the Tom Flood South site*

*South of the Tom Flood Sports Centre is a large site currently used for car parking and school bus interchange on the eastern edge of Rosalind Park. Based on the Rosalind Park Masterplan, Council has plans to reinstate green space which in part or full could incorporate a new permanent or temporary Outdoor Performing Arts Space.*

*A high-level opinion of probable cost provided by Harlock Consulting (Quantity Surveyor) is \$7.385m.*

**Concept Option – Changing the Game for the Future***Poppet Head site*

*The consultant team believes that the City of Greater Bendigo should consider the development of a major new facility, taking the concept of an outdoor performing arts space into a new era for Victoria. This has been designated a flexible, performing arts hub. A high-level opinion of probable cost provided by Harlock Consulting (Quantity Surveyor) is \$7.945m.*

*It is also recommended that Council continue to monitor the demand for a larger scale performing arts hub. In the interim there are a number of actions that Council can undertake to support the growth of performing arts in Bendigo.*

*Appendix 5 provides analysis of existing public spaces that currently support outdoor performances in Greater Bendigo and recommends a number of minor improvements to these facilities to better support events.*

*In particular it is recommended that high priority should be given to the completion of the recently opened Garden of the Future and Canterbury park event spaces. Outstanding works include the provision of a 3 phase power supply and installation of lighting at Garden for the Future and the development of a medium scale performance shelter at Canterbury Park.*

*The completion of these projects will help alleviate the high demand on lower Rosalind Park by providing alternative purpose built venues capable of hosting medium scale events.*

### Timelines:

The project working group (PWG) was established in October 2017. The PWG secured funds to undertake the study in late June 2018. The project formerly commenced with the appointment of independent consultants in July 2018. The Outdoor Performing Arts Feasibility Study is now complete. A final PWG meeting was held on 28 February 2019 where the members formally accepted the consultant's final report.

### Risk Analysis:

There are no identified risks. The OPAS is a feasibility study and does not commit Council, the City of Greater Bendigo, the Rotary Club of Bendigo or funding partner Regional Development Victoria to any future major investment at this stage. The report provides concept options and states the independent consultants' preferred option/recommendation. Council may agree or disagree with this recommendation.

### **Consultation/Communication**

Extensive research and consultation was undertaken by Hirst Projects as detailed within the report. Please refer to pages 19-22 of the report. The targeted consultation involved group workshops, face to face interviews and telephone interviews and sought information in relation to;

- The nature and scale of events currently held in the Bendigo region, audience size, the size of performer groups and timeframe for performance.
- The facilities used currently.
- The need for facility improvement to expand and increase the event and festival offer.
- The capacity and interest in performing in Bendigo and the type of facility needed to attract the increased or new uses.
- Issues related to the development of outdoor performance.

The team engaged more than 20 stakeholders, taken from a list provided by the Project Working Group and targeting organisations that own and support the production of major performing arts events across the region and beyond.

### Internal Consultation:

The team engaged with the City of Greater Bendigo to ensure that local knowledge and experience was the basis for the study.

Consultants held a cross-organisational session attended by 24 City staff from the following units: Capital Venues and Events, Regional Sustainable Development, Tourism and Major Events, Parks and Open Space, Property Services, Community Partnerships, and Active and Healthy Lifestyles and conducted a series of team and face to face interviews.

A project update was provided to EMT on 30 October 2018. Hirst Projects attended a Councillor briefing on 5 November 2018 to deliver a presentation and seek input and feedback from Councillors.

**External Consultation:**

As detailed within the report.

