

AGENDA

Ordinary Meeting of Council

6.00pm Wednesday 16 October 2019

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

VENUE:

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

NEXT ORDINARY MEETING:

**Wednesday 20 November 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 16 OCTOBER 2019

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CRAIG NIEMANN
CHIEF EXECUTIVE OFFICER

ACKNOWLEDGEMENT OF COUNTRY

PRAYER

PRESENT

APOLOGIES

LEAVE OF ABSENCE

Cr Flack requested Leave of Absence for this Council Meeting.

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 EMOND'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 18 September 2019.

The following items were considered at the Ordinary Council meeting held on Wednesday 18 September 2019 at 6:00pm.

NO.	TITLE	RECOMMENDATION
1.1	Petition: Development of Strauch Reserve Junior Oval	That the petition be received and a response be prepared within two (2) meetings.
1.2	Petition: Road Safety Matters - Crusoe Road, Kangaroo Flat	That the petition be received and a response be prepared within two (2) meetings.
2.1	Draft Bendigo City Centre Plan	That Council: 1. Endorse the Draft Bendigo City Centre Plan for public exhibition for a minimum period of 28 days. 2. Receive a further report following public exhibition, outlining any submissions received and any changes required to the Draft Plan.
2.2	Planning Scheme Amendment C232 - Strathfieldsaye Urban Design Framework Consideration of Submissions and Refer to Panel	That Council adopt the recommendations detailed for each of the submissions in this report and request the Minister for Planning to appoint an Independent Panel to consider the outstanding submission/s.
2.3	Combined Planning Scheme Amendment C226 and Planning Permit Application DSD/561/2017 - 1 Railway Street and 239-249 High Street, Kangaroo Flt - Adoption of Amendment Following Panel	That Council: 1. Adopt combined Amendment C226 to the Greater Bendigo Planning Scheme and planning permit application DSD/561/2017, with the change to the landscaping plan as recommended by the Panel; and 2. Forward the adopted Amendment and draft planning permit to the Minister for Planning for approval, together with the prescribed information pursuant to Section 31(1) of the <i>Planning and Environment Act, 1987</i> .
2.4	Planning Scheme Amendment C250 - Bendigo Signalling Upgrade to be undertaken by Rail Projects Victoria	That Council support the Amendment proposal and provide a letter of support to Rail Projects Victoria.
2.5	Planning Scheme Amendment - La Trobe University Seeking to Rezone 2 Osborne Street, Flora Hill through the Government Land Planning Service	That Council provide a conditional letter of support for the Planning Scheme Amendment to be undertaken by the Government Land Planning Service.
3.1	Walk, Cycle Greater Bendigo Strategy	That Council resolve to adopt the Walk, Cycle Greater Bendigo Strategy.
7.1	Procurement Policy 2019	That Council approve the revised Procurement Policy.
7.2	Election Period Policy	That Council adopt the Election Period Policy in accordance with section 93B(1) of the Local Government Act 1989 .
7.3	Financial Statements and Performance Statement for the Financial Year Ended 30 June 2019	That the Council: a. approve "in principle" the draft Financial Statements and the draft Performance Statement as presented; b. authorise the Mayor, Cr O'Rourke and Cr Alden or Cr Flack to certify the Financial

		Statements and the Performance Statement in their final form on behalf of Council; c. authorise the Principal Accounting Officer to make any non-material changes to the Financial Statements and the Performance Statement that may arise as a result of the audit; d. notify the Chair of the Audit and Risk Committee of any material changes proposed to be made to any of the Statements so that it may be decided whether the Audit and Risk Committee needs to meet further to consider such proposed changes prior to two Councillors signing off the Statements; and e. forward a copy of the Statements in their final form to the members of the Audit and Risk Committee.
7.4	Record of Assemblies	That Council endorse the record of assemblies of Councillors as outlined in this report.
7.5	Contracts Awarded Under Delegation	That the contracts awarded under delegation, as outlined in this report, be acknowledged by Council.

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 18 September 2019, as circulated, be taken as read and confirmed.

1. ANNUAL REPORT 2018/2019

1.1 ANNUAL REPORT 2018/2019

Document Information

Author Aleisha Verwoert-North, Manager Communications, Nathan Morsillo Manager Financial Strategy and Michael Smyth Manager Business Transformation.

Responsible Member Andrew Cooney, Director Corporate Performance

Summary/Purpose

The purpose of this report is to provide the opportunity for Council to consider the City of Greater Bendigo 2018/2019 Annual Report.

RECOMMENDATION

That Council receive the City of Greater Bendigo 2018/2019 Annual Report.

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#### **Policy Context**

This City of Greater Bendigo Annual Report covers the period from July 1, 2018 to June 30, 2019. Preparation of an Annual Report is a requirement of the Victorian Local Government Act 1989 and it also provides an opportunity to communicate internally and externally, with staff, community, government and industry stakeholders regarding the functions, achievements and performance of the City of Greater Bendigo in the preceding year.

Sections 131 and 133 of the Local Government Act state that a Council must prepare an annual report for each financial year that includes:

- Report of Operations of the Council
- Audited Financial Statement
- Audited Performance Statement

These three documents have been combined in the City of Greater Bendigo Annual Report for 2018/2019.

## **Background Information**

All Victorian Councils are required to report under the Victorian Government's mandatory system of performance reporting. The system prescribes performance information to be included in the Annual Report including:

### The Report of Operations:

- A statement of progress in relation to major initiatives;
- A description of Council's operations;
- Results against prescribed Local Government Performance Reporting Framework (LGPRF) service performance indicators;
- Results of the LGPRF Governance and Management Checklist;
- A review of performance against the Council Plan actions;
- Services funded in the budget and members / sectors of the community who receive these services;
- Major capital expenditure, changes and achievements;
- Results against the City of Greater Bendigo Strategic Indicators; and
- Other material relevant to Council activities and community interest.

### Audited Financial Statements

- This statement meets Local Government Victoria format requirements.
- The statements have been audited by the Victorian Auditor General's Office (VAGO).

### The Audited Performance Statement:

- A description of the municipal district;
- Results against LGPRF prescribed service performance outcome indicators and measures;
- Results against LGPRF prescribed financial performance indicators and measures;
- An explanation of any material variations between results;
- Results against LGPRF prescribed sustainable capacity indicators and measures.

## **Report**

The Annual Report describes the City's operations throughout the year and highlights achievements. It reports to the Victorian Government, Greater Bendigo residents and the wider community for actions throughout the year on strategic objectives that were set down in the Council Plan for the year, as well as the prescribed information listed above.

## **Consultation/Communication**

### Internal Consultation:

Regular data collection, as part of Council Plan quarterly reporting and the LGPRF reporting requirements have provided the core content.

The Audit & Risk Committee, at the September 2019 meeting have reviewed the draft Financial Statements and the draft Performance Statement for the 2018/2019 financial year prior to final submission to the Victorian Auditor General.

Both the Performance Statement and the Financial Statements have been certified by the Principal Accounting Officer, Chief Executive Officer and two Councillors. These statements were presented to and approved by Council at its Ordinary Meeting on September 18, 2019. Signed opinions were provided by the Victorian Auditor-General's Office on September 20, 2019.

External Communication:

Following consideration by Council, residents will be informed by public notice of the Annual Report's preparation and availability for inspection. Copies of the Annual Report will be available via the City's web page and in hard copy upon request.

Priority/Importance:

To meet legislative requirements a draft Annual Report, including audited financial statements and reports against LGPRF indicators and outcomes, was supplied to the Minister for Local Government within three months of the end of the financial year reported on (September 30, 2019).

**Resource Implications**

Printing and layout of the Annual Report and relevant advertising are provided for in the 2018/2019 Council budget.

**Conclusion**

The City of Greater Bendigo 2018/2019 Annual Report has been prepared and is submitted according to the requirements of the Local Government Act 1989.

**Attachments**

- Annual Report 2018/2019

## 2. PETITIONS AND JOINT LETTERS

### 2.1 RESPONSE TO PETITION FOR CENTRAL BENDIGO FLOOD MITIGATION

#### Document Information

**Author**                      **Brett Martini, Manager Engineering**

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

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#### Purpose

This report is in response to a petition received by Council regarding flood mitigation for central Bendigo around Bridge and Arnold Streets.

#### Summary

Flooding has been previously recorded from Kangaroo Flat, Golden Square, through Central Bendigo and on through Epsom and Huntly. The Bendigo Urban Flood Study (BUFS) provided the flooding intelligence required to develop the Municipal Flood Emergency Plan (MFEP) which identified 14 areas of high risk.

The *Epsom, Ascot and Huntly* area is one of the 14 high risk areas. The Epsom, Ascot, Huntly area experiences greater extents and depths of flooding, therefore, it was considered as a high priority. The City has recently completed the Epsom Ascot Huntly Flood Mitigation Study (EAHFMS). The City is currently in the design stage of the mitigation infrastructure along Racecourse Creek identified by the EAHFMS.

*Kangaroo Flat and Golden Square*, were also one of the 14 high risks areas, with developments of more than 50 residential properties experiencing flooding. Given the large number of properties affected, the flood mitigation study for this area has commenced and is expected to be completed around February 2020.

*Central Bendigo – Short Street to Myrtle Street, Charing Cross and Arnold Street to Bridge Street* are included as one of the 14 high risk areas.

The BUFS explored the potential for flood mitigation infrastructure in Park Road, to prevent breakouts from Bendigo Creek flowing across Rosalind Park and down Bridge Street. However, flood mitigation studies have not been undertaken for Central Bendigo yet.

Given budget constraints the City cannot undertake flood mitigation studies and provide mitigation infrastructure for all the areas identified by the BUFS at the same time. The projects related to the 14 areas of risk must be rated based on economic and community values.

The economic value considers net construction costs and expected savings in community and Council's costs. The community value considers severity of flood damage to buildings and property, damage to Council's assets, safety risk, maintenance issues, potential development in drainage catchment, connectivity to existing drainage infrastructure, and whether it is part of a drainage strategy plan or a main outfall drain.

The City can consider undertaking a flood mitigation study for Central Bendigo subject to rating and available budget.

## **RECOMMENDATION**

That Council, in consideration of the petition received:

1. Prepare an estimate on the study of flood mitigation for the area.
2. Use the estimate to provide a preliminary rating of the project based on economic and community values.
3. Review state and federal funding opportunities in the preparation of the Council budget for the 2020/2021 financial year.

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Policy Context

Community Plan Reference:

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.

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

Strategy Reference: Connecting Greater Bendigo - Integrated Transport & Land Use Strategy, <https://www.bendigo.vic.gov.au/About/Document-Library/connecting-greater-bendigo-integrated-transport-and-land-use-strategy>

Council Policy Reference: Asset Management Policy
<https://www.bendigo.vic.gov.au/About/Document-Library/asset-management-policy>

Background Information

Council received a petition at the Ordinary Council meeting on Wednesday 21 August 2019 regarding the flooding in Central Bendigo around Bridge and Arnold Streets. The petition outlined that

“The people listed below and others would like to know when council will start meetings with ratepayers in central Bendigo (around Bridge & Arnold Streets), in regards to flood mitigation for this area.

We would like to be offered the same courtesy as the Huntly/Epsom & Kangaroo Flat/Golden Square ratepayer into access to council and water hydraulics experts and to discuss possible flood mitigation.

This is considered by ratepayers in the central area as a matter of urgency and we are looking for a quick response from council.”

At this meeting Council resolved that the petition be received and a response prepared within two Council meetings.

Report

Flooding has been recorded from Kangaroo Flat, through central Bendigo / Golden Square and on through Epsom and Huntly.

The Bendigo Urban Flood Study (BUFS) provided the flooding intelligence required to develop the Municipal Flood Emergency Plan (MFEP) which identified 14 areas of high risk.

Central Bendigo – Short Street to Myrtle Street, Charing Cross and Arnold Street to Bridge Street are included as one of the 14 high risk areas. Most of central Bendigo around Bridge and Arnold Streets has a Land Subject to Inundation Overlay and experiences flood up to 300mm.

Epsom, Ascot and Huntly are also one of the 14 high risk areas. The Epsom, Ascot, Huntly area experiences greater extents and depths of flooding, therefore, it was considered as the highest priority.

After the completion of the BUFS, funding was provided by the Minister for Environment, Climate Change and Water, the Hon. Lisa Neville, for the development of the Epsom-Ascot-Huntly Floodplain Management Study (EAHFMS) with the COGB providing in kind support for management of the project.

The City is currently in the design stage for part of the mitigation infrastructure identified by the EAHFMS. The flood mitigation for Racecourse Creek was identified in the EAHFMS as a priority project. Funding was applied for under the National Disaster Resilience Grant Scheme for detailed design of flood levees for Racecourse Creek. This project is currently underway.

Kangaroo Flat and Golden Square, were also one of the 14 high risks areas, with developments of more than 50 residential properties experiencing flooding. Given the large number of properties affected, funding was also applied for under the National Disaster Resilience Scheme for the investigation of flood mitigation options for this area. The flood mitigation study for this area has commenced and is expected to be completed around February 2020.

The BUFS explored the potential for flood mitigation infrastructure in Park Road, to prevent breakouts from Bendigo Creek flowing across Rosalind Park and down Bridge Street. However, flood mitigation studies have not been undertaken for Central Bendigo yet.

Given budget constraints the City cannot undertake flood mitigation studies and provide mitigation infrastructure for all the areas identified by the BUFS at the same time. The projects related to the 14 areas of risk are rated based economic and community values.

The economic value considers net construction costs and expected savings in community and Council's costs. These factors are also used to determine the benefit cost ratio.

The community value considers severity of flood damage to buildings and property, damage to Council's assets, safety risk, maintenance issues, potential development in drainage catchment, connectivity to existing drainage infrastructure, and whether it is part of a drainage strategy plan or a main outfall drain.

The City can consider undertaking a flood mitigation study for Central Bendigo subject to rating and available budget.

Consultation/Communication

Extensive community consultation was undertaken in the development of the BUFS. Community consultation continues in the areas of the current studies.

Resource Implications

The development of the BUFS was jointly funded by State and Federal Government, COGB and NCCMA through the Natural Disaster Resilience Grant. Total funding provided of \$450,000 with additional in kind support from COGB and NCCMA in project management and community consultation.

The EAHFMS was funded primarily by DELWP with COGB providing in kind support for management of the project.

The current Racecourse Creek mitigation levee design and Kangaroo Flat / Golden Square flood mitigation study are funded under the National Flood Disaster Resilience Scheme which is funded jointly by all three levels of government. The budget for the Racecourse Creek levee design is \$86,000 and the funding for the Kangaroo Flat/ Golden Square flood mitigation study is \$160,000.

