

AGENDA

Ordinary Meeting of Council

6.00pm Wednesday 21 August 2019

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

VENUE:

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

NEXT MEETING:

**Wednesday 18 September 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 21 AUGUST 2019

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BERNIE O'SULLIVAN
A/CHIEF EXECUTIVE OFFICER

ACKNOWLEDGEMENT OF COUNTRY

PRAYER

PRESENT

APOLOGIES

LEAVE OF ABSENCE

Cr James Williams

Cr Flack requested Leave of Absence for the Council Meeting to be held on Wednesday 18 September, 2019.

SUSPENSION OF STANDING ORDERS

That Standing Orders be suspended to allow the conduct of the 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 WRIGGLESWORTH'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 17 July 2019.

The following items were considered at the Ordinary Council meeting held on Wednesday 17 July 2019 at 6:00pm.

NO.	TITLE	RECOMMENDATION
1.1	Response to Mclvor Cottage Industries Co-operative's Petition	That Council: 1. Thank Mclvor Cottage Industries Co-operative for its petition. 2. Endorse staff undertaking further consultation with the Heathcote community throughout 2019/20 to develop a recommended Heathcote Integrated Civic Precinct concept design, including within the Co-operative. 3. Receive a further report from staff about how the needs of existing user groups plus the needs of the broader Heathcote community would be responded to through any recommended Heathcote Integrated Civic Precinct concept design. 4. Note that a 2020/21 budget bid will be submitted seeking resources to progress the design / tender development project phase for the proposed Heathcote Integrated Civic Precinct.
1.2	Bonazza Road Petition Response	That Council having received the petition in regard to concerns regarding vegetation impacts on safety at the Bonazza Road / Maiden Gully Road intersection, review the site distance following the programmed works to be undertaken by DELWP and respond to the petitioners.
1.3	Response to Central Bendigo Uniting Church Regarding Australia Day	That Council thank the Central Bendigo Uniting Church Cluster Council for their letter and commit to an ongoing conversation with community, which promotes and progresses greater understanding, respect and reconciliation.
2.1	40 Harley Street, Strathdale - Subdivide Land into 13 Lots, Removal of Native Vegetation, Removal and Creation of Easements, Demolition of Amenities Block and Works within a Heritage Overlay	Pursuant to section 61 of the Planning and Environment Act (1987), Council resolve to issue a Notice of Decision to Grant a Permit to subdivide land into 13 lots, removal of native vegetation, removal and creation of easements, demolition of amenities block, and works within Heritage Overlay at 40 Harley Street, STRATHDALE 3550 subject to the conditions at the end of this report:

NO.	TITLE	RECOMMENDATION
2.2	45 Ingham Road, Axedale - Use of Land for Industry (Manufacture and Maintenance of Mining and Agricultural Equipment)	A. Pursuant to section 61 of the Planning and Environment Act (1987), Council resolve to issue a Notice of Refusal to Grant a Permit for the use of land for industry (manufacture and maintenance of mining and agricultural equipment) at 45 Ingham Road, AXEDALE 3551 subject to the following grounds: 1. The proposal is contrary to the State and Local Planning Policy Framework that relates to both agricultural and industrial land use. 2. The proposal is contrary to the purpose and decision guidelines of the Farming Zone. 3. The proposal will result in an unacceptable level of detrimental impact on the amenity of the surrounding area (with respect to visual amenity, noise and light). 4. Wastewater management for the property is unacceptable. The septic system associated with the dwelling has been altered and a toilet block has been connected into the septic system without approval. 5. Ingham Road is not suitable the frequency and type of heavy vehicles currently utilising it; and the intersection with the McIvor Highway is not of an appropriate standard to handle such traffic. 6. The proposal will not result in an orderly planning outcome. B. If an application to review the decision of refusal is not lodged with the Victorian Civil Administrative Tribunal (VCAT) within 60 days of the refusal being issued, the City is to commence enforcement action requiring cessation of the use.
2.3	1 Melita Court, Ascot - 2 Lot Subdivision and Removal of Native Vegetation	Pursuant to section 61 of the Planning and Environment Act (1987), Council resolve to issue a Notice of Refusal to Grant a Permit for 2 lot subdivision and removal of native vegetation at 1 Melita Court, ASCOT 3551 on the following ground: 1. The subdivision will result in the removal of native vegetation which is not in keeping with the design objectives of the Design and Development Overlay 7.

NO.	TITLE	RECOMMENDATION
2.4	Heathcote Township Plan	That Council resolve to: 1. Adopt the Heathcote Township Plan; 2. Write to the participants of the Community Reference Group and thank them for participating in the project; 3. Seek expressions of interest from the community to participate on the Township Committee; 4. Request the Minister for Planning to authorise Council to prepare an Amendment to the Greater Bendigo Planning Scheme; 5. When Authorised by the Minister, exhibit the Amendment to the Greater Bendigo Planning Scheme.
3.1	Integrated Municipal Emergency Management Plan	That Council endorse the updated 'Northern Victorian Integrated Municipal Emergency Management Plan: City of Greater Bendigo', as the Municipal Emergency Management Plan, in accordance with Section 21 (4) of the Emergency Management Act 1986.
3.2	All Ages All Abilities Issues and Opportunities Report	That Council: 1. Release for public exhibition the Draft All Ages All Abilities Issues and Opportunities Report for a four week period and invite public submissions especially from children, young people, people with a disability and older adults. 2. Receive a further report summarising the feedback provided during the period of public exhibition and seek endorsement of the final All Ages All Abilities Issues and Opportunities Report and All Ages All Abilities Action Plan.
3.3	Greater Bendigo Rural Communities Committee	That Council: - formally recognise the following seven community members who have been selected to participate in the Greater Bendigo Rural Communities Committee for the term July 2019 to July 2021: • Bruce Anderson • Carly Threlfall • Craig Guy • Heather Wearne • John Beurle • Katie Nadebaum • Meagan Douglas - formally acknowledge and thank the following outgoing (and inaugural) Greater Bendigo Rural Communities Committee members for their contributions: • Alan Jacobs • Bruce Anderson • Gilbert Rayner • Gloria Pocock • Heather Wearne • Isabelle Gaye • Jennifer Jones • Jennifer White • Pam Rogers

		• Peter Maine • Thomas Zahle • Helen O'Donohue
6.1	Reconciliation Plan 2016-2019 Annual Progress Report	That Council acknowledge the Year Two Progress Report for the City of Greater Bendigo Reconciliation Plan 2016-2019, and endorse the identified key priority areas for the organisation for the coming 12 months.
7.1	Council Submission - Local Government Reform Paper	That Council endorse the attached submission to the Victorian Government on its proposed six new reforms to the administration of local government in Victoria.
7.2	Instrument of Delegation to Council Staff	That Council resolve to: 1. approve the attached Instrument of Delegation; and 2. authorise the Chief Executive Officer to execute and affix Council's common seal to the Instrument of Delegation.
7.3	Record of Assemblies	That Council endorse the record of assemblies of Councillors as outlined in this report.
7.4	Contracts Awarded Under Delegation	That the contracts awarded under delegation, as outlined in this report, be acknowledged by Council.
13.1	Confidential Section 89 Report	Contractual Matter

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

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on Wednesday 17 July, 2019, as circulated, be taken as read and confirmed.

1. PETITIONS AND JOINT LETTERS

1.1 PETITION: PREVENT HIGH STREET HEATHCOTE FLOODING

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

Further motion adopted at the Council Meeting [17 April 2019]: That in order to support the public disclosure of petitions as part of the democratic process Council requires that all future officer reports to Council Ordinary Meetings in response to public petitions include a copy of the petition and the names of all signatories.

The following e-petition has been received from concerned citizens with regard to street flooding in High Street Heathcote, as outlined below:

"I [resident] have met with [officer from CoGB] and shown what I think is the major contributor to flooding in this area.

When we get heavy rain, the lack of drainage outlets in Camp street which flows through to High Street causes properties to be flooded.

We request the council prioritise this matter as urgent.

On behalf of the signatures attached ".