**Resource Implications**

**Budget Allocation in the Current Financial Year:** N/A

**Previous Council Support:** \$10,000 allocated in 2017/2018 budget

**External Funding Sources:** RDV \$15,000, Rotary Club of Bendigo \$10,000

**Total Project Cost:** \$44,400 (including in-kind support)

There are concept options listed in the OPAS report that may have future budget implications, which will need to go through the normal budget cycle and be determined by Council. In particular, this includes considering and prioritising a program of minor upgrades to existing event spaces that is to be guided by Appendix 5 of the Hirst Report. City representatives from Capital Venues and Events, Tourism and Major Events and Parks and Open Space Units, will prioritise a program of minor upgrades for consideration by Councillors, and subsequent inclusion in forward budgets and work programs.

**Attachments**

1. Bendigo Outdoor Performing Arts Space Feasibility Study 2018-2019

## **8. LEAD AND GOVERN FOR ALL**

### **8.1 MUNICIPAL ASSOCIATION OF VICTORIA (MAV) STATE COUNCIL MAY 2019**

#### **Document Information**

**Author** Peter Hargreaves, Coordinator Civic and Governance Support

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

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#### **Purpose**

The purpose of this report is to seek Council endorsement for four motions on matters critical to Greater Bendigo and local government in Victoria to go before the State Council meeting of the Municipal Association of Victoria in May 2019.

#### **Summary**

The Municipal Association of Victoria (MAV) will hold its first State Council meeting for 2019 on 17 May.

The State Council is an opportunity for member Councils to come together to consider and decide on motions submitted by members on matters of importance to local government in Victoria.

Members including Greater Bendigo City are invited to submit motions for consideration at the meeting.

The MAV Rules favour motions that are of state-wide significance to local government and which are supported by a Council motion.

This report seeks approval to submit four motions for consideration by MAV State Council on the following issues identified by Councillors as important to local government and Greater Bendigo residents and ratepayers:-

- Secure ongoing funding to sustain the Municipal Emergency Resourcing Program (MERP)
- Council access to State landfill levies to fund regional waste management solutions
- The need for a Victorian container deposit scheme, and
- The need for transitional funding support for Councils assuming the in-house management of pound and animal shelter services



## **RECOMMENDATION**

That Council endorse the four motions and supporting information contained in this report for consideration at the State Council meeting of the Municipal Association of Victoria (MAV) to be held in May 2019.

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Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal 1 Lead and govern for all

Objective: Actively seek more funding opportunities from Federal, State and Private investors

Advocate on priority issues that may impact the region

Goal 2 Wellbeing and fairness

Objective Strengthen community resilience

Goal 3 Environmental sustainability

Objective Implement findings of the City of Greater Bendigo 2017 Waste Review

Report

The four motions identified by Councillors for submission to the MAV State Council are listed below. A supporting statement or background information follows each motion.

MAV State Council

Motion 1 *Funding for Municipal Emergency Resourcing Program (MERP)*

That the Victorian Government commit as a matter of urgency to:-

- Extend the funding for the Municipal Emergency Resourcing Program (MERP) until June 2025,
- End the freeze on annual indexation, and
- Increase the level of funding available to reflect changes in costs since 2016.

Supporting Information

The MERP is administered by Local Government Victoria and provides funding to the 64 Victorian councils within Country Fire Authority (CFA) districts to support strategic emergency management planning to ensure councils are able to prepare for, respond to, and actively manage council responses during emergencies.

MERP funding has been provided through a series of funding agreements covering the eight years from 2012 to 2020. Total funding in excess of \$4.5 million per year is shared between the 64 councils.

Under current arrangements the funding program expires in June 2020 and there is not commitment from Government to extend the funding beyond that point.

This funding is essential to support the capacity and capability of local government in emergency management, especially for rural councils.

The MERP's objective is to boost the capacity of councils to fulfil their legislative responsibilities for emergency management. This includes:

- implementing relevant recommendations from the 2009 Victorian Bushfires Royal Commission and the 2011 Victorian Floods Review;
- planning to support the most vulnerable members of the local community in times of emergency, undertaken in liaison with the Department of Health and Human Services, (DHHS); and
- working in partnership with other councils, emergency organisations and Victorian government agencies to facilitate joined-up planning, staff training, exercises and systems development.