To City of Greater Bendigo Council,

16/8/2019

The people listed below and others would like to know when council will start meetings with ratepayers in central Bendigo (around Bridge & Arnold Streets), in regards to flood mitigation for this area.

We would like to be offered the same courtesy as the Huntly/Epsom & Kangaroo Flat/Golden Square ratepayers, into access to council and water hydraulics experts and to discuss possible flood mitigation.

This is considered by ratepayers in the central area as a matter of urgency and we are looking for a quick response from council.

Name	Address	Signature
Per Slater	[REDACTED]	[REDACTED]
JAMES SLATTERY	[REDACTED]	[REDACTED]
Colin Slattery	[REDACTED]	[REDACTED]
Emma Mark	[REDACTED]	[REDACTED]
Michael Hyatt	[REDACTED]	[REDACTED]
JOHN KILBY	[REDACTED]	[REDACTED]
Margaret Kilby	[REDACTED]	[REDACTED]
SHARON FENG	[REDACTED]	[REDACTED]
Katherine Hancy	[REDACTED]	[REDACTED]
Mike Taylor	[REDACTED]	[REDACTED]
Patricia Slattery	[REDACTED]	[REDACTED]
Joyce Slattery	[REDACTED]	[REDACTED]

2.2 RESPONSE TO PETITION FOR HIGH STREET, HEATHCOTE FLOODING CONCERNS

Document Information

Author	Maria McCrann, Stormwater Engineer
Responsible Director	Debbie Wood, Director Presentation and Assets

Purpose

This report is in response to a petition received by Council regarding drainage concerns in Camp Street and High Street, Heathcote, causing property flooding.

Summary

There is recurrent stormwater flooding across properties on High Street, including above floor level flooding, due to insufficient drainage infrastructure.

The issue has been identified through Council's customer requests, Council's stormwater investigations program and communications with local residents.

Even small rainfall events have large impacts on the properties, with stormwater flowing from the western catchment to Camp and Hospital Streets across the properties into High Street.

Council's Stormwater Engineer had a site visit 3 May 2019 to investigate existing customer requests that have been included in the stormwater investigations program.

As part of the investigation she met with the customer David Salter to get an understanding of some customer requests. During that meeting other property owners came to meet and discuss their concerns due to flooding.

Following the investigation, on 29 May 2019 the City requested quotes from suitably qualified organisations or individuals to undertake a stormwater study and provide technical expertise for the concept design and costing of a holistic solution for the stormwater system in the study area.

It is expected the technical expertise will provide stormwater solutions to reduce stormwater flooding in Heathcote. Cost estimates and conceptual design of the required stormwater assets will be included in the study.

Two quotes were received on the 11 June 2019 with the preferred quote for a value of \$27,800 excluding GST.

RECOMMENDATION

That Council, in consideration of the petition received:

1. Undertake the stormwater study to identify potential solutions for stormwater flooding in Heathcote.
2. The recommended study quoted for \$27,800 excluding GST be funded from the Engineering operating budget in 2019/20.
3. Once the study is finalised and the solutions are proposed, they are to be considered in the Capital Works Program to materialise those solutions.

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## **Policy Context**

### Community Plan Reference:

*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.

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

### Council Policy Reference: Asset Management Policy

<https://www.bendigo.vic.gov.au/About/Document-Library/asset-management-policy>

## **Background Information**

Council received a petition at its Ordinary Council meeting on Wednesday 21 August 2019 regarding the street flooding in High Street, Heathcote on 8 August 2019. The petition outlined that

*"The signatures below are concerned citizens with regard to street flooding in High Street Heathcote. I David Salter have met with Maria McCrann from COGB and shown her what I think is the major contributor to flooding in this area. I believe she agrees with me. 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"*

At this meeting Council resolved that the petition be received and a response prepared within two Council meetings.

## Report

In July 2014 the Minister for Water announced funding for the Heathcote Flood Study. The study was completed by BMT WBM for the North Central Catchment Management Authority (NCCMA) in March 2016.

This study was the first flood study for Heathcote. This Study addresses this information gap and provides valuable planning and flood intelligence information as well as investigating options to reduce flood risk.

Heathcote was not significantly affected by flooding from Mclvor Creek during the January 2011 event; however the 2016 Heathcote Flood Study indicates there is a significant risk to a number of properties and dwellings in the town.

The study focused on flooding due to breakout from Mclvor Creek. The model shows High Street flooded up to 250mm in a 20% AEP flood event (1 in 5 years). In a 1% AEP event ('1-in-100 years') 109 properties are flooded including the VICSES depot building. Of those 196 properties, 24 are flooded over-floor and a further 17 properties have floors that are within 100mm of being wetted.

The flood study for Mclvor Creek suggests non-structural flooding solutions such as a Total Flood Warning System and Planning Controls. The structural solutions were not included in the scope of that study. Furthermore, flooding due to stormwater drainage was not assessed.

The stormwater investigations undertaken by the City has identified stormwater flooding occurring not only due to breakouts from the creek but also due to the runoff from the catchment to the west of the township. This stormwater from the west of the township affects more properties in High Street, with stormwater flowing from Camp Street and Hospital Street across the properties into High Street. However, there are other areas in the township also affected by the runoff from the western catchment.

Council's Stormwater Engineer met with David Salter on the 3 May 2019 to get an understanding of a series of customer requests received. Those customer requests were added to the stormwater investigations program. Under these investigations it has been identified the need for a holistic design of the stormwater system in Heathcote given any solution proposed to solve a localised issue may result in further flooding in the surrounding areas.

Following the investigation on 29 May 2019, the City requested quotes from suitably qualified organisations or individuals to undertake a stormwater study and provide technical expertise for the detailed design and costing of a holistic solution for the stormwater system in the study area.

It is expected the technical expertise will provide stormwater solutions to reduce stormwater flooding in Heathcote. Cost estimates and conceptual design of the required stormwater assets will be included in the study.

Two quotes were received on the 11 June 2019 with the preferred quote for a value of \$27,000 excluding GST with a timeframe of 8 weeks.



The petition was received on 8 August 2019 requesting some investigation. The investigation and seeking of quotes from relevant consultants had already been completed and the recommendations are included at the start of this report.

The figure below shows the flooding modelled around High Street between Barrack and Morris Street. Most of the flooding shown is due to runoff from the western catchment. Some localised pipe upgrades have been undertaken, however, given the extent of flooding in the township, the recommendation would be to undertake a whole catchment stormwater study to identify a series of alternatives to manage flooding in the township.

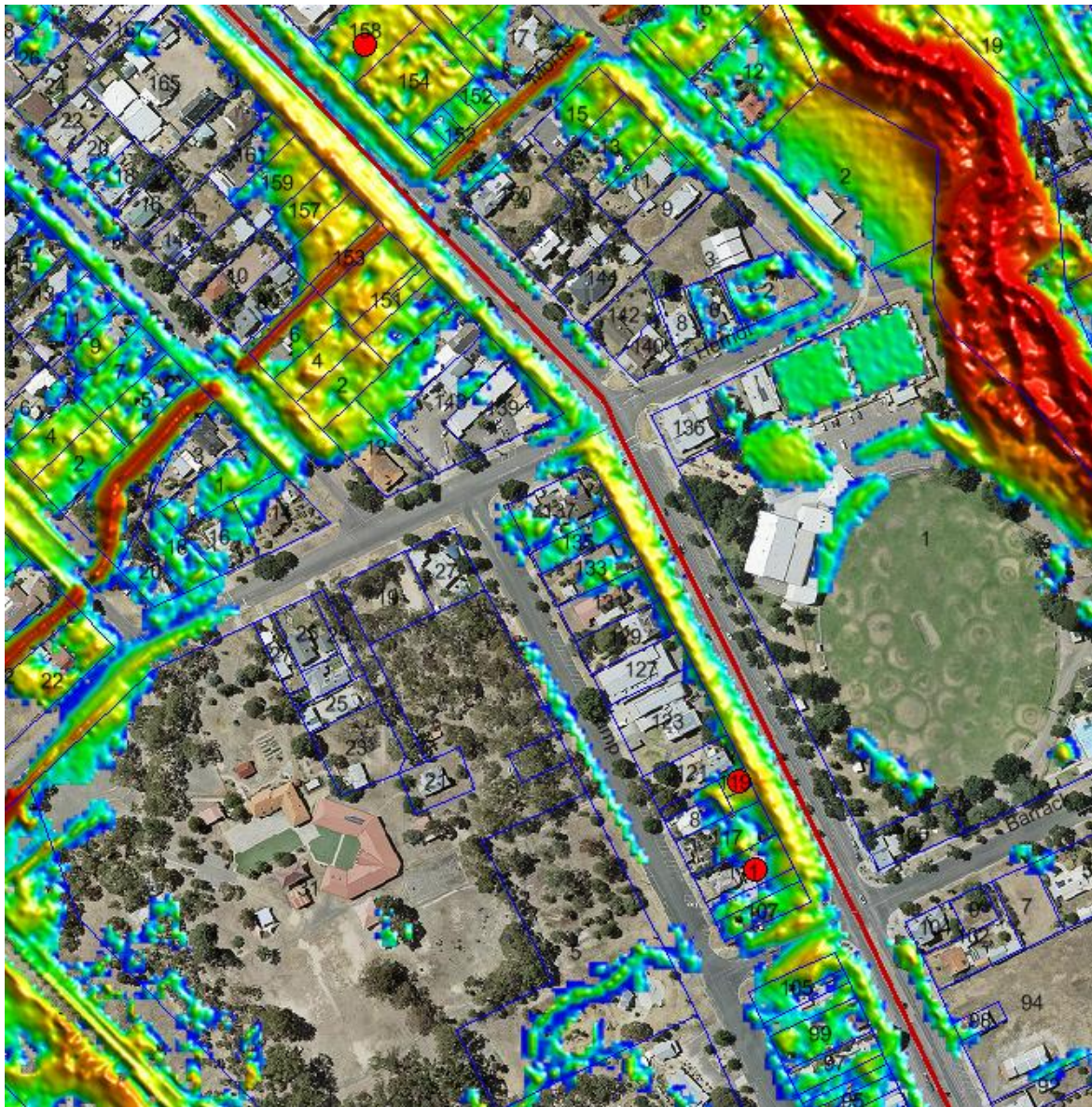


Figure 1 Flooding map from the Heathcote Flood Study

### Consultation/Communication

Communications with the relevant local traders/residents was done to search for a resolution of the customer requests and the identification of the sources of the drainage complaints.

## **Resource Implications**

Undertaking the drainage study will cost Council \$27,800 excluding GST. This is proposed to be funded from the Engineering operating budget in 2019/20. After the study is completed a series of flood management solutions and stormwater drainage upgrade proposals will be considered for future Capital Works Programs.

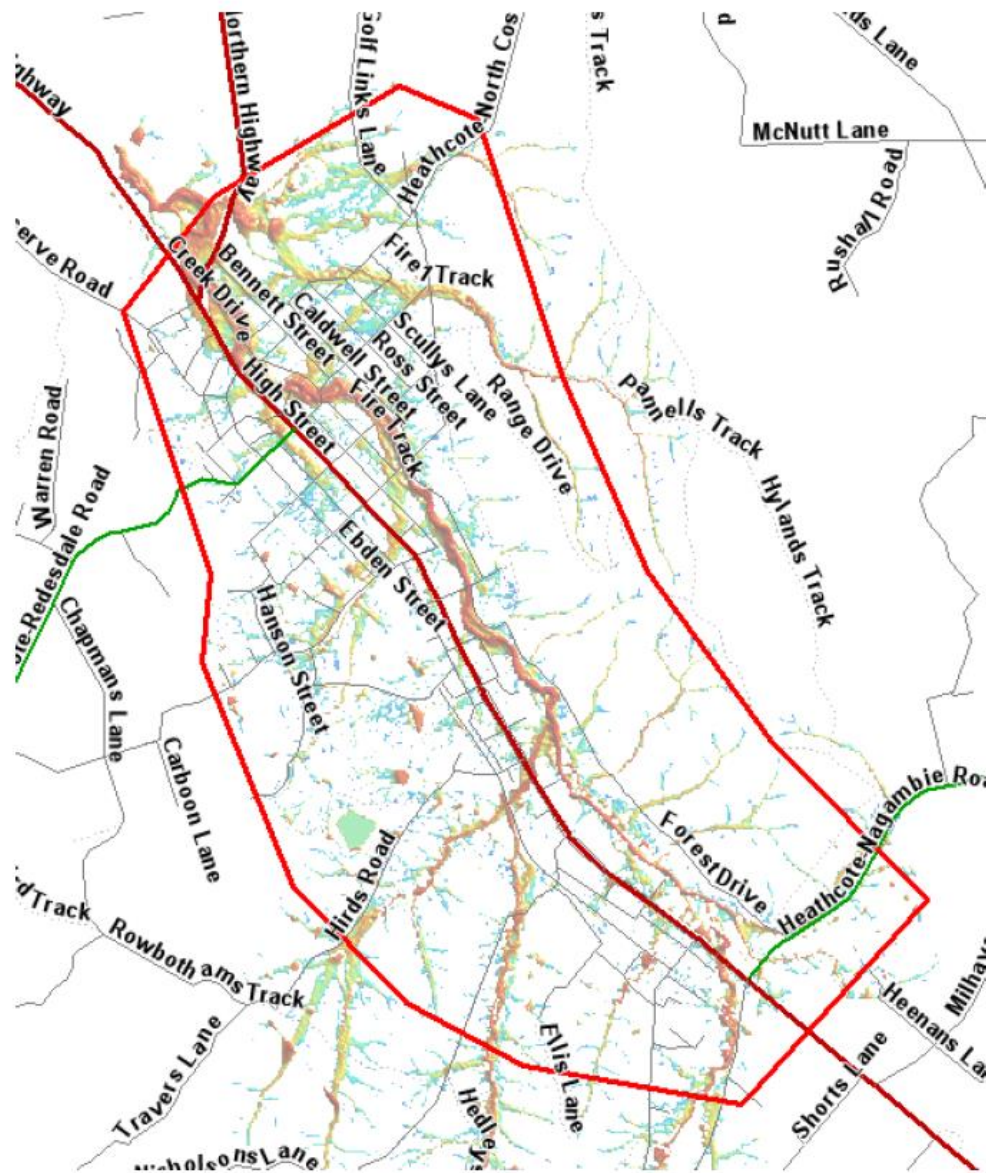
The Capital Works Program rates the projects using economic and community values. The economic value considers net construction costs and expected savings in community and Council's costs. These factors are also used to determine the projects sustainability or benefit cost factor.

The community value considers severity of flood damage to buildings and property, damage to Council's assets, safety risk, maintenance issues, potential development in drainage catchment, connectivity to existing drainage infrastructure, and whether it is part of a drainage strategy plan or a main outfall drain.