Names - 23

RECOMMENDATION

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

~~~~~

change.org

Recipient: City of Greater Bendigo

Letter: Greetings,

Prevent High Street Heathcote Flooding

The signatures below are concerned citizens with regard to street flooding in High St Heathcote.

I have met with [an officer] from COGB and shown what I think is the major contributor to flooding in this area.

When we get heavy rain, the lack of drainage outlets in Camp street which flows through to High Street causes properties to be flooded.

We request the council prioritise this matter as urgent.

On behalf of the signatures attached

We remain yours faithfully

## Signatures

| Name               | Location                    | Date       |
|--------------------|-----------------------------|------------|
| David Salter       | Heathcote, Australia        | 2019-04-10 |
| Jeanette Cugley    | Melbourne, Australia        | 2019-04-11 |
| Astrid Salter      | Heathcote, Australia        | 2019-04-11 |
| Mark Nelligan      | Noble Park, Australia       | 2019-04-11 |
| Helan Agnew        | Yarraville, Australia       | 2019-04-11 |
| Rose Fairclough    | Australia                   | 2019-04-12 |
| Kellie Willmot     | Heathcote, Australia        | 2019-04-14 |
| Adrian Harris      | Heathcote, Australia        | 2019-04-14 |
| Cait Wall          | Melbourne, Australia        | 2019-04-15 |
| Sandra Barrie      | Armadale North, Australia   | 2019-04-15 |
| Karen Caffrey      | Melbourne, Australia        | 2019-04-15 |
| Kristy Jaroslowski | Heathcote, Australia        | 2019-04-15 |
| Bec Francis        | Argyle, Australia           | 2019-04-15 |
| Dean Segafredo     | Cordeaux Heights, Australia | 2019-04-22 |
| Rachel Collins     | Heathcote, Australia        | 2019-04-23 |
| Susie Marcroft     | Heathcote, Australia        | 2019-04-26 |
| Allison Milne      | Macedon, Australia          | 2019-04-26 |
| Peggy Murphy       | Melbourne, Australia        | 2019-04-26 |
| Emma Rodgers       | Elsternwick, Australia      | 2019-04-26 |
| Victoria Pitel     | Lismore, Australia          | 2019-04-26 |
| Maxine Ritchie     | Australia                   | 2019-04-26 |
| Glenys Pridham     | North Melbourne, Australia  | 2019-04-26 |
| Genevieve McHarg   | Heathcote, Australia        | 2019-05-21 |

## 2. PRESENTATION AND MANAGING GROWTH

### 2.1 ADOPTION OF THE HUNTLY DEVELOPMENT CONTRIBUTIONS PLAN, CONSIDER AUTHORISATION REQUEST FOR PLANNING SCHEME AMENDMENT C222

#### Document Information

**Author** Alison Kiefel, Amendments Planner

**Responsible Director** Vicky Mason, Acting Director Strategy and Growth

#### Summary/Purpose

**Amendment details:** The Amendment proposes to incorporate the *Huntly Development Contributions Plan July 2019* (HDCP) into the Greater Bendigo Planning Scheme. Implementation of the HDCP will include application of the Development Contributions Plan Overlay (DCPO), Schedule 2 to the Huntly growth precinct as defined, changes to the Municipal Strategic Statement and rezoning of an existing playground/district park.

The HDCP will deliver essential infrastructure projects to support new growth north of the existing Huntly township, on the eastern side of the Midland Highway.

**Proponent:** City of Greater Bendigo

**Key issues:**

- New type of process for the City to ensure the timely delivery of infrastructure in residential growth areas.
- Levies for infrastructure and services to the value of \$23.8M to be paid at the time of development.

#### **RECOMMENDATION**

That Council resolve to:

1. Adopt the *Huntly Development Contributions Plan* (July 2019) by MESH.
2. Request the Minister for Planning to authorise Council to prepare Amendment C222 to the Greater Bendigo Planning Scheme.
3. When Authorised by the Minister, exhibit Amendment C222 to the Greater Bendigo Planning Scheme, giving notification as required for the minimum statutory exhibition period of one month.

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Policy Context

Community Plan 2017 – 2021

Goal 1: Lead and govern for all

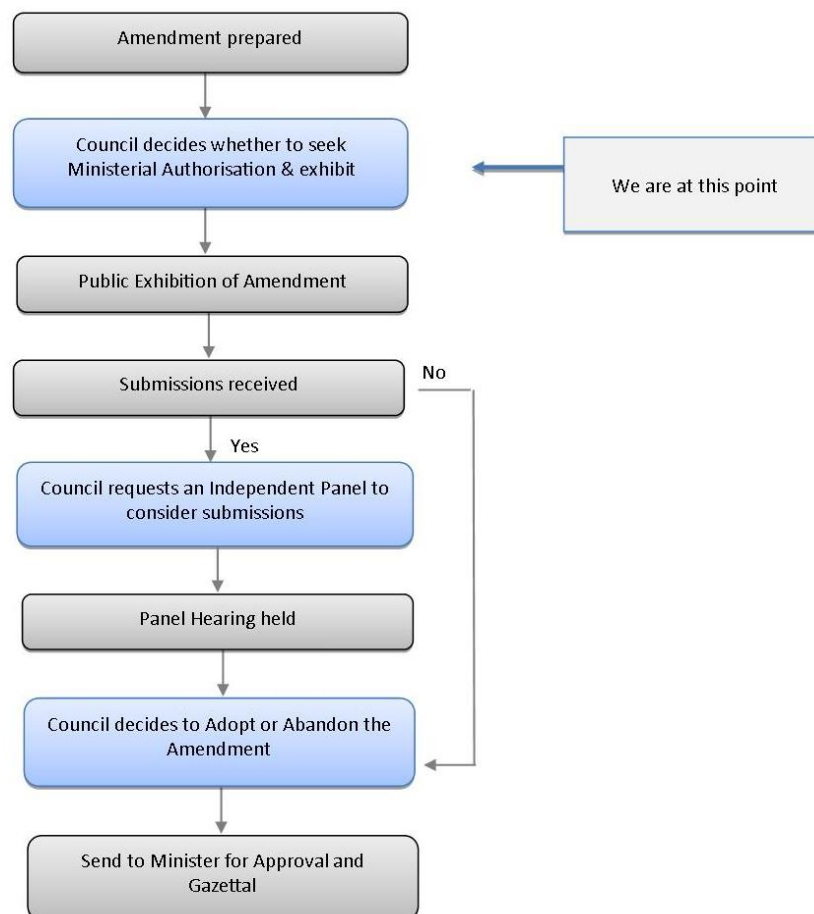
- Be innovative and financially responsible.
- Be accountable and efficient in its use of the community's money.

Goal 4: Presentation and managing growth

- Plan for a growing population; specifically; optimize the use of Development Contributions Plans.
- Continue to implement strategies that increase the capacity of transport networks to better move people and goods and encourages walking, cycling and the use of public transport.
- Keep Greater Bendigo attractive with good quality public facilities and places.
- Provide and maintain urban and rural infrastructure to support the livability of our community.

Background Information

The key steps in the Amendment process are summarised below:



This project has been in progress over a number of years following the rezoning of land that occurred as part of *Huntly Township Plan 2009*, and the *Greater Bendigo Residential Strategy 2014*. Generally, a Development Contributions Plan (DCP) is applied at the time of rezoning, however the City was not in a position to enable this at the time.

In January 2012 the first Development Plan was approved for the Viewpoint Estate. This plan provided the framework for the future subdivision of the land. Approximately 65% of projected lots for Viewpoint have either been built or have received a planning permit.

In November 2014 a second Development Plan was approved for the Hermitage Estate, east of the Viewpoint Estate. Stage 1, comprising of 25% of the projected lots of the Hermitage Development Plan has been approved.

The remaining undeveloped residential land on the east side is to the north and west of Viewpoint Estate on Sawmill Road. There is further land to the south-east of Viewpoint bounded by Tuckers, Sherwood and Wakeman Roads and the railway line. This land includes the location of the proposed Huntly railway station and will be the subject of future strategic planning to identify appropriate land uses and development.

The HDCP is to enable a coordinated approach to the supply of infrastructure related to major roads, intersections and shared path networks. The HDCP as drafted by MESH is to supply essential infrastructure, exclusive of levies for community facilities and active open space contributions.

A Development Contributions Plan (DCP) works by considering the total growth and infrastructure needs for the new growth area, undertaking analysis and costing those individual needs, that is then levied to the developers that will directly benefit from the infrastructure, based on their developable land area.

In this instance, the Huntly growth area is proposed to provide for 6,000 people and deliver infrastructure to the value of \$23.8M. DCPs are not a full cost recovery model and there will be obligations on the City to contribute to the delivery of infrastructure.

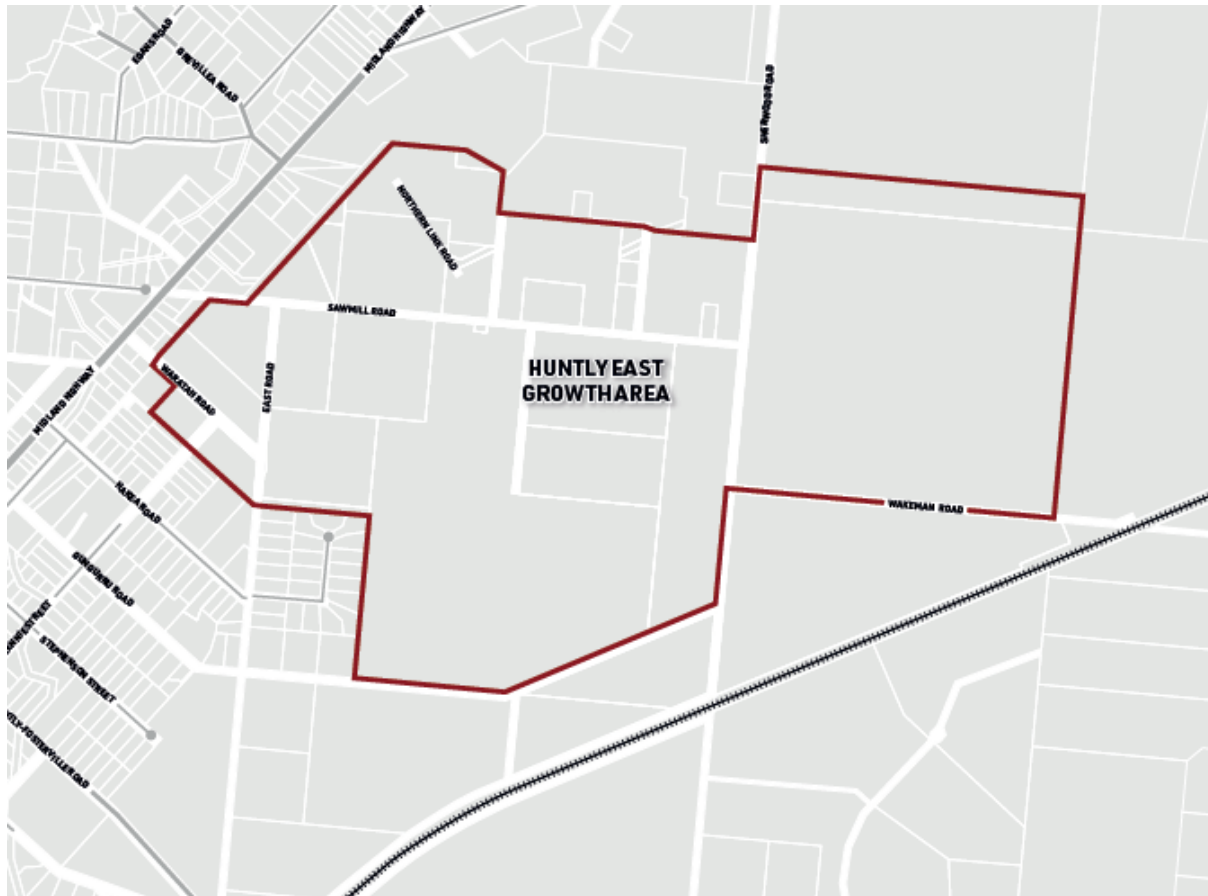
Given some of the land within the HDCP has been developed; some of the infrastructure projects have already been delivered, primarily by Integra, the developers of Viewpoint Estate. This includes the district park, intersection treatment at Midland Highway and Waratah Road, construction and road reservation for Waratah Road and shared paths.

Report

The *Planning and Environment Act 1987* allows for a Planning Scheme Amendment to be initiated by a municipal Council, or a Council can respond to a request for an Amendment by any person or body.

When requesting authorisation from the Minister for Planning, an Explanatory Report must be submitted that discusses the purpose, effects and strategic justification for the Amendment. Key issues identified in the Explanatory Report are summarised below.

Land affected by the Amendment



The Huntly DCP Overlay (DCPO) is proposed to apply to the growth area north of the existing Huntly town centre, on the eastern side of the Midland Highway. The area impacted includes 30 properties, covering a total of 247ha of land.

An additional 400 properties (approximately) at Viewpoint Estate that have already been developed will also have the DCPO applied, but will not be required to pay a contribution as the developer has already done this at the time of subdivision.

There are also 6 private landholders that would be impacted by future works to upgrade the existing Midland Highway/Waratah Road intersection. These properties are outside the DCPO area and the City is in discussions with the landowners regarding future land purchase by agreement.

Two Crown Land properties (one of which is reserved to Coliban Water), will also be impacted by future works to upgrade or construct new intersections.

The land to which the DCPO applies is mostly in the General Residential Zone with existing overlays including; Bushfire Management Overlay, Design Development Overlay Schedule 11 (Huntly Transition Area), Development Plan Overlay Schedule 25 (Huntly Township Plan New Development Area), and a native vegetation precinct plan. Two areas (approximately combined 30ha) are heavily vegetated and protected via the Native Vegetation Precinct Plan and are within the Low Density Residential Zone. These two areas will not be able to be developed and are excluded from 'net developable area' (NDA) calculations in the DCP document. Also excluded from the NDA are the areas subject to flooding, which is 8ha.

What the Amendment does

The Amendment proposes to:

- Amend Clause 21.09 Integrated Transport and Infrastructure.
- Rezone Reserve 1, Sawmill Rd, Huntly (district park) and 1 Autumn Close, Huntly to Public Park and Recreation Zone.
- Rezone Whirrakee Parade road reserve and Reserve 2, Whirrakee Parade to General Residential Zone.
- Insert new Schedule 2 (Huntly Development Contributions) at Clause 45.06 (DCPO).
- Apply the Development Contributions Plan Overlay, Schedule 2 to the Huntly growth precinct as defined.
- Insert Planning Scheme Maps 9DCPO and 12DCPO.
- Insert Planning Scheme Maps 9DCPO and 12DCPO at Clause 72.03.
- Insert *Huntly Development Contributions Plan*, July 2019, by Mesh consultants to the Incorporated Documents Schedule at Clause 72.04.

Social, Economic and Environmental Impacts

- *Economic*

The Amendment will enable Council to equitably apportion and collect developer levies to facilitate in the order of \$23.8 million worth of infrastructure projects for the Huntly community.

While the Amendment will result in increased development costs for designated landowners, levies will only be triggered when land is subdivided and will guarantee delivery of the nominated services and infrastructure listed in the DCP.

The calculated DCP levy is:

TABLE 1 SUMMARY OF CHARGES

Project Type	Total Cost to East Charge Area	Per Ha Rate
ROADS	\$11,587,926	\$59,558
INTERSECTIONS	\$5,491,985	\$28,227
DISTRICT PLAY GROUND	\$468,938	\$2,410
OFF-ROAD PEDESTRIAN & CYCLE TRAILS	\$948,654	\$4,876
PLANNING COSTS	\$186,000	\$956
Total	\$18,683,503	\$96,026.66

Source: Huntly Development Contributions Plan by MESH, July 2019

The Per Hectare rate for Net Developable Land is considered comparable to other approved residential DCPs in the State, considering it provides for essential infrastructure projects only. A DCP is a more equitable means of funding the City's capital and renewal works across the municipality. Existing townships and suburbs will have a greater share of the City's budget as new development areas will be majority funded through development contribution plans.

As discussed above, six private properties outside the DCP area will also be affected by the design of an upgraded intersection, with portions of these properties required to be purchased to facilitate the project.

- *Social*

The Amendment will result in an improved level of amenity for Huntly residents through the provision of new infrastructure, including cycling and pedestrian links, a district level playspace (already constructed in Viewpoint Estate), new roads and improved intersections. The Amendment will facilitate changes to the existing road network which will cater for increased traffic movements resulting from future residential growth.

The land acquisition process and proposed road widening will result in some social impacts for the affected properties as there will inevitably be some change to how the residents use their properties. For instance the road would be closer to their house and vehicle access may be affected. Throughout the Amendment process, steps will be taken to address social impacts by ensuring that the land acquisition required for the DCP road projects are minimised and subjected to collaborative engagement with the affected land owners.

- *Environmental*

The Amendment is expected to result in positive environmental outcomes as it will fund alternative forms of transport such as cycling, walking, and use of public transport, and therefore potential reductions in private car use. The existing native vegetation within the precincts will also be retained as per the existing Native Vegetation Precinct Plan, including 2 areas of heavy vegetation in the precinct (approximately 30ha) and preservation of vegetated road reserves for Sawmill Road, and Wakeman Road.

Overall, the Amendment is expected to have a net community benefit.

Strategic Justification – Planning Context

The DCP is supported by the existing adopted strategic documents: *Huntly Township Plan* (2009), *Greater Bendigo Residential Strategy* (2014), *Public Space Plan* (2018), *Integrated Transport and Land Use Strategy* (2015).

The DCP is also supported by the approved Development Plans for Viewpoint Estate (546/2012) and Hermitage Estate (58/2013).

State Planning Policy Framework

- *Clauses 11.01-S Settlement and Clause 11.01-1R Settlement – Loddon Mallee South*

The Amendment facilitates the orderly planning and delivery of land for residential development within a major regional city that has been identified for growth. The DCP directs how the precinct will accommodate the relevant infrastructure required along existing and planned transport routes and protection of native vegetation to support residential growth.

- *Clauses 11.02-2S Structure planning and 11.02-3S Sequencing of development*

This amendment supports the objectives:

- *To facilitate the orderly development of urban areas.*
- *To manage the sequence of development in areas of growth so that services are available from early in the life of new communities.*

The DCP will coordinate the logical and efficient delivery of infrastructure to the precinct and financially supports the timely provision of infrastructure to the development area.

- *Clause 12.01-1S Protection of biodiversity and 12.01-2S Native vegetation management*

The Amendment and DCP is within an existing Native Vegetation Precinct Plan (NVPP), which is being retained. There are two significant parcels (approximately 30ha), that are protected in this NVPP. In addition to these parcels, the DCP has nominated to construct some parts of Wakeman Road and Sawmill Road parallel to the existing road reserves to avoid construction in these heavily vegetated reserves. This will ensure preservation, protection and management of the vegetated areas.

- *Clause 13.02-1S Bushfire planning*

Bushfire risk in the precinct is currently managed through the Building Regulations 2006 and parts of the Amendment site are subject to the Bushfire Management Overlay. The proposed DCPO will improve vehicle accessibility throughout the precinct to allow good access to and from the area in case of an emergency.

- *Clause 15.01-4S Healthy neighbourhoods with the objective: To achieve neighbourhoods that foster healthy and active living and community wellbeing.*

The Amendment supports this objective by providing attractive walking and cycling paths throughout the development area and by protecting native vegetation.

- *Clause 18.01-1S Land use and transport planning and 18.02-1S Sustainable personal transport*

The precinct's road network will integrate with the existing arterial road network and provides a logical structure for traffic and transport movement within the precinct. The road network will include footpaths and over 7km of new shared pedestrian and cycling tracks are also proposed as part of the DCP to support sustainable transport, and encourage healthy communities.

- *Clause 19.02-6S Open Space*

The DCP includes preservation of native vegetated areas, including road reserves, and a new district level play space. Shared paths connect to the play space throughout the residential area and further beyond the development area to other places of open space.

- *Clause 19.03-1S Development and infrastructure contributions plans.*

This clause encourages the use of DCPs and incorporation into the Planning Scheme to collect, manage and implement developer contributions and infrastructure. This Amendment complies with the requirements of the relevant Ministerial directions and objectives of this clause.

Local Planning Policy Framework

- *Clause 21.05 Compact Greater Bendigo*

The DCP is underpinned by the *Greater Bendigo Residential Strategy (2014)* and supports the orderly development into new growth areas. Particularly, this Amendment provides infrastructure for neighbourhoods to have safe and convenient vehicle, pedestrian and cycle access within and to surrounding areas of the precinct.

- *Clause 21.08 Environment*

The DCP includes preservation of native vegetated areas, including road reserves and a new district level play space. Shared paths connect to the play space throughout the residential area and further beyond the development area to other places of open space.

- *Clause 21.09 Integrated transport and Infrastructure*

The DCP road network will integrate with the existing arterial road network and provides a logical structure for traffic and transport movement within the precinct. The road network will include footpaths and over 7km of new shared pedestrian and cycling tracks.

This clause is also proposed to be amended to include directives and support for DCPs in new development areas to coordinate, manage and fund development and community infrastructure.

- *Clause 21.10 Reference Documents*

The DCP has been developed in consideration of the *Greater Bendigo Residential Strategy 2014*, and *Huntly Township Plan 2009*, which are reference documents under this clause.

Consultation/Communication

All property owners that are within the proposed DCPO and have property that may be impacted from future infrastructure will be notified in writing.

The City has held initiated discussions with 6 private owners where land is required for infrastructure upgrades. The City will continue to work with owners to reach an agreement regarding future purchases.

Prior to public exhibition, the City plans to introduce the existing residents and owners to the DCP principles and what the upcoming process will be via a mailed out bulletin notice. The timing is anticipated to coincide with the release of this report.

All Amendment documents, including the proposed DCP will be publicly exhibited for a minimum of a month as required under the *Planning and Environment Act 1987*. The City must give notice of Amendments to all owners and occupiers who may be materially affected by an Amendment, together with prescribed Ministers and public authorities. The Amendment will also be exhibited in the Government Gazette and the Bendigo Advertiser newspaper.

The views of the relevant agencies and authorities will be sought during the formal exhibition process of the Amendment. The City has already consulted with Regional Roads Victoria, Coliban and Crown Land (DELWP) in development of the HDCP.

Conclusion

It is recommended that Council seek authorisation from the Minister for Planning to prepare and exhibit the Amendment to commence the process that will implement the Huntly Development Contributions Plan and Overlay.

Options

Council has the option of:

- Supporting the Amendment proposal and making a request to the Minister for Planning to authorise preparation and exhibition of the Amendment.
- Refusing the request to prepare an Amendment. Under the *Planning and Environment Act 1987* there is no right of review of a Council's decision not to support preparation of an Amendment.
- Requesting further information. The Amendment documentation is not sufficiently comprehensive for a request to the Minister at this time.

Resource Implications

The Amendment will result in a net community cost benefit as the Overlay provides for contributions to infrastructure and facilities that are specific to this new community.

The Amendment will not increase the number of planning permit applications as the Overlay only applies to when development is to occur (eg. subdivision).

Proceeding with the Amendment has a long term financial impact to the City, as by adopting the DCP and applying the DCPO, the City is accepting the responsibility to collect payments, manage the DCP and deliver the nominated projects as specified.

This has a widespread impact on a number of units across the organisation, including Finance, Engineering, Property, Statutory Planning and Regional Sustainable Development, and may require additional budgeting and staff in the future to deliver and manage the DCP.

The Amendment process will require officer time to prepare the Amendment documentation and liaise with the Minister for Planning.

The City is responsible for the payment of statutory fees and costs incurred in the processing of the Amendment. This may include a panel hearing process if Amendment has unresolved submissions following exhibition.

Attachments

- Huntly DCP, July 2019 (separate document)
- Explanatory Report
- Amendment documents

2.2 108 LOWNDES STREET, KENNINGTON 3550 - USE OF LAND FOR RESTRICTED RECREATION FACILITY (GYMNASIUM) AND CAR PARKING TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY

Document Information

Author Alice Crellin, Planner

Responsible Director Vicky Mason, Acting Director Strategy and Growth

Summary/Purpose

Application details: Use of land for restricted recreation facility (gymnasium) and car parking to the satisfaction of the responsible authority

Application No: DU/58/2019

Applicant: Revival 24:7 Gym Pty Ltd

Land: 108 Lowndes Street, KENNINGTON 3550

Zoning: Commercial 2 Zone

Overlays: None

No. of objections: 7

Consultation meeting: A consultation meeting was held on 28 June 2019 and was attended by a planning officer, applicants, objectors and Mayor O'Rourke and Councillor Wrigglesworth.

Key considerations:

- Whether the proposed land use is appropriate at the subject site.
- Whether the proposed use will result in an unreasonable impact on the amenity of the adjoining residential properties.
- Whether the provision of car parking is satisfactory.

Conclusion: It is considered that the proposed use of the land is consistent with the objectives of the Commercial 2 Zone.

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 land for restricted recreation facility (gymnasium) and car parking to the satisfaction of the responsible authority at 108 Lowndes Street, KENNINGTON 3550 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.

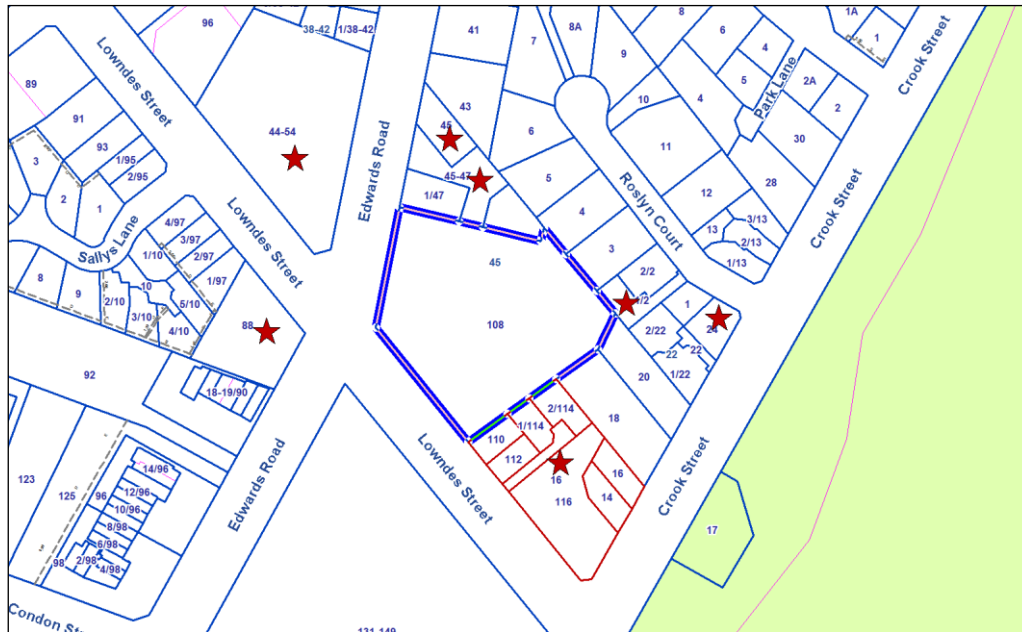
## Report

### Subject Site and Surrounds

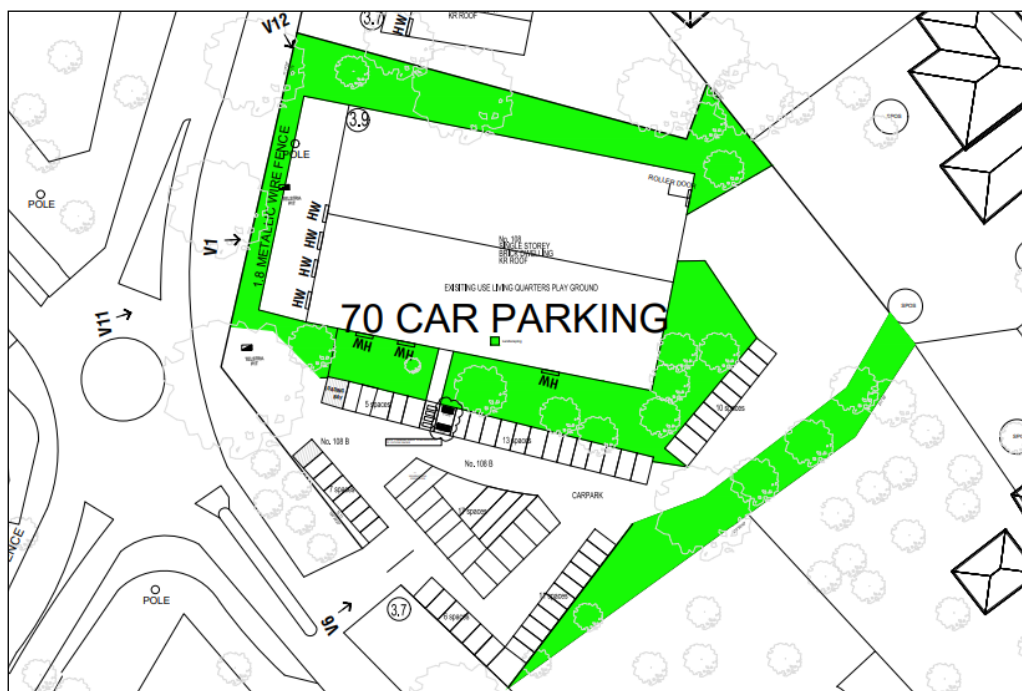
The subject site is an irregular shaped allotment located at the eastern corner of the intersection of Lowndes Street and Edwards Road. The site has an area of 8,922m<sup>2</sup>, with a frontage of 75 metres to Lowndes Street and 61 metres to Edwards Road. The site currently contains a large building in the north-west corner of the site, with the balance of the site being asphalt car parking. There are currently 70 marked car parking spaces on-site, with the majority provided within the front setback of the building to Lowndes Street. Vehicle access to the site is via a double crossover off Lowndes Street.

The site is located within the Strathdale Activity Centre (Clause 21.07) which also includes the Strath Hill Shopping Centre, the Strath Village Shopping Centre and the Kennington Village Shopping Centre. The subject site itself is in a pocket of Commercial 2 Zone, which also includes the land directly adjoining to the north. The land to the north of the subject site contains three buildings, one being a medical centre, another being an office and the third being storage. Diagonally opposite the Lowndes Street and Edwards Road intersection, there is an area of land zoned Commercial 1. This area contains the Strath Hill Shopping Centre. Beyond these commercial areas, the land is zoned General Residential. All adjoining properties to north-east and south-east on the site contain dwellings that present to Roslyn Court and Crook Street. Opposite the site, across Lowndes Street, is a residential aged care facility. Approximately 200 metres south of the site are the Strath Village and Kennington Village Shopping Centres.

Lowndes Street is a collector road, with kerb and channel and on-street car parking available on both sides for almost the entire length of the street. The provision of on-street car parking is unmarked parallel car parking with no time restrictions applying.



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



**Figure 2:** Site plan showing the existing building proposed to contain the gym.

### Proposal

The application proposes the use of the land for a restricted recreation facility (gym) and car parking to the satisfaction of the responsible authority.

The gym is proposed to operate within the existing building on the site. No external works are proposed to the building that require planning approval. It is noted that the installation of fans on the northern wall of the building, which has recently occurred, did not require planning approval.

It is also noted that signage does not form part of this application and may be applied for at a later date.

The gym is proposed to operate 24 hours a day, Monday to Sunday. Group fitness classes are proposed to run Monday to Friday between 6:30am to 8:00pm and on weekends between 9:00am to 12:00pm, with a maximum of 20 patrons attending these classes. Music is proposed to be played during the group classes. Overall patron numbers are proposed to be restricted to 40 patrons at any one time and up to 3 staff members at any one time. It is proposed that at least 1 staff member will be on site at all times.

The existing 70 car parking spaces are proposed to be available for the patrons and staff of the restricted recreation facility. 13 bicycle spaces are also proposed close to the front entrance to the building.

The internal fitout of the building will include an equipment area, two group fitness class workout rooms, a ladies only workout room, two personal trainer rooms, three storage areas and toilets. It is noted that the installation of ventilation fans and acoustic insulation has commenced.

An ancillary retail store is also proposed within the building which will provide fresh meal packs, protein drinks, refreshments, supplements and fitness accessories and apparel to members.

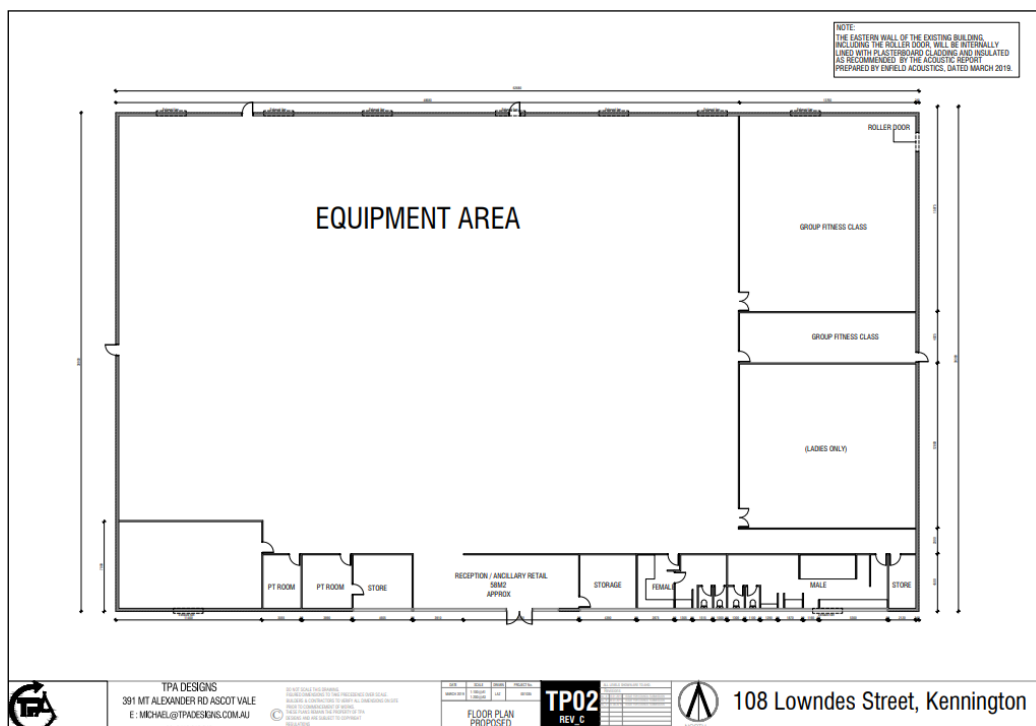


Figure 3: Proposed floor plan of the gym.

## Planning Controls - Greater Bendigo Planning Scheme

Why is a planning permit required?

- The Commercial 2 Zone states that a planning permit is required for a Section 2 land use. Leisure and recreation (including restricted recreation facility) is classed as a Section 2 land use under the Commercial 2 Zone, therefore requiring a planning permit.

It is noted that there is no planning permit trigger for car parking for this application because the Greater Bendigo Planning Scheme does not specify a car parking rate for a restricted recreation facility. Therefore, car parking is considered as a 'satisfaction' matter as part of this application.

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

#### Planning Policy Framework

- Clause 11.01-1S Settlement
- Clause 11.03-1S Activity Centres
- Clause 13.05-1S Noise Abatement
- Clause 13.07-1S Land Use Compatibility
- Clause 17 Economic Development
- Clause 17.01-1S Diversified Economy
- Clause 17.02-1S Business

#### Municipal Strategic Statement

- Clause 21.01 Municipal Profile
- Clause 21.05-1 Compact Greater Bendigo
- Clause 21.05-3 10 Minute Neighbourhoods
- Clause 21.04-2 Strategic Framework Plan
- Clause 21.07 Economic Development

#### Other Provisions

- Clause 34.02 Commercial 2 Zone
- Clause 52.06 Car Parking
- Clause 65.01 Approval of an Application or Plan

### **Consultation/Communication**

#### Referrals

The following internal department has been consulted on the proposal:

| Referral             | Comment                                                                                                                                                                                                                                                                                                                                                       |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Environmental Health | <p>No objection subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• Plant and services equipment shall comply with 'Noise from Industry in Regional Victoria ('NIRV') EPA publication 1411 or amended.</li> <li>• Amplified music or voices emitted from the premises shall comply with State Environment Protection</li> </ul> |

| Referral | Comment                                                                                                                                                                                                                                                                                                                                     |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          | <p>Policy No. N-2 ('SEPP N-2') or amended.</p> <p>And the following note:</p> <ul style="list-style-type: none"> <li>Recommendations by Enfield Acoustics P/L report ref# #V104-02-P to apply noise attention measures in the form of insulation and plasterboard cladding to the roller door and eastern facade, are supported.</li> </ul> |

### 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, seven objections were received, with the grounds of objection being:

- Noise to be generated from the gym, ventilation fans and vehicles accessing the site;
- Amenity impacts to Strathaven Aged Care (noise and vehicle headlights);
- Appropriateness of the proposed land use within the Commercial 2 Zone;
- Increased vehicle movements to and from the site (24 hours a day);
- Traffic safety concerns for local school and pre-school children;
- Acoustic report and plans do not reflect the current site conditions (recent installation of ventilation fans);
- No proposed fencing and landscaping detail shown on plans;
- No provision for disabled toilets and showers;
- How patron numbers will be limited to 40, when the gym will not be staffed 24/7;
- Patron numbers could be more than 40, given the floor area of the gym and number of car parking spaces;
- How the operation of the use and carpark will be managed appropriately and permit conditions enforced;
- Property devaluation;

The objections are discussed below.

### **Planning Assessment**

#### Relevant Planning Policy Framework and Local Planning Policy Framework

Clause 11.01-1R Settlement – Loddon Mallee South identifies Bendigo as the regional city and the major population and economic growth hub for the region, offering a range of employment and services. Facilitation of increased commercial and residential densities, mixed use development and revitalisation projects for underutilised sites and land in Bendigo is encouraged. The proposal supports these objectives.

Clause 11.03-1S Activity Centres encourages the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. Strategies to create more vibrant and interesting activity centres include, making them focus points for business, shopping, working, leisure and community facilities and maximising choices in services, employment and social interaction opportunities available within the activity centre. The proposal supports these objectives.

Clause 13.05-1S Noise Abatement and Clause 13.07-1S Land Use Compatibility highlight the importance of safeguarding community amenity while facilitating appropriate commercial and industrial land use and development with potential off-site effects. Community amenity can be protected by directing land uses to appropriate locations and through using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area. The proposal responds appropriately to these policies.

Clause 21.07 Economic Development recognises that activity centres provide a range of functions including retail, commercial, residential, accommodation, community, cultural, transport, education, social, entertainment, leisure and civic services. These roles are vital to community and business development and to the growth and diversification of local employment. The proposal is considered to support the role of the Strathdale Activity Centre.

Is the proposed land use appropriate at the subject site?

The subject site is located within the Commercial 2 Zone and is adjoined by land zoned General Residential to the north-east and south-east.

The purpose of the Commercial 2 Zone is *'To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services'* and *'To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.'*