The level of this funding has been frozen for the four year period to June 2020, with no indexation during this time.

If an announcement extending the MERP program is not forthcoming or is delayed until early 2020 there is a significant risk that experienced staff currently employed under this funding will seek alternative work and their skills will be lost to the regions.

Without this funding municipalities like Greater Bendigo will struggle to meet their legislated emergency management responsibilities.

Motion 2 Council access to EPA Victoria Landfill levies

That the State Government provide the means for Victoria's municipalities to retain the millions of dollars it collects annually in EPA landfill levies in order to fund approved programs designed to provide regional solutions to the current waste management crisis.

Supporting Information

Victoria's municipalities currently pay millions of dollars annually for landfill levies imposed by the Victorian Government through EPA Victoria for all waste disposed at licensed landfills.

The funds drawn directly from Council residents and ratepayers are collected by EPA Victoria and passed on to the Department of Environment, Land, Water and Planning (DELWP).

Two of the key purposes of the landfill levy are to:-

- provide additional and ongoing funding to support efforts by government, industry and the community to reduce waste, and
- provide a financial incentive to reduce the amount of waste going to landfill.

Nine regional Councils – Ballarat, Bendigo, Geelong, Horsham, Latrobe, Mildura, Shepparton, Wangaratta and Warrnambool - pay almost \$18 million a year in such levies. These are funds collected from residents and ratepayers.

Loddon Campaspe municipalities pay approximately \$6.4M annually either directly or indirectly.

Greater Bendigo alone has paid \$12.8 million in landfill levies in the past five years with limited if any access to the funds for waste management projects.

Like other regions of Victoria, Central Victoria is facing increasing pressure to devise alternative waste management solutions without access to a level of funding which matches the size of the challenge facing Councils.

Like other Victorian municipalities Greater Bendigo has a strong focus on implementing sustainable and alternative waste disposal solutions to assist with management of residential and commercial waste streams.

However little, if any, of the levies paid by Councils is returned to assist in financing waste management solutions.

Improved access to the funds generated by the levy and potential future grants from the Sustainability Fund, is essential to assisting Council create the necessary infrastructure.

Under this proposal the structure of the fund would be amended to allow Councils to retain the money for approved projects which provide regional solutions to the current waste management crisis.

Motion 3 *Container deposit scheme*

That the Victorian Government join other mainland Australian states by introducing a container deposit scheme to help build a sustainable recycling industry and help alleviate the State's waste recycling crisis.

Supporting Information

Victoria's current recycling predicament has resulted in thousands of tonnes of recycle paper, plastic and cardboard being buried in landfill.

Every mainland state and territory except Victoria have or are setting up a container deposit scheme. Queensland became the most recent state when it adopted its scheme late last year and Western Australia expects its scheme will start in 2020.

South Australia implemented its scheme in 1977.

South Australia is reported to have one of the highest recycling rates in the country, with an overall return rate of 79.9 percent in 2016/17.

The aim of the schemes is to reduce litter by encouraging people to pick up the bottles, cans and cartons that mar streets, beaches and parks and claim the refund.

Some experts argue that a container deposit scheme would help alleviate the problem of contamination of recyclable material.

According to media reports the New South Wales Reverse Vending Scheme introduced about 14 months ago collects, on average, four million containers a day at return points and reduced drink container litter by 33 per cent in the six months to May 2018.

According to a December 2018 report by the Boomerang Alliance, the NSW scheme in its first year recycled 1 billion articles and in the process:

- Increased recycling rates from 32% to 54%
- Increased the value of the recyclable material from \$110 per tonne to \$350 per *tonne*.

Other research has shown container deposit recycling schemes to reduce container waste and litter overall.

Motion 4 *Transitional funding support for Council pound and animal shelter services*

That the State Government provide urgent funding to cover the transitional costs being incurred by Victorian municipalities to assume the management of their local pound and animal shelters services, as a result of the RSPCA's decision to move away from management these service on behalf of Local Governments.