## **Attachments**

1. Proposed Drainage Study Boundary





**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      | Armada 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 |

### 3. PRESENTATION AND MANAGING GROWTH

#### 3.1 107 WILLIAMS ROAD, MYERS FLAT 3556 - USE AND DEVELOPMENT OF THE LAND FOR A DWELLING, OUTBUILDING AND SWIMMING POOL

##### Document Information

**Author** Beth Lavery, Planner

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

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##### Summary/Purpose

Application details: Use and development of the land for a dwelling, outbuilding and swimming pool

Application No: DR/915/2018

Applicant: Building Issues

Land: 107 Williams Road, MYERS FLAT 3556

Zoning: Farming Zone

Overlays: Bushfire Management Overlay

No. of objections: 8

Consultation meeting: A consultation meeting was held on 12 July 2019, attended by 3 objectors, the owner and applicant, Cr Jennifer Alden and the assessing officer. No resolution of issues was reached at this meeting.

Key considerations:

- Whether the use and development of the land for a dwelling is suitable within the Farming Zone;
- Whether the proposed dwelling is sited appropriately, particularly given the context of surrounding land; and
- Has bushfire risk been managed appropriately?

Conclusion: The use and development of the land for a dwelling is an appropriate planning outcome for the site.

##### **RECOMMENDATION**

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Grant a Permit for use and development of the land for a dwelling, outbuilding and swimming pool at 107 Williams Road, MYERS FLAT 3556 subject to the conditions at the end of this report.

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Policy Context

City of Greater Bendigo Community Plan 2017 – 2021

Goal 4: Presentation and managing growth

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

Goal 6: Embracing our culture and heritage

- Recognise and celebrate our unique history and diverse cultures.

Background Information

A planning permit was issued for a single storey, two-bedroom dwelling on the subject land in 2015 (DR/874/2014). This permit expired in 2018.

There is no sewer connection available to the land. As such, all wastewater must be treated and retained on site. Several changes to the layout of the effluent disposal areas were required throughout the application process to respond to the constraints of the site and ensure that wastewater could be managed appropriately and in accordance with relevant guidelines.

Report

Subject Site and Surrounds

The subject land is a vacant rectangular allotment of 1,001m², located on the south side of Williams Road in Myers Flat, approximately 1.3km west of the intersection of the Loddon Valley Highway and Allies Road and approximately 4.5km north-west of Eaglehawk.

The allotment has a depth of 50m and frontage to Williams Road of 21m, with the site falling from the south eastern corner to the north western corner of the property. It is one of five similarly sized allotments (two of these containing dwellings), with other allotments in the immediate area ranging in area from 4,000m² to 10,000m²+. Established dwellings occupy most other surrounding lots.

Williams Road is a sealed local road with single lane traffic in each direction, gravel shoulders and a table drain located adjoining the road and property boundaries.

Despite the rural residential nature of the land in this area, properties along Williams Road to the west of Karinyah Drive are zoned Farming Zone, including the subject land (refer to Figure 2).



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

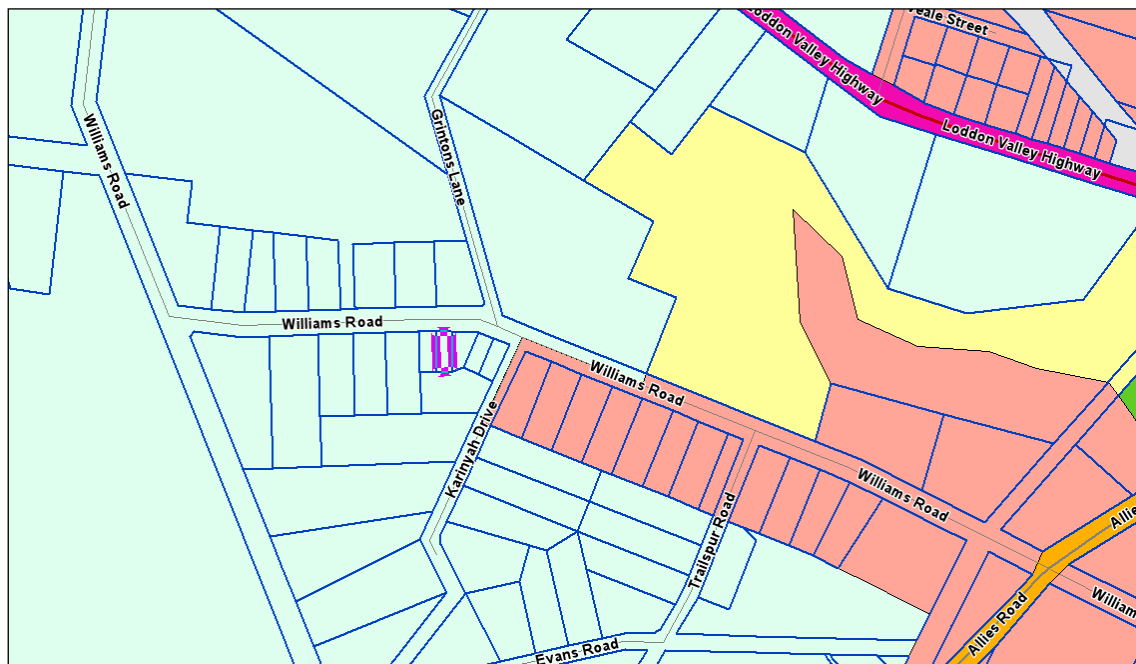


Figure 2: Location map showing zoning, with the pale blue colour denoting Farming Zone and salmon colour denoting Low Density Residential Zone.



Figure 3: Aerial photo showing subject site, proposed setback of new dwelling (yellow) and average setbacks of adjoining properties (red).

Proposal

It is proposed to construct a two storey, three-bedroom, two-bathroom dwelling on the land, along with an outbuilding and swimming pool.

The proposed dwelling will be located approximately 6 metres from the boundary with Williams Road, 200 millimetres from the eastern boundary, 26 metres from the southern boundary and 5.5 metres from the western boundary.

The outbuilding will be located adjoining the western boundary, while the swimming pool will be located centrally on the allotment, adjoining the dwelling, and nearby to the eastern boundary.

Wastewater disposal fields will be located to the rear of the proposed dwelling, with a primary and secondary field proposed. The remainder of the allotment will be utilised as driveways and garden area.

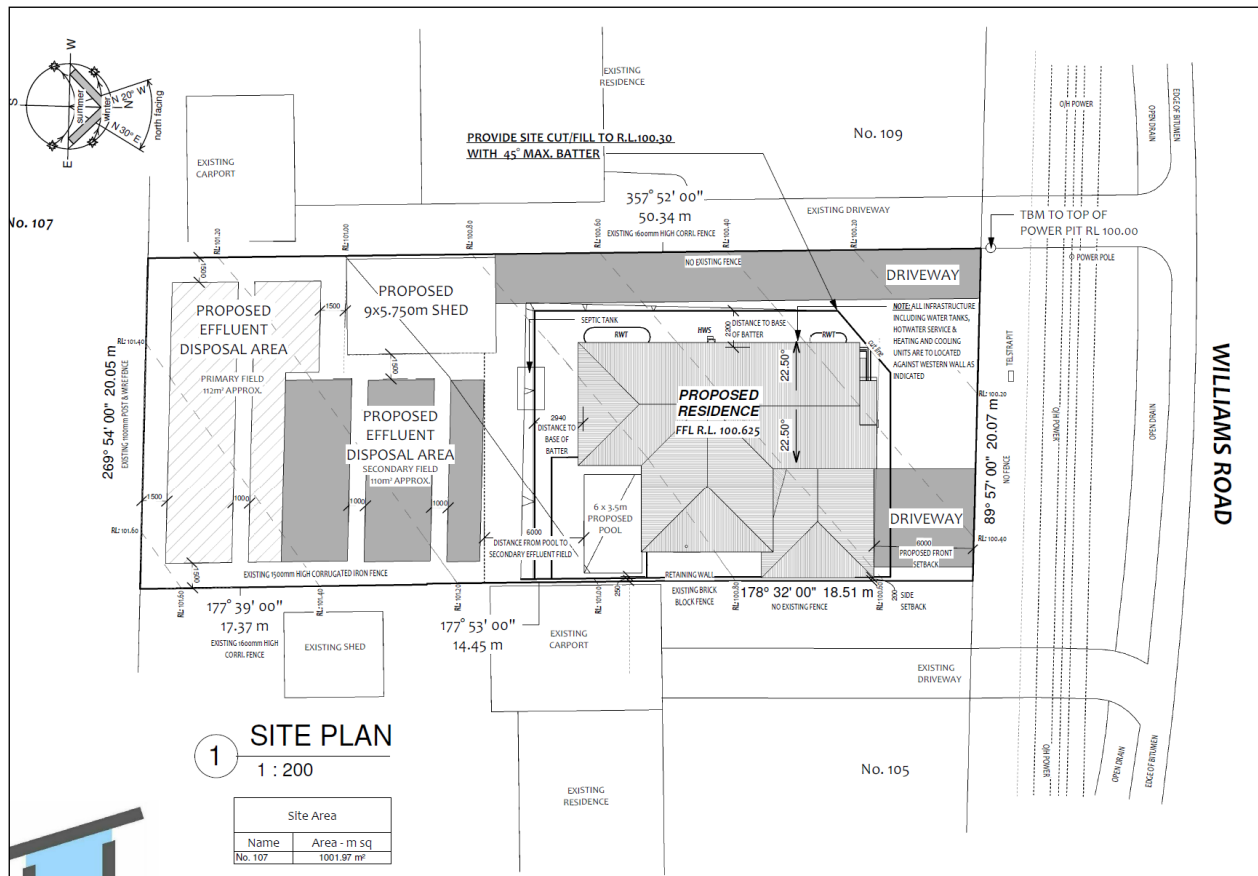


Figure 4: Proposed site plan

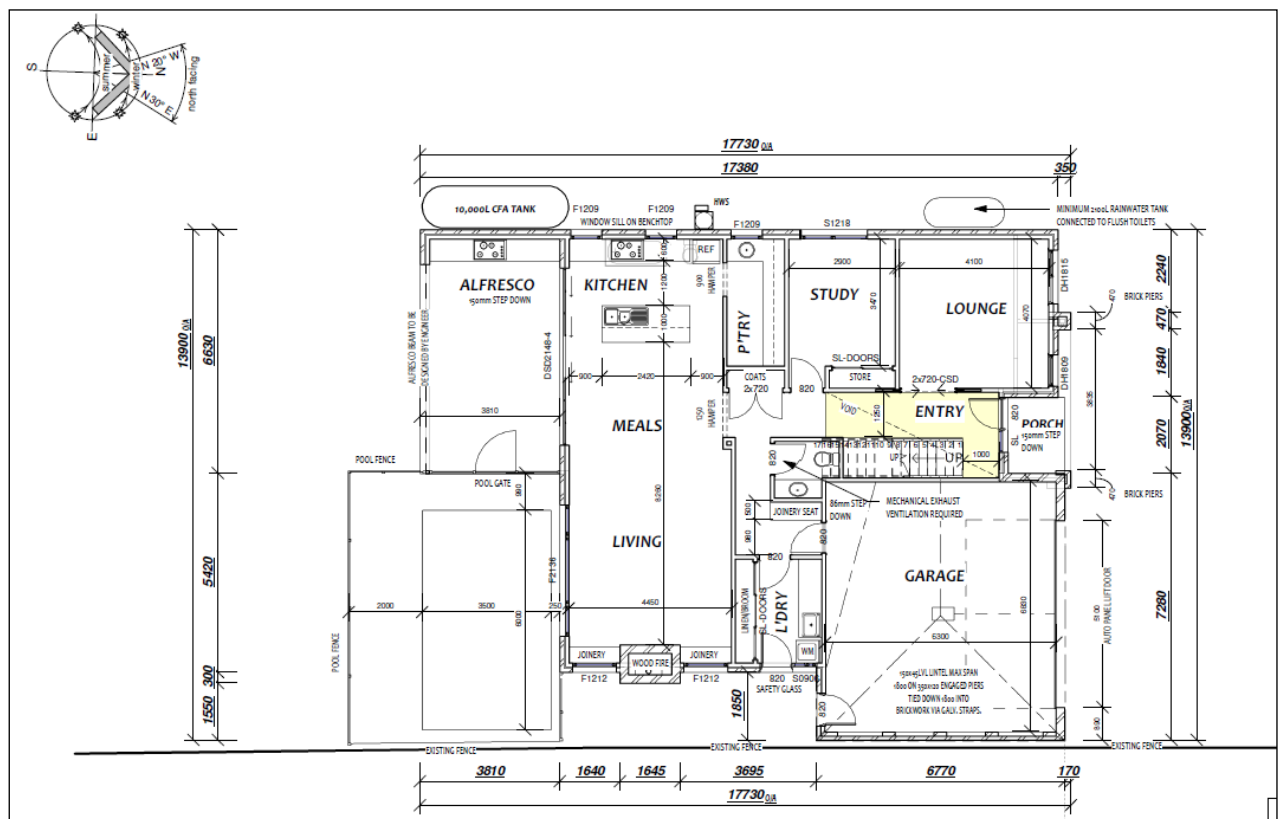
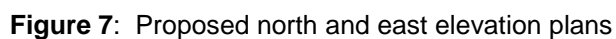
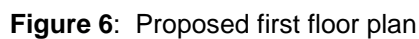