The Greater Bendigo Planning Scheme states that leisure and recreation (including a restricted recreation facility) is an allowable use under the Commercial 2 Zone, subject to a planning permit. Although the purpose of the Commercial 2 Zone does not specifically refer to leisure and recreational land uses, it does refer to 'business and commercial services'. The proposed leisure and recreation (restricted recreation facility) land use, is to operate in the form of a commercial business. The business is to be operated wholly indoors, whereby patrons pay a membership fee to enter and use the facilities. It is also noted that prior to 2001, the building on the subject site was used for leisure and recreation (indoor sports centre) before changing to its more recent retail premises land use.

Planning policy encourages activity centres to maximise choices in services, employment and social interaction. 'Maximising choices' can refer to the range of land uses provided within an activity centre, but can also refer to the hours that the land uses are available to the local population. Activity centres are to become places that operate for longer than the traditional business hours so they can become a focus for local community activities and interaction. They are also intended to provide a wider mix of activities than day-to-day convenience shopping and essential services. They are envisaged to become places for people to meet and to pursue mutual activities and interests. Customer preferences are changing as modern society demands more flexible access to retail, commercial, social, entertainment and leisure services, partly due to flexible working arrangements becoming more widely accepted. Many activity centres are responding to these planning policies and changing customer preferences, by becoming more than just '9.00am to 5.00pm' places that provide essential services. In many activity centres, supermarkets and convenience stores operate 24/7 and shops, restaurants and entertainment venues are open until late.

Notwithstanding the above, planning policy also recognises the sensitive nature of the interface between business and residential areas. Policy directs that commercial activities within an activity centre should not cause unreasonable impacts to amenity, particularly during late night and early hours.

As discussed in *Marron and Ors v Yarra CC* [2011] VCAT 1973, it is unreasonable to expect that the same level of residential amenity within a local residential street can be achieved in a residential area that is adjacent to a commercial area. That being said, businesses with a residential interface should expect to operate in a more constrained manner than if they were wholly within a commercial zone with no sensitive interface. A balance must occur, whereby the commercial land use is not unreasonably constrained by residents, but where a good level of amenity can still be achieved for residents.

Will the proposed land use result in an unreasonable impact on the amenity of the adjoining residential properties?

- *Noise*

An acoustic report prepared by an acoustic consultant was submitted by the applicant in support of the planning permit application.

A noise test was undertaken by the acoustic consultant to simulate the predicted music and patron noise to be emitted from the gym. This noise was found to comply with the relevant noise legislation. However, a recommendation was made to permanently close and insulate the roller door on the east elevation and install plasterboard cladding internally along the entire length of the building, which would more comfortably put the predicted noise emissions within the required range prescribed by noise legislation.



During the advertising process of the application, the City was made aware that ventilation fans had been installed along the northern wall of the building on the site. Although the works to install the fans did not require planning approval, concerns were raised regarding the accuracy of the originally submitted plans and acoustic report. The City requested the plans and acoustic report be updated to reflect the altered site conditions and the impact that the fans may have on noise emission. An updated set of plans and acoustic report was submitted to the City to address these concerns. These documents were circulated to all objectors and were made available to view on the City's website.

In the updated acoustic report, the acoustic consultant found that the ventilation fans on the northern wall create noise emissions that were within the day noise level requirements, but above the evening/night noise level allowances. On this basis, the report recommends that the ventilation fans can only be operated during the day in compliance with noise legislation. Furthermore, it was recommended that a condition be placed on any permit issued that restricted the operation of the ventilation fans to be only between 7am and 6pm Monday to Friday and 7am to 1pm Saturday.

The updated acoustic report also included an assessment of the predicted car park noise in response to concerns raised with the objections. The acoustic consultant modelled the predicted noise levels to be generated within the car park, which included closing of car doors and ignition. It was concluded that the predicted noise to be generated would be below the level for frequent noise emission and infrequent noise emissions that would cause sleep disturbance between 10pm and 7am. It was also noted that vehicles are less likely to use parking spaces closer to the residential interface during sensitive periods (ie. night) when parking is available closer to the entrance. Edwards Road and Condon Street are category 2 and category 1 roads, that even at night carry sporadic traffic that are likely to make noise events within the car park indistinguishable from normal traffic in the area.

The City's Environmental Health team is satisfied with the acoustic report and has provided consent to the proposal on the condition that permit conditions relating to compliance with the relevant noise legislation and installation of insulation to the roller door and plasterboard cladding on the eastern wall.

- *Light*

No external lighting is proposed as part of this application. In regards to concerns that vehicle headlights will adversely impact Strathhaven Aged Care, the vehicle access to the subject site is opposite the car park of the aged care facility. Therefore, headlights of vehicles exiting the subject site are unlikely to shine into the residents rooms. Additionally, the car park is located over 50 metres from the nearest habitable room window of the aged care facility.

- *Traffic safety*

The subject site was previously used as a retail premises. The vehicle movements to be generated by the proposed gym are unlikely to exceed that of the previous retail premises. The current capacity of the local road network will be adequate to accommodate the vehicle movements to and from the site. No additional road safety measures are required.

- *Patron management*

A number of concerns have been raised by residents regarding how patron numbers will be managed by the business to not exceed a maximum of 40 patrons and how patron behaviour while entering and exiting the site will be managed to minimise adverse impacts to the adjoining residential properties.

The application provides a brief overview of the proposed patron management of the business. Being that;

- (a) A maximum number of 40 patrons in the building at any one time.
- (b) A maximum number of 3 staff in the building at any one time.
- (c) The gym is to be staffed 24/7.
- (d) A maximum of 20 patrons per group class.
- (e) Group classes to only be held during day and early evening times.

Due to the sensitive interface with the residential properties on the north-eastern and south-eastern site boundaries and the concerns raised by the adjacent residents, it is considered necessary to require the submission of a patron management plan to clearly address how the business will be managed to minimise adverse amenity impacts. The patron management plan will include further detail regarding staffing arrangements, measures to control patron entry and patron numbers, measures to reduce noise emissions, complaint procedures and procedures to inform patrons of expected behaviour when attending the gym outside of normal business hours. A patron management can be required by way of permit condition.

With the submission of a patron management plan via permit condition, the Planning Officer is satisfied that a good balance can be achieved between enhancing the Strathdale Activity Centre and maintaining a reasonable level of amenity for the adjacent residents.

#### Additional Objector concerns

- *No proposed fencing and landscaping detail shown on plans;*

No additional landscaping or fencing, or alterations to the existing landscaping or fencing, is proposed as part of this application.

- *No provision for disabled toilets and showers;*

This is not a planning consideration and will be addressed as part of the building permit process.

- *Property devaluation;*

This is not a planning consideration.

- *Other*

The applicant provided a letter that responds to other, verbally raised, objector concerns.

#### Is the provision of car parking satisfactory?

Clause 52.06 of the Greater Bendigo Planning Scheme does not specify a car parking rate for a restricted recreation facility, therefore car parking spaces must be provided to the satisfaction of the responsible authority (Council). 70 car parking spaces are currently provided on-site, in front and to the side of the existing building for the use of the proposed gym. 13 bicycle spaces are also proposed close to the front entrance to the building. Given that the maximum number of patrons at any one time is 40 and the maximum number of staff at any one time is 3, the proposed car parking provision is considered to be satisfactory.

### **Conclusion**

It is considered that the proposed use of the land for a restricted recreation facility is consistent with the objectives of the Commercial 2 Zone, and represents 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.

### **Attachments**

- Objections
- Acoustic Report
- Applicant Letter

### **Proposed Notice of Decision Conditions**

#### **1. NO LAYOUT ALTERATION**

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

#### **2. PATRON MANAGEMENT PLAN REQUIRED**

Before the use starts, a patron management plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:

- (a) Staffing arrangements including numbers and working hours;
  - (b) Measures to control patron entry and numbers;
  - (c) All measures to be employed to reduce noise emissions and to ensure compliance with the relevant noise legislation;
  - (d) Procedure to be undertaken to inform new gym members of the expected behaviour when attending the gym outside of standard business hours to minimise adverse amenity impact to adjacent residents;
  - (e) Procedures to be undertaken by staff in the event of complaints by a member of the public.
3. NOISE ATTENUATION
- Before the use commences, noise attenuation measures (as specified within the endorsed Acoustic Report) must be installed.
4. ACOUSTIC TESTS
- Within 3 months of the use commencing, a series of noise tests (measured at appropriate locations) must be carried out by a suitably qualified acoustic consultant. The results of the noise tests must confirm that the use is being conducted in a manner so that noise emissions do not exceed the recommended levels specified in the relevant noise legislation. If the noise test demonstrates that the use exceeds the recommended levels, the use must cease until noise levels comply and/or any additional attenuation works are completed. A copy of the results of the tests and any recommendations arising from them must be provided to the responsible authority and any recommendations must be carried out to the satisfaction of the responsible authority.
5. NOISE CONTROL
- (a) Plant and services equipment shall comply with 'Noise from Industry in Regional Victoria ('NIRV') EPA publication 1411 or amended.
  - (b) Amplified music or voices emitted from the premises shall comply with State Environment Protection Policy No. N-2 ('SEPP N-2') or amended.
6. VENTILATION FANS
- Ventilation fans are only permitted to operate between the following hours:
- (a) 7am to 6pm Monday to Friday
  - (b) 7am to 1pm Saturdays
7. NUMBER OF PERSONS
- (a) No more than 40 patrons may be present on the premises at any one time without the written consent of the responsible authority.
  - (b) No less than 1 staff member attending the gym at any time.
8. USE OF 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.

9. AMENITY OF THE LOCALITY

The use permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

10. NEAT AND TIDY SITE

The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the responsible authority, adversely affect the amenity of the locality.

11. EXPIRY OF USE

This permit will expire if the use permitted by this permit is not commenced within 2 years from the date hereof or is discontinued for a period of 2 years. The time within which the use must commence may, on written request made before or within 6 months after the expiry of this permit, be extended by the responsible authority.

**Signage Note**

- This permit does not include approval for signage. The display of signage may require a planning permit.

**Environmental Health Note**

- Recommendations by Enfield Acoustics P/L report ref# #V104-02-P to apply noise attenuation measures in the form of insulation and plasterboard cladding to the roller door and eastern facade, are supported.

## **2.3                    2 SOMERVILLE ROAD, STRATHFIELDSAYE 3551 - 2 LOT SUBDIVISION**

### **Document Information**

**Author                    Shannon Rosewarne, Senior Planner**

**Responsible    Vicky Mason, Acting Director Strategy and Growth  
Director**

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### **Summary/Purpose**

Application details:    2 lot subdivision

Application No:            DS/256/2019

Applicant:                    P A Carr

Land:                            2 Somerville Road, STRATHFIELDSAYE 3551

Zoning:                        General Residential Zone

Overlays:                    Bushfire Management Overlay

No. of objections:        1

Consultation meeting:    A consultation meeting was not held.

Key considerations:    

- Neighbourhood character;
- Planning policy for Strathfieldsaye;
- Bushfire risk;
- Compliance with Rescode (Clause 56);
- Objection received.

Conclusion:                The application is recommended for refusal on the basis that it represents an unacceptable planning outcome with regard to neighbourhood character.

## **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 a two lot subdivision at 2 Somerville Road, STRATHFIELDSAYE 3551 subject to the following grounds:

1. The proposal is not consistent with the design objectives of Clause 22.22 (Strathfieldsaye Township Residential Character Policy).
2. The proposal fails to satisfy the objective and standard of Clause 56.03-5 as it does not respect the existing and preferred neighbourhood character.
3. The proposal is inconsistent with the purposes of Clause 32.08 (General Residential Zone) which calls for new development to respect neighbourhood character.
4. The proposal will result in an unacceptable planning outcome having regard to the decision guidelines at Clause 65.02.

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Policy Context

City of Greater Bendigo Community Plan 2017 – 2021

Goal 4: Presentation and managing growth

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

Goal 6: Embracing our culture and heritage

- Recognise and celebrate our unique history and diverse cultures.

Report

Subject Site and Surrounds

The subject site is located on the south west corner of Sullivans Road and Somerville Road in Strathfieldsaye. It is presently vacant and generally rectangular in shape with an area of 1,135 square metres. The site has a frontage of 39.15 metres to Sullivans Road and 21 metres to Somerville Road, with a 7.08 metre corner splay. Some native trees exist on the site along the western boundary and in the north east corner.

A building envelope and a restriction prohibiting solid fencing and fencing higher than 1.5 metres along Sullivans Road are registered on title. The lot was created as part of a 7 lot subdivision under Planning Permit DS/103/2017.

The 6 lots to the south of the subject site front Somerville Road and range in size from 801 to 1,278 square metres. The lot immediately adjoining to the south (4 Somerville Road) contains a single storey brick dwelling. The adjoining land to the west (90 Sullivans Road) has an area of approximately 6,105 square metres and contains a single storey brick dwelling which is estimated to have a setback of 17 metres to Sullivan Street.

Further to the south west, beyond a Coliban Water race, standard suburban subdivision is present with detached dwellings, with most of these lots ranging from 700-850 square metres in size, with the smallest of these lots being approximately 400 square metres.

Further to the west of the site, up to Elizabeth Street, are a number of lots with frontages between approximately 30 – 38 metres. The majority of these lots contain dwellings and most are sited horizontally on the lots.

Land on the northern side of Sullivans Road is also zoned General Residential Zone. Most lots on this side of the road are significantly larger in size than those on the southern side of the road.



Figure 1: Location map showing subject site.



Figure 2: Location map showing subject site. Objector's property marked with a star.

Proposal

The proposal is for a two lot subdivision of the site. The subdivision would create two lots, with Lot 1 having an area of 615 square metres and Lot 2 having an area of 521 square metres. Building envelopes are shown for each lot, with building setbacks of 4 metres to Somerville Road and 10 metres to Sullivans Road.

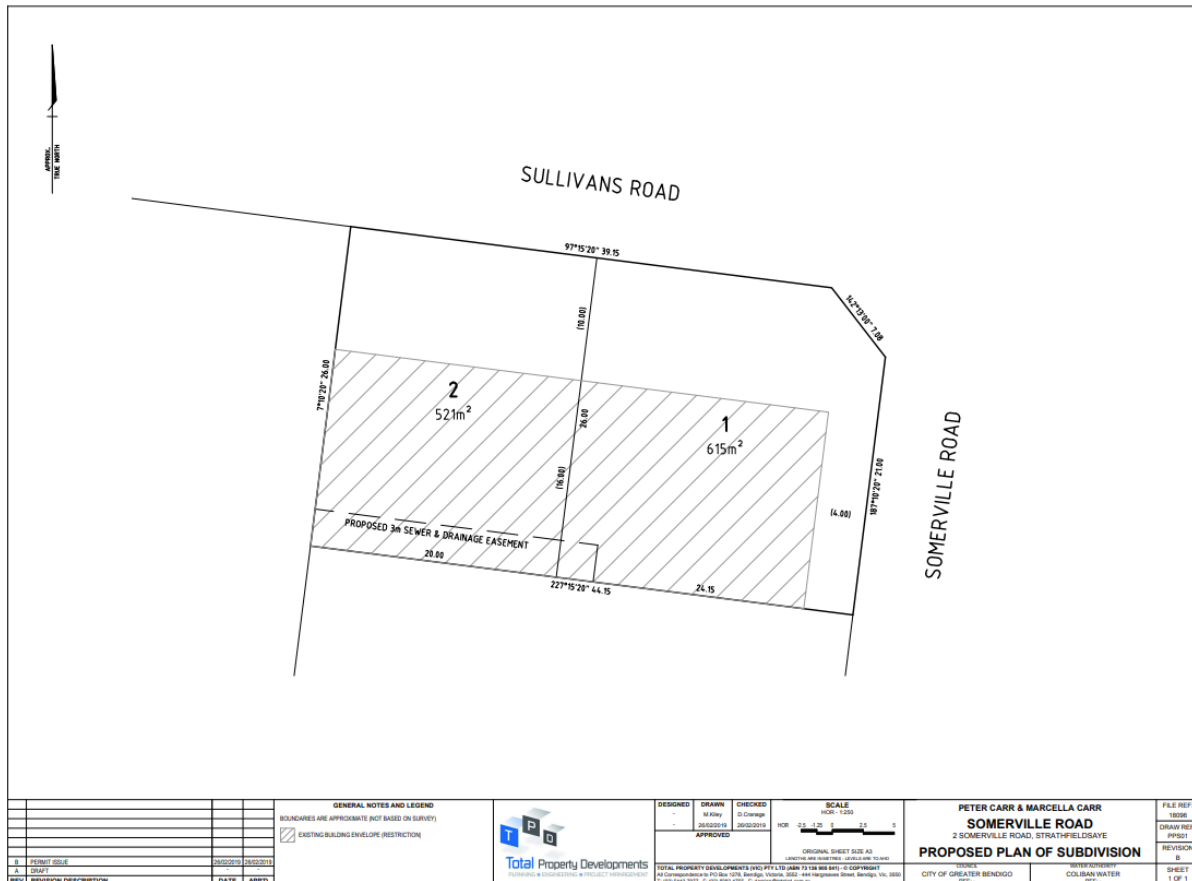


Figure 3: Proposed plan of subdivision

The proposal also necessitates ending a Section 173 Agreement registered on title which relates to a Bushfire Management Plan approved for the site under Planning Permit DS/103/2017, as a new Bushfire Management Plan has been prepared as part of this current proposal. If Council approves the application, a new Section 173 Agreement will be required.

Planning Controls - Greater Bendigo Planning Scheme

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 44.06-2 of the Bushfire Management Overlay which states a permit is required to subdivide land.

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

State Planning Policy Framework

- Clause 11 - Settlement
- Clause 11.01-1R Settlement – Loddon Mallee South
- Clause 13.02 Bushfire planning
- Clause 15.01-3S Subdivision design
- Clause 15.01-5S Neighbourhood character
- Clause 16 Housing

Municipal Strategic Statement

- Clause 21.05 Compact Greater Bendigo
- Clause 21.10 Reference documents

Local Planning Policies

- Clause 22.22 Strathfieldsaye Township Residential Character Policy

Zone

- Clause 32.08 General Residential Zone

Overlays

- Clause 44.06 Bushfire Management Overlay

Other Provisions

- Clause 56 Residential Subdivision
- Clause 65.02 Approval of an application to subdivide land
- Clause 66 Referrals

Consultation/Communication

Referrals

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

Referral	Comment
Country Fire Authority	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, one objection was received with the grounds of objection being:

- This site was part of an earlier subdivision. The creation of lots less than 600 square metres will be much smaller than the surrounding residential properties.
- The proposal will result in higher density housing, more suitable for inner city Bendigo than Strathfieldsaye.
- The area immediately surrounding this site does not form part of a housing estate. We did not desire to live within an estate when we purchased here.

The planning merits and objection are discussed below.

Planning Assessment

Planning Policy

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

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

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

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

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

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

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

- Landscape conditions - meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;

- Local conditions - meaning conditions in the area within approximately 1 kilometre of a site;
- Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and
- The site for the development.

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

Clause 15.01-3S (Subdivision design) seeks to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Clause 15.01-5S (Neighbourhood character) contains the objective of recognising, supporting and protecting neighbourhood character, cultural identity and sense of place. Strategies to achieve this objective include ensuring development responds to cultural identity and contributes to existing or preferred neighbourhood character, ensuring development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.
- Heritage values and built form that reflect community identity.

Clause 16 (Housing) contains a number of policies and strategies relating to integrated housing, the location of residential development, housing diversity and affordability. Of particular relevance, 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 16.01-1S (Integrated Housing) aims to promote a housing market that meets community needs, with strategies including increasing the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.

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

Clause 21.05 (Compact Greater 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. This clause 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 Strathfieldsaye Township Plan (2009, revised 2012) is a reference document listed at Clause 21.10 of the Planning Scheme. The Township Plan includes guidance on a range of matters relevant to the future development of Strathfieldsaye, including density of lots. The Township Plan identified a number of residential precincts and the site falls within Precinct 15, where suburban lots in the range of 300-1,200 square metres are encouraged. The proposal is consistent with the Township Plan in this regard.

Clause 22.22 contains the City's Strathfieldsaye Township Residential Character Policy. The policy states that in the Strathfieldsaye Character Precincts, it is policy that the following township vision, character descriptions, statement of desired future character, objectives and design responses are taken into account when considering any application to develop or subdivide land.

The policy further states:

Strathfieldsaye Township Vision

The semi-rural setting of the Strathfieldsaye township will be maintained and enhanced by:

- Retaining the backdrop of mature indigenous trees.
- Encouraging the use of a mixture of materials, including timber and render.
- Encouraging spacious forms of development that allow for adequate separation between buildings and retention and planting of substantial vegetation.
- Encouraging the use of open, farm style front fencing, or a lack of front fencing.
- Encouraging the retention of informal street treatments.

The site falls within Precinct SF4. The character description for this precinct is as follows:

"This precinct has a spacious semi-rural open bushland character created by the rural style houses set within spacious well established native gardens and remnant vegetation. Dwellings are average in size, are usually low scale and horizontal in form, and are usually offset large distances from all boundaries. The semi-rural appearance is assisted by the use of farm style fencing, and unmade street treatments and informal indigenous street trees."

The statement of desired future character for the precinct is: *The spacious semi-rural open bushland character will be maintained and enhanced.*

Objectives	Recommended Design Response
To maintain and strengthen the native and indigenous dominated streetscapes.	Retain established indigenous tree and understorey species. Replace any indigenous trees lost due to the development with similar species and sized trees. Buildings should be sited and designed to incorporate space for the planting of substantial vegetation (locate footings outside root zone). Prepare a landscape plan to accompany all development proposals.

Objectives	Recommended Design Response
<i>Comment: The site contains a number of native trees adjacent to the western boundary and in the north east corner of the site. A planning permit is not required to remove the trees in this case. It is likely that at least some, if not all of the trees, would be removed to allow for development on each lot. The proposed 10 metre setback to Sullivans Road would allow for planting on each lot; however ongoing vegetation management requirements under the Bushfire Management Plan must also be met and may restrict the level of replanting or revegetation that can occur.</i>	
To maintain the bush setting of the dwellings.	Buildings should be set back substantial distances from front and side boundaries.
<i>Comment: The proposed building envelopes provide for 10 metre setbacks from Sullivans Road and a 4 metre setback from Somerville Road for any future dwellings on the lots. Whilst the proposed 10 metre setback to Sullivans Road is generous, the proposed subdivision will likely result in dwellings being sited with a north south orientation with minimal side setbacks, rather than horizontally across the lots with generous side setbacks, which is the generally the pattern of development along the southern side of Sullivans Road.</i> <i>This anticipated spacing of dwellings on the site is more similar to the typical suburban development that has occurred further to the south of the site in nearby Kadina Court and Sienna Close, than the development that exists along Sullivans Road.</i>	
To ensure that adequate space is available on private land for the retention and planting of vegetation.	The total hard surface site coverage (including outbuildings, swimming pools, tennis courts, driveways and all non-permeable surfaces), should not exceed 40%. Proposals that exceed the specified site coverage maximums must demonstrate that the site coverage objective and all remaining objectives and design responses have been met.
<i>Comment: The proposed building envelopes account for 52% of Lot 1 and 61% of Lot 2. As no dwellings are proposed as part of this application, it cannot be determined whether the desired 40% site coverage would be met for each lot. As noted previously, most of the existing vegetation on the site is likely to be removed; however the setbacks to Sullivans Road do provide space for replanting.</i>	
To ensure that buildings and extensions do not dominate the streetscape and wider landscape setting.	Buildings should not protrude above the predominant tree canopy height.
<i>Comment: Whilst no buildings are proposed as part of this application, the likely siting of dwellings on each of the lots close together will result in a more dominant built form than found elsewhere along Sullivans Road.</i>	
To use materials and finishes that harmonise with the semi-rural open	Use earthy toned building materials, finishes and colours.

Objectives	Recommended Design Response
bushland setting.	
<i>Comment: N/A - This application is for subdivision only.</i>	
To maintain and enhance the continuous flow of vegetation across the landscape.	Provide no fencing or post and wire style only to the front, sides and rear.
<i>Comment: Given the size of the lots, it is likely that a solid fence between Lots 1 and 2 would be required in order to provide for sufficient separation and privacy between dwellings on the lots. This approach is not consistent with this design objective.</i>	

Planning Scheme Amendment C232 proposes to introduce a Local Areas policy for Strathfieldsaye and delete the Strathfieldsaye Residential Character Policy at Clause 22.22. The Amendment was publicly exhibited in June this year and submissions are currently being considered.

The draft policy states that: "in the General Residential Precinct, lots should be between 300-1,500 square metres with larger lots fronting Sullivans Road and Ryalls Lane, and in the area north east of Strathfieldsaye Road, north west of Ryalls Lane and south of the Greater Bendigo National Park (as per Area 6 of the Strathfieldsaye Township Plan (revised March 2012))."

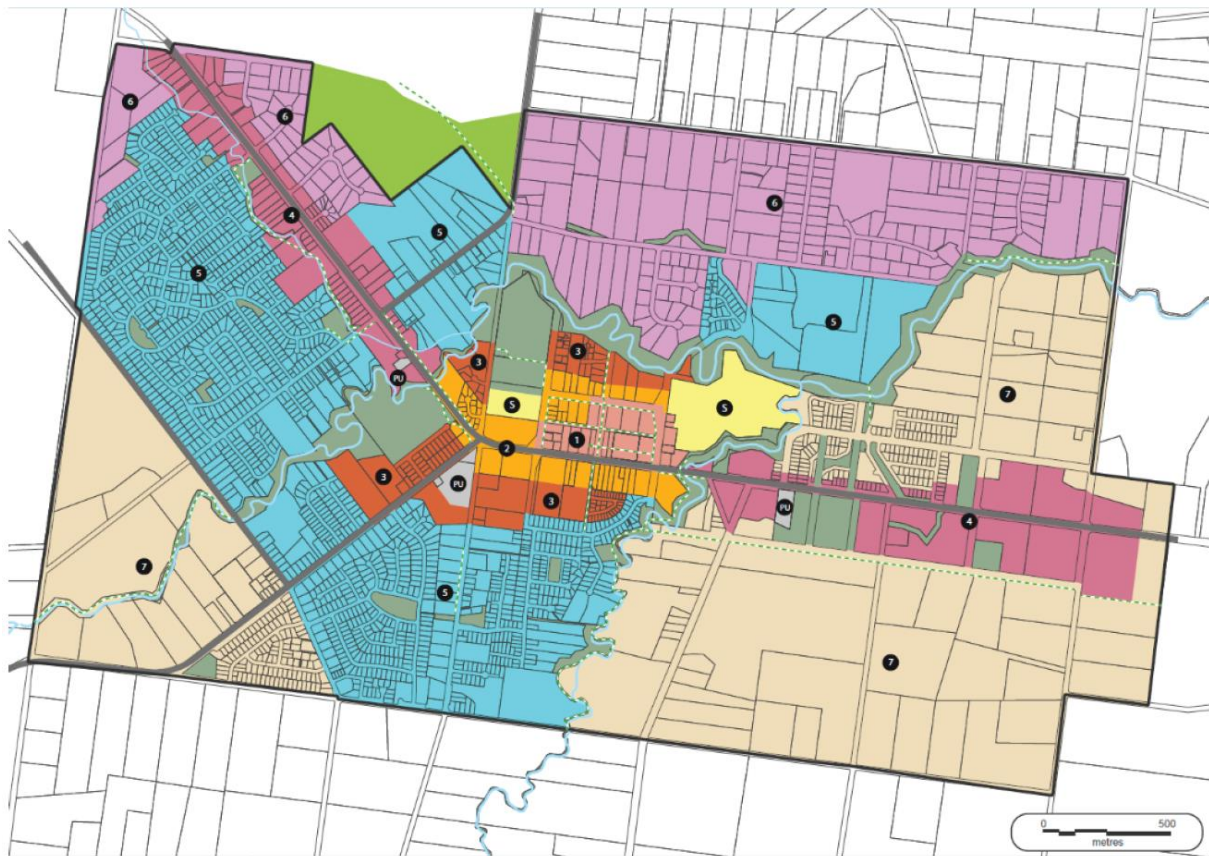


Figure 4: Proposed Local Area Plan for Strathfieldsaye (within proposed Clause 21.10 in Amendment C232)

In assessing the proposal against the relevant planning policies outlined above, the site is well located to take advantage of a range of services and facilities, public open space and existing utilities. The site is within proximity to the Strathfieldsaye town centre, active and passive recreation opportunities, primary schools, kindergartens, child care services and public transport via a bus service. The location of this proposal meets the elements of a 10 minute neighbourhood and is consistent with integrated land use and transport planning policy.

The site is within a Bushfire Management Overlay and consideration has been given to the site's landscape risk, access, water supply and vegetation management requirements. The bushfire risk for the site can be appropriately managed and mitigated.

Whilst the proposed subdivision is within the range of lots sizes identified for Precinct 15 within the Strathfieldsaye Township Plan and within the range of lot sizes for Area 6 within the proposed Strathfieldsaye Local Area Plan, there are concerns that the proposal is not consistent with the established neighbourhood character and pattern of development along Sullivans Road. In this regard the proposal is at odds with State planning policy which seeks to ensure that new subdivisions contribute to existing or preferred neighbourhood character and ensure that development responds to its context.

The proposal does not meet several design objectives of the local residential character policy and it noted that the proposed Strathfieldsaye Local Area Plan also reinforces that lots fronting Sullivans Road should be larger in size.

The issue of neighbourhood character is discussed further below.

General Residential Zone

The site is zoned General Residential Zone under the Planning Scheme. The purposes of the zone include encouraging development that respects the neighbourhood character of the area and encouraging a diversity of housing types and housing growth, particularly in locations offering good access to services and transport.

The site is appropriately zoned to cater for residential development and is well located in terms of access to services and transport, as noted previously. While the proposed lots are of sufficient size to allow for the siting of dwellings and associated private open space, car parking and garden areas, and it is acknowledged that the zone allows for a range of densities, the concern with this proposal is that the lot sizes do not respect the neighbourhood character of the area.

An objector to the application has also raised concerns about the size of the lots in relation to the existing neighbourhood character of the area.

Neighbourhood character

The site falls within the Strathfieldsaye Township Residential Character Policy Precinct SF4.

The character along Sullivans Road is semi-rural in nature and has not been significantly eroded by suburban infill. Its character is very much defined by spacious lots with generous setbacks. This proposal would create two smaller lots of 521 and 615 square metres. This density is not consistent with the predominant lot sizes along this road and the spacious bushland character the policy calls for.

The application states that the character description for the Strathfieldsaye Township Residential Character Policy is outdated and inconsistent with recent development that has occurred on this site and in the surrounding area, and that the proposed development sits within a residential growth area which has undergone significant change in the last few years. The application further states that the proposed lot sizes are generally consistent with a number of developments that have been undertaken on surrounding land.

This policy was also considered by VCAT in a recent case for a nearby site at 150 Sullivans Road (*Comer V Greater Bendigo CC [2018] VCAT 1597*). In this case, the Tribunal determined that lots fronting Sullivans Road should have widths of 35 metres, as opposed to widths in the order of 17-25 metres which had originally been proposed.

The Tribunal's decision stated that a more considered response to the landscape and character outcomes of Clause 22.22 is warranted and that such a response should reflect the spacious character of development along Sullivans Road, provide a capacity to provide private garden landscaping and building setbacks that reflect but not mimic the character intended for Precinct SF4 and the interface with Precinct SF2. It stated that *"this outcome can be achieved through larger lots with specified building setbacks along this frontage."*

The proposal for 2 Somerville Road would create lots with frontages of 20 metres and 24.15 metres. These frontages are significantly smaller than other lots on Sullivans Road. The concern is that the size of the lots will not achieve the sense of spaciousness between dwellings nor will they allow for the horizontal siting of dwellings.

Whilst it is acknowledged that there are a number of instances of narrower frontages, in the order of 20 metres, approved in the vicinity of the site on Somerville Road, Ryalls Lane and Tannery Lane, this proposal would set a precedent for small lots on Sullivans Road, contrary to the recent VCAT decision and the proposed Local Areas Plan for Strathfieldsaye, which provides clear direction that lots on Sullivan Road should be larger than the average suburban lot.