Supporting Information

Victorian municipalities have a range of responsibilities under the Domestic Animals Act 1994 (the Act), including the provision of pound services. Pound and animal shelter services can be delivered by the Council concerned, or contracted out.

The City of Greater Bendigo (the City) like many other Councils, have contracted out pound and associated shelter services to the RSPCA. In Bendigo this has been the successful arrangement for more than 20 years.

Historically in Bendigo, the RSPCA has been the only organisation to tender for the contract. There has been no alternative service provider, particularly with the capacity necessary to run these services in a municipality the size of the City of Greater Bendigo.

Recently the RSPCA has taken a strategic decision to transition away from the provision of pound and animal shelter services, which was reflected in their pursuing full cost recovery for any contracted services they provide. This decision has had significant impacts on the cost of providing these services for a number of Councils, not only in Victoria.

In response, the City determined it to be more cost effective in the long term to provide pound and animal shelter services in-house from the end of June 2019, rather than enter into a contract with the RSPCA at the inflated rates. Contracting to an alternative provider was also not available, as there are no service providers in the municipality that have the scale of operation necessary.

Other Councils in the region have taken similar decisions over the past 12-24 months including Shepparton, Ballarat and Campaspe.

The costs of this transition from a contracted service to an in-house service are considerable, particular for the City who have not provided these services for more than 20 years, and do not have a code compliant facility from which to operate the service.

The additional cost to the Greater Bendigo City Council budget is expected to be initially around \$660,000 annually, however bringing the service in-house gives the City opportunities to continue to deliver a high quality service, while being able to identify and implement efficiencies.

The transitional one off set up costs are expected to be between \$200,000 and \$250,000 to cover equipment purchasing and staff costs.

Our intention through this motion is not to criticise the RSPCA over its decision to pursue full cost recovery for their services. They have provided a highly valued pound and animal shelter service for many years, subsidising this service on behalf of our community. Rather, the motion is to point out the City of Greater Bendigo is not the only Council which may find itself in this unexpected financial predicament.

In the absence of a mature market of private providers, Councils have no alternative but to bring these services in-house, since the Domestic Animals Act 1994 requires that they must provide a service.

Given this is a State mandated service, it is our view that the Government must come to the aid of Councils as they struggle to find funds to meet these changing arrangements.

Timelines:

The deadline for motions is 23 April. MAV State Council is being held on 17 May.

Attachments

Nil

8.2 RECORD OF ASSEMBLIES

Document Information

Author **Miki Wilson, Manager Governance**

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

Purpose

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

RECOMMENDATION

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

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### Policy Context

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

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

### Background Information

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

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

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

**Report**

| Meeting Information                    |                                                                                                                                                                                                             |                                 |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Meeting Name/Type                      | Councillors' Briefing                                                                                                                                                                                       |                                 |
| Meeting Date                           | 18 February 2019                                                                                                                                                                                            |                                 |
| Matters discussed                      | 1. Budget<br>2. Industrial Land Strategy<br>3. Bendigo West Framework Plan<br>4. Volunteering Draft Strategy<br>5. Library services                                                                         |                                 |
|                                        |                                                                                                                                                                                                             |                                 |
| Attendees/Apologies                    |                                                                                                                                                                                                             |                                 |
| Councillors                            | Cr Margaret O'Rourke<br>Cr Jennifer Alden<br>Cr Matt Emond<br>Cr George Flack<br>Cr Rod Fyffe<br>Cr Andrea Metcalf<br>Cr Mal Pethybridge<br>Cr James Williams<br><b>Apology:</b><br>Cr Yvonne Wrigglesworth |                                 |
| Staff/<br>Community<br>Representatives | Mr Craig Niemann<br>Mr Bernie O'Sullivan<br>Mr Andrew Cooney<br>Mr Steven Abbott<br>Ms Debbie Wood<br>Ms Miki Wilson<br><b>Apology:</b><br>Ms Vicky Mason                                                   |                                 |
|                                        |                                                                                                                                                                                                             |                                 |
| Conflict of Interest disclosures       |                                                                                                                                                                                                             |                                 |
| Matter No.                             | Councillor/officer making disclosure                                                                                                                                                                        | Councillor/officer left meeting |
|                                        | Nil                                                                                                                                                                                                         |                                 |