Figure 5: Proposed ground floor plan



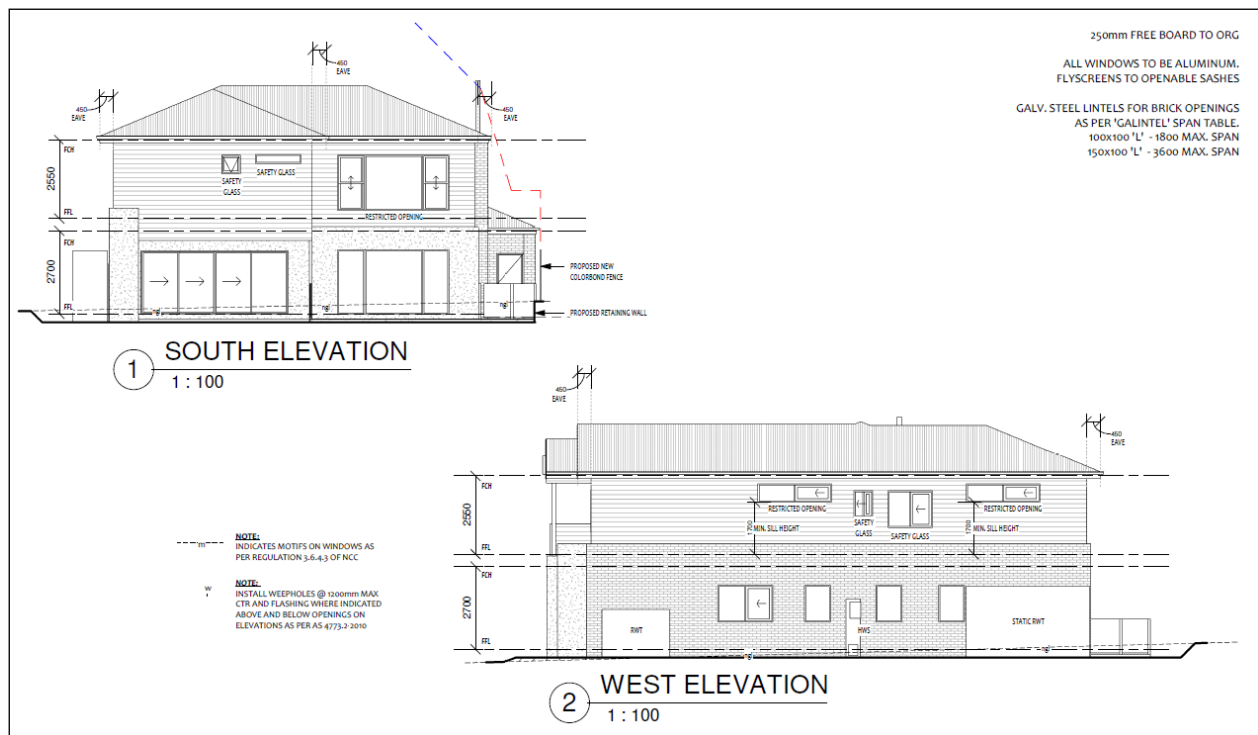


Figure 8: Proposed south and west elevation plans

Planning Controls - Greater Bendigo Planning Scheme

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

State Planning Policy Framework

- 11.02-1R – Settlement – Loddon Mallee South
- 13.02-1S – Bushfire Planning
- 14.01-1S – Protection of agricultural land
- 15.01-2S – Building design
- 15.01-5S – Neighbourhood character
- 16.01-5S – Rural residential development

Municipal Strategic Statement

- 21.02-1 – Compact Greater Bendigo
- 21.05-9 – Managing risk
- 21.05-12 – Rural living

Local Planning Policies

- 22.02 – Rural dwellings policy

Other Provisions

- 35.07 – Farming Zone
- 44.06 – Bushfire Management Overlay
- 65.01 – Decision guidelines

Consultation/Communication

Referrals

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

Referral	Comment
Country Fire Authority	No objection subject to conditions.
Environmental Health	No objection subject to conditions. Several modifications were made throughout the process to address wastewater disposal concerns, given the size of the property is small for onsite effluent disposal.
Traffic	No objection subject to conditions.
Drainage Engineer	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, 8 objections were received, with the grounds of objection being:

- Design and scale of the proposed dwelling is inconsistent with the existing pattern of development and neighbourhood character of the area;
- The setback of the dwelling is inappropriate in terms of the existing streetscape – will be set too far forward from all adjoining and nearby dwellings;
- Overshadowing and overlooking concerns, and impacts on privacy.
- Devaluation of property.

The objections are discussed further within the planning assessment below.

Planning Assessment

Is use and development of land for a dwelling appropriate in terms of the objectives of the Farming Zone?

The predominant purposes of the Farming Zone are to provide for the use of land for agriculture; to encourage the retention of productive agricultural land; and to ensure that non-agricultural uses (including dwellings) do not adversely affect the use of the land for agriculture. In terms of use of land for a dwelling, the zone sets out that a lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system, or if not available, the wastewater must be treated and retained on site in accordance with the State

Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire-fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

The proposed dwelling is able to meet each of these servicing requirements, through connection to the existing reticulated electricity and water supply, the appropriate disposal of wastewater within the site's boundaries and the availability of access from Williams Road.

The Farming Zone also sets out a number of decision guidelines to be addressed when making a decision on an application within the zone, with the following being of particular relevance in this instance:

- The capability of the land to accommodate the proposed use or development, including the disposal of effluent;

While the site is quite constrained due to its small size, it has been demonstrated through the preparation of a Land Capability Assessment that the site is capable of containing the dwelling and the disposal of wastewater in accordance with relevant guidelines.

- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses;

While the land is zoned Farming Zone, it is located in a rural residential enclave of smaller lots, with most containing established dwellings. As such, the development of a dwelling on the land will be consistent with the existing pattern of development in this area.

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land;

The site's small size and the residential nature of the immediate vicinity, means that it would not be considered a productive agricultural parcel of land now or in the future. As such, the development of a dwelling will not result in the loss of any productive land from the State's agricultural base.

- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation;

Given the residential use of surrounding land, and the absence of any meaningful farming activity, the dwelling is not likely to be adversely affected by any agricultural activities.

- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses;

As there are no agricultural uses in the immediate vicinity of the land, the dwelling is unlikely to have any impacts on any farming operation or proposed expansion of such.

- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area, and the impact of this on the use of the land for agriculture;

The site is located within an established pocket of dwellings and the development of a dwelling on the site will be consistent with this existing pattern of development. Given the predominant lot size in the area, no nearby lot is likely to be used for agricultural purposes, and the continuation of the residential pattern of development is unlikely to have adverse effects.

- The impact of the siting, design, height, bulk, colours and materials to be used on the natural environment, major roads, vistas and water features, and the measures to be undertaken to minimise any adverse impacts;

The proposed dwelling will be a combination of weatherboard and brick, with a colorbond roof. The positioning of the dwelling has been constrained through the size and location of the wastewater disposal fields. There are not anticipated to be any significant impacts on the environment, roads, existing vistas or water features as a result of the dwelling's construction.

- The impact on the character and the appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance; and

The development of a dwelling on the site remains consistent with the existing pattern of development and neighbourhood character. While some concerns have been expressed over the scale and siting of the dwelling, as noted previously the site's constraints have impacted on where the dwelling is able to be positioned on the land. This element is discussed further in streetscape considerations below.

- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

The site has access to existing infrastructure.

Based on the above, the dwelling is considered an appropriate response to the site in terms of the requirements and decision guidelines of the Farming Zone.

Streetscape considerations and objector concerns

Setbacks and scale of proposed dwelling

The majority of objections received to the application identified the positioning of the proposed dwelling and its double storey form as their principal concern, citing inconsistency with the existing streetscape and neighbourhood character.

The existing streetscape is characterised by dwellings on small allotments with generous front setbacks. Dwellings nearby to the site along the southern side of Williams Road have setbacks varying from 17m to 23m, while along the northern side of Williams Road setbacks vary from 8m to 21m.

While the proposed setback of 6m will undeniably be smaller than the setbacks of dwellings immediately adjoining the site, as noted previously within this report, the site is constrained in terms of how wastewater can appropriately be managed.

To match existing setbacks in the street would render the land undevelopable, and the City's Environmental Health team have been unable to consent to a larger setback to match the adjoining setbacks more closely as the proposed wastewater fields in an alternative location would be compromised through the fall of the land and likelihood of wastewater being unable to be contained wholly within site boundaries. As such, an assessment must be made as to whether the proposed smaller setback represents an appropriate outcome for the site and surrounds.

Taking into account the zoning and overlay requirements, and the constraints as outlined above, the proposed 6m setback is considered a reasonable outcome for the site.

In terms of the design and scale of the building, the Farming Zone does not set out any particular restrictions on the preferred form of development within the Zone. This contrasts with the assessment of applications in the General Residential Zone where streetscape character is an issue which is a primary consideration. There is also no restriction registered on title setting out preferred siting, or limiting development on the site to single storey. The absence of other double storey buildings in the immediate vicinity is not reason enough to prohibit one in this location. The dwelling will add to the mixed form of surrounding development in the street.

Overlooking and overshadowing

Given the site's location within the Farming Zone, the siting requirements applicable to residentially zoned land (ie Rescode) are not relevant to the planning assessment of the application and as such, potential overlooking and overshadowing have not been assessed. Nonetheless, the plans submitted with the application indicate that any overshadowing to adjoining properties is minimal and consistent with required standards (which would be assessed at the building permit stage).

Property devaluation

There is established case law that assertions of property devaluation are not valid planning considerations or grounds of objection which should be given any weight, except for in exceptional circumstances.

Consistency with planning policy, including Rural Dwellings Policy

The Rural Dwellings Policy applies to all land within the Farming Zone and, like the objectives of the Farming Zone, seeks to protect productive agricultural land. The policy discourages the construction of dwellings on small farming lots, unless it can be demonstrated that:

- Subdivisions have been created since the introduction of planning controls;
- Substantial infrastructure works have been completed; or
- The land has no agricultural potential and native vegetation will be retained and managed.

Given the pattern of development in this immediate area, with small, mostly uniform lots with road access, it is not unreasonable to assume that the lot was created through a subdivision in the time since planning controls were introduced. Likewise, the existing services available in the area also satisfy the criteria regarding the completion of substantial infrastructure works. The lot's small size and location surrounded by residentially developed land, also renders it unsuitable for meaningful agricultural production, both now and into the future.

The proposal is also consistent with policy direction concerning rural residential development and living (Clauses 16.01-5S and 21.05-12) which encourages the consolidation of housing in existing settlements where investment in services has already been made.

Bushfire Management

A bushfire management plan has been prepared which appropriately addresses the bushfire risk for the site. Approval of the proposal is in accordance with the objectives of Clause 13.02-1S (Bushfire planning), 44.06 (Bushfire Management Overlay) and 53.02 (Bushfire planning), and will not result in unacceptable risk to life and property.

Conclusion

While the site is significantly constrained due to its size and lack of connection to the reticulated sewer, the dwelling is consistent with the decision guidelines of the Farming Zone. Approval of the application is recommended.

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. **No Layout Alteration**
The use and development permitted by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the responsible authority.
2. **General Drainage – Buildings & Houses**
The proposed building(s) and works must be drained to the satisfaction of the City of Greater Bendigo as the responsible drainage authority.
3. **BUSHFIRE MITIGATION MEASURES**
The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed
4. **CFA**
The Bushfire Management Plan (Attachment 3 stamped in 'Prepared by Building Issues Pty Ltd' Amendment date 27/5/2019) must be endorsed to form part of the permit and must not be altered unless otherwise agreed to in writing by the CFA and the responsible authority.
5. **Electricity Supply**
The dwelling must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the responsible authority.
6. **EXPIRY OF PERMIT**
This permit will expire if the development permitted by the this permit is not completed within 2 years from the date hereof. The time within which the development must be completed may be extended, on written request to the responsible authority, before or within 6 months after the expiry of this permit where the development has not yet started or 12 months where the development has commenced.

Environmental Health Note:

Before a building permit is issued for a dwelling at the property, a Permit to Install an Onsite Wastewater Management System is required to be issued by the Responsible Authority.

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.

4. WELLBEING AND FAIRNESS

4.1 ALL AGES ALL ABILITIES

Document Information

Author **Andie West, Community Wellbeing Manager &
Fiona Jemmett, Acting Community Partnerships Manager**

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

Purpose

To present to Council the:

- Feedback received during public exhibition for draft All Ages All Abilities Issues and Opportunities Report
- Final All Ages All Abilities Issues and Opportunities Report, and
- Final All Ages All Abilities Action Plan.

To seek endorsement of the:

- All Ages All Abilities Issues and Opportunities Report, and
- All Ages All Abilities Action Plan.

Summary

The Final All Ages All Abilities Issues and Opportunities Report provides a framework to enable Council to understand and respond to a range of priority issues that impact children, young people, people with a disability and older adults.

It has been informed by extensive community and key stakeholder consultation, literature review, analysis of current demographic data and key trends, and relevant local, state and federal policy.

Council endorsed the release of the draft All Ages All Abilities Issues and Opportunities Report for a period of public exhibition and feedback at the Council Meeting on 17 July 2019.

The All Ages All Abilities Action Plan responds to the findings of the Issues and Opportunities Report. It aligns to the Greater Bendigo Health and Wellbeing Plan timelines and outlines the strategic direction and commitment to improving health and wellbeing outcomes across the age spectrum for all community members in Greater Bendigo.

RECOMMENDATION

That Council:

1. Adopt the All Ages All Abilities Issues and Opportunities Report
2. Adopt the All Ages All Abilities Action Plan.

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## **Policy Context**

Community Plan Reference:

### ***Greater Bendigo Community Plan 2017-2021***

|                  |                                                                                                 |
|------------------|-------------------------------------------------------------------------------------------------|
| Goal #1:         | Lead and govern for all                                                                         |
| Objective #1.1   | Engage with all communities                                                                     |
| Objective #1.1.1 | Encourage community participation by citizens in the development of new strategies and policies |
| Objective #1.1.2 | Meet with community members in their local settings more often                                  |
| Objective #1.2   | Explain the reasons for its decisions                                                           |
| Objective #1.2.1 | Communication will be community-focussed using plain language                                   |
| Objective #1.2.2 | Use a broad range of engagement and communication techniques                                    |
| Objective #1.2.3 | Document and communicate in a consistent common style                                           |
| Goal # 2:        | Wellbeing and Fairness                                                                          |
| Objective #2.4   | Support participation and development for residents of all ages and abilities                   |
| Objective #2.4.1 | Continue to promote a child-friendly municipality                                               |
| Objective #2.4.2 | Partner to build connections for young people                                                   |
| Objective #2.4.3 | Support positive ageing                                                                         |
| Objective #2.4.4 | Support positive life opportunities for people living with a disability                         |

### ***Greater Bendigo Health and Wellbeing Plan 2017-2021***

|         |                                                                                                                                                                |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Goal #1 | Healthy and well - The Greater Bendigo community has good physical and mental health supported by healthy lifestyles.                                          |
| Goal #2 | Safe and secure - The Greater Bendigo community lives free from violence and abuse, is protected from environmental risks and is supported to live affordably. |
| Goal #3 | Able to participate - The Greater Bendigo community has the capability to participate and contribute to the local economy and community life.                  |

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

### ***The Victorian Disability Amendment Act 2012***

Part 4, section 38 of the Victorian Disability Amendment Act 2012 states:

- (1) A public sector body must ensure that a Disability Action Plan is prepared for the purpose of-
- (a) reducing barriers to persons with a disability accessing goods, services and facilities;
  - (b) reducing barriers to persons with a disability obtaining and maintaining employment;
  - (c) promoting inclusion and participation in the community of person with a disability;
  - (d) achieving tangible changes in attitudes and practices which discriminate against persons with a disability.

