

AGENDA

Ordinary Meeting of Council

6.00pm Wednesday 20 November 2019

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

VENUE:

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

NEXT MEETING:

**Wednesday 11 December 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 20 NOVEMBER 2019

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CRAIG NIEMANN
CHIEF EXECUTIVE OFFICER

ACKNOWLEDGEMENT OF COUNTRY

PRAYER

PRESENT

APOLOGIES

SUSPENSION OF STANDING ORDERS

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

PUBLIC QUESTION TIME

Public Question Time – Purpose

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

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

Public Question Time – Where, When And Who

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

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

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

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

Acceptance of Questions

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

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

RESUMPTION OF STANDING ORDERS

That Standing Orders be resumed.

CR FLACK'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 16 October 2019.

The following items were considered at the Ordinary Council meeting held on Wednesday 16 October 2019 at 6:00pm.

NO.	TITLE	RECOMMENDATION
1.1	Annual Report 2018/2019	That Council receive the City of Greater Bendigo 2018/2019 Annual Report.
2.1	Response to Petition for Central Bendigo Flood Mitigation	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.
2.2	Response to Petition for High Street, Heathcote Flooding Concerns	That Council, in consideration of the petition received: 1. Undertake the stormwater study to identify potential solutions for stormwater flooding in

		<p>Heathcote.</p> <p>2. The recommended study quoted for \$27,800 excluding GST be funded from the Engineering operating budget in 2019/20.</p> <p>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.</p>
3.1	107 Williams Road, Myers Flat - Use and Development of the Land for a Dwelling, Outbuilding and Swimming Pool	<p>Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Refusal to Grant a Permit for the use and development of the land for a dwelling, outbuilding and swimming pool at 107 Williams Street Myers Flat for the following reasons:</p> <p>1. The use and development of land for a dwelling is not appropriate in terms of the Planning Policy Framework and objectives of the Farming Zone.</p> <p>2. The use and development of land for a dwelling on an existing small lot in the Farming Zone is inconsistent with the City's Rural Dwellings Policy.</p> <p>3. The design and scale of the proposed dwelling is inconsistent with the existing pattern of development and neighbourhood character of the area.</p> <p>4. 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.</p>
4.1	All Ages All Abilities	<p>That Council:</p> <p>1. Adopt the All Ages All Abilities Issues and Opportunities Report</p> <p>2. Adopt the All Ages All Abilities Action Plan.</p>
4.2	Draft Community Gardens Policy	<p>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.</p>
4.3	Establishment of a Public Spaces Advisory Committee	<p>That Council:</p> <p>1. Establish the Public Spaces Advisory Committee in line with the terms of reference and structure included with this report.</p> <p>2. Initiate an expression of interest process to attract community representatives to the Committee.</p> <p>3. Nominate three Councillors (one from each Ward), with two Councillors to act as the Chair and Deputy Chair of the Committee.</p> <p>4. Seek a nomination from the Youth Council.</p> <p>5. Wind up the Rosalind Park Precinct Advisory Committee upon the establishment of the Public Spaces Committee.</p> <p>6. Formally thank all community Rosalind Park Precinct Advisory Committee members past and present for their input and participation with this committee.</p>
8.1	Recording of Oath of Office	<p>That Council acknowledge the taking of the Oath of Office, and the signing and dating of same by Councillor-Elect Susan Kay Hawke, before the Chief Executive Officer on Monday 14 October 2019, and record in the minutes of</p>

		this meeting of the Council.
8.2	Adopt Local Law Meeting Procedure	<p>That Council:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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.
8.3	Record of Assemblies	That Council endorse the record of assemblies of Councillors as outlined in this report.
8.4	Contracts Awarded Under Delegation	That the contracts awarded under delegation, as outlined in this report, be acknowledged by Council.
14.1	Confidential Section 89 Report Relating to a Contractual Matter	
14.2	Confidential Section 89 Report Relating to a Contractual Matter	

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

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on Wednesday 16 October 2019, as circulated, be taken as read and confirmed.