| <b>Meeting Information</b> |                                                                                                                                                                                                                                     |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Name/Type</b>   | Councillors' Briefing                                                                                                                                                                                                               |
| <b>Meeting Date</b>        | 4 March 2019                                                                                                                                                                                                                        |
| <b>Matters discussed</b>   | 1. Budget<br>2. VicRoads update<br>3. Council land<br>4. Planning Scheme Review<br>5. Water Sensitive Bendigo<br>6. Draft Heathcote Township Plan<br>7. Presentation by Be.Bendigo<br>8. Quarterly Health Check<br>9. GovHub update |



|                                                 |                                                                                                                                                                                                               |                                        |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
|                                                 |                                                                                                                                                                                                               |                                        |
| <b>Attendees/Apologies</b>                      |                                                                                                                                                                                                               |                                        |
| <b>Councillors</b>                              | Cr Margaret O'Rourke (via telephone link)<br>Cr Jennifer Alden<br>Cr Matt Emond<br>Cr George Flack<br>Cr Rod Fyffe<br>Cr Andrea Metcalf<br>Cr Mal Pethybridge<br>Cr James Williams<br>Cr Yvonne Wrigglesworth |                                        |
| <b>Staff/<br/>Community<br/>Representatives</b> | Mr Craig Niemann<br>Mr Bernie O'Sullivan<br>Mr Andrew Cooney<br>Ms Vicky Mason<br>Ms Debbie Wood<br>Ms Miki Wilson                                                                                            |                                        |
|                                                 |                                                                                                                                                                                                               |                                        |
| <b>Conflict of Interest disclosures</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>                        | Councillors' Briefing                                                                                                                                                                                       |
| <b>Meeting Date</b>                             | 13 March 2019                                                                                                                                                                                               |
| <b>Matters discussed</b>                        | 1. Planning matters<br>2. City Centre update and Parking Strategy<br>3. GovHub regular update                                                                                                               |
|                                                 |                                                                                                                                                                                                             |
| <b><i>Attendees/Apologies</i></b>               |                                                                                                                                                                                                             |
| <b>Councillors</b>                              | Cr Margaret O'Rourke<br>Cr Jennifer Alden<br>Cr Matt Emond<br>Cr Rod Fyffe<br>Cr Andrea Metcalf<br>Cr Mal Pethybridge<br>Cr James Williams<br>Cr Yvonne Wrigglesworth<br><b>Apology:</b><br>Cr George Flack |
| <b>Staff/<br/>Community<br/>Representatives</b> | Mr Craig Niemann<br>Mr Bernie O'Sullivan<br>Mr Andrew Cooney<br>Ms Vicky Mason<br>Ms Debbie Wood<br>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                      | Councillors' Briefing                                                                                                                                                                                                                                                                                                |                                 |
| Meeting Date                           | 18 March 2019                                                                                                                                                                                                                                                                                                        |                                 |
| Matters discussed                      | 1. Economic Development Strategy<br>2. Vegetation offsets<br>3. Car Park Feasibility Study<br>4. Overview of City's building assets and Gasworks update<br>5. Loddon Campaspe Regional Economic Growth Strategy<br>6. Active and Healthy Lifestyles Framework<br>7. Pound Animal Shelter update<br>8. Airport update |                                 |
|                                        |                                                                                                                                                                                                                                                                                                                      |                                 |
| Attendees/Apologies                    |                                                                                                                                                                                                                                                                                                                      |                                 |
| Councillors                            | Cr Margaret O'Rourke<br>Cr Jennifer Alden<br>Cr Matt Emond<br>Cr Rod Fyffe<br>Cr Andrea Metcalf<br>Cr Mal Pethybridge<br>Cr James Williams<br>Cr Yvonne Wrigglesworth<br><b>Apology:</b><br>Cr George Flack                                                                                                          |                                 |
| Staff/<br>Community<br>Representatives | Mr Craig Niemann<br>Mr Bernie O'Sullivan<br>Mr Andrew Cooney<br>Ms Vicky Mason<br>Ms Debbie Wood<br>Ms Miki Wilson                                                                                                                                                                                                   |                                 |
|                                        |                                                                                                                                                                                                                                                                                                                      |                                 |
| Conflict of Interest disclosures       |                                                                                                                                                                                                                                                                                                                      |                                 |
| Matter No.                             | Councillor/officer making disclosure                                                                                                                                                                                                                                                                                 | Councillor/officer left meeting |
|                                        | Nil                                                                                                                                                                                                                                                                                                                  |                                 |