### **Background Information**

The *Greater Bendigo Community Plan 2017–2021*, states the following plans are required to *support participation and development for residents of all ages and abilities*:

- Community Access and Inclusion Plan (2015-2018)
- Municipal Early Years Plan (2015-2018)
- Positive Ageing Strategy (2011-2014)

With three plans up for renewal at the same time, there was opportunity to consolidate resources and streamline community consultation to develop an All Ages All Abilities Issues and Opportunities Report.

In developing the report, consideration was given to the priority areas identified in the current Youth Strategy (2017-2021).

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

10 December 2018 – Council Briefing report outlining a life-stage approach to activating the priorities identified in the Greater Bendigo Health and Wellbeing Plan (2017 – 2021) through the development of an All Ages All Abilities Action Plan.

17 July 2019 – Draft All Ages All Abilities Issues and Opportunities Report presented at Ordinary Council Meeting and endorsed for release for a four week period of public exhibition between 18 July and 16 August 2019.

## Report

The draft All Ages All Abilities Issues and Opportunities Report provided an overview of the policy context, demographic profile, engagement process, key themes identified during community engagement, city initiatives that respond to those themes, and opportunities for further development or investigation.

The themes identified were grouped under the Greater Bendigo Health and Wellbeing Plan domains:

- Healthy and well
- Safe and secure
- Able to participate
- Connected to community and culture
- Liveability.

The draft All Ages All Abilities Issues and Opportunities Report was placed on public exhibition for four weeks.

In total 11 individuals provided formal submissions.

Feedback was generally positive and supportive of the report. Key themes to emerge from the feedback process were:

- Strong support of the direction of the All Ages and Abilities Plan and consolidating three plans into one
- Concern there was a lack of identified opportunities to address family violence
- Concern there was a diluted focus on early years
- Some opportunities identified particular cohorts however scope of initiative can be expanded to include all ages and abilities.

The All Ages All Abilities Issues and Opportunities Report has been updated to reflect this feedback.

The All Ages All Abilities Action Plan responds to the Issues and Opportunities Report. It outlines the strategic direction and commitment to improving health and wellbeing outcomes across the age spectrum for all community members in Greater Bendigo. It aligns to the Greater Bendigo Health and Wellbeing Plan timelines. The action plan will commence in October 2019 and conclude October 2021. It will be reviewed and updated annually to identify continuous improvements and evaluate outcomes.

### Priority/Importance:

Developing the All Ages All Abilities Issues and Opportunities Report and Action Plan is of high importance as it renews the City's commitment to children, young people, people with a disability and older adults. It enables the City to deliver on its vision, goals and objectives in the Community Plan. The report provides an evidence base to inform decisions about community issues relating to health and wellbeing and the future needs of a growing population.

**Timelines:**

Implementation of the All Ages All Abilities Action Plan is planned between October 2019 and 2021.

**Progress:**

Pending adoption of the All Ages All Abilities Action Plan.

**Risk Analysis:**

The All Ages All Abilities Issues and Opportunities Report and the All Ages All Abilities Action Plan, are major strategic initiatives that supports a significant proportion of our population. It presents the City's commitment to people of all ages and all abilities and their families. Key risks are mitigated by following clear processes; ensuring the action plan is supported by appropriate resourcing, clear communication that manages public expectations and monitoring and implementation. Feedback from the draft All Ages All Abilities Issues and Opportunities Report has ensured the final All Ages All Abilities Action Plan is aligned with community priorities.

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

The All Ages All Abilities project was guided by an internal Project Steering Group.

The period of public exhibition was communicated internally via newsletter with four individual submissions received.

**External Consultation:**

The All Ages All Abilities Issues and Opportunities Report was developed by a project team consisting of members from Community Partnerships and Community Wellbeing Units and was supported by a Project Steering Group.

Community engagement was undertaken during January and February 2019 and included:

- Attendance at over 40 events, workshops or meetings.
- Face-to-face engagement with over 1400 community members.
- 430 online surveys completed.
- 55 representatives from early years, aged and disability organisations attended a Provider Forum.
- 20 City of Greater Bendigo attended a Staff Forum.

At the 17 July 2019 Ordinary Council Meeting, Council endorsed the Draft All Ages All Abilities Issues and Opportunities Report for release for public exhibition between 18 July and 16 August 2019.

During the four-week period, the project team focussed on closing the loop with community members who took part in the engagement. This included revisiting schools, advisory groups and organisations.

Communication materials were developed that showcased the overall findings of the Issues and Opportunities Report. The different stakeholder groups received personalised feedback sharing their top three reasons *Greater Bendigo was a great place to live* and *Greater Bendigo would be a better place to live if*.

These materials included:

- A short video
- Individualised posters
- Social media posts
- Direct emails to survey respondents and forum participants,
- Significant media coverage during this period.

### **Resource Implications**

The ongoing implementation and review of the All Ages All Abilities Action Plan will be coordinated within existing resources of the Community Partnerships and Community Wellbeing Units.

The 2019/2020 actions will be aligned to the resourcing in the 2019/2020 budget. Additional annual resources for programs and activities will be achieved via Federal and State Government grants opportunities and additional budget will be requested in the 2020/2021 budget.

Ongoing governance for the All Ages All Abilities Action Plan will be the responsibility of the Health and Wellbeing Plan - Working Group.

### **Attachments**

Attachment 1 All Ages All Abilities Final Issues and Opportunities Report

Attachment 2 All Ages All Abilities Action Plan

Attachment 3 All Ages All Abilities Public Exhibition Feedback Report 2019

## 4.2 DRAFT COMMUNITY GARDENS POLICY

### Document Information

**Author** Matthew Kerlin, Coordinator Strategy and Policy

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

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### Purpose

The purpose of the report is to present the draft Community Gardens Policy to Council and to seek Council endorsement to release the draft Policy for a period of public exhibition and community feedback.

### Summary

The Greater Bendigo Environment Strategy 2016-2021 highlighted the importance of choosing locally grown, unprocessed, seasonal food as the most effective way to reduce our environmental footprint, eat healthily and support the local economy. This includes learning to grow our own fruit and vegetables or joining a community garden, with an action of the City's Environment Strategy recommending that the City "encourages and supports urban agriculture by developing policies and guidelines for community gardens, community orchards and nature strip food gardens."

Engagement as part of the Food System Strategy highlighted a number of issues and opportunities with regards to community gardens, as well as triggering multiple enquiries from community members or community groups requesting the establishment of a community garden.

There are currently no guidelines in place to guide an appropriate response to these requests and a draft Community Gardens Policy (the Policy) has been developed to address identified issues and provide a clear set of guidelines for both the community and staff.

The draft Policy has sought to address key issues identified with community gardens in Bendigo, including:

- Approaches required to consider contaminated soil
- A need for community ownership of community gardens as opposed to Council driven
- A need for support of surrounding neighbours and a compatibility with surrounding land uses
- Clarity of roles, rights and responsibilities for the City, Community Garden Groups and community members

## **RECOMMENDATION**

That Council release the draft Community Gardens Policy for public exhibition for a period of four weeks and receive a further report on the outcomes from this public exhibition period.

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Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal 2	<u>Wellbeing and fairness</u>
Objective 2.1	Create a much healthier Greater Bendigo
Objective 2.2	Promote positive wellbeing across the Greater Bendigo Community
Objective 2.3	Promote community connection
Goal 4	<u>Presentation and managing growth</u>
Objective 4.4	Keep Greater Bendigo attractive with good quality public facilities and places
Goal 5	<u>Environmental sustainability</u>
Objective 5.1	Drawing on the One Planet Living framework to connect the health of the natural environment to the health and prosperity of our community

Greater Bendigo Health and Wellbeing Plan 2017-2021

Goal	<u>Healthy and well</u>
Objective	Promote healthy lifestyles – healthy eating
Objective	Promote positive mental wellbeing
Goal	<u>Connected to culture and community</u>
Objective	Build community resilience – strengthen community participation and belonging
Objective	Build community resilience – increase social connection and reduce loneliness
Goal	<u>Liveable</u>

Objective	Promote environmental sustainability and resilience to a changing climate
Objective	Facilitate supportive built and natural environments

Strategy Reference (include weblink as applicable):

Greater Bendigo Environment Strategy 2016-2021

Action area	<u>Local and sustainable food</u>
Action 5.2	Support local urban food production and food sharing
Sub-action 5.2.2	Encourage and support urban agriculture by developing policies and guidelines for community gardens, community orchards and nature strip food gardens.

Background Information

The Greater Bendigo Environment Strategy, while acknowledging that the majority of food will continue to be sourced from commercial scale production systems, identifies the importance of choosing locally grown, unprocessed, seasonal food as the most effective way to reduce our environmental footprint, eat healthily and support the local economy.

To do this a number of opportunities for the Greater Bendigo community to source local and sustainable foods were set out including supporting local producers, choosing foods that are in season, eating a balanced diet and learning to grow our own fruit and vegetables or joining a community garden.

With a subsequent action of the Greater Bendigo Environment Strategy Action Plan 2017-2021 recommending that the City “encourages and supports urban agriculture by developing policies and guidelines for community gardens, community orchards and nature strip food gardens.”

Engagement as part of the Food System Strategy highlighted a number of issues and opportunities with regards to community gardens including:

- Maintaining community gardens – volunteer fatigue
- Residents have limited knowledge of our community garden locations and the gardens operate in isolation
- Limited number of community gardens in the region, some existing gardens are running out of space for new residents to join and grow their own food
- Some refugee communities have the knowledge and skills to grow traditional foods, but require support to set up a community garden of their own (i.e. locate land, navigate regulations etc.)
- Support groups to establish new community gardens in areas of need and interest
- Support community food growing and swap initiatives and actively promote relevant internal and external grants to key stakeholders and the wider community

- Support the activation of existing community gardens and investigate feasibility of re-establishing a community gardens network

An unintended consequence of this engagement was that multiple enquiries from community members or community groups requesting the establishment of a community garden were received with no consistent approach in place to address these requests. The draft Policy aims to ensure a consistent approach to future requests for establishment of a community garden.

Previous Council Decision(s) Date(s):

Council adopted the Greater Bendigo Environment Strategy on 31 August 2019.

Report

The draft Policy outlines the role of the City in the provision and management of community gardens on Council owned and/or managed land, including its resource commitment and the outcomes it seeks to achieve. It includes the planning guidelines by which the gardens are expected to operate as well as how the City will assess requests for new community gardens. In addition the draft Policy clarifies the responsibilities and rights of community gardeners.

Key objectives of the draft Policy are to:

- Facilitate the establishment of community gardens on council owned and/or managed land when it is in accordance with any master plan for the site.
- Provide guidelines and procedures to ensure consistency in the standards and management of all community gardens across Greater Bendigo.
- Provide appropriate opportunities for community gardens, according to the City's capacity, community need and the availability of suitable land.
- Support the capacity of groups managing existing community gardens as assets within the City.
- Clarify the rights and responsibilities of all stakeholders involved in community gardens.
- Support community gardens to be self-managed to increase community ownership.
- Promote knowledge and access to fresh, organic and locally produced fruit and vegetables.
- Promote sustainable gardening practices.
- Strengthen community connections and build food literacy of our residents.

The draft Policy clarifies key areas of responsibility for community gardens in Greater Bendigo such as acknowledging issues with contaminated soil, a need for a community group to drive the establishment and operation of the garden (rather than the City), a requirement for a lease or licence agreement as appropriate and commitments to responsible water usage and minimising waste.

The draft Policy specifically addresses community gardens that exist on Council owned and/or managed land, therefore community gardens that operate on private owned land or land owned by State Government are outside the scope of the Policy.

Priority/Importance:

Development of a Community Gardens Policy was identified as a short term (1-2 years) action of the Greater Bendigo Environment Strategy 2017-2021.

Options/Alternatives:

Council has the option to release the draft Policy for community review or alternatively seek amendments or further information from officers prior to releasing it for community review and comment.

Timelines:

If Council were to endorse the draft Policy then public exhibition and community engagement would occur for a period of four weeks following the Ordinary Council meeting. With a further report to Council to be presented reporting on the outcomes of this engagement.

It is proposed that the Policy be reviewed 12 months after the commencement date to allow for any impacts from recommendations of the Greater Bendigo Food System Strategy (currently in development) to be considered.

Risk Analysis:

There are a number of risks to the City if the draft Policy is not endorsed, including:

- Unnecessary delays in supporting community garden projects.
- Inconsistent advice/support provided to community garden groups.
- Food grown in community gardens and/or on council managed land is contaminated due to planting directly into the soil.
- An expectation that the City will provide infrastructure for new community garden projects.
- A drain on staff resources if there is not a clear community garden group leading the establishment of a new community garden due to an expectation staff will run/manage/maintain the garden.

Consultation/Communication

Internal Consultation:

A number of units across the organisation have provided input into the draft Policy including Parks and Open Space, Safe and Healthy Environments, Property Services, Governance and Regional Sustainable Development, including input from the Senior Water Strategy Officer.

External Consultation:

Development of the Greater Bendigo Environment Strategy commenced in June 2015 and involved 18 months of extensive community engagement. The Strategy was finalised and adopted by Council at its ordinary meeting on Wednesday 31 August 2016.

Initial community engagement activities for the Food Systems Strategy took place across a 3 month period (March – June 2019) with a great response from community and key food system stakeholders. Approximately 1000 people were engaged through a combination of engagement methods including an online survey, stakeholder workshop, face-to-face meetings, telephone interviews, listening posts, engagement stalls, focus groups and community sessions.

It is proposed that public feedback and comment will be promoted through media releases, social media and other standard communication options available to the City. Existing community garden groups and those who have expressed an interest in community gardens previously will be invited directly to provide feedback and comment.

Resource Implications

Budget Allocation in the Current Financial Year:

There is a budget allocation of \$25,000 in the current budget for a proposed Spring Gully Community Garden.

Projected costs for future financial years:

Supporting the implementation of the draft Policy will largely require the use of existing resources within the organisation. The draft Policy identifies that the City will provide support with identifying grant opportunities through the City's Community Grants process, but the City makes no commitment to fund the development of infrastructure.

Attachments

1. Draft Community Gardens Policy

COMMUNITY GARDENS POLICY

Approval Level:	Council
Policy Type:	Council
Approval Date:	Click here to enter a date. (If the policy is to become effective at a future date, both the approval date and commencement date should be shown. ie <i>15 March 2016 (Effective from 1 July 2016)</i>)
Review cycle:	The initial review of the Policy will be 12 months following the commencement date.
Review Date:	Click here to enter a date. (If the policy is to become effective at a future date, both the approval date and commencement date should be shown. ie <i>15 March 2016 (Effective from 1 July 2016)</i>)
Responsible Officer:	Coordinator Strategy and Policy
Owner:	Active and Healthy Lifestyles
Responsible Director:	Health and Wellbeing
Relevant Legislation/Authority:	<i>(for example: Local Government Act 1989, National Employment Standards (NES), Environmental Protection Agency (EPA), WorkSafe Victoria)</i>
DOCSETID:	4181081

- PURPOSE**

The Interim Community Garden Policy outlines the role of the City in the provision and management of community gardens on Council owned and/or managed land, including its resource commitment and the outcomes it seeks to achieve. It includes the planning guidelines by which the gardens are expected to operate as well as how the City will assess requests for new community gardens. In addition the Policy clarifies the responsibilities and rights of community gardeners.