It is accepted that the 'bushland character' of this particular site has already been impacted to a degree through previous subdivision and clearing and the construction of infrastructure such as footpaths and kerbing, however an appropriate character can be maintained through the spacing of dwellings and the ability to retain and replant vegetation. The proposed subdivision would not enable this to be achieved due to the size of the lots.

Rescode – Clause 56

The application has been assessed against all the relevant objectives and standards of Clause 56 and is deemed to comply with the exception of neighbourhood character, which has been discussed previously in this report.

Bushfire risk

The site is affected by a Bushfire Management Overlay. Under this overlay, the application must be assessed against the relevant requirements of Clause 53.02 (Bushfire planning provisions).

The application includes a Bushfire Management Statement (BMS) for the site which fulfils the requirements for a Bushfire Hazard Site Assessment and a Bushfire Management Plan. The CFA has not objected to the proposal, subject to conditions on any permit requiring the Bushfire Management Plan to be endorsed and the mandatory condition for buildings within the Bushfire Management Overlay in relation to ongoing requirements for vegetation management, water supply and access to be applied. The proposal satisfies the relevant requirements of Clause 53.02.

Conclusion

Based on the assessment of the character of Sullivans Road, the proposed subdivision is not consistent and would result in an unacceptable planning outcome. Further subdivision of the site would adversely impact the sense of spaciousness between dwellings along Sullivans Road that presently exists as it will introduce a built form that is inconsistent with the predominant pattern of the siting of dwellings within the street.

This application should be refused on the basis that it represents an unacceptable planning outcome with regard to neighbourhood character.

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

- Objection

**2.4 84 ROWAN STREET, BENDIGO 3550 - TWO LOT SUBDIVISION,
CONSTRUCTION OF A SECOND DWELLING ON A LOT,
CONSTRUCTION OF A CARPORT AND VEHICLE CROSSOVER,
AND DEMOLITION AND CONSTRUCTION OF A FENCE**

Document Information

Author Adele Hayes, Planner

**Responsible Vicky Mason, Acting Director Strategy and Growth
Director**

Summary/Purpose

Application details: Two lot subdivision, construction of a second dwelling on the lot, construction of a carport and vehicle crossover, and demolition and construction of a fence

Application No: DSD/612/2018

Applicant: M A Shadbolt

Land: 84 Rowan Street, BENDIGO 3550

Zoning: General Residential Zone

Overlays: Heritage Overlay 11
Parking Overlay 1

No. of objections: 7

Consultation meeting: A consultation meeting was held on 11 April 2019.

Key considerations:

- Whether the proposal is consistent with Planning Scheme policy regarding housing, design and infill residential development;
- Whether the proposal is consistent with the provisions of the General Residential Zone and the neighbourhood character policy;
- Whether the proposal will adversely affect the heritage significance of the place or precinct;
- Compliance with ResCode and whether the impacts on neighbours are acceptable;
- Objector concerns.

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

RECOMMENDATION

Pursuant to section 61 of the Planning and Environment Act (1987), Council resolve to issue a Notice of Decision to Grant a Permit for two lot subdivision, construction of a second dwelling on a lot, construction of a carport and vehicle crossover, and demolition and construction of a fence at 84 Rowan Street, BENDIGO 3550 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**

A pre-application meeting was held in July 2018 between the landowner, City Planner and Heritage Advisor for a two lot subdivision and construction of a double storey dwelling. The City expressed preliminary concerns that the proposal was not in accordance with the Heritage Design Guidelines and would adversely impact the significance of the precinct. It was advised that it was unlikely that the proposal would be supported in its current form.

When the original application was lodged, preliminary concerns were again raised in relation to the design, impacts on the heritage place and precinct, overland flooding (as a result of drainage systems) and potential contamination. It was advised that consideration should be given to amending the proposal, as it was unlikely that the proposal would be supported in its current form.

The plans forming part of the application have been amended on two occasions in response to these concerns along with some of the concerns raised by objectors. Notable changes include an amended plan of subdivision, alterations to the roof form, increased front setback, recessing the first floor, reducing the double garage to a single garage, simplified front fence design and relocation of external storage.

## **Report**

### Subject Site and Surrounds

The site comprises 2 lots and is formally referred to as Lot 1 TP751405 and Crown Allotment 13A, Section 50B, Parish PP3473A and is otherwise known as 84 Rowan Street, Bendigo.

The site is rectangular in shape with an overall area of 788.567 square metres. The site benefits from two street frontages, with a 20.83 metre frontage to Rowan Street and a 39.33 metre frontage to Vine Street. The site is relatively flat.

The site currently contains a single storey, three bedroom, Inter-war style dwelling (constructed approximately 1922) that is oriented towards Rowan Street, with a small garden shed located in the rear yard. The dwelling is setback 6.2 metres from Rowan Street, 5.275 metres from Vine Street and 15 metres from the rear property boundary. The dwelling is constructed of weatherboard with a cross-gabled roof and small verandah along the south-west elevation.

A 1 metre high iron fence runs along the Rowan Street frontage, with a 1.8m high iron fence running along the Vine Street frontage. A number of small to medium size shrubs and trees are located within the front and side setbacks, with a large tree located in the rear yard. Vehicle access to/from the site is via an existing single crossover onto Vine Street.

The site is located within an established residential area which predominantly comprises single storey, detached period dwellings, however some double storey development and infill residential development is found in the area. Many of the dwellings in the surrounding area have been altered, primarily in the form of rear extensions.

There is a consistency of front setbacks of dwellings along this portion of Vine Street. Side setbacks generally range from 1-2 metres, with structures such as garages/carports commonly constructed on or in proximity to side boundaries. Most properties have low front fences, however materials vary.

Adjoining the site to the north-east at 82 Rowan Street is a single storey dwelling (constructed approximately 1910) which features a large single storey extension to the rear. The dwelling is constructed of weatherboard with a corrugated iron cross-hipped roof. The dwelling is setback 8.2 metres from Rowan Street. Vehicle access is via a driveway located along the south-west boundary of the property which leads to an attached carport.

Adjoining the site to the north-west at 90 Vine Street is a single storey Victorian style dwelling (constructed approximately 1905) with a large outbuilding located to the rear. The dwelling is constructed of weatherboards with a corrugated iron hipped roof. The dwelling is setback 6 metres from Vine Street (not including verandah encroachment). Vehicle access is via a driveway located along the south-east boundary leading to an attached single carport.

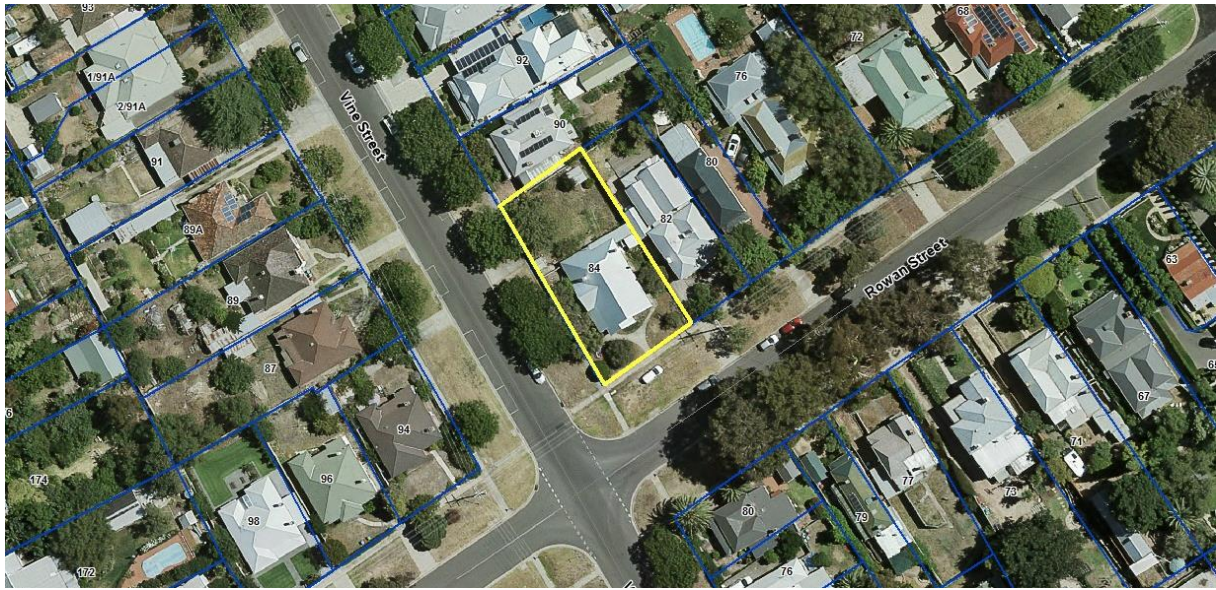


**Figure 1:** Photo of subject site as viewed from Rowan Street



**Figure 2:** Photo of subject site as viewed from Vine Street





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



**Figure 4:** Location map showing subject site. Objectors' properties marked with a star. Note: 7 objections were received in total, however one objector owns/occupies 3 properties which have been shown with a star.

### Proposal

The application proposes to subdivide the land into 2 lots, construct a second dwelling on a lot, construct a carport and vehicle crossover and demolish and construct a fence.

Lot 1 will have an area of 508.320 square metres and will contain the existing dwelling, which will be retained. It is proposed to construct a new 3 metre wide vehicle crossover from Rowan Street along with an attached skillion carport. An uncovered car space will be provided to the front of the carport.

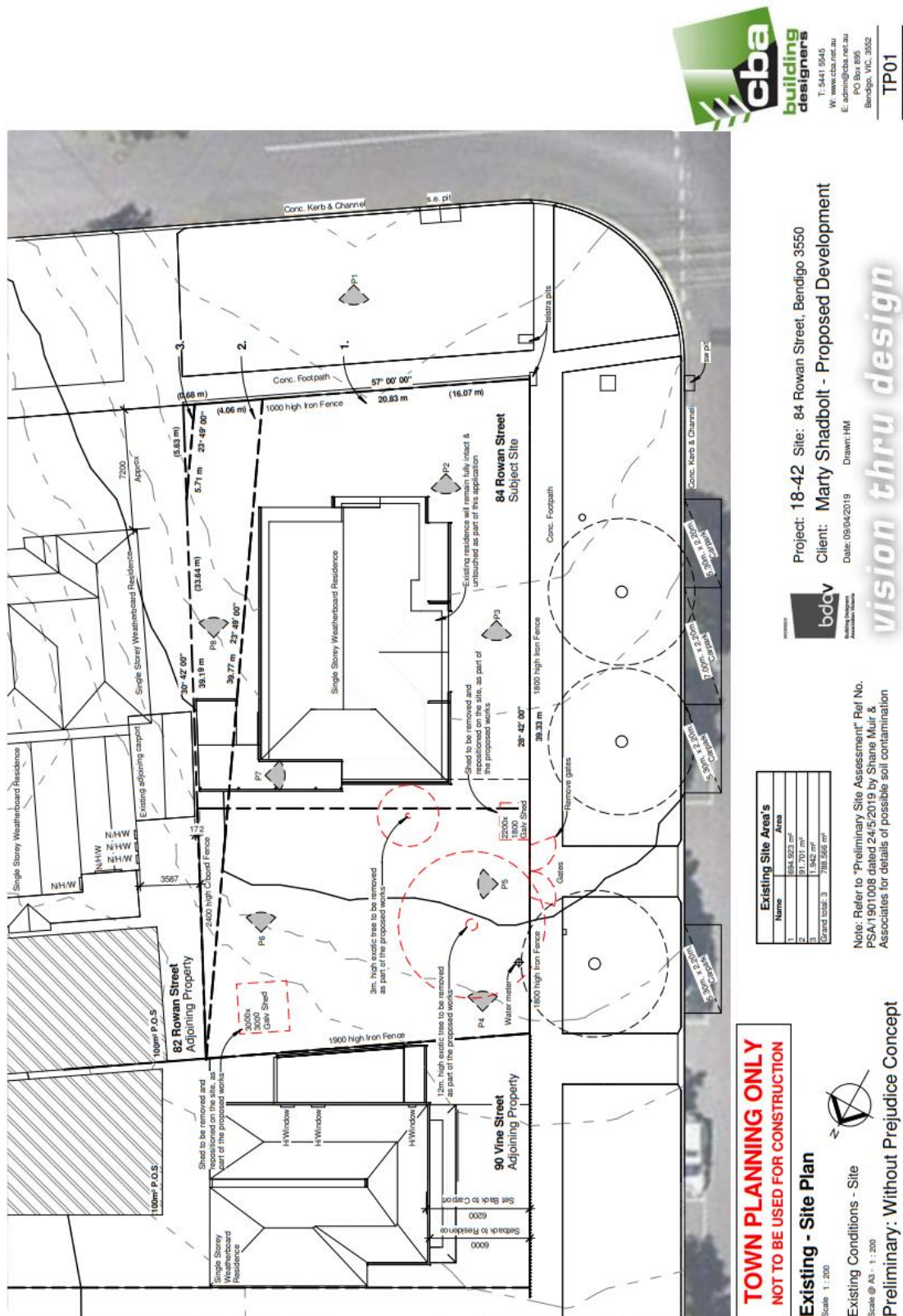
Lot 2 will have an area of 280.247 square metres and will contain the proposed dwelling. The new dwelling will front Vine Street and will be of a double storey, contemporary design with a floor area of 132.97 square metres.

The dwelling will contain 4 bedrooms, 2 bathrooms, an open plan kitchen, living and dining area and an attached single garage. An undercover alfresco area is proposed at ground level to the rear, with a balcony on the first floor overlooking Vine Street. An uncovered car space is located to the front of the garage. The dwelling will be constructed of selected face brickwork and render at first floor, and vertical cladding at first floor with a Colourbond gable roof.

It is proposed to utilise the existing single crossover, and construct a 1.2 metre high rendered brick and steel rod fence along the front boundary of the property.

It is also proposed to construct a 1.8 metre high colorbond fence along the shared boundary of Lot 1 and Lot 2.





**Figure 5: Existing Site Plan**

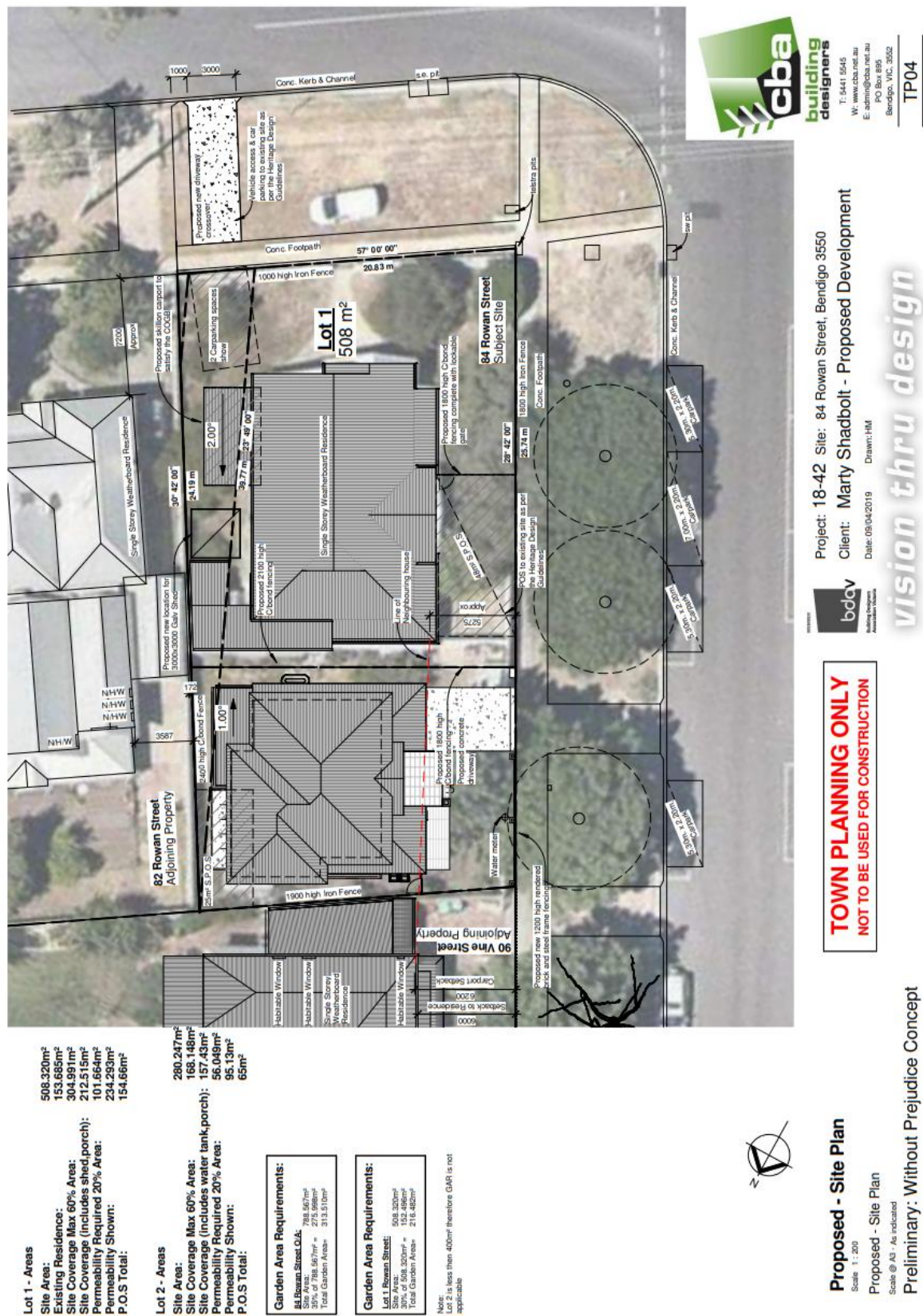
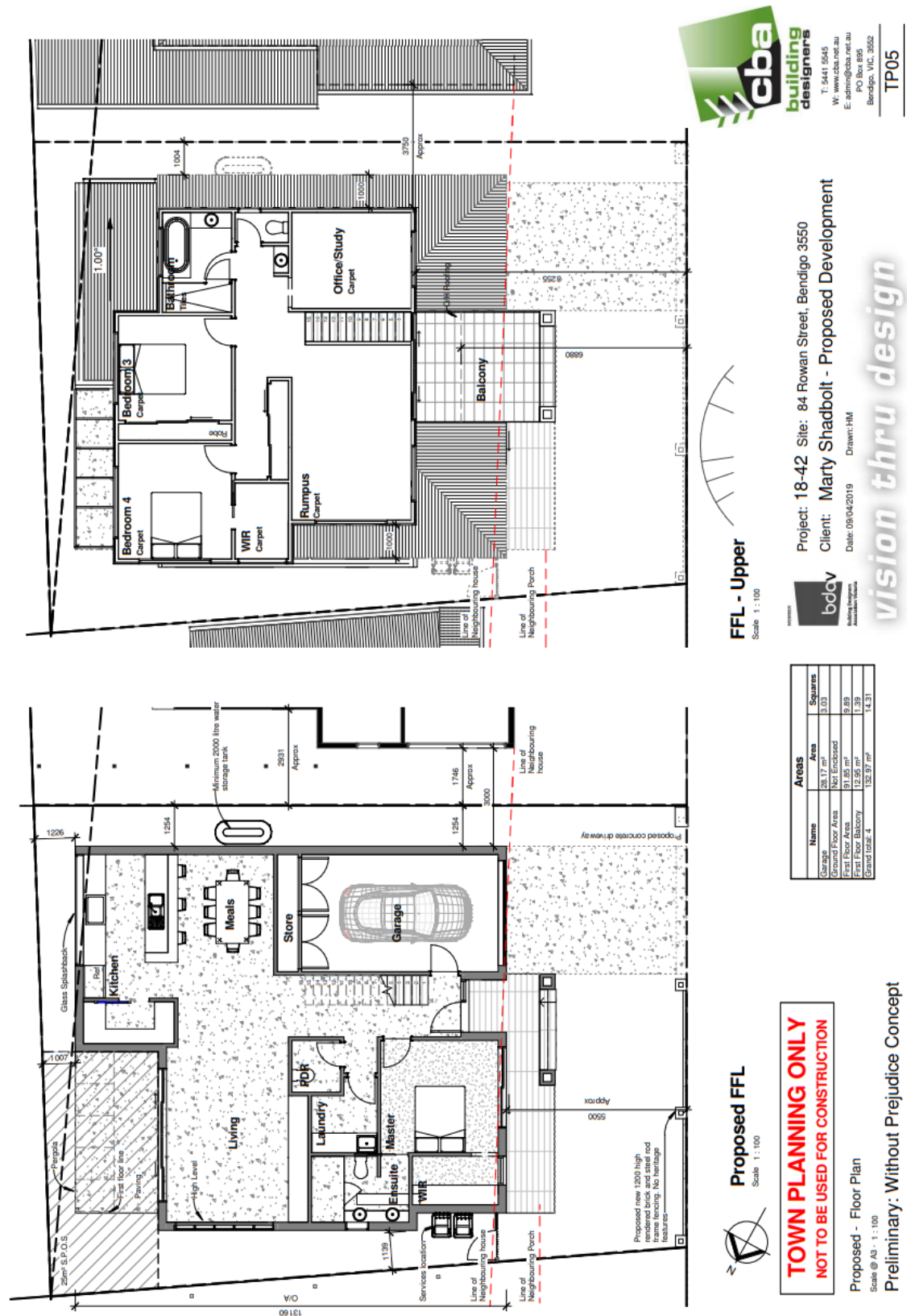


Figure 6: Proposed Site Plan





### Figure 7: Proposed Floor Plan



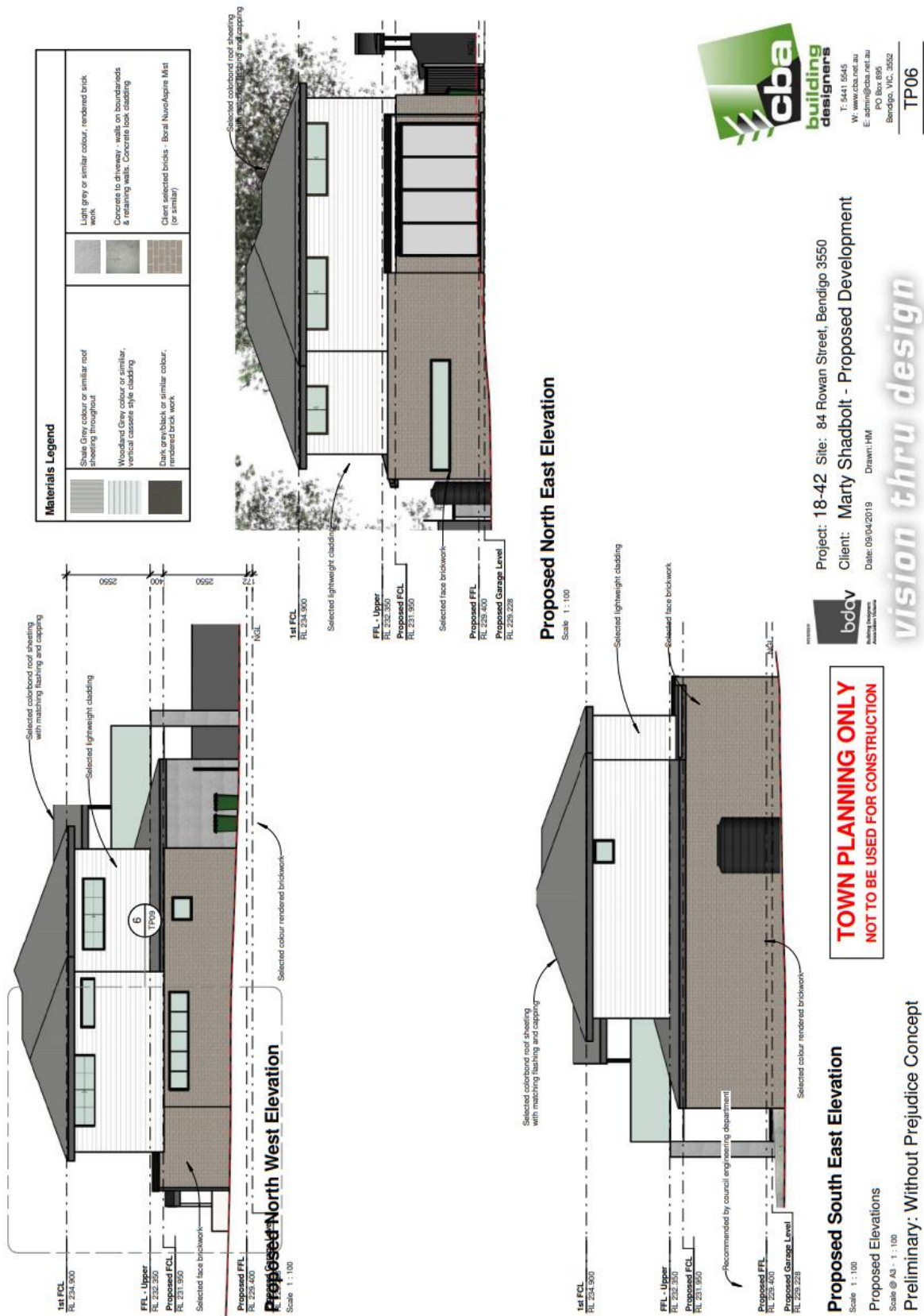


Figure 9: Proposed Elevations



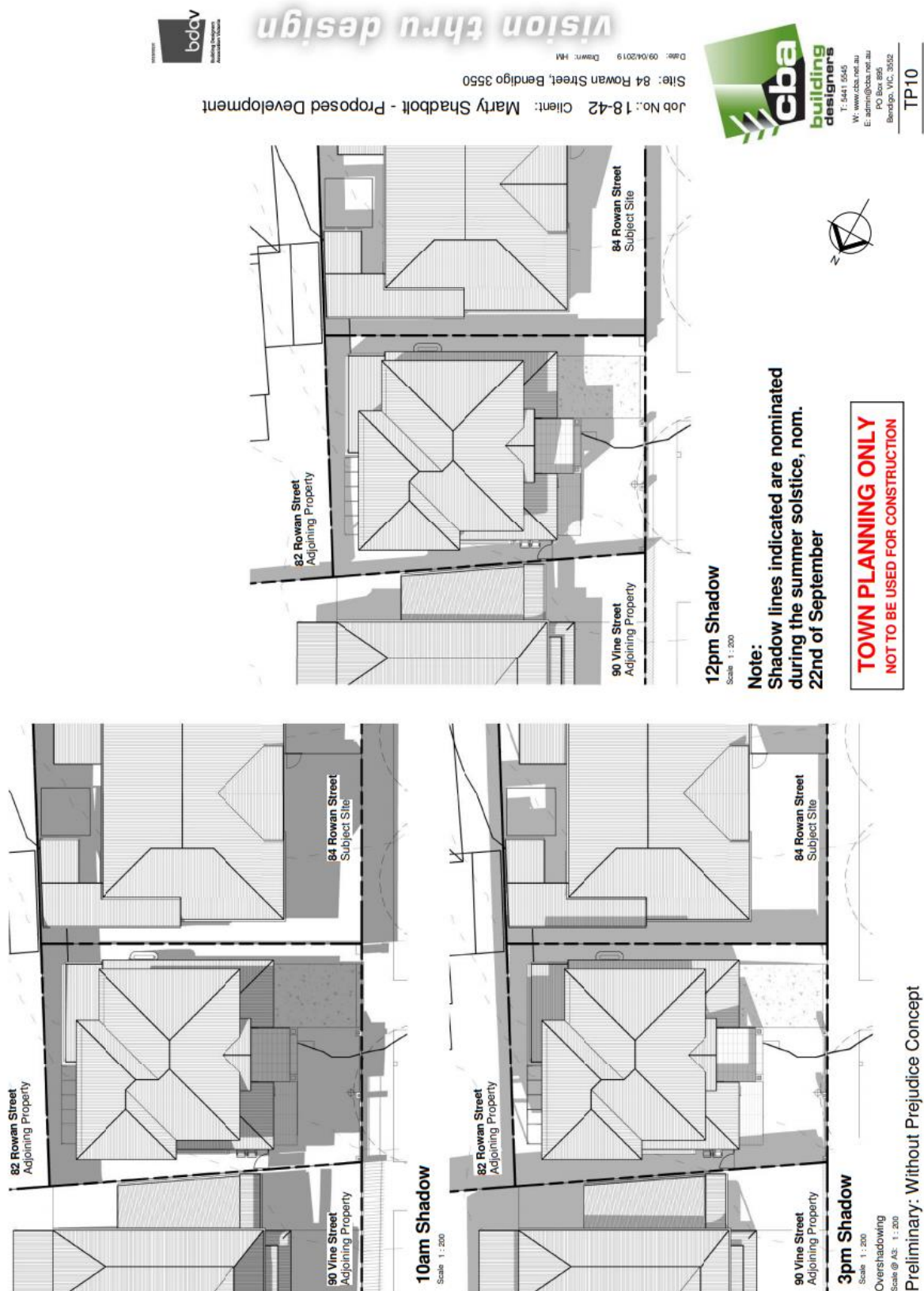
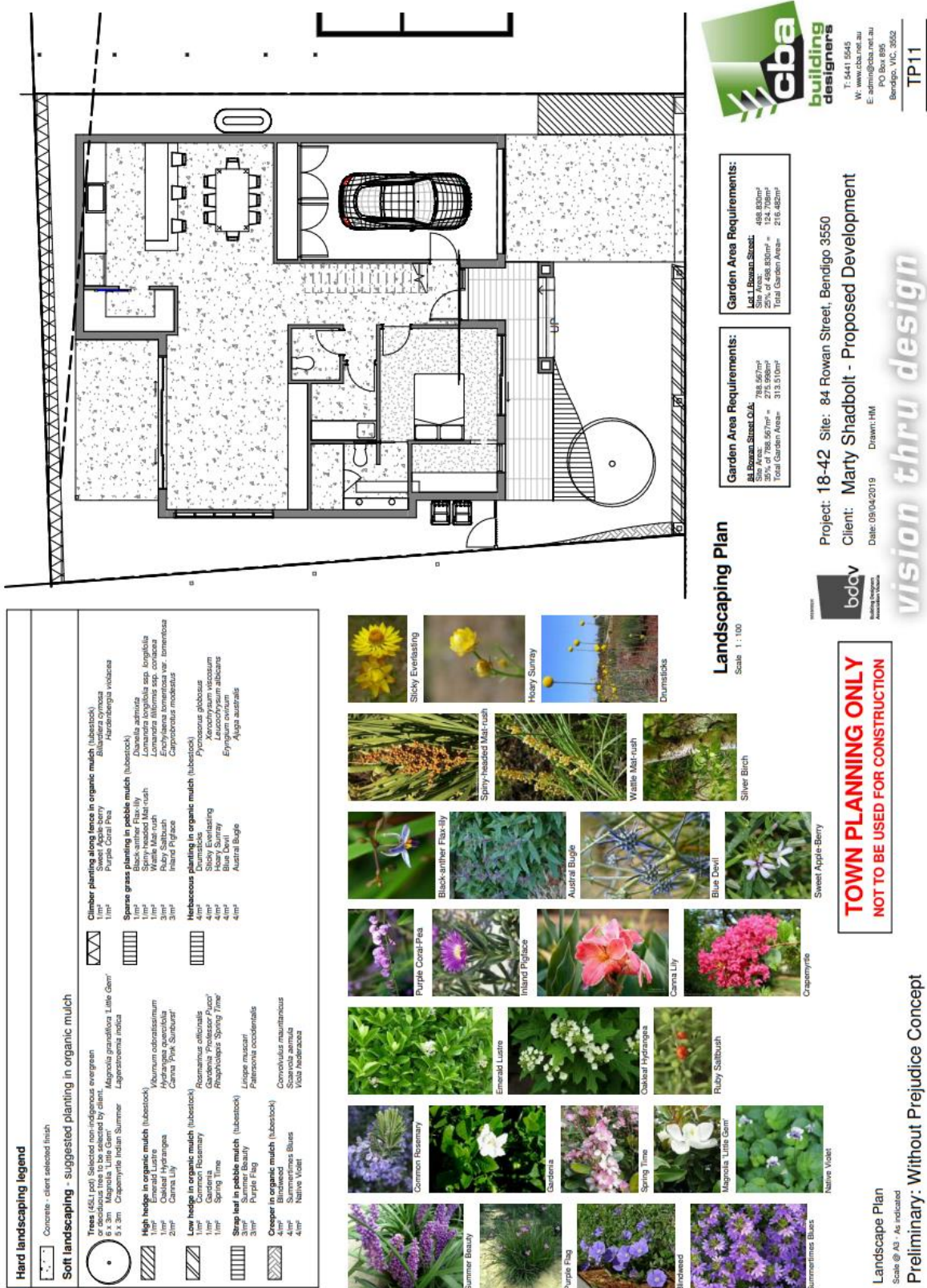


Figure 10: Shadow Diagrams



**Figure 11: Landscape Plan**

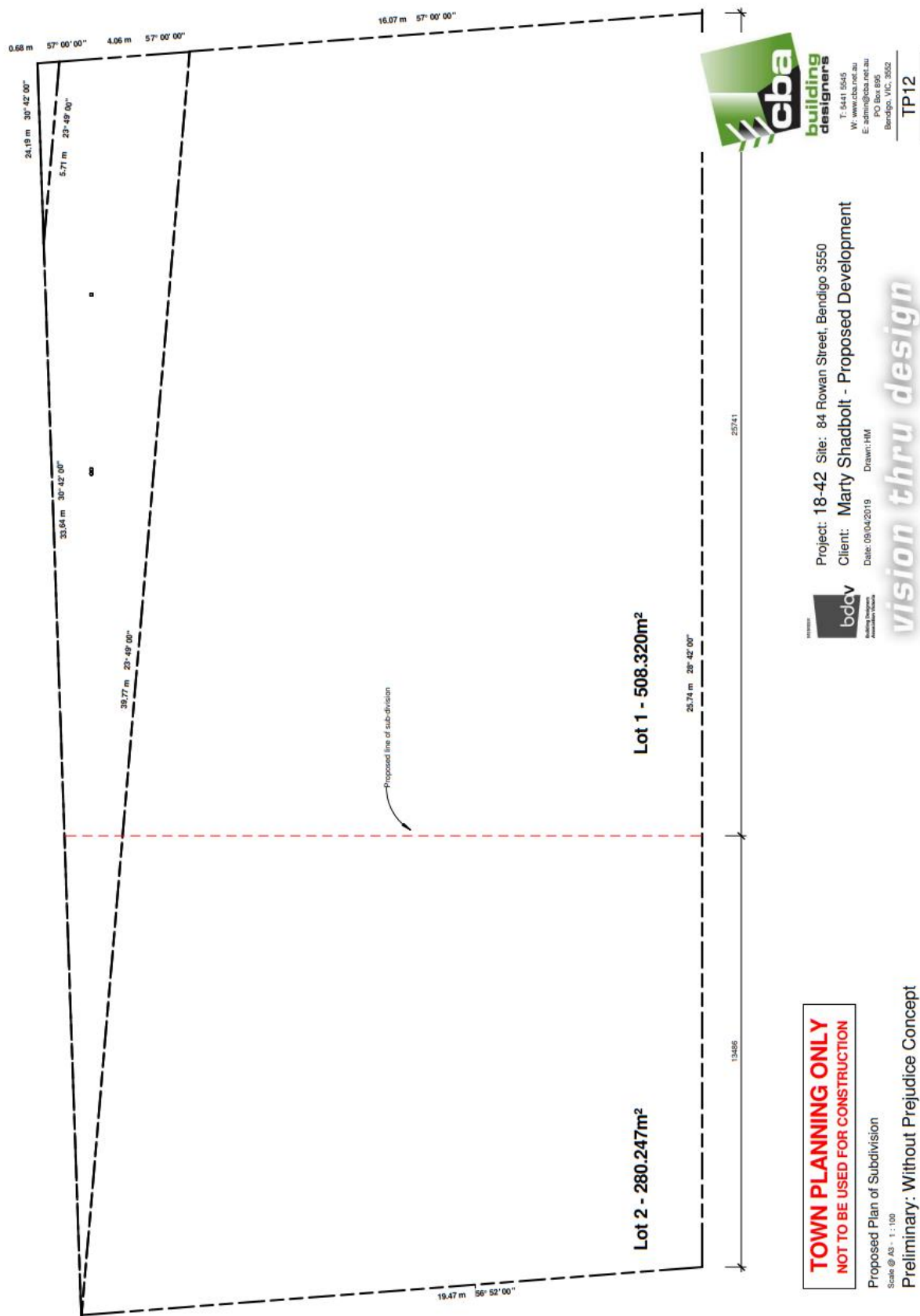


Figure 12: Plan of Subdivision



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

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

### Planning Policy Framework

- Clause 11 Settlement
- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Loddon Mallee South
- Clause 11.02-1S Supply of urban land
- Clause 11.03-1S Activity centres
- Clause 13.02-1S Bushfire planning
- Clause 13.04-1S Contaminated and potentially contaminated land
- Clause 15.01-1S Urban design
- Clause 15.01-2S Building design
- Clause 15.01-3S Subdivision design
- Clause 15.01-5S Neighbourhood character
- Clause 15.03-1S Heritage conservation
- Clause 16.01-2S Location of residential development
- Clause 16.01-3S Housing diversity

### Local Planning Policy Framework

- Clause 21.02 Key Issues and Influences
- Clause 21.05 Compact Greater Bendigo
- Clause 22.11 Central Bendigo Residential Character Policy
- Clause 22.26 Heritage Policy

### Other Provisions

- Clause 32.08 General Residential Zone
- Clause 43.01 Heritage Overlay
- Clause 52.06 Car parking
- Clause 55 Construction of two or more dwellings on a lot
- Clause 56 Residential subdivision
- Clause 65 Decision Guidelines

### 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 and that a subdivision must meet the requirements of Clause 55.
- 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, construct a building/carry out works, construct a vehicle crossover, demolish and construct a fence.

## Consultation/Communication

### Referrals

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

| Referral                         | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Environment Protection Authority | <p>Notice of the application was given to the EPA under s52 of the Act owing to the potential for site contamination due to a known history of mining in the area.</p> <p>A Preliminary Site Assessment was provided as part of the application. The EPA identified some limitations in scope and requested an amended assessment.</p> <p>An updated Preliminary Site Assessment was provided which concluded that the site's conditions are suitable for residential development subject to the adoption of the soil management recommendations outlined in the report.</p> <p>The Preliminary Site Assessment was sent to the EPA for comment, who did not object to the proposal subject to conditions which will be included on the permit.</p> <p>In addition, a condition will be included on the permit requiring all works to be undertaken in accordance with the soil management recommendations outlined in the Preliminary Site Assessment.</p> |
| Traffic & Design                 | No objection subject to standard conditions relating to sight distances, vehicle crossing construction requirements and the requirement to obtain a Works within Road Reserve permit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Drainage                         | No objection subject to standard conditions relating to the requirement to provide detailed drainage plans, the construction of works and public assets.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

| Referral | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| Heritage | <p>The City's Heritage Advisor objected to previous revisions of the plans, raising the following concerns:</p> <ul style="list-style-type: none"> <li>• Size of garage and width of driveway;</li> <li>• Proximity of subdivision boundary to the existing dwelling;</li> <li>• Front setback;</li> <li>• Double storey height/dominant upper floor;</li> <li>• Scale and dominance of development;</li> <li>• Building form and design;</li> <li>• Vehicle access and removal of vegetation.</li> </ul> <p>Based on the most recent revision of the plans, the Heritage Advisor has stated that the proposal is generally accepted. The following comments were provided:</p> <ul style="list-style-type: none"> <li>• The driveway is still somewhat wider than the single width crossover, but given that the driveway is not in a straight alignment with the crossover the additional 900mm may be supported. Some consideration should be given to a fence on both sides of the driveway to avoid the appearance of a double crossover i.e. pillar of fence/letterbox aligned with pillar of garage opening, the fence the remainder.</li> <li>• The 3m space between buildings establishes separation which is considered acceptable, although there are still some reservations around the treatment of this boundary.</li> <li>• The proposed setbacks are generally accepted, with some remaining reservations around the upper floor bulk.</li> </ul> |

### 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:

- Proposal not consistent with Heritage Design Guidelines (height, scale, setbacks, spacing, dominance, proportions, impact on views to other heritage buildings).
- Proposal not consistent/does not respect with heritage or neighbourhood character/detracting from heritage significance.
- Overdevelopment of the site (small lot sizes, lack of outdoor space).
- Streetscape presentation.
- Amenity impacts.

- Visually dominant/visual impact.
- Overlooking.
- Overshadowing/loss of light.
- Loss of privacy.
- Lack of landscaping, loss of garden landscape and street trees.
- Lack of car parking.

The objections are discussed below.

A consultation meeting was held and the plans were subsequently amended. The application was re-advertised and as a result, no objections were withdrawn.

### **Planning Assessment**

#### Whether the proposal is consistent with Planning Scheme policy regarding housing, design and infill residential development

The site is located within a long established, inner suburb of Bendigo. It is approximately 1 kilometre north-west of the Bendigo CBD and close to a range of facilities, services and transport options; being located within the Bendigo Activity Centre.

Planning policy through Clauses 11, 11.01-1S, 11.03-1S, 16.01-2S, 16.01-3S and 21.05 supports an intensification of development on sites that benefit from such locational attributes, seek to create a compacted Bendigo urban area and create diversity in housing stock. A cornerstone of that approach, as outlined in Clauses 21.05-2 and 21.05-3, is the support of increased housing in locations within 10 minutes of a range of services and facilities.

The proposal meets planning policy objectives in terms of being an appropriate location for housing and infill residential development and is located within a 10 minute neighbourhood. The proposal provides a new four 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.

Given the policy support from a strategic housing policy perspective for an additional dwelling in this location, attention should be drawn to the specifics of this proposal and whether it is acceptable having regard to the site context and the applicable planning controls and policies. This is discussed below.

#### Whether the proposal is consistent with the provisions of the General Residential Zone and the neighbourhood character policy

The inclusion of the area in the General Residential Zone with its purpose to *encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport* recognises the locational attributes outlined above.

However, the General Residential Zone also includes a purpose to *encourage development that respects the neighbourhood character of the area*.

In addition to the Zone, neighbourhood character is referenced as an important consideration throughout the Planning Scheme including Clauses 11, 15, 16 and 22.11.

A number of matters raised by the objectors relate to the proposal not being consistent with the neighbourhood character.

It is noted that the site is not affected by a Neighbourhood Character Overlay, however the site is located in Central Bendigo Residential Character Precinct 2, which is described in Clause 22.11 as follows:

*This precinct forms part of the inner ring of suburbs that exemplify the distinctive character of early Bendigo. Most of the housing is from the Victorian, Edwardian and Inter-war periods. In parts of the precinct, dwellings are frequently weatherboard with picket fences creating a modest 'cottage' character. Elsewhere, brick and render are more common, particularly in the areas with larger houses and mansions. Setbacks vary according to the size of lot and housing, but are often consistent within a particular streetscape. Much of the area has heritage significance.*

The statement of desired future character seeks to ensure that: *The heritage qualities and the distinctive characteristics of each streetscape will be maintained and strengthened.*

The desired future character is to be achieved by the objectives and design responses outlined and discussed in the table below:

| Objectives                                                                                                                                                                                                                                                                                                                        | Recommended Design Response                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| To retain buildings that contribute to the valued character of the area.                                                                                                                                                                                                                                                          | Retain and restore wherever possible, intact Victorian, Edwardian, Federation and Inter-war era dwellings.<br>Alterations and extensions should be appropriate to the building era. |
| <i>Comment: The proposal is retaining the existing dwelling on the site, with no changes proposed to the building fabric. A small garden shed (constructed post 1960) will be removed from the rear yard and relocated, however this does not require planning approval.</i><br><i>The proposal complies with this objective.</i> |                                                                                                                                                                                     |
| To encourage the consideration of the landscape setting of the dwelling.                                                                                                                                                                                                                                                          | Prepare a landscape plan to accompany all applications for new dwellings.<br>Retain large, established trees and provide for the planting of new trees wherever possible.           |
| <i>Comment: The immediate surrounding area is characterised by an abundance of detached period homes which are modestly set in mature gardens, which contributes to the character of the area.</i>                                                                                                                                |                                                                                                                                                                                     |

| Objectives                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Recommended Design Response                                                                   |
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| <p><i>One large (12 metre high) non-native tree along with approximately three small to medium sized trees/shrubs will be required to be removed in order to facilitate the proposal. The remainder of the vegetation surrounding the dwelling is proposed to be retained, including that within the front garden/setback.</i></p> <p><i>A landscape plan has been provided for the proposed Lot 2 and shows a canopy tree within the front setback, along with hedging, grass and climbing plants primarily located along the lot boundaries. It is unclear from the plan provided as to how the large ground area to the front of the dwelling will be surfaced.</i></p> <p><i>Although the site layout does not present an opportunity for a canopy tree to be planted within the rear yard, it is considered that some minor changes to the landscape plan can present an acceptable landscape setting for both dwellings and offset the vegetation that is required to be removed. Once established, these plantings will add to the garden character of the area and soften the appearance of the new development. Regard must also be given to the physical context of the site being a corner allotment which currently presents a high fence to its side street. Therefore, the proposed development provides opportunities to establish an open landscape setting instead of the current high fence to the side boundary. This presents a manner in which the proposal can enhance the landscape setting of the site.</i></p> <p><i>A condition will be included on the permit requiring an amended landscape plan to be provided which encompasses the whole of the subject site, includes landscaping (soft surface) to the front of the dwelling to reduce the area of hard surfaces in the front setback, shows the surface of the proposed driveway to Lot 1 and includes a landscaping strip between the driveway and north-east property boundary.</i></p> <p><i>The proposal complies (in part) with this objective.</i></p> |                                                                                               |
| 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.        |
| <p><i>Comment: The site is relatively flat and a small site cut is required to facilitate the proposed dwelling.</i></p> <p><i>The proposal complies with this objective.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                               |
| 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. |
| <p><i>Comment: The existing dwelling is proposed to be retained and as such there is no change to the front setback from Rowan Street.</i></p> <p><i>The proposed dwelling will be setback 5.5 metres from Vine Street. Whilst the average setback from Vine Street of the two adjoining buildings (84 Rowan Street and 90 Rowan Street) is 5.63 metres, it is noted that 84 Rowan Street is a side setback (as the dwelling fronts Rowan Street), and the proposed setback exceeds the requirements of ResCode with regards to street setback (Clause 55.03-1).</i></p> <p><i>The proposal complies (in part) with this objective.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                               |
| To maintain the rhythm of dwelling spacing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Buildings should be off-set from at least one side boundary.                                  |

| Objectives                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Recommended Design Response                                                                                                                                               |
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| <p><i>Comment: The proposed dwelling will be offset a minimum of 1.139 metres from the north-western property boundary and 1.254 metres from the proposed lot boundary, at ground level, which is generally consistent with the rhythm of dwelling spacing within the streetscape.</i></p> <p><i>The proposal complies with this objective.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                           |
| <p>To minimise the dominance of car storage facilities</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Locate garages and carports behind the line of the dwelling.<br/>Use rear access where available.</p>                                                                  |
| <p><i>Comment: Car storage for the existing dwelling will be provided in the form of an attached skillion carport which is of a simple design and located approximately 0.9 metres behind the front line of the dwelling. An uncovered tandem car space is located to the front. A condition will be included on the permit requiring the carport to be setback a minimum of 1 metre from the front line of the dwelling in accordance with the Heritage Design Guidelines.</i></p> <p><i>An attached single garage and tandem car space is proposed for the new dwelling. Whilst the garage wall is in line with the front wall of the dwelling, it is setback 1.4 metres from the front line of the balcony and this, coupled with a single width garage, further reduces the dominance.</i></p> <p><i>The proposal complies (in part) with this objective.</i></p>                                                                                                                                                                                |                                                                                                                                                                           |
| <p>To respect the identified heritage qualities of the streetscape or adjoining buildings.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Where the streetscape contains identified heritage buildings, reflect the dominant building forms in the street, including roof forms, in the new building design.</p> |
| <p><i>Comment: The Eaglehawk and Bendigo Heritage Study identifies Rowan Street and surrounding streetscapes as being good residential heritage streetscapes, having important historical significance in the context of Bendigo's gold mining past.</i></p> <p><i>There are no individually listed heritage buildings within this portion of Vine Street, with the nearest individually listed heritage building at 76 Rowan Street.</i></p> <p><i>Roof pitches in the surrounding area vary, adding a diversity of building heights. This is further accentuated by the hilly terrain.</i></p> <p><i>Whilst it is noted that the dwelling takes on a more dominant built form than that which is commonly found within the streetscape, the proposed dwelling incorporates common design elements within the streetscape with regards to front setback, porch, window proportions, the rhythm of dwelling spacing, materials and roof form, as discussed in this table.</i></p> <p><i>The proposal complies (in part) with this objective.</i></p> |                                                                                                                                                                           |
| <p>To ensure that buildings and extensions do not dominate the streetscape.<br/>Respect the predominant building height in the street and nearby properties.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>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.</p>        |
| <p><i>Comment: Whilst it is noted that dwellings in the surrounding area are predominantly</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                           |



| Objectives                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Recommended Design Response                                                                                                                                         |
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| <p><i>single storey, there are some instances of both established and more recent two storey development within the surrounding area (rear extension to 92 Vine Street, two storey dwelling at 104 Vine Street and further north-east along Rowan Street).</i></p> <p><i>Whilst the new dwelling is proposed to be two storey, the front of the dwelling does have a single storey wall height component, with the exception of the balcony which is proposed to be partially roofed. A condition will be included on the permit requiring the balcony guard to be clear glass to further minimise/soften the impact.</i></p> <p><i>The proposal is considered to be an acceptable design response given that the dwelling incorporates a number of design elements which assist in reducing the dominance of the dwelling within both the streetscape and 'backyardscape'. These include:</i></p> <ul style="list-style-type: none"> <li><i>• The change in development height with the first floor being setback 8 metres from Vine Street, 2.7 metres behind the front line of the dwelling and 4.1 metre behind the front of the balcony. This helps to give a staggered effect.</i></li> <li><i>• The change in height is further accentuated by the incorporation of the balcony.</i></li> <li><i>• The first floor is inset 1 metre with the exception of the rear (north-east corner).</i></li> <li><i>• The proposed dwelling has a relatively high level of articulation and elements that draw on the character of the surrounding neighbourhood (i.e. a protruding porch which gives reference to the presence of porches and verandahs in the streetscape, a single garage, the use of windows).</i></li> <li><i>• The combination of a mix of building materials and variation between materials on the ground and upper levels.</i></li> </ul> <p><i>The use of the above design elements will help ameliorate the visual prominence of a two storey building within the streetscape and integrate the development into the surrounding neighbourhood.</i></p> <p><i>The proposal complies (in part) with this objective.</i></p> |                                                                                                                                                                     |
| <p>To use building materials and finishes that complement the dominant pattern within the streetscape.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>In streetscapes where weatherboard predominates, use timber or other non-masonry cladding materials where possible, and render, bag or paint brick surfaces.</p> |
| <p><i>Comment: The materials of the proposed dwelling include brick, render and cladding which would be appropriate to the area as these are all materials found within the streetscape.</i></p> <p><i>The proposal complies with this objective.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                     |
| <p>To ensure front fences are appropriate to the era of the dwellings and maintain the openness of the streetscape.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Provide open style front fencing.<br/>Front fences should not exceed 1.2 metres other than in exceptional cases.</p>                                             |
| <p><i>Comment: No change is proposed to the front fence of the existing dwelling.</i></p> <p><i>A 1.2 metre high rendered brick and steel frame fence is proposed along the front boundary of the proposed Lot 2 which is consistent with the design of the proposed dwelling and front boundary treatments within the streetscape.</i></p> <p><i>The proposal complies with this objective.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                     |

When giving consideration to whether a proposal complies with the desired future character of an area, it is important to acknowledge that the desired character is not solely expressed through the neighbourhood character policy itself, but also the purposes of the zone and broader planning policy framework regarding housing growth and infill development, which is discussed earlier in this report. As such, the desired outcome must be to strike a balance between the competing policy objectives.