**9. URGENT BUSINESS**

Nil.

## **10. NOTICES OF MOTION**

### **10.1 NOTICE OF MOTION: WASTE MANAGEMENT**

#### **CR ANDREA METCALF**

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That Council:

1. Write to the Minister for Energy, the Environment and Climate Change, the Hon. Lily D'Ambrosio:
  - a) Acknowledging her letter in regard to contracting conditions for the management of recycling waste
  - b) Thanking her for the work done by the State Government on the recycling crisis over the last year
  - c) Seeking her support for a national Reverse Vending Machine (container deposit) scheme based on the NSW scheme.
  - d) Asking her to advocate for a truly national, well-funded approach that will help develop a national circular economy, based on the five point plan put forward by the Waste and Resource Recovery Association of Australia and the Municipal Association of Victoria's Action Plan for all levels of government.
2. Forward copies of the letter to the Minister for Local Government, the Hon. Adem Somyurek MLC and local Members of Parliament, Hon. Jacinta Allan MLA, Ms Maree Edwards MLA, Hon. Jaclyn Symes, MLC, Hon. Wendy Lovell, MLC and Ms Lisa Chesters MHR.

#### **Rationale**

The Minister for Energy, the Environment and Climate Change, the Honourable Lily D'Ambrosio MP, has written to the Chairs of the Waste and Resource Recovery Boards following the instructions by the Environment Protection Authority that SKM Recycling stop accepting recyclable materials at their Coolaroo and Laverton North sites because of the fire risks at those sites.

The letter was also sent to all CEOs of Local Councils. In her letter the Minister indicated that the State Government is implementing its Recycling Industry Strategic Plan and asks that Councils:

- Collaborate to procure recycling services
- Suggests that Council's contracts with our waste pick-up services contain a clause requiring that sites receiving recyclables meet all EPA standards
- Include a contingency plan in their contract that requires the service to have a contingency plan in the event that a site closes.

The recycling issue will not be solved by improving councils' contracting arrangements. It requires that all level of governments work together to put in place the systems and regulations that will lead to a circular economy, in which materials are reused rather than dumped.

The National Waste Policy (2018) outlines a framework for the development of a more circular economy and State Governments, including Victoria, are currently responding to this.

The National Waste Policy recognises that having different regulations in place in each state can lead to difficulties for businesses, as well as opportunities for them to take recyclables across borders.

Victoria is the only mainland state that doesn't have a container deposit scheme. NSW introduced a Reverse Vending Machine scheme which, according to a December 2018 report by the Boomerang Alliance, in its first year recycled 1 billion articles and in the process:

- Increased recycling rates from 32% to 54%
- Increased the value of the recyclable material from \$110 per tonne to \$350 per tonne.