Key objectives of this policy are to:

- Facilitate the establishment of community gardens on council owned and/or managed land when it is in accordance with any master plan for the site.
- Provide guidelines and procedures to ensure consistency in the standards and management of all community gardens across Greater Bendigo.
- Provide appropriate opportunities for community gardens, according to the City's capacity, community need and the availability of suitable land.
- Support the capacity of groups managing existing community gardens as assets within the City.
- Clarify the rights and responsibilities of all stakeholders involved in community gardens.
- Support community gardens to be self-managed to increase community ownership.
- Promote knowledge and access to fresh, organic and locally produced fruit and vegetables.
- Promote sustainable gardening practices.

- Strengthen community connections and build food literacy of our residents.

- **BACKGROUND**

Community gardens are places where people come together to grow produce, to learn horticultural skills, to share seed, produce and knowledge, to relax and reflect, to make friends and connect with a diverse range of local people.

Community gardens are usually not-for-profit and run by volunteers. The majority are a registered incorporated association managed by a committee made up of elected members and operating under a constitution. Many community gardens act under a partnership arrangement with Local Government. There are a number of different models of community garden structure.

The most common forms are:

- Allocation of individual plots or allotments to members with some shared areas e.g. propagation shed.
- Collective management of the entire garden by members.
- Planter boxes on the footpath with collective management from local interest groups e.g. street traders.
- School kitchen gardens can be defined as a community garden when local residents outside the school community can join the garden in partnership with the school.
- Gardens managed by Council, with the plot operator issued with a permit under a fee arrangement.

This Policy pertains specifically to community gardens that exist on Council owned and/or managed land, therefore community gardens that operate on private owned land or land owned by State Government are outside the scope of the policy.

It should be noted that while the City actively encourages the establishment of community gardens as long term projects, circumstances may arise where the land concerned may be required for other purposes. If this situation arises, the City has the right to terminate the arrangement, but will work collaboratively with the respective entities to endeavour to find an alternative site to support the ongoing operations of the community garden and their re-establishment.

- **SCOPE**

The Community Garden Policy outlines the role of the City in the provision and management of community gardens on Council owned and/or managed land, including its resource commitment and the outcomes it seeks to achieve. It includes the planning guidelines by which the gardens are expected to operate as well as how Council will assess requests for new community gardens. In addition the Policy clarifies the responsibilities and rights of community gardeners.

- **DEFINITIONS**

N/A

- **PRINCIPLES**

The City will assist in locating a possible new garden site subject to the following:

- Demonstrated interest and commitment from a community group.
- The existence of suitable available land.
- The support of neighbours living adjacent to and near the proposed site.

- Access to existing public facilities such as toilets and meeting rooms.
- Alignment with existing Management Plans and all other planning, regulatory and legislative requirements.
- Usability of the site.
- Compatibility with surrounding land uses.
- Commitment to using raised wicking beds (or similar). Beds must be created with feet so that the beds can be relocated with a forklift if they fall into disuse.
- Sun exposure.
- Accessibility to public transport.
- Accessibility to supporting infrastructure such as water.
- Use alternative water supplies (e.g. harvested rainwater, recycled water, etc) wherever possible provided they are fit-for-the intended purpose
- That discussions to partner with other local community gardens have occurred.

In addition, it will be important that existing open space users are not disadvantaged as a result of the establishment of a community garden.

- **POLICY**

Council recognises that community gardens provide a wide range of social, environmental and economic benefits. Council promotes the development of community gardens by supporting community groups to self-manage garden sites on Council land. Any direct involvement by Council is subject to available resources. This approach leads to increased community ownership and the long-term sustainability of community gardens.

- **ROLES AND RESPONSIBILITIES**

The role of the City is as follows:

- Provision of information, knowledge and resources to assist the community in developing, operating and participating in community gardens.
- Supporting training opportunities to build the capacity of community garden groups and volunteers to facilitate the success and sustainability of community gardens.
- Promoting existing community gardens and activities through Council's website, newsletters and events.
- Advising community garden committees of any changes that the City makes that may impact the operation of the garden.
- Assessing applications, provision of land and compliance to guidelines.
- Determining what use will proceed if there are competing demands for any particular area of land, and ensure the uses on any particular piece of land are compatible.
- Provide support with identifying grant opportunities through the City's Community Grants process.
- Planning the location of community gardens.
- Establishing a framework for community gardens in Greater Bendigo.
- Ensure that the site has an Environmental Site Management Plan.

Role of Community Gardeners

Community gardens should be managed by the community, however this must be undertaken in such a way that the needs of a diverse range of stakeholders are taken into account.

Responsibilities

Community gardeners are responsible for maintaining their garden so that the health and safety of the neighbouring community is not adversely impacted. In particular, gardeners are responsible for ensuring that:

- They do not discriminate against anyone due to differences in disability, race, culture, sexuality, age or gender.
- They develop positive and cooperative relationships with the surrounding neighbourhood, local businesses, other users of the land and other gardeners.
- They regularly communicate with the City, neighbours and partners.
- Decision making is democratic, transparent and inclusive.
- Noise levels do not disturb neighbours.
- There is an efficient use of water, so that any run-off is minimised.
- Any water leaving the garden is not contaminated by sediment, fertiliser, manure or excess organic matter.
- If rainwater tanks are installed they should be maintained to ensure water quality is high.
- Water expenses incurred for the community garden are paid for by the relevant community garden group.
- Recycled organic systems are maintained so as not to attract vermin or produce unpleasant odours.
- Noxious and environmental weeds are actively controlled and organic principles should be applied to the use of herbicides and pesticides.
- The garden is kept tidy so as not to create an unpleasant environment for local residents.
- Visitors are welcomed to the garden, and members of the public can access the community garden during daylight hours.
- The terms set out in any licence/lease and/or permit are adhered to and notifying the City of any changes to the community garden following the submission of the Community Garden Management Plan.
- Raised wicking beds (or similar) are used and the soil of the site is not disturbed.
- That a responsible approach is taken to minimising general waste, encouraging recycling and the use of organics/composting.
- Comply with any relevant requirements under the site's Environmental Site Management Plan.
- The site is restored to its natural state in the event the Community garden group is disbanded.

Rights

Community gardeners have the right to:

- Develop their own internal policies, organisational procedures and Plan of Management providing they liaise with the City.
- Be informed by the City of any decisions or policy changes that may affect the project.
- Be treated with respect by other gardeners, local residents and the City's representatives.
- Negotiate a secure and reasonable agreement with the City.

• RELATED DOCUMENTS

Readers are encouraged to access relevant documents and/or resources which are available as per the below.

These include:

- Appendix A: Community Garden Guidelines (to be developed)

Further information or advice on this policy should be directed to Active and Healthy Lifestyles

• HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

- **ADMINISTRATIVE UPDATES**

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
<i>Month, year</i>	<i>Insert initials</i>	<i>Business Unit</i>	<i>Eg. Develop, Review (significant) Review (administrative), Update</i>	<i>Increase version number each time document is updated/changed</i>	<i>Month, year</i>
<i>Month, year</i>	<i>Insert initials</i>	<i>Business Unit</i>	<i>Eg. Develop, Review (significant) Review (administrative), Update</i>	<i>Increase version number each time document is updated/changed</i>	<i>Month, year</i>

4.3 ESTABLISHMENT OF A PUBLIC SPACES ADVISORY COMMITTEE

Document Information

Author Kevin Walsh, Recreation & Open Space Strategic Planner

Responsible Director Vicky Mason, Director Health and Wellbeing

Purpose

The purpose of this report is to seek endorsement for the establishment of the Public Spaces Advisory Committee and consequent wind up of the Rosalind Park Precinct Advisory Committee.

Summary

Council adopted the Greater Bendigo Public Space Plan at its meeting of 18 July 2018. The Public Space Plan recommended the investigation of options “for the establishment of a public space advisory committee with a broad remit to provide oversight for the implementation of public space-related planning, design and management, and to provide recommendations to the City of Greater Bendigo Council. Representatives of various agencies, the community and Council should form the core of the committee.” It further recommends that such a committee “should preferably absorb existing space-specific committees such as the Rosalind Park Advisory Committee”.

The Public Spaces Advisory Committee will combine various specialist skills from within the City of Greater Bendigo and the expertise, knowledge and interest of technical experts along with community-based participants to provide the strategic directions to deliver quality outcomes for the City’s public spaces.

As this is an over-arching committee the community members should have broad interest in public spaces, rather than a narrow or site specific focus, but the Expressions of Interest form also makes it clear that formal qualifications are not a prerequisite for membership. They will bring to the committee community connections and networks; strategic, collaborative and community engagement skills; an understanding of public space principles and the contemporary demands and impacts on public spaces.

It is proposed to invite technical experts on the committee to represent the Dja Dja Wurrung Clans Aboriginal Corporation, Department of Environment, Land, Water and Planning and Parks Victoria. Other technical experts will be included by invitation as required and are likely to include, but not be limited to representatives from Taungurung Clans Aboriginal Corporation, North Central Catchment Management Authority, Coliban Water, Department of Transport and others.

RECOMMENDATION

That Council:

1. Establish the Public Spaces Advisory Committee in line with the terms of reference and structure included with this report.
2. Initiate an expression of interest process to attract community representatives to the Committee.
3. Nominate three Councillors (one from each Ward), with two Councillors to act as the Chair and Deputy Chair of the Committee.
4. Seek a nomination from the Youth Council.
5. Wind up the Rosalind Park Precinct Advisory Committee upon the establishment of the Public Spaces Committee.
6. Formally thank all community Rosalind Park Precinct Advisory Committee members past and present for their input and participation with this committee.

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## **Policy Context**

### Community Plan Reference:

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

Goal # 1            Lead and govern for all

Objective # 1    Engage with all communities

Goal # 2            Wellbeing and fairness

Objective # 2    Promote positive wellbeing across Greater Bendigo community

Objective # 3    Promote community connections

Goal # 4            Presentation and managing growth

Objective # 4    Keep Greater Bendigo attractive with good quality public facilities and places

Goal # 5            Environmental sustainability

Objective # 1    Drawing on the One Planet Living framework to connect the health of the natural environment to the health and prosperity of our community

Objective # 2    Demonstrate leadership in sustaining the rich biological diversity of the Greater Bendigo region that sustains healthy ecosystems

Goal # 6 Embracing our culture and heritage

Objective # 1 Celebrate our unique heritage

Objective # 2 Build pride in and shared responsibility for our public spaces

*Greater Bendigo Health & Wellbeing Plan 2017 – 2021*

Goal # 1 Healthy and well.

Objective The Greater Bendigo Community has good physical and mental health supported by healthy lifestyles.

Goal # 5 Liveable

Objective The Greater Bendigo community is adaptable and resilient and has access to sustainable natural, built, social and economic environments that support and enhance health and wellbeing.

Strategy Reference:

*Greater Bendigo Public Space Plan 2018*

Action 3.8 (page 87): Investigate options for the establishment of a public space advisory committee with a broad remit to provide oversight for the implementation of public space-related planning, design and management, and to provide recommendations to the City of Greater Bendigo Council. Representatives of various agencies, the community and Council should form the core of the committee. An adaptation of the highly successful City of Melbourne's Parks and Gardens Advisory Committee model should be considered. Such a committee should preferably absorb existing space-specific committees such as the Rosalind Park Advisory Committee.

**Background Information**

Council adopted the Public Space Plan at its meeting of 18 July 2018. The Public Space Plan recommended the investigation of options "for the establishment of a public space advisory committee with a broad remit to provide oversight for the implementation of public space-related planning, design and management, and to provide recommendations to the City of Greater Bendigo Council. Representatives of various agencies, the community and Council should form the core of the committee." It further recommends that such a committee "should preferably absorb existing space-specific committees such as the Rosalind Park Advisory Committee".

Previous Council Decision(s) Date(s):

4 November 2014 – Council resolves to establish the Rosalind Park Advisory Committee.

18 July 2018 – Council adopts the Greater Bendigo Public Space Plan.

## Report

The Public Spaces Advisory Committee (the Committee) is to be a high level strategically focused advisory group. The purpose of the Committee is to provide the best high level advice, guidance and strategic representation to Council with respect to matters concerning public spaces in order to ensure the best quality outcomes for public spaces.

It is proposed that key roles of the Committee include:

- a. Providing oversight for the implementation of public space-related planning, design and management.
- b. Providing advice to Council on current and emerging issues for public spaces, including issues related to, but not limited to, leisure, education, economic, cultural, social and environmental aspects.
- c. Providing advice on matters strategically relevant to public spaces as required by Council including, but not limited to, implementation of the Public Space Plan.
- d. Participating in consultative forums initiated by the City for the purpose of informing and seeking feedback from the community.
- e. Assisting in the development of partnerships and communication networks to ensure effective dissemination of information, coordinated advice and feedback to Council.
- f. Harnessing the opportunities that the City's community engagement meetings afford to profile issues relevant to the progression of the Public Space Plan.
- g. Providing recommendations for research or investigations into strategic issues impacting on public space.
- h. Providing clear recommendations based on skills, knowledge and experience of the members.
- i. Identify relevant funding opportunities.

Council will take the advice of the Public Spaces Advisory Committee into consideration as part of its deliberations, with the City of Greater Bendigo's appointed officer generally the primary liaison between the Committee and Council.

It is proposed that the Public Spaces Advisory Committee be made up of the following representatives:

- *Three (3) Greater Bendigo City Councillors, representing the three wards, with one Councillor to be the Chair and one other the Deputy Chair.*
- *One Greater Bendigo Youth Councillor*
- *Three (3) technical expert members, one each from:*
  - *Dja Dja Wurrung Clans Aboriginal Corporation*
  - *Department of Environment, Land, Water and Planning*
  - *Parks Victoria*

- *Five (5) community based representatives.*
- *Two (2) City of Greater Bendigo representatives at a Director or Manager level with one (1) from the Health and Wellbeing Directorate and one (1) from the Presentation and Assets Directorate.*
  - *An officer from the Active and Healthy Lifestyles Unit shall be appointed as the Executive Officer to the Committee.*

*Other technical experts will be by invitation and may include, but not limited to, Taungurung Clans Aboriginal Corporation, North Central Catchment Management Authority, Coliban Water, Department of Transport and others.*

It is recommended that the Dja Dja Wurrung Clans Aboriginal Corporation are invited to participate on the committee, as the traditional owners of the majority of the land that comprises Greater Bendigo, to increase their participation and influence on the City's decision making process, specifically with regards to public spaces. With an acknowledgement that when specific agenda items consider public spaces upon Taungurung country that the appropriate representation at the Committee will be sought. As much of the public space managed by the City is crown land it is also important that the Department of Environment, Land, Water and Planning and Parks Victoria are both contributing, engaged and informed.