1. PETITIONS AND JOINT LETTERS

1.1 PETITION: COFFEE VAN AT RAILWAY SQUARE, ELMORE

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

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

The following petition has been received from residents, ratepayers and visitors to the Elmore township objecting to the coffee van established at Railway Square Elmore, as outlined below:

"We the undersigned would like to bring to the notice of the BENDIGO SHIRE COUNCIL our OBJECTION of a permit being passed to allow a van selling coffee at the RAILWAY SQUARE ELMORE

There are six established premises in ELMORE selling coffee that have invested heavily in our town and not only do they pay rates and employ locals but also support any local activities and fund raising.

Another reason for this OBJECTION is the parking issue

Our public toilets, museum, miniature train and Campaspe Run are all sited in this area. Even now there is a danger especially Public Holidays for traffic to pull back safely into the traffic flow of passing vehicles.

We would have NO objection should this van be permitted to trade from either parking bay located outside the town limits".

Names - 278

Officer comment:

Assessment of an application for a licence agreement for trading on public land at the Elmore Train Station has concluded. The applicant has been advised that the application was unsuccessful.

The City is only able to enter a licence agreement for land where the City has the authority to do so and in this instance the consent of the underlying proprietor of the land (VicTrack) is required.

VicTrack has confirmed that they will not approve of the proposed use of the site.

RECOMMENDATION

That Council:

1. Note the petition and the views of the petitioners.
2. Advise the petitioners that the application for the site was unsuccessful, as the use was not supported by the landowner (VicTrack) as outlined in this report.

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## 1.2 PETITION: PROPOSED CLOSURE OF MELBURY COURT PLAY SPACE, EPSOM

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

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

The following petition has been received from residents in the area of Melbury Court Play Space in Epsom, as outlined below:

"Greater Bendigo City Council (Coordinator of Public Space Design). In regards to the proposed closure of Melbury Court Play Space. We the following wish to keep the play space located at 6A Melbury Court, and disagree that it has reached 'the end of its useful life'."

Signatures - 108

### **RECOMMENDATION**

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

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1.3 PETITION: OPPOSING THE SALE OF 49 NAPIER STREET, EAGLEHAWK

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

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

The following petition has been received from residents and ratepayers opposing the sale of 49 Napier Street, Eaglehawk, as outlined below:

"The petitioners, with all respect, remind Councillors of the present lack of space, plus the Railway Station/Environ plans which will increase the traffic flow in the shopping area, **necessitating** extra parking space and improved access for safety reasons.

This petition from the residents/ratepayers from the Greater Bendigo region opposes the sale of No 49 Napier St, property.

It is requested that the sale of the property not take place.

It is requested that the carpark extension as foreseen by the former Borough of Eaglehawk take place.

That Entry to carpark be in Victoria street and Exit be into Napier St."

Signatures - 151

RECOMMENDATION

That Council:

1. Note the petition and the views of the signatories,
2. Note the requisite formal public consultation process was completed in accordance with the Local Government Act and that Council consequently resolved to proceed with the sale by auction which was scheduled to take place on 16 November 2019;
3. Note the petitioners were advised accordingly of this process prior to the conduct of the auction.

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## **1.4 RESPONSE TO PETITION - UPGRADE AND ONGOING MAINTENANCE OF STRAUCH RESERVE**

### **Document Information**

**Author**            **Bridget Maplestone, Acting Manager Active and Healthy Lifestyles and Lincoln Fitzgerald Manager Active and Healthy Lifestyles**

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

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### **Purpose**

This report responds to the petition received by Council on 12 September 2019 requesting Council to upgrade and provide ongoing maintenance to the Strauch Reserve Junior oval so it can be utilised for recreation, training and junior cricket/football matches.

### **Summary**

This project is currently unfunded, and given the current program of projects, the City does not have the available staff resources or necessary budget to undertake this project along with the other capital projects it has already committed to and funded.

The City is aware of the growth in the Huntly population and the number of new families moving into the suburb. As this population growth continues there will be a need for more or upgraded facilities.

There are however a number of issues in progressing this project. The junior oval at Huntly was never constructed by the City. There are a number of concerns with the current construction of the oval including that it is not irrigated, has no sporting quality topsoil and is therefore unable to cope with the increasing use, and that it is currently being used as a de-facto car park. To formalise use of this oval, full construction of an appropriate surface is necessary to maximise use and ensure safety of user groups.