It is noted that the above objectives and design responses are not mandatory controls and there will be few, if any, developments that fully achieve all of them. It is considered that the areas of non-compliance can be largely overcome through the inclusion of an amended plans condition (as outlined in the table above).

As such, whilst the proposal will result in a change in appearance of the site, the proposed design, on balance, presents an acceptable outcome with regards to the desired balance between housing policy and neighbourhood character.

#### Whether the proposal will adversely affect the heritage significance of the place or precinct

The site is affected by the Heritage Overlay – Schedule 11 (HO11) – Rowan Street Precinct. As the existing dwelling was constructed in approximately 1922, the building is classified as being contributory to the heritage precinct.

Planning policy through Clauses 15.03 and 22.06, along with the Heritage Overlay seeks to conserve, maintain and enhance the significance of heritage places and heritage elements that contribute to the significance of heritage places. Such strategies include encouraging appropriate development that respects places with identified heritage values and ensuring an appropriate setting and context for heritage places is maintained or enhanced.

A number of matters raised by the objectors relate to the proposal not being consistent with the Heritage Design Guidelines (height, scale, setbacks, spacing, dominance, proportions, impact on views to other heritage buildings), and the proposal not being consistent with or respecting the heritage or neighbourhood character and detracting from the heritage significance.

The statement of significance for this precinct is contained within the Bendigo and Eaglehawk Heritage Study. It states that: *This precinct contains some highly skilful designs and representative examples from the late nineteenth and early twentieth century, marking the continuous prosperity of gold in that period. Intermixed are the gold sites themselves, with public buildings such as the Lutheran Church, showing nodes of early settlement. Apart from the buildings associated with the important gold era, there are the individually important sites and groups of sites which arose from the 1920s-1930s.*

Consideration has been given to the relevant decision guidelines of the Heritage Overlay including:

- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable heritage design guideline specified in the schedule to the overlay.

- 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 works will adversely affect the significance, character or appearance of 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.

The City's local heritage policy at Clause 22.06 has been established to guide decisions on demolition and development of heritage places and seeks to maintain and enhance the significance of heritage places while accommodating the needs of residents to adapt and develop such 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, provides an appropriate setting for heritage places and 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 the 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.

Frontages within Vine Street generally range from 7.5-19 metres. The subdivision proposes the balance lot to have a frontage of 13.48 metres to Vine Street which is consistent with the streetscape. The City's Heritage Advisor has raised concerns with regards to the line of subdivision not providing a minimum curtilage of 3 metres to the rear of the existing dwelling, as required by *the Guidelines*. However, it was determined that the 3 metre spacing between the existing and proposed dwellings establishes separation which is considered acceptable.

The subdivision will result in the loss of one large non-native tree, however it is noted that tree controls do not apply to this schedule of the Heritage Overlay.

- *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.

It is acknowledged that the proposed building will be visible from the public realm and that it will introduce a new two storey element to the streetscape, which is currently predominantly single storey.

The new dwelling adopts a contemporary design which, as outlined above, references a number of the character and heritage elements found within the streetscape.

The front setback is generally consistent with the adjoining dwelling at 90 Vine Street and the side setbacks are generally consistent with the rhythm of dwelling spacing within the streetscape. The City's Heritage Advisor has stated that: *"the proposed setbacks are generally accepted, with some remaining reservations around the upper floor bulk"*.

The proposal is considered to be an acceptable design response given that the dwelling incorporates a number of design elements, as outlined above, which assist in reducing the dominance of the dwelling within both the streetscape and 'backyardscape' to an acceptable level.

The proposed dwelling design is an acceptable outcome within the Heritage Overlay and subject to a series of minor design changes which can be addressed through an amended plans condition, the proposal will not adversely affect the significance of the heritage place or precinct.

- *Car Parking/ Driveway/Access*

The Heritage Policy and Heritage Design Guidelines contain objectives which seek to ensure that car accommodation and car access points do not dominate the heritage place, are located at least 1 metre behind the primary façade and are designed to ensure that they do not dominate the contributory elements of a heritage place.

The application proposes to construct a single width crossover off Rowan Street, with the new dwelling to utilise the existing crossover onto Vine Street. This will result in a single-width crossover on each street frontage which is consistent with the guidelines.

A single-width skillion carport is proposed on the north-east side of the existing dwelling. Whilst the exact dimensions of the carport have not been shown on the plans, the carport is shown as being set under the eaves of the dwelling and a condition will be included on the permit requiring the plans to be fully dimensioned and for the carport to be setback a minimum of 1 metre behind the front line of the dwelling in accordance with the Guidelines.

A single-width, attached garage is proposed for the new dwelling. As outlined above, whilst the garage wall is in line with the front wall of the dwelling, it is setback 1.4 metres from the front line of the balcony, and this coupled with the single width of the garage further reduces the dominance.

The driveway is wider than the single width crossover and is not supported as it unnecessarily accentuates the appearance of the driveway and does not align with the crossover. The City's Heritage Advisor has also stated that consideration should be given to a fence on both sides of the driveway (i.e. pillar of fence/letterbox aligned with pillar of garage opening), to avoid the appearance of a double crossover. This is considered appropriate and will be included in an amended plans condition.

- *Fences*

This policy seeks to retain and restore original fences where possible, encourage fences that respect the significance and appearance of the heritage place or precinct and encourage low and open style fences that retain views of heritage places.

The application proposes to demolish a portion of the existing 1.8 metre high iron side fence fronting Vine Street. This fence is non-original and does not make any contribution to the heritage precinct and its demolition is supported.

It is proposed to construct a low scale rendered brick pillar and steel rod framed fence along the frontage of proposed Lot 2. The fence will have a height of 1.2 metres which is consistent with the *Heritage Design Guidelines* and is a modern interpretation of the character of fencing in the streetscape which is consistent with the contemporary design of the dwelling.

It is also proposed to construct a 1.8m high Colourbond fence along the shared boundary which is supported.

Neighbourhood character and heritage share many attributes, but there are important differences between the two concepts which must be recognised. As outlined above, the proposal an acceptable outcome when considered against both the neighbourhood character and heritage policy frameworks.

### Compliance with ResCode and whether the impacts on neighbours are acceptable

A key consideration is whether the proposal achieves residential subdivision outcomes that appropriately respond to the site and its context and whether the proposal would result in reasonable amenity impacts for surrounding properties and future residents.

It is a requirement of both Clause 55 and Clause 56 that a development/subdivision must meet all of the objectives of the clause and should also meet all of the standards. However, if the City is satisfied that an application for an alternative design solution meets the design objective, the alternative design solution may be considered. Non-compliance with a number of ResCode standards generally points to an overdevelopment of the site and a non-site responsive design.

The proposal has been found to generally comply with all relevant objectives and standards of Clause 55. However, the following are clauses where a variation to the ResCode standard is required, or those which are relevant to the objector's concerns.

- *Clause 55.02-1 Neighbourhood character objectives (Standard B1)*

Clause 55.02-1 has the objectives to *ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character and to ensure that development responds to the features of the site and the surrounding area.*

As outlined earlier in this report, the design response is considered acceptable to the neighbourhood and the site.

*Clause 55.03-1 Street setback objective (Standard B6)*

Clause 55.03-1 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.*

As the site is on a corner and the existing dwelling fronts Rowan Street, in order to comply with the standard the new dwelling is required to be setback 3 metres from Vine Street. The proposed front setback is 5.5 metres which complies with this standard.

- *Clause 55.03-2 Building height objective (Standard B7)*

Clause 55.03-2 has the objective to *ensure that the height of buildings respects the existing or preferred neighbourhood character.*

Whilst the proposed building height of 7.6 metres does not exceed the maximum allowable, thereby complying with the standard, it is acknowledged that changes in building height could be further graduated. The proposal complies in part with this standard.

- *Clause 55.05-3 Site coverage objective (Standard B8)*

Clause 55.05-3 has the objective to *ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.*

Concerns were raised by objectors with regards to the proposal presenting an overdevelopment of the site, with small lot sizes and a lack of outdoor space. The proposed site coverage is 46.91% which is well below the allowable 60%. It is noted that as development is proposed prior to subdivision, the site coverage is calculated as a whole. The proposal complies with this standard.

- *Clause 55.03-8 Landscaping objectives (Standard B13)*

Clause 55.03-8 has the objectives to *encourage development that respects the landscape character of the neighbourhood, encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance, to provide appropriate landscaping, and to encourage the retention of mature vegetation in site.*

The impact of the proposal on the landscape character was one of the issues raised by the objectors. As outlined earlier in this report, the proposal presents an acceptable landscape setting. The proposal complies in part with this standard.

- *Clause 55.04-5 Overshadowing open space objective (Standard B21)*

Clause 55.04-5 has the objective to *ensure buildings do not significantly overshadow existing secluded private open space.*

Concerns were raised by objectors that the proposal would result in overshadowing and loss of light. Shadow plans were provided as part of the application which demonstrate that the proposal complies with this standard. Whilst some minor overshadowing will occur at 82 Rowan Street, this has been shown to be fully compliant with the standard. As such, it is considered that the proposal provides a reasonable standard of amenity with regards to sunlight and overshadowing.

- *Clause 55.04-6 Overlooking objective (Standard B22)*

Clause 55.04-6 has the objective to *limit views into existing secluded private open space and habitable room windows.*

Concerns were raised by objectors that the proposal would result in overlooking of adjoining properties and a loss of privacy. High level windows (1.7 metre high window sills) have been utilised on the upper level of the north-east elevation and north-west elevation to avoid overlooking into habitable room windows and secluded private open space of neighbouring properties. It is unclear from the plans provided as to whether the first floor rumpus room window along the north-west elevation complies with this standard. In order to address this issue, a condition will be included on the permit requiring an increased sill height or appropriate window treatment in order to comply with Clause 55.04-6.

The height of the boundary fencing blocks overlooking from the ground floor windows, alfresco area and balcony. Whilst it is acknowledged that some overlooking may occur as a result of the proposal, this has been shown to be compliant with the standard.



- *Clause 55.05-4 Private open space objective (Standard B28)*

Clause 55.05-4 has the objective to *provide adequate private open space for the reasonable recreation and service needs of residents.*

Concerns were raised by objectors that the proposal was an overdevelopment of the site and presents a lack of outdoor space. 154.66 square metres of private open space, including 48 square metres of secluded private open space is provided for the existing dwelling. A variation to the standard is required as the secluded private open space does not have convenient access from a living room, however, this is not unusual for an older established dwelling.

65 square metres of private open space, including 25 square metres of secluded private open space is provided for the new dwelling, which complies with this standard.

Whilst it is acknowledged that the proposal will result in a change to the current level of amenity, the proposal is generally compliant with the requirements of Clause 55 and as such is considered to provide reasonable levels of amenity for existing and new residents.

- *Clause 56*

The proposal complies with all relevant objectives and standards of Clause 56 and as such is considered to meet the principal purpose of Clause 56 (Residential subdivision) which is to create liveable and sustainable neighbourhoods and urban places with character and identity.

#### Objector concerns

Issues raised by the objectors with regards to heritage, neighbourhood character, overdevelopment of the site, visual appearance, ResCode, amenity impacts and landscaping/garden setting have been addressed earlier in this report. The remaining specific issues are responded to as follows:

- *Car parking*

Both the existing dwelling and proposed dwelling are provided with two on-site car spaces. As such the provision of car parking complies with the requirements as set out at Clause 52.06 of the Greater Bendigo Planning Scheme.

- *Street trees*

Concerns were raised by objectors that the proposal would result in the removal of the street trees located within the Vine Street road reserve. The proposal does not require either street tree to be removed and it is noted that such removal would not be supported by the City. A note will be included on the permit in order to ensure that works near City trees must be undertaken in accordance with Council's *Urban Tree Management Policy, 2017* and Australian Standard 4970 - *Protection of trees on development sites*.

## Conclusion

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

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

It is evident that the proposal presents a conflict between infill development and supporting high densities, protecting heritage, neighbourhood character and residential amenity. However, as outlined above, on balance the proposal is in general accordance with the relevant Planning Scheme provisions and as such it can be concluded that the proposal presents an acceptable outcome when seeking to balance between the competing policy objectives.

It is recommended that a Notice of Decision to Grant a Permit be issued.

## Options

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

## Attachments

- Objections

## Proposed Notice of Decision Conditions

### 1. MODIFIED PLAN

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 2 copies must be provided. The plans must be modified to show:

- (a) Scaled and fully dimensioned with all measurements to be exact and not approximate.
- (b) The carport to the existing dwelling to be located a minimum of 1m behind the front line of the dwelling.
- (c) Elevation plans of the carport.
- (d) The rumpus room window on the upper floor of the north-west elevation of the new dwelling must comply with Clause 55.04-6.
- (e) The driveway to the dwelling on Lot 2 must be tapered from the garage to the property boundary so as to match the 3m width of the existing crossover. The resulting unpaved area must be fenced along the front boundary.
- (f) The front balcony pillars must be situated so that they do not protrude

beyond the extent of the balcony.

(g) The balcony guard must be constructed of clear glass.

(h) An amended landscape plan as outlined in Condition 3.

2. NO ALTERATION TO LAYOUT

The use and development permitted by this permit as shown on the endorsed plans 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. LANDSCAPE PLAN REQUIRED

Before the development starts, 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 2 copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated 09/04/19 prepared by CBA Building Designers but modified to show:

(a) The whole of the subject site.

(b) A survey (*including botanical names*) of all existing vegetation to be retained and/or removed.

(c) Details of surface finishes of pathways and driveways.

(d) 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.

(e) The canopy tree in the front setback of Lot 2 must be a minimum of two metres tall when planted.

(f) The large area to the front of the dwelling on Lot 2 must be landscaped with a soft surface.

(g) The inclusion of a landscape strip between the driveway and north-east property boundary of Lot 1.

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

4. 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.

5. COMPLETION OF LANDSCAPING

Before 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.

6. PRELIMINARY SITE ASSESSMENT

The subdivision and development permitted by this permit as shown on the endorsed plans and/or described in the endorsed documents must be undertaken in accordance with the soil management recommendations outlined in the Preliminary Site Assessment prepared by Shane Muir Consulting

Engineers, dated 4 February 2019.

7. ENVIRONMENT PROTECTION AUTHORITY

- (a) The proposed development must comply with report recommendations relating to excavation of existing soils around sample location 3 and importation of clean fill. At a minimum, across the full extent of the front garden area between the dwelling and the street, as shown on Figure TP04, 60 cm of clean material must be placed at surface level to create a barrier to exposure to underlying soils.
- (b) Any soils excavated from the site, which are to be disposed of offsite, are to be categorised in accordance with EPA Publication IWRG621, Soil Hazard Categorisation and Management 2009 or as amended. Where retained onsite, excavated soils are to be placed in an area that is not accessible to site occupants, such as below the building footprint.
- (c) Where the proposed development plan shown in Figure TP04 of the attachments to the PSA report was to alter, such as to change the areas of exposed soil, a revision to the report and proposed mitigation measures is required.

8. GENERAL EXTERIOR TREATMENT

The exterior treatment of the building(s) 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.

9. REFRIGERATION AND 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.

10. DETAILED DRAINAGE

Prior to the certification of the plan of subdivision under the Subdivision Act 1988, 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;
- (c) Stormwater detention;
- (d) Stormwater quality.

11. CONSTRUCTION OF WORKS

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

- (a) Underground drainage.

12. CITY OF GREATER BENDIGO ASSETS

Before the development starts, 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 and 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.

13. VEHICLE CROSSINGS

- (a) The driveway to Lot 1 between the property boundary and the kerb must be constructed in accordance with the Infrastructure Design Manual.
- (b) Vehicle crossings must be at 90° to the road and the property boundary.
- (c) The subdivision must ensure minimum sight lines for pedestrian safety are provided at the exit driveway frontage to comply with Clause 52.08-9.

14. 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.

15. 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.

16. FENCING OF SITE

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

17. PROVISION OF SERVICES

The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

18. REFERRAL OF PLAN

The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with section 8 of that Act.

19. TELECOMMUNICATIONS

- (a) 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.

(b) 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.

## 20. COMPLETION OF DEVELOPMENT

Before a statement of compliance is issued for the subdivision:

- The dwelling(s) approved under this permit must be constructed to a state of practical completion to the satisfaction of the responsible authority; or
- The owner must enter into an agreement under section 173 of the Planning & Environment Act 1987 that covenants that the lots created by the subdivision will only be developed in accordance with the plans endorsed under this permit. The agreement will end upon completion of the development shown on the endorsed plans.

## 21. EXPIRY OF THE PERMIT - SUBDIVISION AND DEVELOPMENT

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) All other development excluding subdivision 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 any part of the development excluding subdivision, 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 Note:**

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

**CONSENT FOR WORK ON ROAD RESERVES**

The applicant must comply with;

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

with respect to any requirements to notify the coordinating authority and/or seek consent from the coordinating authority to undertake “works” (as defined in the Act) in, over or under the road reserve. The responsible authority in the inclusion of this 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.

**Street Tree Protection Note:**

All works near City trees must be undertaken in accordance with Council's *Urban Tree Management Policy, 2017* and Australian Standard 4970 - *Protection of trees on development sites*.



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

#### **3.1 BENDIGO MAUBISSE FRIENDSHIP COMMITTEE MEMBER APPOINTMENTS**

##### **Document Information**

**Author** Steven Abbott, Manager Community Partnerships

**Responsible Director** Wonona Fuzzard, Acting Director Health and Wellbeing

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##### **Purpose**

For Council to thank outgoing members and to consider the recommended member appointments for the four vacant positions on the Bendigo Maubisse Friendship Committee.

##### **Summary**

The Bendigo Maubisse Friendship Committee (BMFC) is a Special Committee of Council under Section 86 of the Local Government Act 1989.

The BMFC must comprise a minimum of 16 representatives and be appointed by Council resolution following an expression of interest process.

Committee members are appointed for a 1, 2 or 3 year term and may renominate for a further term through expression of interest.

At 30 June 2019 the term of four committee members expired. In order to fill the vacancies the City proceeded to run a public expression of interest process in June and July 2019.

One of the four members that have an expired term has renominated, as have an additional seven community members.

The City has undertaken an evaluation of the suitability of the applicants, with support from three existing BMFC members and Mayor Councillor Margaret O'Rourke as the Chair of BMFC.

## **RECOMMENDATION**

That Council:

- Appoint to the Bendigo Maubisse Friendship Committee for a three year term: John Williams, Erin Smith, Rod Flavell and Sheree Pickles.
- Formally thank retiring members Heather McNeil, Elizabeth Durr and Mark McLoughlan.

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Policy Context

Community Plan Reference:

Greater Bendigo Community Plan 2017-2021:

Goal 2

Wellbeing and Fairness

Inclusive policies, partnerships and projects that increase access, improve health and learning opportunities, by building better connections and quality of life for all.

Objective 2.2.3 Build on partnerships and coordination of information with health and other agencies

Council Policy Reference (include weblink as applicable):

International Relations Policy

Background Information

The Greater Bendigo Council relationship with Timor Leste commenced in late 2006 when it established the BMFC to work with the community of Maubisse. The BMFC works with the Greater Bendigo community and the Maubisse community to undertake a range of projects to assist the District of Ainaro in Timor Leste.

The BMFC contributes to improving standards of living, access to essential services, training, capacity building, arts and social programs in the Maubisse community.

The BMFC functions formally as a Special Committee of Council under Section 86 of the Local Government Act 1989 (the Act). The Act provides for a Council to delegate some of its functions, duties or powers to Special Committees that then operate under an Instrument of Delegation.

Section 86 Committees are, in essence, an extension of Council. They are subject to the same stringent governance and administrative requirements as Council and therefore compliance is important. Current and former Mayors and Councillors have had a strong involvement with these committees, and have been a part of visiting delegations (the most recent being Councillor Jen Alden in 2018 and Mayor Councillor Margaret O'Rourke in July 2019).

Administrative support is provided to work with the BMFC and upload minutes of meetings, provide general administrative advice and oversee the arrangements such as insurance for each delegation travelling to Timor Leste.

The Instrument of Delegation outlines the list of members and the length of term for each member.

The BMFC felt it was important to have a staggered expiry term for membership to ensure a good level of continuity was maintained. As a result, this means that each year there will be at least four committee positions that become available. The City facilitated the expression of interest process and makes a recommendation to Council on the appointments.

Previous Council Decision(s) Date(s):

April 2017 – Council supported the revised Instrument of Delegation for BMFC which included a list of members and the expiry dates of their membership terms.

August 2017 – Council appointed four members for a three year term.

August 2018 – Council appointed six members for a three year term.

Report

As a Special Committee BMFC are obligated to comply with the requirements of the Act. In addition to the Act the operations and work of the BMFC are guided by their current Instrument of Delegations which states the following:

The Special Committee shall comprise a minimum of 16 representatives and be appointed by Council resolution following an expression of interest process.

Composition of the Special Committee shall be at least:

- *14 community members;*
- *1 City of Greater Bendigo councillor;*
- *1 officer of the City of Greater Bendigo*

Committee members will be appointed for a 1, 2 or 3 year term and may renominate through expression of interest for a further term.

The Councillor representative is Margaret O'Rourke and the officer representative is Steven Abbott, Manager Community Partnerships.

At 30 June 2019 the term of four sitting community members expired and therefore these positions became available. The City proceeded to run a public expression of interest process for these four available positions in June and July 2019.

The opportunity to express an interest was advertised on the City's social media accounts, in local newspapers, on the City's website and via a direct email out to the distribution list of BMFC.

One of the four members that have an expired term has renominated, as have an additional seven community members.

A small committee was formed to undertake an evaluation of suitability of the applicants and make the recommendation to Council. This committee was made up of three BMFC members (Deborah Blake, Barry Secombe and Milton Long), Mayor Councillor Margaret O'Rourke as Chair of BMFC and Steven Abbott Manager Community Partnerships as City of Greater Bendigo representative.

This evaluation committee met on the 24 and 27 June, and 4 July 2019.

The evaluation committee considered the applicants responses to the following questions:

- Why would you like to join the Bendigo Maubisse Friendship Committee or serve another term?
- What personal skills do you have that you feel would be relevant to be part of the committee?
- Do you have, or are you interested in, developing skills in governance, strategy, risk and finance?
- Do you have experience in, or an understanding of, a community development approach to partnerships that support diversity, equity and human rights?
- Do you have experience in international relations and/or cultural diversity?
- Do you believe you have strong communication skills and can you give us an example of when you have used these skills?
- What do you believe is needed to be part of a committee that provides fairness to all members and stakeholders?

The following applicants received the highest score through the written application process and interview, and have therefore been recommended for appointment:

- Sheree Pickles
- John Williams
- Erin Smith
- Rod Flavell

Resource Implications

Changes as a result of renewed BMFC membership results in minimal additional resources from the City of Greater Bendigo, e.g. small administrative tasks such as changing contact lists.

Attachments

Attachment 1: Current list of BMFC members.

ATTACHEMENT 1**Bendigo Maubisse Friendship Committee Membership List**

Name	Membership Type	Term Yrs.	Expiry – 30 June
Cr. Margaret O'Rourke	Councillor / Chair	3	2021
Rod Flavell	Committee	3	EXPIRED
Heather McNeil	Acting Secretary	3	EXPIRED
Elizabeth Durr	Committee	3	EXPIRED
Mark McLoughlan	Committee	3	EXPIRED
Ken Hubbard	Committee	3	2020
Deborah Blake	Acting Treasurer	3	2020
Heather Ridge	Committee	3	2020
Barry Secombe	Committee	3	2020
Cameron Bell	Committee	3	2020
Bradley Christian	Committee	3	2021
Amanda Lonergan	Committee	3	2021
John Jones	Committee	3	2021
Susan Griffiths	Committee	3	2021
Milton Long	Committee	3	2021
Jenny Feiss	Committee	3	2021
Steven Abbott	Officer - City of Greater Bendigo	NA	NA
VACANT	Committee	3	2022
VACANT	Committee	3	2022
VACANT	Committee	3	2022
VACANT	Committee	3	2022

3.2 RECOMMENDATIONS FOR NEW DISABILITY INCLUSION REFERENCE COMMITTEE MEMBERS

Document Information

Author Steven Abbott, Manager Community Partnerships

Responsible Director Wonona Fuzzard, Acting Director Health and Wellbeing

Purpose

For Council to thank outgoing members and to consider the recommended member appointments for the six vacant positions on the Disability Inclusion Reference Committee.

Summary

The Disability Inclusion Reference Committee (DIRC) comprises eight community representatives, four representatives from a local disability agency or network, three City Managers and three Council representatives.

On 13 June, 2019, six committee member positions became vacant for a two year term. These positions were for four community representatives and two representatives from a local agency or network.

In order to fill the vacancies, the City has undertaken a public expression of interest process which resulted in 21 expressions of interest being received.

Following shortlisting, 11 applicants were interviewed by the Interview Panel.

The Interview Panel was unanimous on their selection of the six applicants to recommend to Council for appointment to the DIRC.

RECOMMENDATION

That Council resolve to:

1. Appoint: John Cooper, Justin Marshall, Madelyn Blackwood, Sara McQueenie, Scott Mclarty and Vinnie Mammoliti to the Disability Inclusion Reference Committee for a two year term.
2. Formally thank retiring members Alison Musk, Andy Barratt, Teresa Iacono, Bridgett Scilini and Juanita Miller.
3. Write to all applicants to thank them for their interest in joining the Disability Inclusion Reference Committee.

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## Policy Context

### Community Plan Reference:

This report is consistent with the following City of Greater Bendigo Community Plan 2017-2021 goals and strategies:

#### Goal 1 – Lead and govern for all

- Objective 1.5.1 – Advocate on priority issues that may impact the region.

#### Goal 2 – Wellbeing and fairness

- Objective 2.3.2 – Partner to encourage opportunities that enable community access and inclusion.