An expression of interest process for membership upon the committee has been developed to ensure that an appropriate mix of skills and experience is represented on the committee, with a copy of the expression of interest form attached as Attachment 2.

The Rosalind Park Advisory Committee has met for 5 years and made a positive contribution to the Park's development. Rosalind Park will still be represented at the new Public Spaces Advisory Committee along with all aspects of the public realm from street trees to pocket parks. Current members of the Rosalind Park Advisory Committee are eligible and encouraged to apply for the Public Spaces Advisory Committee

#### Options/Alternatives:

Do nothing: This will leave council with no community based committee to provide oversight to the implementation of the Public Space Plan and other aspects of public open space design, development and management.

#### Timelines:

If endorsed by Council it is proposed that there will be a process of public advertising for Expressions of Interest for the committee, followed by interviewing of applicants. This process will take about three months from start to finish. Once successful applicants are appointed it is expected they will meet bi-monthly, with the first meeting likely to occur in early 2020.

Following confirmation of this first meeting date the members of the Rosalind Park Advisory Committee will be advised and a final meeting will be called to close off or refer any outstanding actions and thank the community members for their time and contribution.

It is proposed that the operation and performance of the Public Spaces Advisory Committee would be reviewed after twelve (12) months.

### Risk Analysis:

If Council resolve to not establish the Committee then the Rosalind Park Advisory Committee will remain, but there will be a lack of an overarching body which looks at all of the City's public open spaces and provides input and feedback to decision makers. This is likely to result in a poorer decision making process with regards to strategic decisions made for the City's public space.

It is also important that the right skill set and broad representation of the community is achieved in appointing the Committee. There is a risk that the committee will not reflect the diversity of our community and users of our public spaces, nor bring the required breadth of skills, expertise and interest to the table resulting in poor quality advice and guidance provided to Council by the Committee.

### **Consultation/Communication**

#### Internal Consultation:

Internal consultation included the members of the internal Public Spaces Committee including Manager Active and Healthy Lifestyles, Manager Parks and Open Spaces, Manager Community Wellbeing, Manager Regional Sustainable Development, Manager Property Services, and Manager Engineering.

Also consulted were Co-ordinator Strategy and Policy; Senior Strategic Planner; along with officers involved in existing Council Advisory Committees such as Senior Environment Officer; Heritage Planner; and Strong Communities Officer..

#### External Consultation:

Research was carried out to determine if other Victorian local government areas have similar committees. A brief search revealed that, while there were a few municipalities with site specific committees, only City of Melbourne had an over-arching Parks and Gardens Advisory Committee. A conversation was held with a staff member at the City of Melbourne about their similar committee, as well as looking at their Terms of Reference.

### **Resource Implications**

Organisation and ongoing administration of the committee, as well as participation by City staff will be delivered through existing resources.

### **Attachments**

1. Greater Bendigo Public Spaces Advisory Committee – Terms of Reference
2. Greater Bendigo Public Spaces Advisory Committee - Expressions of Interest Form



## Public Spaces Advisory Committee

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### TERMS OF REFERENCE and associated matters

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#### 1. Introduction

The City of Greater Bendigo Council has adopted a Public Space Plan at its meeting of 18 July 2018. At the heart of this plan are five 'headline' strategies which provide an overall sense of the scope, ambition and direction of the plan. These are:

- City-defining public space
- City in a forest
- People and bike-friendly public space
- City-wide network of public space corridors
- Quality public space

The Public Space Plan recommended the investigation of options "for the establishment of a public space advisory committee with a broad remit to provide oversight for the implementation of public space-related planning, design and management, and to provide recommendations to the City of Greater Bendigo Council. Representatives of various agencies, the community and Council should form the core of the committee." It further recommends that such a committee "should preferably absorb existing space-specific committees such as the Rosalind Park Advisory Committee."

The City of Greater Bendigo believes the establishment of a Public Spaces Advisory Committee combining various specialist skills from within the City of Greater Bendigo and with the expertise, knowledge and interest of technical experts and community-based participants will provide the strategic directions to deliver quality outcomes for the City's public spaces.

#### 2. Terminology

The public space of Greater Bendigo encompasses parks, gardens, creek corridors, bushland and sporting reserves as well as its streets and road reserves, urban spaces such as squares, malls and plazas, and rail corridors and easements. It also includes extensive areas of public land, which are often managed by organisations other than the City of Greater Bendigo.

#### 3. Purpose

The Public Spaces Advisory Committee (the Committee) is a high level strategically focused advisory group. The purpose of the Committee is to provide the best high level advice, guidance and strategic representation to Council with respect to matters concerning public spaces in order to ensure the best quality outcomes for public spaces.



The Committee will support Council and CoGB in the development of relevant strategy, policy and action plans and assist with community engagement and discussion around these issues. The Terms of Reference are provided to clarify the roles and responsibilities of the Committee. Key roles of the Committee include:

- a. Providing oversight for the implementation of public space-related planning, design and management.
- b. Providing advice to Council on current and emerging issues for public spaces, including issues related to, but not limited to, leisure, education, economic, cultural, social and environmental aspects.
- c. Providing advice on matters strategically relevant to public spaces as required by Council including, but not limited to, implementation of the Public Space Plan.
- d. Participating in consultative forums initiated by the CoGB for the purpose of informing and seeking feedback from the community.
- e. Assisting in the development of partnerships and communication networks to ensure effective dissemination of information, coordinated advice and feedback to Council.
- f. Harnessing the opportunities that CoGB's community engagement meetings afford to profile issues relevant to the progression of the Public Space Plan.
- g. Providing recommendations for research or investigations into strategic issues impacting on public space.
- h. Providing clear recommendations based on skills, knowledge and experience of the members.
- i. Identify relevant funding opportunities.

Council will take the advice of the Public Spaces Advisory Committee into consideration as part of its deliberations, with the City of Greater Bendigo's appointed officer generally the primary liaison between the Committee and Council.

#### **4. Membership**

To ensure a balanced and comprehensive base for advice, the Committee should collectively have a diversity of relevant expertise and experience. Ideally there should be a balanced representation of genders and culturally diverse representation.

Membership to the Committee shall comprise:

- 4.1 Three (3) Greater Bendigo City Councillors representing the three wards, with one Councillor to be the Chair and another the Deputy Chair.
- 4.2 One Greater Bendigo Youth Councillor
- 4.3 Three (3) technical expert members, one each from:
  - Dja Dja Wurrung
  - Department of Environment, Land, Water and Planning
  - Parks Victoria

- Other technical experts will be by invitation and may include, but not limited to, North Central Catchment Management Authority, Taungurung, Coliban Water, Department of Transport, and others.
- 4.4 Five (5) community based representatives.  
Representatives should demonstrate a general interest in public open spaces, rather than one specific site or aspect, with the capacity to consider the views of the wider community and to consider issues strategically and impartially. Community representatives will be chosen by an expression of interest process.
- 4.5 Two (2) City of Greater Bendigo representatives at a Director or Manager level with one (1) from the Health and Wellbeing Directorate and one (1) from the Presentation and Assets Directorate. An officer from the Active and Healthy Lifestyles Unit shall be appointed as the Executive Officer to the Committee.
- 4.6 If a Committee member misses more than two meetings in succession without informing the Committee Chair or Vice Chair, that person will be contacted and their membership of the Committee may be revoked.
- 4.7 The roles and responsibilities of the Committee members are:
- a. To be familiar with the relevant council strategies, including the Public Space Plan 2018; the Walking and Cycling Strategy (in preparation); Greening Greater Bendigo strategy (in preparation); and the Greater Bendigo Environment Strategy 2016-2021.
  - b. To be familiar with the site specific Master Plans available for relevant public spaces.
  - c. To be fully prepared for meetings
  - d. To agree to participate in a collaborative meeting format
  - e. To bring expertise, local knowledge and broad community experience to the table
  - f. To consider and raise issues, proposals and ideas; and
  - g. To provide informed advice and guidance.
- 4.8 Members may be nominated by two methods:
- a. All government or government appointed authorities or agencies listed in 4.3 will be formally approached and invited to nominate a suitable delegate.
  - b. The Greater Bendigo community will be invited to participate as individuals in an Expression of Interest and interview process.
5. **Expressions of Interest**
- 5.1 Expressions of Interest for Committee membership will be sought through a public call seeking a diversity of skill sets and experience.
- 5.2 Expressions of Interest for Committee membership must include responses to a set of Key Selection Criteria/Questions. All Expressions of Interest received for Committee membership will be considered by a Selection Panel.
- 5.3 The Selection Panel will comprise the 3 Councillors appointed to the Committee and along with the Director or their delegate from the Health and Wellbeing Directorate and the Director or their delegate from the Presentation and Assets Directorate and the Executive Officer to the Committee.
- 5.4 The role of the Selection Panel shall be to assess all Expressions of Interest received, develop a shortlist for interview and, following interview, make recommendations to Council as to the preferred Committee membership.
- 5.4 The new Committee will be formally appointed by Council and members will serve in a voluntary capacity.

**6. Term of Appointment**

- 6.1 Delegates (section 4.3) shall remain on the Committee for their term so long as they represent the authority referred to or until such time as Council or the relevant government authority chooses to replace them.
- 6.2 Community representatives on the Committee are to be appointed for 3 years. Councillor appointments shall be for a 12 month term.
- 6.3 Retiring Committee members may apply for further terms of office up to a maximum of 3 terms.
- 6.4 The Committee shall make recommendations to the Chief Executive Officer or their delegate to fill any vacancy on the Committee and the term of office of the newly appointed Committee member shall expire at the same time as the Committee member being replaced.

**7. Chairperson**

A Councillor is to be appointed by Council to chair the meetings. If the Chair is absent, the other Councillor or Council delegate present is to chair.

**8. Conduct of Meetings**

Committee meetings will be conducted as follows:

- a. Committee meetings are to be held on a regular cycle bi-monthly for the first 12 months with a review of frequency at the end of this time. Additional meetings may be required from time to time. It is suggested that meetings will be held from 4pm on the second Wednesday of the month with this to be confirmed at the time of appointment.
- b. Meetings will be held at a City of Greater Bendigo office, with occasional meetings requiring site visits.
- c. A quorum will consist of 3 or more community members of the Committee.
- d. The Committee will endeavour to reach decisions by consensus. Where this is not achievable, voting rights extend to community members. Voting rights do not extend to Councillors or City of Greater Bendigo officers
- e. There is no provision for proxy attendees or proxy voting. In the event that a committee member is unable to attend but wishes to cast a vote of an agenda item, the committee member must submit their vote in writing by midday on the day of the meeting and be responsible for ensuring that it is received by the Chair.
- f. The Committee, by resolution or through the Chair, may invite any CoGB staff member, individual, interest group, or agency representative to attend a meeting as a delegation or to submit or present information that will assist the Committee in carrying out its functions.
- g. Minutes of each Committee meeting will be recorded and distributed to all Committee members. The minutes shall also be made available to all Councillors, City of Greater Bendigo staff and to the public by request.
- h. The Committee, by resolution or through the chair, may formulate issue-specific or site-specific sub-committees. The terms of these sub-committees will be set by the Committee.
- i. Performance of the committee and frequency of meetings will be reviewed by Council once it has been operating for 12 months.

**9. Conflict of Interest**

Committee members should declare a conflict of interest if they are to discuss an item that, if supported by Council, could result in a direct or indirect benefit or loss to them as opposed to a large sector of the greater Bendigo community. The provisions of the Local Government Act 1989 apply to Councillor Members.

**10. Dismissal of Members**

The Chief Executive Officer retains the right to revoke the membership of any person the CEO considers to be acting outside the interests of the City of Greater Bendigo and the communities / sectors that the Committee is charged with representing.

**11. Insurance**

- 11.1 Public Liability Insurance: Members of any Committee established by the Council under the Local Government Act or any other enabling legislation or, whilst acting in that capacity within the scope of their duties for and on behalf of the Council, are provided with cover under the LMI Broadform Public and Products Liability and Professional Indemnity Insurance, subject to the LMI policy terms, conditions, endorsements, exclusions and deductible and the like.
- 11.2 Council appointed Committee members, whilst acting in that capacity within the scope of their duties for and on behalf of Council, are covered within the terms and conditions of the Council's LMI Public and Products Liability Insurance Policy for third party personal injury or damage to property (as defined) caused by an occurrence, and where applicable for breach of professional duty, in connection with the Business of the Council.
- 11.3 The City of Greater Bendigo's insurance policies provide indemnity for personal injury, property loss, products liability and claims for breach of professional duty, subject at all times to the Policy "Conditions and Exclusions".

**12. Dissolution**

- 12.1 The Committee may, at any meeting, agree to disband.
- 12.2 The Council may - for any reason - resolve to disband the Committee and, upon written notice to that effect being given to Committee members, the Committee shall be disbanded.

**13. Implementation and Review**

Sections of these Terms of Reference (Sections 5 - 16) are standard for Advisory Committees to Council and are only subject to review by Council or the City of Greater Bendigo. The Committee will undertake a review of the other sections of the Terms of Reference every three (3) years prior to the conclusion of its term.

**14. Resources provided by City of Greater Bendigo**

- 14.1 Provide administrative and technical support for the Committee's meetings.
- 14.2 Provide a suitable venue for the Committee's meetings, generally of 1-2 hours duration.

**15. Communication**

Minutes of each meeting will be recorded and distributed to the Committee and Council.

- 15.1 The Chairperson will report to Council regularly.
- 15.2 A delegation from the Committee will present annually to Council Briefings on the Committee's activities and initiatives in the previous year.
- 15.3 Responding to media requests or making public comment on behalf of the Committee is the responsibility of the Chairperson, Chief Executive Officer or an authorised City of Greater Bendigo officer. In some circumstances it may be appropriate for a Committee member to speak publically about the work of the Committee. In these instances, Chairperson approval must be sought.

**16. Confidentiality and Conflict of Interest**

- 16.1 The Committee will, from time to time, deal with matters subject to confidentiality. Items of confidentiality will be specifically identified and Committee members are expected to observe this provision for the period that the provision applies. Committee members will be expected to sign a Conflict of Interest and/or Confidentiality Agreement.

# Expression of Interest Form for appointment to the Public Spaces Advisory Committee

Please complete and return this form if you wish to be considered for appointment to the City of Greater Bendigo's Public Spaces Advisory Committee. You may attach supporting documentation to this form if you wish.