In addition, while it is not within walking distance, there is currently some capacity at the Epsom Huntly Recreation Reserve during winter for Friday night training and the AFL grounds are not used extensively for competition (weekends) during winter other than a limited number of matches by the Bendigo Pioneers.

There are also other options which could be explored such as the potential for a joint use agreement with the Huntly primary school located to the north east of Strauch Reserve at 101 Brunel Street, Huntly.

Given the likely scale of works, this project is likely to be in the order of \$800,000 plus ongoing maintenance and a significant project such as this requires detailed planning and design which has not occurred.

Based on the information provided above, two options are presented to be considered as part of this report.

#### Option 1

Prioritise consideration of a 2020-21 budget bid to prepare a masterplan for all of Strauch Reserve.

Given the current committed pipeline of projects, this would also require additional staff resources in 2020-21 to deliver.

#### Option 2

This project is considered with all other projects through the budget process, with prioritisation to occur based on need.

### **RECOMMENDATION**

That Council:

1. Consider the design of a junior oval at Strauch Reserve alongside all other project requests as part of the 2020-21 budget process.
2. Continue to monitor the population growth and change in Huntly to ensure that facilities are provided in a timely manner to meet community needs.

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Policy Context

Council Plan Reference:

Greater Bendigo Community Plan 2017-2021

Goal 1 – Govern for all

Objective 1.4 - Be accountable and efficient in its use of the communities money

Goal 2 – Wellbeing and Fairness

Objective 2.2 – Promote positive wellbeing across the Greater Bendigo community

Goal 4 – Presentation and managing growth

Objective 4.4 – Keep Greater Bendigo attractive with good quality public facilities and places

Greater Bendigo Health and Wellbeing Plan 2017-2021

Theme – Healthy and well

Objective – Promote healthy lifestyles

Background Information

Council received a petition on 12 September, 2019. The petition was noted at the 18 September 2019 Council meeting with a request to prepare a response within two (2) meetings.

The petition with 484 signatures was for the upgrade and ongoing maintenance of the Strauch Reserve Junior Oval.

Strauch Reserve is located at 14 Gungurru Road, Huntly and is home to the Huntly Football Netball Club, the Huntly North Epsom Cricket Club and the Huntly Tennis Club.

Current facilities include:

- AFL Oval/Cricket Oval
- Cricket Turf Wicket
- Cricket Hard Wicket
- Cricket Training Nets
- Sports Field Lights
- Netball Courts
- Tennis Courts
- Function room
- Change rooms
- Kiosk
- Toilets

The population of Huntly is forecast to grow by more than 6,000 residents to 2036 which is more than the current existing population of less than 5,000. The greatest growth is forecast in families with children between the ages of between five and fourteen. This will create significant challenges in a number of areas including the timely provision of sporting and recreation facilities to support this growth.

However it is important that these facilities are well planned and designed to meet ongoing demand and usage requirements.

The junior oval at Strauch Reserve was never constructed by the City. There are a number of issues with the current construction of the oval. This includes that it is currently not irrigated and is unable to cope with the increasing use. If the oval is not constructed appropriately there will be a constant tension between use and condition which the City will be unable to address.

Previous Council Decision(s) Date(s):

N/A

Report

In response to the petition received, two (2) options are presented for consideration by Council:

Option 1

Prioritise consideration of a 2020-21 budget bid to prepare a masterplan for all of Strauch Reserve.

Given the current committed pipeline of projects, this would also require additional staff resources in 2020-21 to deliver.

Option 2

Design of a junior oval is considered with all other projects through the 2020/21 budget process, with prioritisation to occur based on need.

Rationale for the recommendation to proceed with option 2

The City regularly receives requests from sporting clubs to upgrade their facilities. This has included other requests to the north of the Bendigo urban area. As it stands, all projects get considered through the budget process and are assessed against other projects with funding allocated based on need to ensure an equitable process.

The prioritisation of this oval which is not yet designed or ready for construction over others would create a difficult precedent and put the City into a position where it is not funded or resourced to deliver projects. It might also lead to an over servicing of some areas at the expense of others.