- Objective 2.4.4 – Support positive life opportunities for people living with a disability.

### Strategy Reference:

This report is consistent with the following Community Access and Inclusion Plan 2015 – 2018 objectives and actions:

Objective 3 – Promote inclusion and participation in the community of persons with a disability.

Action 3.12 – Develop a Disability Advisory Group (or similar) that will provide advice, advocate and undertake initiatives that support greater social inclusion of persons with a disability and their families / carers.

## Background Information

Establishing the Disability Inclusion Reference Committee (DIRC) was a key recommendation of the City's Community Access and Inclusion Plan (2015 – 2018).

In particular, the DIRC was established to provide advice to the City on the development of plans and strategies, the implementation of projects and assist to increase social inclusion of people with a disability. The DIRC coordinates a public event annually concerning a priority disability issues arising in the community.

The DIRC commenced in 2016 and its continuation beyond the life of the Community Access and Inclusion Plan (2015 – 2018) will be supported in the forthcoming All Ages All Abilities Action Plan. The draft All Ages All Abilities Issues and Opportunities paper is currently on exhibition as part of the plan development.

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

10 June 2015: Council adopted the Community Access and Inclusion Plan 2015 – 2018 with an action being to: Develop a Disability Advisory Group, or similar.

25 November 2015: Council endorsed the establishment of the DIRC and its Terms of Reference.



## Report

The DIRC meets bi-monthly and comprises eight community representatives, four representatives from a local disability agency or network, three City Managers and three Council representatives.

In line with the DIRC's Terms of Reference, on the 13 June, 2019, six committee member positions became vacant for a two year term. Four of these positions were for community representatives and two for representatives of a local disability agency or network.

Expressions of Interest were invited in accordance with the DIRC's membership criteria found in the Terms of Reference, in particular:

- *Community representatives who are persons with diverse disabilities,*
- *Community representatives who are unpaid carers of persons with disability, ideally with at least 1 carer of a child and 1 carer of an adult,*
- *Representatives from local disability-specific agencies; and*
- *Representatives from local organisations or networks that have influence on social inclusion for persons with a disability.*

*Membership should always weigh in favour of the number of community representatives and unpaid carers versus agency and City representation.*

*The Committee will have a maximum of 17 members; 8 community representatives, 4 disability agency and local organisation representatives, and 5 representatives from the City including Councillors.*

The Expression of Interest period for the six vacant positions commenced on the 20<sup>th</sup> of May 2019 and closed on the 7<sup>th</sup> of June, 2019. Twenty one expressions of interest were received for the six available committee positions. Each applicant was requested to respond to three key questions in order to assist with the assessment of their relevant interests, knowledge and experience. The key interview questions were:

1. Why do you want to be a member of the DIRC?
2. What is your personal and professional experience of disability and your understanding of the issues affecting people with a disability in our community?
3. What connections do you have to community networks or groups?

As per the Terms of Reference, four of the vacant positions were for community representatives with a disability and/or who are a carer for someone with a disability; and two were for representatives from a local organisation or network.

Eleven applicants were shortlisted for interviews by Daniel Rees (Inclusive Communities Officer), Nikki Williams (Senior Inclusive Communities Officer) and Alexander Leech (HR Advisor). Shortlisted candidates included: two unpaid carers, five persons with a disability and four representatives from a local organisation or network. Other shortlisting considerations included gender and diverse disability type (e.g. intellectual, physical and sensory) representation.

Interviews were conducted on 2nd and 3rd July 2019. The Interview Panel included Councillor George Flack, Daniel Rees (Inclusive Communities Officer), Alexandra Leech (HR Advisor) and Bernadette Wright (Community Representative, DIRC). At the completion of the interviews, the Interview Panel was unanimous in their choice of the six interviewees to recommend to Council for membership of the DIRC. The six applicants to be recommended for appointment are:

- John Cooper,
- Justin Marshall,
- Madelyn Blackwood,
- Sara McQueenie,
- Scott McLarty
- Vinnie Mammoliti

It is the Interview Panel's opinion that these six applicants all satisfied the key selection criteria, and collectively offer an excellent mix of motivation, disability inclusion knowledge, personal experience, advocacy and leadership skills, and connections with the wider community.

It was the Panel's opinion that the remaining five applicants, whilst having demonstrated knowledge and experience in their respective areas, did not satisfy one or more of the Key Selection Criteria as strongly as the recommended applicants. The appointment of the six recommended applicants will finalise the DIRC community representative and representative from a local disability agency / network recruitment process for this year, with all available positions being filled.

In accordance with the DIRC's Terms of Reference, community representatives and representatives from a local disability agency / network are appointed for a two year term.

### **Consultation/Communication**

Details of the Expression of Interest process were promoted via: advertisements in local newspapers, community newsletters, radio advertisements, relevant email networks plus the City's website and social media accounts.

Two Information Sessions on the DIRC, its Terms of Reference and committee member requirements were held during the Expression of Interest process. Eleven community members attended the sessions.

Additionally, Officers responded to numerous enquiries from interested community members and service providers during the Expression of Interest period.

**Resource Implications**

The City's Inclusive Communities Officers convene and facilitate the functioning of the DIRC within existing resources. Officers provide any disability-related support required of members to enable their participation in the DIRC. The level of resources the City allocates in response to the various issues and opportunities arising out of the work of DIRC are responded to on an as needs basis within existing resources.

**Attachments**

Nil

**4. STRENGTHENING THE ECONOMY**

Nil.

**5. ENVIRONMENTAL SUSTAINABILITY**

Nil.

## 6. EMBRACING OUR CULTURE AND HERITAGE

### 6.1 HERITAGE GAP ANALYSIS AND FUTURE WORK PROGRAM

#### 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 that Council adopt the *City of Greater Bendigo Heritage Gap Analysis* May 2019 prepared by Landmark Heritage Pty Ltd. The purpose of the Gap Analysis was to identify gaps in heritage protection in the Greater Bendigo Planning Scheme, including studied areas that require updating and more importantly, to recommend a methodology for filling those gaps as efficiently and quickly as possible.

The key findings of the Gap Analysis were that while there have been a number of heritage studies completed over the years, there are significant locality gaps, including the ex-Shire of Huntly and urban areas of ex-Shire of Strathfieldsaye. The largest and most important of the heritage studies is out of date and requires updating, being the *Eaglehawk and Bendigo Heritage Study* 1993.

The main recommendations of the report are to:

- Prepare an on-going consultation program;
- Undertake a number of internal research and tidy up tasks;
- Use Golden Square as a pilot area for reviewing the Bendigo Eaglehawk Study and then review the remainder;
- Undertake priority studies for miners' cottages, Huntly township and Flora Hill/Spring Gully area.

#### **RECOMMENDATION**

That Council resolve to:

1. Adopt the City of Greater Bendigo Heritage Gap Analysis, May 2019.
2. Support a heritage community engagement program as part of the Heritage Strategy to identify community priorities.
3. Commence a Stage 2 heritage study for Golden Square, a Stage 2 study for Miners' cottages and a Stage 1 study for Huntly.

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Policy Context

Greater Bendigo Community Plan 2017 – 2021

Goal 6: Embracing our culture and heritage

Objective: Celebrate our unique heritage

Major initiative: Undertake relevant heritage studies in accordance with Council's Built Heritage Strategy.

City of Greater Bendigo Planning Scheme

The Heritage Gap Analysis and its proposed work program support the following clauses of the Planning Scheme:

State Planning Policy

Clause 15 Built Environment and Heritage

- *Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and context.*
- *Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.*

Clause 15.03-1S Heritage conservation

The objective of this clause is to:

- *To ensure the conservation of places of heritage significance.*

The relevant strategies of this clause are:

- *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- *Provide for the protection of natural heritage sites and man-made resources.*
- *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- *Encourage appropriate development that respects places with identified heritage values.*
- *Retain those elements that contribute to the importance of the heritage place.*
- *Encourage the conservation and restoration of contributory elements of a heritage place.*
- *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*

Local Planning Policy

Clause 21.01 Municipal profile

- *Greater Bendigo's heritage is of outstanding historical, social, aesthetic, architectural and scientific significance. Our heritage assets play an important industrial and tourism role for the municipality and represent an important link to the initial development of central Victoria.*

Clause 21.02-2 Environment

Managing heritage sites and places

- *The heritage places of Greater Bendigo can be considered as some of the region's most valuable assets which set the city apart. The municipality has one of the highest numbers of State significant buildings, with some assets of potential international significance. These assets reflect the major role that Bendigo played in one of the biggest gold rushes and migrations in the world. Heritage places in Greater Bendigo encompass buildings, structures, gardens and vegetation, landscapes and other items associated with the history and settlement of the area. These places are located on private and public land, including sites in parks, conservation reserves and forests. Some of these may be indigenous sites, or ruins such as historical archaeological sites. Sites of natural significance, specifically of geological value, are also within the Greater Bendigo area.*

Cultural heritage challenges

- *The municipality faces a number of land use and development challenges in relation to cultural heritage. Our heritage assets are a major attractor to new residents, however they are also under threat with a significant proportion of new residential development occurring within existing suburbs and heritage areas. A key challenge facing the municipality in regards to cultural heritage is differing community attitudes, with some considering heritage as a value that adds uniqueness and character to the region, while others see cultural heritage as a potential obstruction to growth and development.*
- *A major challenge in managing growth in heritage areas is that not all of the municipality's heritage assets have been identified and protected in the planning scheme and are therefore being lost to demolition. Another heritage challenge is that many lots with heritage significant assets are being more intensively developed and at risk of potential detrimental impacts on heritage values, including poor design of new buildings, loss of views of heritage places and loss of historic gardens.*

Tourism

- *Bendigo forms part of the Goldfields campaign region as defined by the Victorian State Government. This region is recognised for its significant heritage value and as Victoria's regional events capital.*

Clause 22.06 Heritage policy

The objectives of this clause are:

- *To retain heritage assets for the enjoyment, education and experience of residents, visitors and future generations of the municipality.*
- *To ensure that new development is sympathetic with the appearance and character and maintains the significance of heritage places, including surrounding precincts.*
- *To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.*

Background Information

Heritage studies have been undertaken in the municipality since 1977 and implemented into the Greater Bendigo Planning Scheme since 1996. As a result, a large number of places are protected by heritage overlays, either in a heritage precinct or individual overlay. Heritage studies are done in two stages with Stage 1 studying the broad themes and potentially significant places and Stage 2 undertaking a detailed assessment of places.

Past major heritage studies include:

- *Eaglehawk and Bendigo Heritage Study 1993*
- *Former Shire of Marong Heritage Studies 1993* (Stage 1) and 1999 (Stage 2)
- *Former Shires of Mclvor and Strathfieldsaye Heritage Studies 2002* (Stage 1) and 2010 (Heathcote, Axedale and rural areas only)
- *Ironbark Heritage Study 2010*
- *Bendigo Thematic Environmental History 2013*
- *White Hills and East Bendigo Heritage Studies Part 1 2013 and 2 2016* (Stage 2)

Some areas of the municipality have not been fully studied, eg ex-Shire of Huntly, while others that are critical to the City's heritage character and that are under significant development pressure were assessed more than 25 years ago and that information needs review, eg Central Bendigo and Golden Square. For instance the Eaglehawk and Bendigo Study does not clearly identify which places are significant or contributory in a precinct and what elements of an individual place are significant. Also views on what is of heritage value have changed in that time, for instance very few 1850s/60s miners' cottages were protected in that study.

Having up to date heritage information is also necessary for the statutory planning process; it allows the application of VicSmart, which makes planning permits quicker and simpler, it makes permit applications and heritage assessment more efficient and it will better support decision making including by VCAT.

The *Greater Bendigo Thematic Environment History* studied the broad heritage themes of the municipality to underpin any future heritage studies and identified broad heritage protection gaps. It found an uneven coverage and substantial gaps in heritage coverage in the Planning Scheme. The *Thematic Environmental History* recommended that the following studies be completed to comprehensively represent the rich heritage of the municipality:

- City Centre - an area that was excised from the *Eaglehawk and Bendigo Heritage Study 1993*. Currently in final draft form.
- Bendigo south eastern suburbs – the suburbs of Flora Hill, Golden and Spring Gullies that were excised from the former *Shires of Mclvor and Strathfieldsaye Heritage Study 2010*;
- Former Shire of Huntly – a shire amalgamated into the City of Greater Bendigo that has never been studied;
- Revision of the *Eaglehawk and Bendigo Heritage Study 1993* – a study that requires review and conversion into the 'new format' Planning Scheme.

In recent times two heritage studies, other than the City Centre Study, have been undertaken; the Miners' Cottage Study Stage 1 (to identify cottages across the municipality not in an overlay) and Marong Township Heritage Study Stage 2 to support the Marong Township Structure Plan.

Council in the 2018/19 budget, supported a program to complete the City's heritage studies. Because of the large amount of work to be undertaken, it was decided to commission Landmark Heritage to prepare a Gap Analysis and recommended methodology for completing the heritage studies most efficiently.

Report

The main aim of the *City of Greater Bendigo Heritage Gap Analysis* (see attached) is to provide a strategy for managing and prioritising the work required to complete the suite of post-contact heritage studies for the City over a four year period. It had the following specific objectives:

- Ensure the valuable heritage of Bendigo is protected for future generations to enjoy.
- Ensure there is a balanced approach to heritage management and growth.
- Complete documentation of critical gap areas in Greater Bendigo's built heritage coverage to assist future planning and development in an efficient and timely manner.
- Ensure the heritage studies will be useful statutory planning tools.

The Gap Analysis identified a range of geographical and typological gaps in current heritage protection, as well as the need for review of some existing heritage study documentation. This finding was similar but more detailed to that of the *Thematic Environmental History*.

Priorities for future work were determined considering potential threats to assets. Advice was then given on the most efficient and effective approaches to complete future heritage work, including the potential harnessing of existing skills and expertise amongst City staff if available.

The High Priority tasks identified in the Gap Analysis are:

1. Engage a consultant to prepare an on-going consultation strategy to support the Heritage Program, with initial consultation to occur on municipal wide gaps and priorities as part of the Heritage Strategy. This would then be followed by a more targeted approach for individual studies. The consultation may include a formal community reference group to support the program, or this function may be filled by the existing Heritage Advisory Committee.
2. The City undertake a range of tasks internally to prepare for future heritage studies so that they can be done as efficiently as possible including:
 - a. Enter data from past heritage studies into Hermes database;
 - b. Prepare a consolidated list of all places of potential heritage significance, including trees;
 - c. Implement protection of trees of heritage value in conjunction with Greening Greater Bendigo;

- d. Develop a standard approach and brief for heritage studies to ensure consistency and thoroughness including a standard local history;
 - e. Develop benchmarks for intactness and integrity and local definitions of Significant and Contributory;
 - f. Prepare thematic histories for important architectural types to be used across the City, eg Victorian houses;
 - g. Prepare a comprehensive list of historical sources and studies for use by consultants to reduce delay and costs.
3. Undertake a heritage review of Golden Square, which would include identifying new places and updating existing precincts based on the research undertaken above. This would then become a pilot for future reviews of the *Eaglehawk and Bendigo Heritage Study* and would support the Golden Square structure plan currently being prepared.
 4. Review and update the citations/descriptions for the precincts for the *Eaglehawk and Bendigo Heritage Study* to support statutory planning decisions based on Golden Square methodology.
 5. Complete the Stage 2 Miners' Cottage Study. Part of this could also be done in locality studies, eg Golden Square.
 6. Undertake a full (Stage 1 and 2) heritage study of the Huntly township, using a list of places already collected by the local historical society and community.
 7. Undertake a Stage 1 and 2 study for rest of the Eaglehawk and Bendigo area based on methodology developed with Golden Square.
 8. Undertake a Stage 1 and Stage 2 study for Bendigo urban areas of the ex-Shire of Strathfieldsaye; eg Flora Hill, Spring Gully etc (the Statutory Planning Heritage team believes this should possibly go ahead of item 6).

Medium Priority tasks identified:

1. Stage 1 and 2 study of Goornong to feed into a structure plan.
2. Complete the significant tree register and protect any trees in the Planning Scheme not already protected.
3. Further investigate aboriginal contact and post contact places, in consultation with the Dja Dja Wurrung.
4. Post-war heritage study (the Statutory Planning Heritage team believe this study should possibly be prepared earlier depending on community responses alongside tasks 6-8 above).
5. Archaeological review of mining sites.
6. Stage 1 and 2 study of the rural areas of ex-Shire of Huntly including Elmore.

Longer term recommended tasks:

1. Review Shire of Marong Heritage Study.
2. Assessment of heritage places on public land.
3. On-going tidying up of citations and Hermes database.

Undertaking consultation on the heritage program as part of the Heritage Strategy may mean a change to the above priorities. However, to progress the program and support the immediate work of the Golden Square structure plan, the Heritage team recommends that high priority tasks 2 and 3, the preliminary research work and Golden Square Stage 2, be commenced immediately followed by tasks 5 and 6.

Consultation/Communication

It is essential that effective community consultation is part of preparing heritage studies so that the community have a sense of ownership, understand what is proposed and contribute information about places. In preparing the Gap Analysis the consultant spoke to City staff involved in heritage planning and assessment, including statutory planners and to local heritage consultants and community groups including historical societies and the National Trust.

A comprehensive consultation program will be prepared to support the Heritage program. It is proposed that priorities be tested with the community as part of the Heritage Strategy. Consultation will also occur with local communities during each heritage study.

The Gap Analysis refers to a recent extensive heritage consultation program undertaken by Port Phillip Council as a potential model for Bendigo. The cities of Melbourne and Ballarat have also done extensive community consultation in the heritage area recently.

Conclusion

The built heritage assets of the City are well known and highly regarded. They tell the story of our past and help to attract visitors and new residents. It is important that we protect them in balance with facilitating good development. To achieve this we need high quality heritage assessment information that can be readily accessed and understood by the community and utilised by the statutory planning process.

Options

Council has the option of:

- Supporting the recommendation.
- Rejecting the recommendation.

Resource Implications

A budget of approximately \$150,000 is available this financial year.

Staff resources will include a senior planner to run the program supported by the Amendments and Heritage Coordinator and the Heritage Advisor.

Attachments

- *City of Greater Bendigo Heritage Gap Analysis 2019*

7. LEAD AND GOVERN FOR ALL

7.1 LOCAL LAW - MEETING PROCEDURE

Document Information

Author Peter Hargreaves, Coordinator Civic and Governance Support

Responsible Director Andrew Cooney, Director, Corporate Performance

Purpose

The purpose of this report is to seek Council approval to release for public exhibition, the Draft Greater Bendigo City Council Local Law – Process of Municipal Government (2020) in accordance with Section 119 of the *Local Government Act 1989*.

Summary

Under Section 91 of the Local Government Act 1989 ('the Act') Council must maintain a local law governing the conduct of meetings of the Council and special committees.

The 10-year-old Local Law 8 that governs Council meeting procedure, along with use of the Council seal and the proceedings for electing the Mayor and Deputy Mayor, will expire on December 31, 2019.

Meanwhile the Victorian Government has announced a new Local Government Bill will be tabled in State Parliament this year and enacted in 2020 with the result that the current legislative requirements will change. This is expected to render any new Local Law redundant.

It is therefore proposed that Council adopt a new Local Law which mirrors the existing Local Law in order to maintain the processes of good municipal governance over the interim period.

It further proposes that Council undertake a more comprehensive review of its procedures regulating meetings, use of the Council seal and election of the Mayor and Deputy Mayor once the requirements of the new legislation are enacted.

RECOMMENDATION

That Council resolve:

1. In accordance with Section 119 of the *Local Government Act 1989*, to give notice of its intention to resolve to adopt the Draft Greater Bendigo City Council Local Law – Process of Municipal Government (2020) in the Victorian Government Gazette and local newspapers in a public notice stating:
 - (a) the purpose and general purport of the proposed Greater Bendigo City Council Local Law – Process of Municipal Government (2020);
 - (b) that a copy of the proposed Greater Bendigo City Council Local Law – Process of Municipal Government (2020) can be obtained from the Council offices; and
 - (c) that any persons affected by the proposed Greater Bendigo City Council Local Law – Process of Municipal Government (2020) may make a submission relating to the proposed Greater Bendigo City Council Local Law – Process of Municipal Government (2020) under Section 223 of the *Local Government Act 1989*.
2. To appoint a Committee of the whole of Council, to consider any submissions by persons that request to be heard in accordance with Section 223 of the *Local Government Act 1989*, and authorise the Chief Executive Officer to set the date, time and location of the meeting to hear submissions.
3. Undertake a more comprehensive review for the long term of the Local Law regulating meeting procedure, the proceedings for electing the Mayor and Deputy Mayor and use of the common seal once a new Local Government Act is gazetted and the guidelines for this aspect of municipal governance are clear

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## **Report**

Section 91 of the Act requires Council maintain a local law governing the conduct of meetings of the Council and special committees.

City of Greater Bendigo Process of Municipal Government Local Law, Local Law 8 regulates and controls proceedings at meetings of Council and Special Committees of the Council. It also regulates the use of the common seal of the Greater Bendigo City Council, and proceedings for the election of the Mayor and Deputy Mayor.

Local Law 8 came into operation on January 1, 2010 and automatically ceases to operate on December 31, 2019. It cannot be extended.

Council must therefore have in place a new Local Law governing future meeting procedure, use of the common seal and the election of the Mayor and Deputy Mayor when the current local law expires.

The new Local Law must accord with the Local Government Act 1989 and other relevant legislation enacted since Local Law 8 was established.

Work on a new Local Law has been delayed pending reform of the Act.

A Bill to reform local government legislation in Victoria was introduced into State Parliament last year but lapsed when Parliament was prorogued for the State Election.

Meanwhile the Victorian Government is preparing to introduce a new Local Government Act into State Parliament this year.

The Minister has already indicated this new Bill will contain a new requirement for all Councils to adopt Governance rules which will replace and expand on existing meeting procedures local laws to take effect in late 2020 with the new term of Council.

Therefore any new Local Law adopted by Council is likely to be rendered redundant under a new Act.

A simple solution would be to extend the life of the existing Local Law until the new Local Government Act comes into effect.

However the Act does not allow Council to extend the life of a local law beyond the date it is due to cease operation – in this case December 31, 2019.

Council has no option but to adopt a Local Law to guide meeting procedure for the interim period between when the current Local Law expires on December 31, 2019 and the new Act takes effect in late 2020.

It is therefore proposed that Council adopt a new Local Law which mirrors the existing Local Law in order to maintain the processes of good municipal governance over the interim period.

It further proposes that Council set in place plans for a more comprehensive review to update its rules regulating meeting procedure, the election of the Mayor and Deputy Mayor and use of the common seal for the longer term once the requirements of the new legislation are enacted.

## **Policy Context**

### Community Plan Reference:

Goal 1: Lead and govern for all

#### **1.2.3 Document and communicate in a consistent common style**

- Ensure staff members' community engagement obligations are informed by the principles set out in the *Communications Strategy*.

## Background Information

Council's powers to make local laws and the process to be followed including public notice, the opportunity for public submissions and the establishment of a Committee of the Whole Council to consider submissions are set out in Part Five of the Act.

The process outlined for consideration of this draft new Local Law is in accordance with the Act.

The new Local Law must not be inconsistent with Commonwealth or State Acts or regulations and must be consistent with the Victorian Charter of Human Rights and Responsibilities. In some instances where a Local Law comes into effect, some human rights of an individual may be limited. Such limitations are permitted if; whilst preparing and interpreting the Local Law; it is considered that the limitation is a fair and just balance of the rights of the individual with the overall protection of community interest.

A review of the draft new Local Law has found no inconsistencies with Commonwealth or State legislation or regulation or the Victorian Charter of Human Rights and Responsibilities.

## Explanation of Greater Bendigo City Council Local Law – Process of Municipal Government (2020)

Draft Greater Bendigo City Council Local Law – Process of Municipal Government (2020), which is now proposed for public exhibition in accordance with the Act, duplicates the provisions of the existing Local Law – Local Law 8.

The objectives of this Local Law remain the same as the existing Local Law 8:

- (a) To regulate the use of the common seal of the municipality and to regulate the proceedings for election of Mayor and Deputy Mayor.
- (b) To regulate and control proceedings at meetings of the Council and Special Committees of the Council.
- (c) To promote and encourage good governance.

There are no substantive changes from the existing Local Law.

The penalty unit has been updated to reflect current values.

The Local Law would cease to operate on December 31, 2024 unless revoked earlier.

It is intended that this Local Law would only remain in place until:-

- a new Local Government Act has been enacted in 2020 and the requirements on Councils for regulating meeting procedure are clear,
- Council completes a comprehensive review of this Local Law, and
- Council has prepared a new local law reflecting current thinking in good municipal governance in consultation with the community.

This process is expected to be concluded no later than mid-2022.



**Priority/Importance:**

The creation of a new Local Law to replace Local Law 8 when it expires in December is a high priority to ensure the ongoing good governance of the City.

**Timelines:**

| <b>Action</b>                                                                                                               | <b>Date</b>                        |
|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| Exhibit Draft Greater Bendigo City Council Local Law – Process of Municipal Government                                      | August 29 to September 27          |
| Notice published in Government Gazette<br>Public Notices                                                                    | August 29<br>Week of August 26     |
| Closing date for public submissions                                                                                         | 5pm September 27                   |
| Committee of Whole Council meeting to hear submissions (if required)                                                        | October, date to be fixed          |
| Council meeting formally adopts final Draft Greater Bendigo City Council Local Law – Process of Municipal Government (2020) | November 20                        |
| Notice published in Government Gazette<br>Public Notice                                                                     | November 28<br>Week of November 23 |
| Copy of the Greater Bendigo Local Law to Minister                                                                           | November 28                        |
| City of Greater Bendigo Process of Municipal Government Local Law, Local Law 8 ceases automatically                         | December 31                        |
| Greater Bendigo City Council Local Law – Process of Municipal Government (2020) comes into effect                           | January 1, 2020                    |