**Name:**

**Address:**

**Day time contact number:**

**Email address:**

**Briefly state why you would like to be appointed to the Public Spaces Advisory Committee.**

**Please include details of any relevant interests, experience and qualifications. Please note that formal qualifications are not a prerequisite for Committee membership.**

**Please address the following Key Selection Criteria:**

- 1. Understanding of issues impacting on public spaces including population growth, environmental, social, cultural and economic impacts.**

Please indicate on a scale from 1-5 your level of skill/experience in this area (5 represents expert)

1                      2                      3                      4                      5

- 2. Ability to work collaboratively with others.**

Please indicate on a scale from 1-5 your level of skill/experience in this area (5 represents expert)

1                      2                      3                      4                      5

**3. Knowledge of and experience in community engagement.**

Please indicate on a scale from 1-5 your level of skill/experience in this area (5 represents expert)

|   |   |   |   |   |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|

**4. Ability to think analytically and strategically**

Please indicate on a scale from 1-5 your level of skill/experience in this area (5 represents expert)

|   |   |   |   |   |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|



**5. Strong connections to established formal or informal community networks.**

Please indicate on a scale from 1-5 your level of skill/experience in this area (5 represents expert)

1                      2                      3                      4                      5

**6. Involvement in and/or knowledge of public space principles such as parks planning, management and horticulture; arboriculture and urban forestry; walking, cycling and organised sports; heritage and contemporary landscapes; urban design and landscape architecture; natural environment management and restoration.**

Please indicate on a scale from 1-5 your level of skill/experience in this area (5 represents expert)

1                      2                      3                      4                      5

Please complete this expression of interest form and return to:  
Attention: Kevin Walsh,  
Recreation and Open Space Strategic Planner,  
City of Greater Bendigo.

by 5pm on **Friday XX Xxxxxx**.

**Post:** PO Box 733, Bendigo, Victoria, 3552.

**Email:** [k.walsh@bendigo.vic.gov.au](mailto:k.walsh@bendigo.vic.gov.au)

**Phone:** 4408 6657

**5. STRENGTHENING THE ECONOMY**

Nil.

**6. ENVIRONMENTAL SUSTAINABILITY**

Nil.

**7. EMBRACING OUR CULTURE AND HERITAGE**

Nil.

**8. LEAD AND GOVERN FOR ALL**

**8.1 RECORDING OF OATH OF OFFICE FOR EPPALOCK WARD  
COUNCILLOR**

Report to be tabled at the meeting

## 8.2 ADOPT LOCAL LAW MEETING PROCEDURE

### Document Information

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

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

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### Purpose

This report recommends Council adopt Greater Bendigo City Council Local Law – Process of Municipal Government (2020).

### Summary

Council resolved on the August 21 2019 to publicly give notice of its intention to resolve to adopt the draft Greater Bendigo City Council Local Law – Process of Municipal Government (2020), and invited any persons affected to make a submission.

No submissions were received.

### **RECOMMENDATION**

That Council:

1. Delete the definition for a “penalty unit” and amend the date of the Sentencing Act to “1991” in the draft Greater Bendigo City Council Local Law – Process of Municipal Government (2020).
2. Adopt and implement the amended draft Greater Bendigo City Council Local Law – Process of Municipal Government (2020) commencing the first day of January 2020.
3. In accordance with section 119 subsection (3) of the Local Government Act 1989 give notice in the Government Gazette and a public notice specifying:
  - a) The title of the local law; and
  - b) The purpose and general purport of the local law; and
  - c) That a copy of the local law may be inspected at the Council office.
4. Send a copy of the Greater Bendigo City Council Local Law – Process of Municipal Government (2020) to the Minister for Local Government.

### 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

Under Section 91 of the Local Government Act 1989 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.

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

## Previous council Decision(s) Date(s)

At its Ordinary meeting on August 21 Council resolved:

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

## Report

Under Section 223 of the Local Government Act 1989, Council must publicly exhibit any proposed local law for a minimum of twenty eight days, inviting written or verbal submissions. Council must give consideration to all submissions and respond in writing to each, notifying submitters of the decision and the reason for the decision.

No submissions were received in response to the exhibition of the Draft Greater Bendigo City Council Local Law – Process of Municipal Government (2020).

### Priority/Importance:

Council's adoption of the Greater Bendigo City Council Local Law – Process of Municipal Government (2020) is a high priority given that the existing Local Law 8 expires on December 31 2019 and cannot be extended.

### Options/Alternatives:

N/A

### Timelines to date

| Action                                                                                 | Date                      |
|----------------------------------------------------------------------------------------|---------------------------|
| Exhibit Draft Greater Bendigo City Council Local Law – Process of Municipal Government | 29 August to 27 September |
| Notice published in Government Gazette<br>Public Notice – Bendigo Advertiser           | August 29<br>August 24    |
| Closing date for public submissions ( <i>none received</i> )                           | 5pm September 27          |
| Committee of Whole Council meeting to consider submissions                             |                           |

### Timelines to complete process

|                                                                                                                             |                          |
|-----------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Council meeting formally adopts final Draft Greater Bendigo City Council Local Law – Process of Municipal Government (2020) | October 16               |
| Notice published in Government Gazette<br>Public Notice                                                                     | October 23<br>October 19 |
| Copy of the Greater Bendigo Local Law to Minister                                                                           | After October 23         |

|                                                                                                     |                |
|-----------------------------------------------------------------------------------------------------|----------------|
| 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 8 ceases to be operational on December 31 2019.

**Consultation/Communication***External Consultation*

External consultation was undertaken through the public exhibition and submission process conducted in accordance with the requirements of the Local Government Act 1989.

A communication and media plan to promote community awareness supported the process.

No submissions were received.

**Resource Implications**

Costs of approximately \$1,000 are associated with the public notice and formal exhibition process.

**Attachments**

- A. 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 special 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.



### 8.3 RECORD OF ASSEMBLIES

#### Document Information

**Author** Miki Wilson, Manager Governance

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

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#### Purpose

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

#### **RECOMMENDATION**

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

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Policy Context

City of Greater Bendigo Community Plan 2017-2021:

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

Background Information

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

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

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

Report

Meeting Information		
Meeting Name/Type	Councillors' Briefing	
Meeting Date	19 August 2019	
Matters discussed	1. Government's Rating System Review 2. Review of Semi Final Agenda 3. Senior Citizens' Clubs 4. Bendigo Airport 5. Walk, Cycle Greater Bendigo Strategy 6. Eaglehawk Landfill Buffer 7. Carry Forward Projects 2018/2019 8. Meeting with The Hon Peter Walsh and Ms Steph Ryan 9. GovHub update	
Attendees/Apologies		
Councillors	Cr Margaret O'Rourke Cr Jennifer Alden Cr Matt Emond Cr Rod Fyffe Cr Andrea Metcalf Cr Mal Pethybridge Cr Yvonne Wrigglesworth Apologies: Cr George Flack Cr James Williams	
Staff/ Community Representatives	Mr Bernie O'Sullivan Ms Vicky Mason Mr Andrew Cooney Mr Brett Martini Mrs Wonona Fuzzard Ms Miki Wilson Apologies: Mr Craig Niemann Ms Debbie Wood	
Conflict of Interest disclosures		
Matter No.	Councillor/officer making disclosure	Councillor/officer left meeting
	Nil	

Meeting Information	
Meeting Name/Type	Councillors' Briefing
Meeting Date	26 August 2019
Matters discussed	1. Carry Forward Projects 2. Regional Roads Victoria 3. Temporary office accommodation 4. Resource Recovery Roadmap Workshop

<i>Attendees/Apologies</i>		
Councillors	Cr Margaret O'Rourke Cr Jennifer Alden Cr George Flack Cr Rod Fyffe Cr Andrea Metcalf Cr Mal Pethybridge Cr James Williams Cr Yvonne Wrigglesworth Apology: Cr Matt Emond	
Staff/ Community Representatives	Mr Craig Niemann Mr Bernie O'Sullivan Mr Andrew Cooney Ms Vicky Mason Ms Debbie Wood Ms Miki Wilson	
<i>Conflict of Interest disclosures</i>		
Matter No.	Councillor/officer making disclosure	Councillor/officer left meeting
	Nil	

Meeting Information	
Meeting Name/Type	Councillors' Briefing
Meeting Date	2 September 2019
Matters discussed	1. Rating Review Submission 2. Review of Draft Ordinary Agenda 3. Procurement Policy Annual Review 4. People, Education Government (PEG) Presentation 5. Quarterly organisation health check 6. Budget timeline and principles 7. Finance Committee Quarter 4 and Annual Financials 8. Submission to the Victorian Legislative Assembly Environment and Planning Committee's Inquiry into Tackling Climate Change in Victorian Communities
Attendees/Apologies	
Councillors	Cr Margaret O'Rourke Cr Jennifer Alden Cr Matt Emond Cr Rod Fyffe Cr Andrea Metcalf Cr Mal Pethybridge Cr James Williams Apologies: Cr George Flack Cr Yvonne Wrigglesworth
Staff/	Mr Craig Niemann

Community Representatives		Mr Andrew Cooney Ms Vicky Mason Ms Debbie Wood Mr Terry Karamaloudis Ms Miki Wilson Apologies: Mr Bernie O'Sullivan
<i>Conflict of Interest disclosures</i>		
Matter No.	Councillor/officer making disclosure	Councillor/officer left meeting
	Nil	

<i>Meeting Information</i>		
Meeting Name/Type		Councillors' Briefing
Meeting Date		9 September 2019
Matters discussed		1. Election Period Policy 2. Planning matters 3. Wolstencroft Draft Master Plan 4. Draft Community Gardens Policy 5. Bendigo Maubisse Friendship Committee 6. Tour of industrial sites
<i>Attendees/Apologies</i>		
Councillors		Cr Rod Fyffe Cr Jennifer Alden Cr Matt Emond Cr Andrea Metcalf Cr Mal Pethybridge Cr James Williams Apologies: Cr Margaret O'Rourke Cr George Flack Cr Yvonne Wrigglesworth
Staff/ Community Representatives		Mr Andrew Cooney Ms Vicky Mason Ms Debbie Wood Mr Trevor Budge Ms Miki Wilson Apologies: Mr Craig Niemann Mr Bernie O'Sullivan
<i>Conflict of Interest disclosures</i>		
Matter No.	Councillor/officer making disclosure	Councillor/officer left meeting
	Nil	

<i>Meeting Information</i>		
Meeting Name/Type	Consultation meeting	
Meeting Date	6 September 2019	
Matters discussed	Planning application DC/391/2019 496 Hargreaves Street, BENDIGO 3550 Use of the land for a veterinary centre, display illuminated signage and alteration of access to a Road Zone Category 1	
<i>Attendees/Apologies</i>		
Councillors	Cr James Williams Cr Andrea Metcalf Cr Malcolm Pethybridge	
Staff/ Community Representatives	Adele Hayes Applicant Objectors	
<i>Conflict of Interest disclosures</i>		
Matter No.	Councillor/officer making disclosure	Councillor/officer left meeting
	Nil	

8.4 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    |
|--------------------------|--------------------------------------------------------------------------------------------------------|--------------------------------------------|-------------------|----------------|
| <b>Capital Contracts</b> |                                                                                                        |                                            |                   |                |
| CT000486                 | Consultant for Environmental Sustainable Design (ESD) Implementation Plan for Loddon Campaspe Councils | HIP V.HYPE Sustainability Pty Ltd          | Trevor Budge      | 20 August 2019 |
|                          | <b>Price:</b> \$59,730.00                                                                              | <b>Practical Completion:</b> 27 March 2020 |                   |                |

|                   |                                                                                                            |                                                                                                                                                                                                                  |                                |                   |
|-------------------|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-------------------|
| CT000482          | Dower Park Kangaroo Flat Multi-Sports Facility Upgrade                                                     | Avard Civil Pty Ltd                                                                                                                                                                                              | Bernie O'Sullivan (Acting CEO) | 23 August 2019    |
|                   | Price: \$930,907.02                                                                                        | Practical Completion: 17 December 2019                                                                                                                                                                           |                                |                   |
| CT000453          | Bendigo Botanical Gardens Central Hub Design                                                               | GHD Woodhead                                                                                                                                                                                                     | Craig Niemann                  | 4 September 2019  |
|                   | Price: \$757,676.00                                                                                        | Practical Completion: 30 June 2023                                                                                                                                                                               |                                |                   |
| Contract No       | Project                                                                                                    | Successful Contractor                                                                                                                                                                                            | Delegated Officer              | Date Signed       |
| CT000488          | Constructed Wetlands Investigation & Design                                                                | Dennis Price & Miller                                                                                                                                                                                            | Debbie Wood                    | 17 September 2019 |
|                   | Price: 118,840.00                                                                                          | Practical Completion: 08 May 2020                                                                                                                                                                                |                                |                   |
| Service Contracts |                                                                                                            |                                                                                                                                                                                                                  |                                |                   |
| Contract Number   | Project:                                                                                                   | Successful Contractor:                                                                                                                                                                                           | Delegated Officer:             | Date Signed       |
| CT000481          | Provision of E-Learning System Including LMS                                                               | ELMO Software Limited                                                                                                                                                                                            | Andrew Cooney                  | 28 August 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 \$34,900.00  |                                                                                                                                                                                                                  |                                |                   |
| CT000433          | Provision of Catering Services                                                                             | <ul style="list-style-type: none"><li>• Café Essence</li><li>• Lakkis Brothers</li><li>• Epicurean Delicatessen</li><li>• Country Cakes</li><li>• Nancy Catering and Events</li><li>• Access Australia</li></ul> | 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 |                                                                                                                                                                                                                  |                                |                   |
| CT000426          | Provision of Corporate Uniform, Workwear and Protective Equipment                                          | <ul style="list-style-type: none"><li>• Hip Pocket – Golden Square</li><li>• Hip Pocket – Bendigo</li><li>• Bolton's Workwear Direct</li></ul>                                                                   | Andrew Cooney                  | 22 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 \$180,000.00 |                                                                                                                                                                                                                  |                                |                   |

**Note**

## Reporting Dates

CT000433 Provision of Catering Services, first contract was fully executed on 8 July 2019, due to caterer delay the last contract was not fully executed till 22 August 2019

CT000426 Provision of Corporate Uniform, Workwear and Protective Equipment, first contract was fully executed on 22 July 2019, due to supplier delay the last contract was not fully executed till 22 September 2019



**9. URGENT BUSINESS**

Nil.

**10. NOTICES OF MOTION**

Nil.

**11. COUNCILLORS' REPORTS**

**12. MAYOR'S REPORT**

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

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

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

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

**RECOMMENDATION**

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