The Victorian State Government should be lobbying for the introduction of a container refund system, based on that introduced by NSW and taking into account the lessons learnt from that scheme. In recognition that developing a circular economy is a national business, agreements need to be made between the states and the Federal Government to address, with significant resourcing, the regulations and systems that need to be coherent across the nation.

The Waste Management and Resource Recovery Association of Australia, the national peak body for the Waste and Resource Recovery Industry, is lobbying for a five point action plan:

1. Develop an Industry Development Fund specifically for the remanufacturing industry to enable a circular economy. \$1B per year could be funded from the landfill levies collected and kept by state governments
2. Setting National Standards across all states.
3. Mandate procurement of recycled content goods based on the approved standards
4. Tax reform/GST remission on recycled goods
5. Mandate product stewardship schemes for identified priority materials

These five points appear to be a sound basis for national cooperation and action and should be supported by the Victorian State Government.

In addition, the Municipal Association of Victoria (MAV) has been conducting a strong campaign for further action from the State and Federal Governments and it too has a proposed plan (see below) that outlines five actions for each of the three levels of Government.

## **Municipal Association of Victoria Action Plan to Rescue our Recycling**

### ***Victorian Government***

**Action 1: Invest in recycling infrastructure** Commit greater quantities of Sustainability Fund money to bolster sorting and processing capability in Victoria. We urgently need more capacity in our materials recovery facilities across the state.

**Action 2: Fund and support market development** Commit greater quantities of Sustainability Fund money to drive demand for recycled content. Support research and development to increase uptake of new uses for recycled materials. Set mandatory procurement targets for Australian recycled materials.

**Action 5: Strengthen industry oversight / regulation** Recycling is considered an essential service by most, yet the few large operators we have in Victoria operate under a veil of secrecy. The State must improve transparency and accountability within the industry. Access to robust and credible data on market conditions, and costs and revenue within the recycling sector is essential to achieve best value for the community.

### ***Federal Government***

**Action 1: Mandate product stewardship** Introduce mandatory product stewardship for all products that generate waste. Put clear and binding targets within the *Product Stewardship Act* to drive action by industry. This approach would align with the polluter-pays principle, incentivising designers and producers to take responsibility for the environmental impacts of their products.

**Action 2: Tackle consumer packaging** In partnership with state and territory ministers, review the *National Environment Protection (Used Packaging Materials) Measure 2011* to impose mandatory participation and binding obligations across the consumer packaging chain. As an interim measure, clarify obligations on industry so that it's easier to hold them to account.

**Action 3: Strengthen the National Waste Policy** In partnership with state and territory ministers, adopt an action plan for the National Waste Policy that includes firm and ambitious targets and timelines that fast-track our transition to a circular economy.

**Action 4: Regulate / ban production and importation of hard-to-recycle materials**

**Action 5: Standardise package labelling and certify use of recycled content** Mandate adoption of the Australasian Recycling Label for all consumer packaging sold in Australia and adopt a certification system for recycled content in line with the US or European models.

**Local Government****Action 1: Collaborate for market expansion**

Working with the Victorian government, investigate and support options to collaboratively procure kerbside recycling services with the aim of enhancing competition and attracting new investment in recycling in Victoria.

**Action 2: Educate the community**

Continue to develop and support delivery of community education that focuses on reducing waste and minimising contamination in recycling bins. Undertake regular bin audits to reduce contamination in kerbside recycling.

**Action 3: Buy recycled**

Wherever feasible, support market development via procurement of recycled content, both for corporate operations, services and infrastructure programs.

**Action 4: Explore stream separation**

Working with industry, pilot collection services that separates glass from the rest of kerbside recycling to reduce contamination of material.

**Action 5: Advocate to and work with the federal and state governments to achieve the reforms outlined in the sections above.**

It is these tiers of government that have the powers to create a responsible and sustainable recycling system.

**11. COUNCILLORS' REPORTS**

**12. MAYOR'S REPORT**

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

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

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

**RECOMMENDATION**

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