**Risk Analysis:**

As stated above Council must have a new Local Law regulating meeting procedure, use of the common seal and the procedure for electing the Mayor and Deputy Mayor in place for when the existing Local Law ceases to exist on December 31, 2019.

**Consultation/Communication**

Local Laws cannot be created without undertaking a consultation process. Section 119 of the Act, requires that:

- (1) Before Council makes a local law, it must comply with the following procedure.
- (2) The Council must give a notice in the Government Gazette and a public notice stating-
  - (a) The purpose and general purport of the Local Law; and
  - (b) That a copy of the proposed local law and any explanatory document can be obtained from the Council office; and
  - (c) That any person affected by the proposed local law may make a submission relating to the proposed local law under section 223 (of the Act).

(2A) The Council must ensure that-

(a) A copy of the proposed local law; and

(b) An explanatory document setting out prescribed details in relation to the local law-

is available for inspection at, and obtainable from, the Council office during ordinary business hours.

A communication and media plan will support the release of the Draft Greater Bendigo City Council Local Law – Process of Municipal Government (2020) for consultation, in addition to the methods of exhibition prescribed in the Act.

### **Resource Implications**

The review has been completed by internal staff resources. Additional costs of approximately \$1,000 are associated with the public notice and formal exhibition process.

### **Attachments**

1. Draft Greater Bendigo City Council Local Law – Process of Municipal Government (2020).

**GREATER BENDIGO CITY COUNCIL****LOCAL LAW - PROCESS OF MUNICIPAL GOVERNMENT (2020)****CONTENTS:**

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**GREATER BENDIGO CITY COUNCIL**  
**LOCAL LAW – PROCESS OF MUNICIPAL GOVERNMENT (2020)**

**1. Title**

This is the City of Greater Bendigo Local Law No. 8- "Process of Municipal Government".

**2. Objectives of this Local Law**

The objectives of this Local Law are:

- (a) To regulate the use of the common seal of the municipality and to regulate the proceeding for election of Mayor and Deputy Mayor.
- (b) To regulate and control proceedings at meetings of the Council and Special Committees of the Council.
- (c) To promote and encourage good governance.

**3. Power to make this Local Law**

The Council's authority to make this Local Law is contained in Section 111 of the Local Government Act 1989.

**4. Operational Date of this Local Law.**

This Local Law is operational from the 1st of January, 2019.

**5. Date this Local Law Ceases Operation**

This Local Law ceases operation on the 31st of December, 2024 unless otherwise revoked.

**6. Scope of this Local Law**

This Local Law will apply to all meetings of the Council.

**7. Words used in this Local Law**

|                           |                                                                                                      |
|---------------------------|------------------------------------------------------------------------------------------------------|
| "Act"                     | means the Local Government Act 1989;                                                                 |
| "Assembly of Councillors" | as detailed by the Local Government Act.                                                             |
| "Chairperson"             | means the Chairperson of a meeting and includes an acting, a temporary and a substitute Chairperson; |
| "Chief Executive Officer" | means the Chief Executive Officer of Council, and                                                    |

|                                     |                                                                                                                                                                                                 |
|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                     | includes a person acting as Chief Executive Officer;                                                                                                                                            |
| <b>"Common seal"</b>                | means the common seal of Council;                                                                                                                                                               |
| <b>"Council"</b>                    | means the Greater Bendigo City Council;                                                                                                                                                         |
| <b>"Council Meeting"</b>            | includes a meeting at which the Mayor is elected, an Ordinary meeting and a Special meeting of Council;                                                                                         |
| <b>"Formal Motion"</b>              | means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but used merely as a formal procedural measure                             |
| <b>"Mayor-Elect"</b>                | means a Councillor elected to be the next Mayor as part of an informal process and who is expected to be elected as Mayor at a formal meeting of the Council;                                   |
| <b>"Mayor"</b>                      | means the Mayor of Council and any person acting as Mayor;                                                                                                                                      |
| <b>"Minute book"</b>                | means the collective record of proceedings of Council;                                                                                                                                          |
| <b>"Notice of motion"</b>           | means a notice setting out the text of a motion, which is proposed to be moved at the next relevant meeting;                                                                                    |
| <b>"Notice of motion recession"</b> | means a notice of motion to rescind a resolution made by Council;                                                                                                                               |
| <b>"Offence"</b>                    | means an act or default contrary to this Local Law;                                                                                                                                             |
| <b>"Ordinary meeting"</b>           | means an Ordinary meeting of Council;                                                                                                                                                           |
| <b>"Penalty units"</b>              | means penalty units as prescribed in the Sentencing Act 1992;                                                                                                                                   |
| <b>"Special meeting"</b>            | means a Special meeting of Council.                                                                                                                                                             |
| <b>"Written"</b>                    | includes photocopied, printed and typed.                                                                                                                                                        |
| <b>"Penalty unit"</b>               | The current value of a penalty unit is \$165.22 (as at 1 July 2019). The value of a penalty unit is set annually by the Department of Treasury and Finance, and is updated on 1 July each year. |

## **PART TWO**

### **THE COUNCIL'S COMMON SEAL**

#### **8. Use of the common Seal**

- (1) The Council's common seal must only be used on the authority of the Council and every document to which the seal is affixed must be signed by the Chief Executive Officer or his/her delegate.
- (2) The CEO must ensure the security of the Council's common seal at all times.

- (3) Any person who uses the Council's common seal without authority is guilty of an offence.

### **PART THREE**

#### **ELECTION OF MAYOR**

##### **9. When Required**

The meeting to fill the vacancy of Mayor will be held:

- 1) as soon as possible after the declaration of the result of the election;
- 2) where the position of Mayor becomes extraordinarily vacant as soon as practicable after the vacancy has occurred.

##### **10. Setting Meeting Time for Election of Mayor**

The CEO will determine the most appropriate time and date for the election of Mayor, subject to the provisions of the Local Government Act 1989.

##### **11. Election of Mayor Following Extraordinary Vacancy**

A Mayor elected following an extraordinary vacancy will serve out the term of the previous Mayor.

##### **12. CEO to Preside**

The CEO will preside at the election of the Mayor.

##### **13. Method of Voting for Mayor-Elect and Mayor**

- (1) Voting is by an informal process involving a secret ballot at a Councillors Forum (Assembly of Councillors) to determine the Mayor-Elect. The CEO or a member of Council staff will act as a Returning Officer and Councillors not standing for election may act as scrutineers. If all Councillors stand for election, Councillors will nominate their own scrutineers.
- (2) All Councillors present are required to vote.
- (3) If a candidate receives an absolute majority of total number of votes he or she is declared Mayor-Elect.
- (4) If a candidate fails to receive an absolute majority of votes, there are further rounds of voting and each time the candidate with the least amount of votes is eliminated.
- (5) If at any stage there are an equal number of votes, Councillors vote to eliminate a candidate. If there is an even number of votes Councillors will pause for further discussion and vote again. If there is still an even amount of votes a candidate will have to be eliminated by lot.

- (6) If there is an even number of Councillors present and at the end of the process there is still an equal number of votes Councillors will pause for further discussion and vote again, if there is still an equal number of votes for the two (2) remaining candidates the Mayor-Elect will have to be drawn by lot.
- (7) At the ordinary meeting of Council the Mayor-Elect is nominated for the position of the Mayor and the Mayor is elected by a show of hands at the Council meeting (by convention it is expected that the Mayor-Elect will be elected to be the Mayor).
- (8) If there is more than one nomination at the Council meeting, the election of the Mayor will follow the same process as for the Mayor-Elect.

#### **14. Election of Deputy Mayor**

- (1) If the Council resolves to elect a Deputy Mayor the provisions contained in this part for the election of the Mayor will apply to the election of Deputy Mayor.
- (2) If the Council do not elect a Deputy Mayor the last serving Mayor will act as Chairperson if the Mayor is absent. If no past Mayor is a Councillor the Council will elect a Chairperson

### **PART FOUR**

#### **COUNCIL MEETINGS**

#### **15. Chairpersons Duties and Responsibilities**

- (1) To formally declare the meeting open, after ascertaining that a quorum is present and to welcome other visitors.
- (2) To preside over and control the meeting, conduct it impartially and according to this Local Law and established protocols in order to ensure the smooth passage of the business.
- (3) To sign minutes of meetings as correct when they have been confirmed.
- (4) To ensure that debates are conducted in the correct manner.
- (5) To declare the results of all votes.
- (6) To give rulings on points of order and other questions of procedure.
- (7) To preserve order, and, if necessary, "name" offending members.
- (8) To adjourn (when required) or formally declare the meeting closed when all business has been concluded.

#### **16. Notices and Agendas**

- (1) The date, time and place of all Council meetings are to be fixed by the Council from time to time and at least seven days' notice must be provided to the public.

- (2) The Council may change the date, time and place of any Council meeting which has been fixed and must provide at least seven days' notice of the changes to the public.
- (3) The notice necessary to call a Special Meeting in accordance with the Act must be delivered to the CEO in sufficient time to enable seven days' notice to be given to Councillors.
- (4) A notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be delivered to every Councillor;
  - (a) for an ordinary meeting at least 2 clear days before the meeting;
  - (b) for a special meeting at least 2 clear days before the meeting; and for a committee meeting at least 2 clear days before the meeting.
- (5) Agendas will be available to the public on the website at least two clear days before the meeting.
- (6) It will not be necessary for a notice of meeting or agenda to be delivered to any Councillor who has been granted leave of absence, unless the Councillor has requested the CEO in writing to continue to be given notice of any meeting to be held during the period of his or her absence.
- (7) In the case of an emergency, the CEO or, in the absence of the CEO, a delegate of the CEO may call or postpone a meeting of the Council.

#### **17. Absence or Apologies**

- (1) If a Councillor has a planned period of leave or absence, a leave of absence should be sought from the Council at the meeting prior to the absence.
- (2) If a Councillor will be absent unexpectedly due to illness or other circumstances an apology for the meeting can be communicated by email or telephone.

#### **18. Quorums**

- (1) The quorum required for Ordinary Council Meetings will be not less than half the total number of elected Councillors.
- (2) The quorum required for Special Council Meetings will be not less than half the total number of elected Councillors.
- (3) The quorum for Special Committee Meetings will be determined by the Committee but in the absence of the Committee determination, the quorum required will be not less than half of the total number of persons elected to the Committee.
- (4) In the case of an emergency where the CEO or, in the absence of the CEO, a delegate of the CEO, has called a meeting, the quorum for a Special (Emergency) Meeting will be not less than half of the total number of elected Councillors.



- (5) If after thirty (30) minutes of the scheduled starting time of any meeting or adjournment a quorum cannot be obtained, those Councillors present or if there are no Councillors present, the CEO or, in the absence of the CEO a delegate of the CEO, may adjourn the meeting for a period not exceeding ten (10) days from the date of the adjournment.
- (6) If during any meeting or any adjournment of the meeting a quorum cannot be achieved and maintained, those Councillors present or if there are no Councillors present, the CEO or, in the absence of the CEO a delegate of the CEO, may adjourn the meeting for a period not exceeding ten (10) days from the date of the adjournment.
- (7) If during any meeting or adjournment a quorum cannot be achieved or maintained due to the declaration of conflict of interest by the majority of Councillors, the CEO, or in the absence of the CEO, a delegate of the CEO, may adjourn the meeting for a length of time sufficient to enable special dispensation for the affected Councillors to be obtained from the Minister.
- (8) The CEO may provide written notice of an adjourned meeting but where that is not practicable because time does not permit that to occur then provided a reasonable attempt is made to contact each member, notice by telephone, email, in person or by some other measure will be sufficient.

## 19. Minutes

- (1) In keeping the minutes of any Ordinary or Special meeting, the Chief Executive Officer must arrange the recording of minutes so as to show:
  - (a) The names of Councillors and whether they are PRESENT, and APOLOGY, on LEAVE OR ABSENCE, etc; and
  - (b) The names of officers present;
  - (c) The arrival and departure of Councillors during the course of the meeting (including any temporary departures or arrivals);
  - (d) The outcome of every motion and amendment, that is,
    - Whether it was put to the vote:
    - If it was put to the vote, the result of the vote (namely CARRIED, LOST, WITHDRAWN OR LAPSED)
  - (e) Procedural motions (which might be highlighted);
  - (f) Where a valid division is called, a table of the names of every Councillor and the way their vote was cast; either FOR or AGAINST;
  - (g) Details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
  - (h) The time and reason for any adjournment of the meeting or suspension of standing orders; and

- (i) Disclosure of any conflict interest and the reason for the conflict of interest prior to the report being considered.
- (2) Confidential items considered under Section 89 of the Act are maintained in a separate Minute book.
- (3) In addition the minutes should:
  - (a) bear the date and time the meeting was commenced, adjourned, resumed and concluded;
  - (b) be consecutively page numbered;
  - (c) contain consecutive item numbers which are clearly headed with subject titles and, where appropriate, sub-titles; and
  - (d) be indexed and be supplemented by an annual cumulative index.
- (4) The CEO is responsible for the keeping of minutes on behalf of the Council.
- (5) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- (6) If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:
  - (a) State the item or items with which they are dissatisfied; and
  - (b) Propose a motion clearly outlining the alternative wording to amend the minutes.
- (7) The Council may defer the confirmation of minutes until later in the meeting or until the next meeting as appropriate.

## **20. Business of the Meetings**

- (1) The order of business will be determined by the CEO to facilitate and maintain open, efficient and effective processes of government.
- (2) Once an agenda has been sent to Councillors the order of business for that meeting may only be altered by resolution of the Council.
- (3) Notwithstanding Clause 18(1), the CEO may include any matter on an agenda which he or she thinks should be considered by the meeting.
- (4) No business may be conducted at an Ordinary Meeting of Council unless it is business:
  - (a) notice of which has been given either by inclusion in the agenda or any report accompanying the agenda or
  - (b) in a Notice of Motion or
  - (c) the Council agrees to consider as an item of urgent business.

## **21. Voting**

- (1) To determine a motion before a meeting, the Chairperson will first call for those in favour of the motion and then those opposed to the motion and will declare the result of the motion.
- (2) Unless the Council resolves otherwise voting on any matter will be by show of hands.
- (3) Once a vote on a motion has been taken no further discussions relating to the motion will be allowed unless the discussion is: -
  - (a) For a Councillor to request that his or her opposition to the motion be recorded in the minutes or a register maintained for that purpose; or
  - (b) Where Notice of Motion is given to rescind.

## **22. Casting Vote**

In the event of a tied vote, the Chairperson must exercise the casting vote in accordance with the Act.

## **23. Procedures for a Division**

- (1) A division may be requested by any Councillor on any matter.
- (2) The request for a division must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.
- (3) Once a division has been requested, the Chairperson will call for those Councillors voting for the motion to raise their hand and then those Councillors opposed to the motion, to raise their hand.
- (4) The vote taken during this division is a final vote for the purpose of Sub-Clause (5).
- (5) The CEO must record in the Minutes the names of Councillors and whether they voted for or against the motion.

## **24. Interruption For a Point of Order**

A Councillor who is speaking must not be interrupted unless called to order, and remain silent until the Councillor raising the point of order has been heard and the point of order determined.

## 25. Addressing the Meeting

- (1) Except for the Chairperson, any Councillor or person who addresses the meeting must stand and direct all remarks through the Chair with all Councillors and Officers being addressed in the form of their official title.
- (2) A Councillor who has the floor must not be interrupted unless called to order when he or she must sit down and remain silent until the Councillor raising the points of order has been heard and the question disposed of.

## 26. Motions

- (1) Any motion or amendment which -
  - (a) Is defamatory; or
  - (b) Is objectionable in language or nature; or
  - (c) Is outside the powers of the Council; or
  - (d) Is not relevant to the item of business on the Agenda and has not been admitted as urgent business; or
  - (e) Is intended to be an amendment but is not, must not be accepted by the Chairperson.
- (2) The procedure for any motion is -
  - (a) The mover must state the motion without speaking to it;
  - (b) If a motion is not seconded and is not a formal motion, the motion will lapse for want of a seconder;
  - (c) "If the motion is seconded, the Chairperson must ask:
    - (i) If the Mover wishes to address the Council on the motion;
    - (ii) The Secunder to address the Council on the motion (who may, without speaking on the motion, reserve his or her address until later in debate);
    - (iii) Any Councillor opposed to debate the motion; and
    - (iv) Any other Councillors for and against the motion to debate in turn."
- (3) The mover of a motion shall have a right of reply, after which the motion shall be immediately put. No right of reply is available where an amendment is before the Council.
- (4) An amendment may be proposed or seconded by a Councillor, except the mover or seconder of the original motion. An amendment shall not be a direct negative of the motion.
- (5) If the mover and seconder for the original motion accept an amendment, the amendment does not have to be put to a vote.

- (6) A Councillor may address the meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment.
- (7) Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.
- (8) If the amended motion is carried, it then becomes the final motion before the Chair.
- (9) At any time during debate a Councillor may foreshadow a motion to inform the Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- (10) Before any motion is put to the vote it may be withdrawn with leave of the mover and seconder.
- (11) The Chairperson may require any complicated or lengthy motion to be submitted in writing.
- (12) Debate must always be relevant to the question before the Chair and, if not, the Chairperson will request the speaker to confine debate to the subject motion.
- (13) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chair.
- (14) Unless a motion for an extension of time has been carried, the maximum speaking times will be:
  - (a) The mover of a motion - 5 minutes;
  - (b) The mover of a motion when exercising their right of reply - 2 minutes
  - (c) Any other Councillor - 3 minutes
- (15) Any one or more of the subclauses contained in this Clause may be suspended for a particular purpose by resolution of the Council.
- (16) No motion may be accepted by the Chairperson or be lawfully dealt with during any suspension of standing orders.

## **27. Formal Motions**

- (1) A formal motion may be moved and seconded at any time and must be dealt with immediately by the Chairperson.
- (2) The mover of a formal motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it
- (3) A formal motion cannot be moved by the Chairperson.

- (4) Debate on a formal motion is not permitted and the mover does not have a right of reply.
- (5) A formal motion cannot be amended.
- (6) A motion "That the (motion, report etc.) be deferred" is a formal motion which if carried, has the effect of deferring any further debate on the matter until such time (if any) as the Council resolves to consider the motion, report."
- (7) A motion "That the motion be now put" -
  - (a) Is a formal motion which if carried in respect to an original motion, that original motion must be put to the vote immediately without any further debate, discussion or amendment
  - (b) The Chairperson has the discretion to reject the motion upon which it is proposed has not been sufficiently debated.
- (8) A motion "That the motion and amendments now before the meeting be deferred until
  - (a) Is a formal motion which cannot be moved while any person is speaking or during the election of a Chairperson; and
  - (b) Is a motion on which debate is permitted, but may only be amended in relation to the time, date and place of proposed adjournment

## **28. Separation of Motions**

- (1) Where a motion contains more than one part, a Councillor may request the Chairperson to put the motion to the vote in separate parts.
- (2) The Chairperson may decide to put any motion to the vote in several parts.

## **29. Points of Order**

- (1) A point of order may be raised in relation to:
  - (a) A procedural matter;
  - (b) A Councillor who is or appears to be out of order; or
  - (c) Any act of disorder.
  - (d) An error in fact
  - (e) Objectionable/offensive language
  - (f) Lack of relevance to the motion before the Council
- (2) The Chairperson will decide all points without entering into any discussions or comment.
- (3) The Chairperson may adjourn the meeting to consider a point of order otherwise

he or she must rule on it as soon as it is raised.

- (4) All other matters before the Council will be suspended until the point of order is decided.
- (5) A Councillor raising a point of order must state -
  - (a) The point of order; and
  - (b) The reason for the point of order.
- (6) Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order

### **30. Adjournment of Meeting**

The Chairperson or the Council may adjourn any meeting until a time and place to be determined.

### **31. Suspension of Standing Orders**

- (1) To expedite the business of a meeting, the Chairperson may indicate an intention to suspend standing orders and may proceed on that intention with the support of the meeting.
- (2) The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure. (Public question time and recognition of achievements of staff and residents is conducted during the suspension of standing orders).
- (3) Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.
- (4) It should not be used purely to dispense with the processes and protocol of the government of Council. An appropriate motion would be:  
"That standing order be suspended to enable discussion on....."
- (5) Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:  
"That standing orders be resumed."

### **32. Notice of Motion**

- (1) Notices of Motion are submitted in time for the meeting of Councillors convened to consider the draft agenda.
- (2) The following items cannot be considered in a notice of motion:-
  - (a) the sale or lease of any asset;
  - (b) the declaration of any rate or charge

- (c) the creation, alteration or abolition of any strategy or policy;
  - (d) any direction without a researched report for an investigation which will unreasonably or substantially divert staff resources;
  - (e) the commitment of funds, or in kind contributions, for any purpose exceeding \$5,000
- (3) The CEO:
- (a) May reject any Notice of Motion that is too vague against public order or safety or may have an adverse impact on the community and give the Councillor delivering the notice an opportunity to amend it prior to its rejection; and
  - (b) Must notify the relevant Councillor of any Notice of Motion which has been rejected and give the reasons for its rejection and discuss the matter with the Mayor and Councillors at the earliest opportunity.
- (4) A Notice of Motion listed on a meeting agenda may be moved by any Councillor present and may be amended, except if the Notice of Motion is to confirm a previous resolution of the Council.
- (5) If a recorded Notice of Motion is not moved or postponed it will be struck out.
- (6) If a Notice of Motion is lost, a similar motion cannot again be put before the Council unless there is new information.
- (7) If a Councillor who has given a notice of motion is absent from the meeting or fails to move the motion when called upon by the Chairperson, any other Councillor may himself or herself move the motion.
- (8) The Notice of Motion may be accompanied by supporting information.
- (9) An officer comment may be provided for the business papers to provide comments on the Notice of Motion submitted.

### **33. Notice of Rescission Motion**

- (1) A Councillor may propose a motion to rescind a decision of the Council provided the previous Motion has not been acted upon.
- (2) A resolution is acted upon when the CEO or other officer initiate action or cause action to be initiated on any Council resolution at any time after the close of the meeting at which it was carried. A resolution will be considered as having been acted upon once its details have been communicated to persons affected by or reliant upon the resolution or where a statutory procedure has been carried out.
- (3) Once a Notice of Rescission Motion has been given, either in writing or by a Councillor verbally, no further action is to be taken on the resolution.
- (4) Any Councillor providing a Notice of Rescission Motion, is required to provide written justification that must include one or more of the following:



- (a) the vote may not have accurately reflected the opinion held by the meeting due to the misunderstanding of the motion or for some other reason, or,
  - (b) new information to hand, or,
  - (c) some vital information has been overlooked.
- (5) A Notice of Rescission Motion must include the written endorsement of one other Councillor.
- (6) The CEO must inform the Councillor whether or not the motion has been accepted or not, and any grounds for refusal and discuss the matter with the Mayor and Councillors at the earliest opportunity.
- (7) A Notice of Rescission Motion is to be submitted by 12 noon on the day agendas are circulated to Councillors and must include:-
  - (a) The decision to be amended or rescinded; and
  - (b) The meeting and date when the decision was made.
- (8) For a decision of the Council to be rescinded, the motion for rescission must be carried by a majority of the whole Council (which may include the casting vote of the Chairperson).
- (9) If a motion for rescission is lost, a similar motion may not be put before Council unless there is new information.
- (10) If a motion for rescission is not moved at the meeting for which it is listed, it lapses.
- (11) A motion for rescission listed on an agenda may be moved by any Councillor present but may not be amended.

#### **34. Petitions and Joint Letters**

Petitions and joint letters with more than 10 signatures are presented at the Council meeting and a report is to be provided within two meetings, unless otherwise resolved. Petitions or joint letters relating to planning issues are considered as part of the planning process.

#### **35. Recording Proceedings**

The Chief Executive Officer (or other person authorised by the Chief Executive Officer), may record on suitable audio recording equipment all the proceedings of a Council Meeting. The recording is for internal use only. The CEO may release all or part of a recording to respond to issues that may arise from time to time.

A person must not operate audio tape or other recording equipment at any Council meeting without first obtaining the consent of the Chairperson. Opportunity will be provided at the commencement of the meeting for any person to indicate whether they intend to record the meeting. Consent to record the meeting may at any time during the course of such meeting be revoked by the Chairperson.

### 36. Maintenance of Order

- (1) In addition to the duties and discretions provided in this Local Law the Chairperson -
  - (a) Must not accept any motion, question or statement which is derogatory or defamatory to any Councillor, member of staff, ratepayer or member of the public.
  - (b) Must call to order any person who is disruptive or unruly during any meeting.
- (2) It is an offence of any person to fail to obey a direction of the Chairperson in relation to the conduct of the meeting and the maintenance of order.

**PENALTY: Two Penalty Units.**

- (3) It is an offence for a Councillor to not withdraw an expression, considered by the Chairperson to be offensive or disorderly, and satisfactorily apologise when called upon twice by the Chairperson to do so.

**PENALTY: Two Penalty Units**

### 37. Suspension

Where any Councillor or other person refuses to obey a ruling of the Chairperson, the Council in its discretion may suspend the Councillor or other person for the balance of the meeting or for any other lesser period.

### 38. Removal from Chambers

- (1) The Chairperson or the Council in the case of a suspension, may ask any authorised officer or member of the police force to remove from the Chamber any person who has committed an offence against this Local Law.
- (2) It is an offence for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave when requested by the Chairperson to do so.

**PENALTY: Two Penalty Units**

- (3) It is an offence for a Councillor to refuse to leave the chamber on suspension.

**PENALTY: Five penalty units**

### 39. Infringement Notice

An Authorised Officer of the Council may serve a Local Law Infringement Notice on any person whom the Authorised Officer believes has contravened or failed to comply with the provisions of this Local Law.

## 7.2 CUSTOMER SATISFACTION SURVEY 2019 RESULTS

### Document Information

**Author** Michael Smyth, Manager Business Transformation

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