The City is already committed to delivering a large number of sporting and recreation capital works projects over the short term. The addition of this project could mean that some of these other projects would not be able to be delivered as budgeted.

Given that the City has not currently undertaken the necessary planning to understand what development is required, to design or to schedule construction, it is difficult to provide Council with an accurate costing (but it is likely to be in the order of \$800,000), timeline and scope for the project. If funded without this information, the project should include a significant contingency in time and cost.

There are other options which could be considered such as the potential to investigate the opportunity for a joint use agreement with the Huntly Primary School for the benefit of both parties however significant time is required when negotiating with the school board and seeking matching funding from the Department of Education who rely upon State funding for projects. Undertaking design in the 2020/21 financial year may allow sufficient time to establish a joint use and development agreement with the school.

Priority/Importance:

As there is currently no budget for the upgrade or ongoing maintenance of the junior oval at Strauch reserve and there is capacity at Epsom Huntly Recreation Reserve, it is currently a low priority.

Options/Alternatives:

The options have been outlined in the report section of this report.

Timelines:

N/A

Progress:

N/A

Risk Analysis:

Proceeding with Option 1 will allow time for the City to research and plan for the most suitable solution to meet the growing needs for junior football and cricket in Huntly. It does not necessarily meet the timing expectations of the community who are seeking a timely response to an existing concern.

Proceeding with Option 2 carries social and economic risks. It potentially opens up the City to more requests for sporting upgrades and doesn't ensure that funding is aligned well with need. The City is also unaware of the scale of works given the original oval was not constructed by the City. This option does ensure that this project is considered on merit against the large number of projects across the City.

Consultation/Communication**Internal Consultation:**

Internal consultation was undertaken within the Active and Healthy Lifestyles Unit and Parks and Open Space to better understand if this project could be accommodated within existing resources.

External Consultation:

No external consultation has been undertaken to inform this report.

Resource Implications

Given the existing junior oval was not constructed by the City it is difficult to understand the resource implications of the project. However this is likely to require resources from a number of different units across the City to undertake the investigation and design or the engagement of an external contractor. This doesn't consider the likely costs around any potential construction, labour and the ongoing maintenance and irrigation/water costs.

Estimated costs would be in the order of \$800,000 to construct an oval and \$30,000 for annual maintenance (water, top dressing, mowing, etc).

Budget Allocation in the Current Financial Year:

There is no approved budget for the upgrade and maintenance of the junior oval at Strauch Reserve.

Attachments

N/A

2. PRESENTATION AND MANAGING GROWTH

2.1 PLANNING SCHEME AMENDMENT C243 - ADOPT AND IMPLEMENT THE HEATHCOTE FLOOD STUDY 2016 - TO CONSIDER AUTHORISATION REQUEST

Document Information

Author Frank Casimir - Planner Amendments

Responsible Director Bernie O'Sullivan, Director Strategy and Growth

Summary/Purpose

Amendment details: This Amendment implements the recommendations of the *Heathcote Flood Study (March 2016)*, which was commissioned by the North Central Catchment Management Authority and the City, into the Greater Bendigo Planning Scheme.

The proposed Amendment makes changes to the extent of the existing Urban Floodway Zone in Heathcote, updates the Land Subject to Inundation Overlay and introduces a local floodplain development plan.

The application of these flood related planning controls to land in Heathcote is to ensure that up-to-date information on flooding is considered in development proposals. It will also reduce planning permit requirements when certain conditions are met and introduce guidelines for development within flood prone areas.

Proponent: City of Greater Bendigo and North Central Catchment Management Authority.

Key issues:

- To ensure that land use planning and development decisions for areas liable to flooding in Heathcote are based on the most up-to-date information available on the impacts of floods.
- To apply an approach which is consistent with the Bendigo urban areas liable to flooding when making planning decisions for land use and development in areas liable to flooding in Heathcote.
- The potential adverse effects on the future use and development of the land to be affected by the amendment.

RECOMMENDATION

That Council:

1. Adopt the Heathcote Flood Study (March 2016).
2. Request the Minister for Planning to authorise Council to prepare Amendment C243 to the Greater Bendigo Planning Scheme.
3. When Authorised by the Minister, exhibit Amendment C243 to the Greater Bendigo Planning Scheme, giving notification as required for the minimum statutory exhibition period of one month.