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### Purpose

To outline the Community Satisfaction Survey 2019 results.

### Summary

The 2019 Community Satisfaction Survey was conducted by JWS Research as coordinated by Local Government Victoria on behalf of councils. This is the same arrangement we have used for many years now. Interviews were conducted in February and results were received on 6 June.

The main objectives of the survey are to assess satisfaction with Council across a range of measures and to provide a means to fulfil some of our statutory reporting requirements (LGPRF), as well as acting as a feedback mechanism to LGV.

The results indicate Council did not experience any declines in ratings in 2019. Results noted by JWS Research where we are performing well include:

- continued strong performance in customer service (78);
- sealed local roads (60) rated significantly higher than the state average (53);
- Most other areas improved slightly by two to three index points.

JWS Research have identified residents volunteer consultation and engagement as the council area most in need of improvement.

The full report is published on the Council website and can be accessed using the following link:

<http://www.bendigo.vic.gov.au/sites/default/files/2019-06/City-of-Greater-Bendigo-Community-Satisfaction-Survey-2019.pdf>

The Community Satisfaction Survey provides some additional data about council performance. This data is considered in addition to other data and feedback provided to council over the past 2018/19 financial year including:

- 42,177 customer requests
- 12,932 comments on 1054 social media posts
- Councillor listening posts (9), coffee/round table with a councillor (6), Ward tour/meet the locals (3)

- Strategy development working groups and consultation during the adoption of strategies including All Ages/All Abilities Strategy (2000+), Food Systems Strategy (1000+), and Cycling Strategy (3000+)
- 40 budget submissions and 13 submitters took the opportunity to make presentations to Council.

## **RECOMMENDATION**

That Council note the report and the results of the 2019 Community Satisfaction Survey and Councillors consider additional questions to be included in the survey for next year.

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Policy Context

Statutory reporting requirements - Local Government (Planning and Reporting) Regulations 2014

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal #1 Lead and govern for all

Objective #2 Explain the reason for its decisions

Background Information

The 2019 Community Satisfaction Survey was conducted by JWS Research as coordinated by Local Government Victoria on behalf of Victorian Councils. Interviews were conducted in February and results were received on 6 June.

The main objectives of the survey are to assess community satisfaction with Council across a range of measures and to provide a means to fulfil some of our statutory reporting requirements (LGPRF), as well as acting as a feedback mechanism to LGV.

Previous Council Decision(s) Date(s): Not applicable

Report

The 2019 Community Satisfaction Survey provides an insight into the community view of council performance. The City of Greater Bendigo uses the JWS Research Survey as coordinated by Local Government Victoria on behalf of Victorian Councils. This is the same arrangement we have used for many years now and it is used by the majority of councils. Interviews were conducted in February and results were received on 6 June. One significant change in the approach this year is that 40% of the phones called were mobile phones.

The results indicate Council did not experience any declines in ratings in 2019. Results noted by JWS Research where the City of Greater Bendigo is performing well include:

- Continued strong performance in customer service (78);
- Sealed local roads (60) rated significantly higher than the state average (53);
- Most other areas improved slightly by two to three index points.

The following areas were noted as areas for improvement for the City of Greater Bendigo:

- Volunteer consultation
- Community Engagement

Consultation/Communication

Internal Consultation: Not applicable

External Consultation: The annual survey process is undertaken by Local Government Victoria on behalf of Councils.

Resource Implications

The survey costs \$13K per year.

Attachment

1. <http://www.bendigo.vic.gov.au/sites/default/files/2019-06/City-of-Greater-Bendigo-Community-Satisfaction-Survey-2019.pdf>

7.3 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                      | Retail Roundtable                                                                                                                                                                                             |                                 |
| Meeting Date                           | 24 June 2019                                                                                                                                                                                                  |                                 |
| Matters discussed                      | Discussion with retail stakeholders                                                                                                                                                                           |                                 |
|                                        |                                                                                                                                                                                                               |                                 |
| Attendees/Apologies                    |                                                                                                                                                                                                               |                                 |
| Councillors                            | Cr Margaret O'Rourke<br>Cr Jennifer Alden<br>Cr Matt Emond<br>Cr George Flack<br>Cr Andrea Metcalf<br>Cr Mal Pethybridge<br>Cr James Williams<br><b>Apologies:</b><br>Cr Rod Fyffe<br>Cr Yvonne Wrigglesworth |                                 |
| Staff/<br>Community<br>Representatives | Mr Trevor Budge                                                                                                                                                                                               |                                 |
|                                        |                                                                                                                                                                                                               |                                 |
| 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' Forum                                                                                                                                                                                                                                                                                                                |
| <b>Meeting Date</b>        | 1 July 2019                                                                                                                                                                                                                                                                                                                       |
| <b>Matters discussed</b>   | 1. Heathcote Township Plan<br>2. Local Government Bill 2019<br>3. Aboriginal Reconciliation<br>4. Bendigo Stadium Limited<br>5. Response to petition from Mclvor Cottage Industries Cooperative<br>6. ITLUS Implementation<br>7. Waste services<br>8. Bendigo and Back Creeks<br>9. Marong Township Structure Plan and DCP update |
|                            |                                                                                                                                                                                                                                                                                                                                   |
| <b>Attendees/Apologies</b> |                                                                                                                                                                                                                                                                                                                                   |
| <b>Councillors</b>         | Cr Margaret O'Rourke<br>Cr Jennifer Alden<br>Cr George Flack<br>Cr Rod Fyffe                                                                                                                                                                                                                                                      |

|                                                 |                                                                                                                             |                                            |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
|                                                 | Cr Andrea Metcalf<br>Cr Mal Pethybridge<br>Cr James Williams<br>Cr Yvonne Wrigglesworth<br><b>Apology:</b><br>Cr Matt Emond |                                            |
| <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<br/>No.</b>                           | <b>Councillor/officer making disclosure</b>                                                                                 | <b>Councillor/officer left<br/>meeting</b> |
|                                                 | Nil                                                                                                                         |                                            |

| Meeting Information                    |                                                                                                                                                                                          |                                 |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Meeting Name/Type                      | Waste Workshop                                                                                                                                                                           |                                 |
| Meeting Date                           | 3 July 2019                                                                                                                                                                              |                                 |
| Matters discussed                      | Waste Workshop                                                                                                                                                                           |                                 |
|                                        |                                                                                                                                                                                          |                                 |
| Attendees/Apologies                    |                                                                                                                                                                                          |                                 |
| Councillors                            | Cr Margaret O'Rourke<br>Cr Rod Fyffe<br>Cr Jennifer Alden<br>Cr Matt Emond<br>Cr George Flack<br>Cr Andrea Metcalf<br>Cr Mal Pethybridge<br>Cr James Williams<br>Cr Yvonne Wrigglesworth |                                 |
| Staff/<br>Community<br>Representatives | Mr Craig Niemann<br>Ms Debbie Wood<br>Mr Bernie O'Sullivan<br>Mr Andrew Cooney<br>Ms Vicky Mason<br>Ms Brooke Pearce<br>Ms Bridget McDougall<br>Ms Kylie Douglas                         |                                 |
|                                        |                                                                                                                                                                                          |                                 |
| Conflict of Interest disclosures       |                                                                                                                                                                                          |                                 |
| Matter No.                             | Councillor/officer making disclosure                                                                                                                                                     | Councillor/officer left meeting |
|                                        | Nil                                                                                                                                                                                      |                                 |



| Meeting Information                    |                                                                                                                                                                                                                                                                      |                                 |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Meeting Name/Type                      | Councillors' Briefing                                                                                                                                                                                                                                                |                                 |
| Meeting Date                           | 8 July 2019                                                                                                                                                                                                                                                          |                                 |
| Matters discussed                      | 1. Integrated Municipal Emergency Management Plan<br>2. GovHub<br>3. Community Buildings Policy<br>4. Planning matters and review of semi-final Ordinary Agenda<br>5. Long Term Financial Plan<br>6. All Ages All Abilities<br>7. Reducing Harm from Gambling Policy |                                 |
|                                        |                                                                                                                                                                                                                                                                      |                                 |
| 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><b>Apology:</b><br>Cr George Flack<br>Cr James Williams<br>Cr Yvonne Wrigglesworth                                       |                                 |
| Staff/<br>Community<br>Representatives | Mr Bernie O'Sullivan<br>Mr Andrew Cooney<br>Ms Vicky Mason<br>Ms Debbie Wood<br>Mrs Wonona Fuzzard<br>Ms Miki Wilson<br><b>Apology:</b><br>Mr Craig Niemann                                                                                                          |                                 |
|                                        |                                                                                                                                                                                                                                                                      |                                 |
| 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>        | 15 July 2019                                                                                                                                                                                    |
| <b>Matters discussed</b>   | 1. Review of Forward Agenda<br>2. Discovery Centre update<br>3. Golden Square Recreation Reserve Master Plan<br>4. Golden Dragon Museum Precinct<br>5. Library Service<br>6. Youth Unemployment |

|                                                 |                                                                                                                                                                                                               |                                        |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
|                                                 | 7. Youth Council<br>8. Economic Development Strategy                                                                                                                                                          |                                        |
|                                                 |                                                                                                                                                                                                               |                                        |
| <b><i>Attendees/Apologies</i></b>               |                                                                                                                                                                                                               |                                        |
| <b>Councillors</b>                              | Cr Rod Fyffe<br>Cr Jennifer Alden<br>Cr Matt Emond<br>Cr Andrea Metcalf<br>Cr Mal Pethybridge<br>Cr James Williams<br>Cr Yvonne Wrigglesworth<br><b>Apologies:</b><br>Cr Margaret O'Rourke<br>Cr George Flack |                                        |
| <b>Staff/<br/>Community<br/>Representatives</b> | Mr Bernie O'Sullivan<br>Mr Andrew Cooney<br>Ms Vicky Mason<br>Ms Debbie Wood<br>Mrs Wonona Fuzzard<br>Ms Miki Wilson<br><b>Apology:</b><br>Mr Craig Niemann                                                   |                                        |
|                                                 |                                                                                                                                                                                                               |                                        |
| <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                      | Consultation meeting                                                                                                                                                                                  |                                 |
| Meeting Date                           | 28 June 2019                                                                                                                                                                                          |                                 |
| Matters discussed                      | Planning application DU/58/2019<br>108 Lowndes Street, KENNINGTON 3550<br>Use of land for restricted recreation facility (gymnasium) and car parking to the satisfaction of the responsible authority |                                 |
|                                        |                                                                                                                                                                                                       |                                 |
| Attendees/Apologies                    |                                                                                                                                                                                                       |                                 |
| Councillors                            | Cr Margaret O'Rourke<br>Cr Yvonne Wrigglesworth                                                                                                                                                       |                                 |
| Staff/<br>Community<br>Representatives | Adele Hayes (on behalf of Alice Crellin)<br>Applicant<br>Objectors                                                                                                                                    |                                 |
|                                        |                                                                                                                                                                                                       |                                 |
| Conflict of Interest disclosures       |                                                                                                                                                                                                       |                                 |
| Matter No.                             | Councillor/officer making disclosure                                                                                                                                                                  | Councillor/officer left meeting |
|                                        | Nil                                                                                                                                                                                                   |                                 |

| <i>Meeting Information</i>                      |                                             |                                                                                                                                                         |
|-------------------------------------------------|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Name/Type</b>                        |                                             | Consultation meeting                                                                                                                                    |
| <b>Meeting Date</b>                             |                                             | 12 July 2019                                                                                                                                            |
| <b>Matters discussed</b>                        |                                             | Planning application DR/915/2018<br>107 Williams Road, MYERS FLAT 3556<br>Use and development of the land for a dwelling, outbuilding and swimming pool |
|                                                 |                                             |                                                                                                                                                         |
| <i>Attendees/Apologies</i>                      |                                             |                                                                                                                                                         |
| <b>Councillors</b>                              |                                             | Cr Jennifer Alden                                                                                                                                       |
| <b>Staff/<br/>Community<br/>Representatives</b> |                                             | Beth Lavery<br>Applicant<br>Objectors                                                                                                                   |
|                                                 |                                             |                                                                                                                                                         |
| <i>Conflict of Interest disclosures</i>         |                                             |                                                                                                                                                         |
| <b>Matter No.</b>                               | <b>Councillor/officer making disclosure</b> | <b>Councillor/officer left meeting</b>                                                                                                                  |
|                                                 | Nil                                         |                                                                                                                                                         |

## 7.4 CONTRACTS AWARDED UNDER DELEGATION

### Document Information

**Author** Lee Taig, Contract Support Administrator, Governance Unit

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

### Purpose/Summary

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

### RECOMMENDATION

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

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Policy Context

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

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021

Goal 1: Lead and govern for all

Objective: 1.2 Be innovative and financially responsible

Report

Contract No	Project	Successful Contractor	Delegated Officer	Date Signed
Capital Contracts				
CT000474	Supply & Delivery of one (1) Footpath Sweeper	Bucher Municipal	Debbie Wood	10 July 2019
	Price: \$180,142.00	Expected Delivery Date - 30 November 2019		
CT000473	Supply & Delivery of one (1) 130KW Motor Grader	Komatsu Australia	Debbie Wood	10 July 2019
	Price: \$325,200.00	Expected Delivery Date - 30 September 2019		

CT000463	Supply & Delivery of one (1) Light Tipper Truck & Crane Attachment	Ron Poyser Motors Pty Ltd	Debbie Wood	17 July 2019
	Price: \$119,697.81	Expected Delivery Date - 30 September 2019		
CT000471	Supply & Delivery of two (2) Side Loading Garbage Compactors	Ron Poyser Motors Pty Ltd	Debbie Wood	16 July 2019
	Price: \$808,997.82	Expected Delivery Date - 28 January 2020		

Contract Number	Project:	Successful Contractor:	Delegated Officer:	Date Signed
Service Contracts				
CT000479	Provision of Veterinarian Services	Bendigo Animal Hospital	Vicky Mason	25 June 2019
	Price: Schedule of Rates	Initial Term: 2 Years	Extension Options: 1 + 1	
	Current annual Council Budget for the goods/services contracted via this schedule of rates is \$300,000.00			
CT000456	Provision of Internal Audit Services	AFS & Associates Pty Ltd	Andrew Cooney	4 July 2019
	Price: Schedule of Rates	Initial Term: 3 Years	Extension Options: 1 + 1	
	Current annual Council Budget for the goods/services contracted via this schedule of rates is \$115,000.00			
CT000433	Provision of Catering Services	• Access Australia • Country Cakes • Epicurean Delicatessen • Lakkis Brothers Bendigo • Eureka Partners • Café Essence Bendigo • SimR	Andrew Cooney	8 July 2019
	Price: Schedule of Rates	Initial Term: 3 Years	Extension Options: 1 + 1	
	Current annual Council Budget for the goods/services contracted via this schedule of rates is \$360,000.00			

8. URGENT BUSINESS

Nil.

9. NOTICES OF MOTION

9.1 NOTICE OF MOTION: URGENCY FOR ACTION TO ADDRESS SERIOUS FUTURE ENVIRONMENTAL AND CLIMATE BREAKDOWN

CR JENNIFER ALDEN

That the Greater Bendigo City Council acknowledge:

- 1.** The urgent need for action to address the environmental and climate breakdown that poses serious future risks to the health and wellbeing of the people of Greater Bendigo, especially those who are socially and economically the most vulnerable and disadvantaged in our community.
- 2.** That climate risks will impact public health, emergency management, community services and recreation facilities and carry financial and social implications for LGAs requiring a whole-of-Council approach.
- 3.** The current global consensus that cities should be responsive to climate, environmental and biodiversity breakdown, investing in restoration and conservation of biodiversity and ensuring a resilient city in current and planned actions to mitigate and adapt to the effects of climate change and reduce greenhouse gas emissions.
- 4.** That an internal report on the Council's expenditures aligned to greenhouse gas emissions across Council's business will be prepared by December 31st 2019.
- 5.** The need for budget considerations for the 2020/21 year to incorporate Council-wide mechanisms and allocations to address the risks that climate change presents to the future health and wellbeing of the people of Greater Bendigo.

Context:

Our society and ecosystems are increasingly being threatened by climate change. The looming reality is we are facing environmental collapse in our lifetime.

The threat of a climate breakdown and the exposure to heightened risk that this poses to their businesses has pushed most governments towards making stronger environmental pledges. Power over local policy has enabled cities to make more ambitious goals for themselves than national governments, acting to implement policy that represents the science on the issue and reflects the need to rapidly reduce our emissions footprint.

We can work with our community to provide a vision of how our community can look in a future with increasing climate change by showing leadership in how Council can act to reduce emissions in partnership with the community.

The 2018 Intergovernmental Panel on Climate Change (IPCC) report stressed that the world may only have until 2030 to limit climate change before it reaches a more dangerous level. The United Nations Sustainable Development Goal 15.5 is to take urgent and significant action to reduce the degradation of natural habitats, halt the loss of biodiversity and, by 2020, protect and prevent the extinction of threatened species. The next 18 months will decide our ability to keep climate change to survivable levels and to restore nature to the equilibrium we need for our survival. Decisive steps are needed now to enable the cuts in carbon to take place that will have to happen before the end of next year.

The recent Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) report showed that up to one million species could be lost in coming decades, at risk of extinction due to the intertwined pressures of climate change, land use practices, habitat loss and invasive species. Natural ecosystems have declined by about 47% and the biomass of wild mammals has fallen by 82%. Insect numbers are collapsing at the rate of more than 2.5% per year. This is a call to action.

Seventy per cent of global emissions are generated by cities, so the actions of city governments are critical. In light of this, cities are taking rapid actions. For example, the City of Sydney has added climate considerations in any new policy or infrastructure decisions and pledged to dedicate more resources towards mitigating climate change.

Local governments know what to do at a local level to reduce emissions, and to adapt to the impacts from climate change that are now unavoidable. We can lead the way in our own actions and pressure other levels of government to support healthier, more resilient and sustainable local communities and environments.

Officer response:

The Notice of Motion is relevant to the range of work currently being undertaken by the City.

The provision of a report, as envisaged in the Notice of Motion by the end of 2019 will:

- Provide for a convenient progress report just over half way into the implementation of Council's Environment Strategy 2016-2021
- Provide a review of the City's 10 year target for a 50% carbon reduction by Council, as they are due to be reconciled by 2020. This will provide a reference point for determining progress and establishing a more comprehensive framework for measurement by the City into the future
- Provide a review of progress leading up to the formulation of the 2020-2021 and subsequent Council budgets
- Assist in developing 2020 priority actions for delivering against the One Planet Living Framework as a valuable input into a future Community Plan and project prioritisation.
- Feed directly into the finalisation of the Economic Development Strategy – due early 2020, including one of the three proposed indicators – zero net greenhouse gas emissions by 2036

- Be relevant to a number of other Council projects such as Greening Bendigo, Reimagining Bendigo Creek, Walking and Cycling Strategy, Integrated Water Management, and initiatives around energy and waste
- Be useful in prioritising actions identified in the Planning Scheme review such as undertaking an environmental study to inform planning scheme policy and amendments
- Be relevant to the preparation of a Council submission to the Inquiry by the Victorian Legislative Assembly into Tackling Climate Change in Victorian Communities.

Achieving a significant reduction in greenhouse gas emissions across the whole municipality will require substantial and behaviour change by residents and businesses and a comprehensive approach to renewable energy.

While the Council can and should play a leadership, advocacy, and partnership role many initiatives will require support from the Federal and State governments, business and the community. This also includes new thinking around circular and inclusive economic models if we are to accelerate change in the renewable energy area, as considerable investment is required for the magnitude of change required.

10. COUNCILLORS' REPORTS

11. MAYOR'S REPORT

12. A/CHIEF EXECUTIVE OFFICER'S REPORT

13. CONFIDENTIAL (SECTION 89) REPORTS

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

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

13.3 Confidential Report in accordance with Sections 89(2)(a) and (d) of the Local Government Act relating to a personnel and contractual matter

RECOMMENDATION

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