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## **Policy Context**

### 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 5: Environmental sustainability

- Protect and enhance our environment, conserve our resources and increase resilience to climate change.

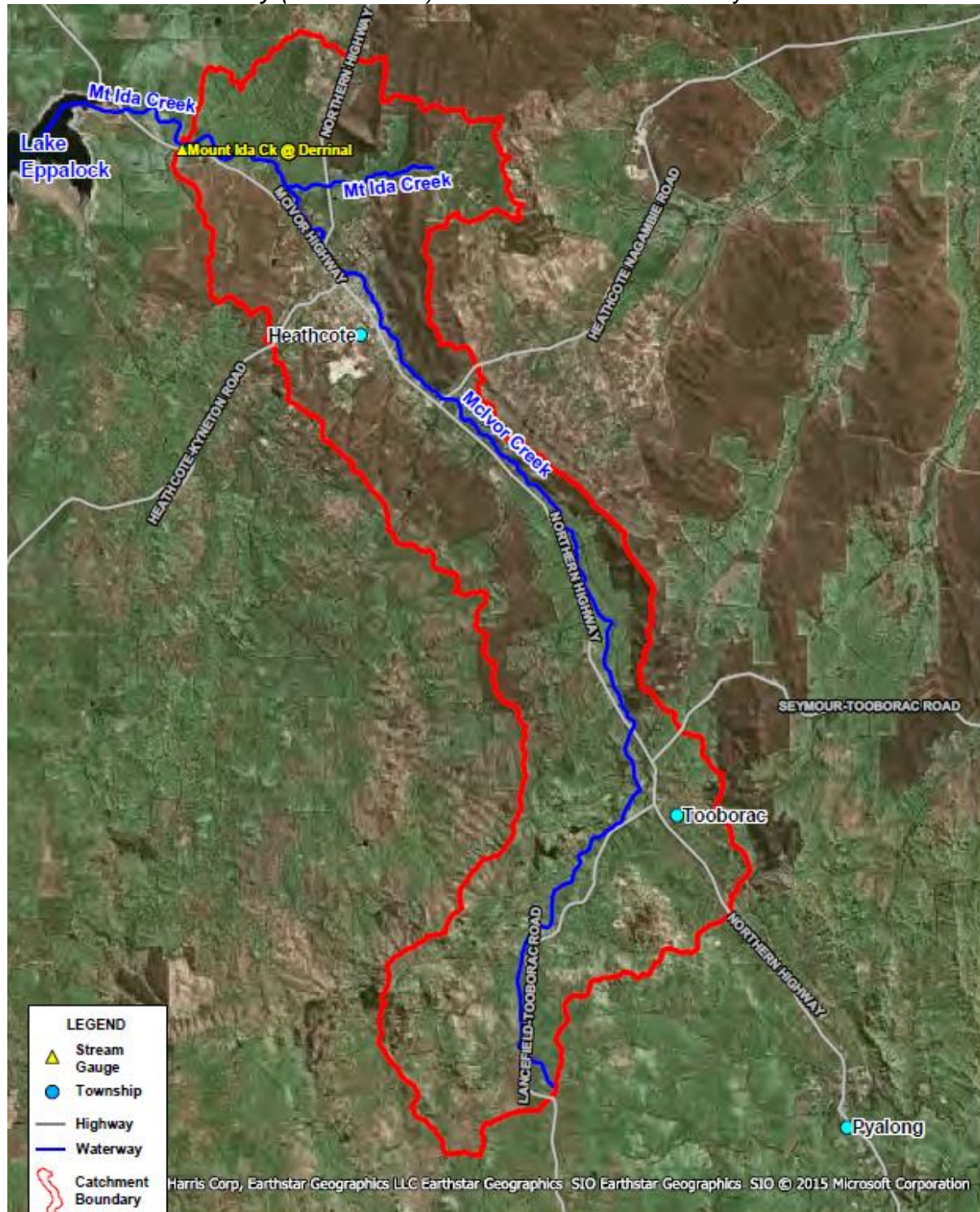
## **Background Information**

The existing flood mapping and other flood related planning controls in Heathcote have been in place since the late 1990s and early 2000s. Until now, there have been no changes to these controls and the information on flooding used to implement them has not been updated.

The *Heathcote Flood Study (March 2016)* was commissioned by the Department of Environment, Land, Water and Planning, the North Central Catchment Management Authority and the City to update the existing flood mapping and flood related planning controls in the Greater Bendigo Planning Scheme for the Heathcote area. The Study was undertaken by the consultancy firm BMT WBM Pty Ltd.

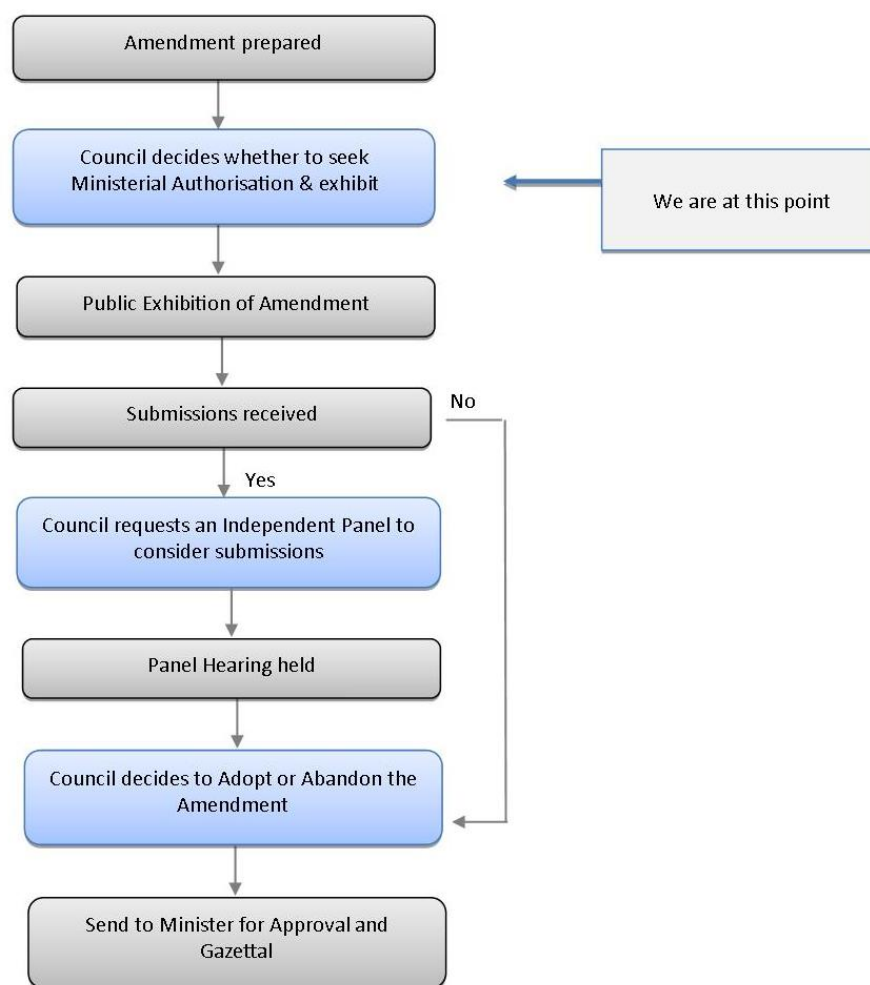
The Study covered a catchment area of approximately 173 square kilometres. The catchment originates in the mountainous areas of The Great Dividing Range (see Figure 1). From there, the Mclvor Creek and its tributaries flow in a generally northerly direction towards Heathcote. Mclvor Creek discharges to Mt Ida Creek which in turn discharges to Lake Eppalock and ultimately into the Campaspe River. The catchment is relatively steep with numerous well defined flow paths.

The flood events in Northern Victoria during 2010 and 2011 did not significantly affect Heathcote and the largest flood in recent memory in Heathcote was in 1974. There was therefore a lack of detailed flood modelling for Heathcote. As a result, there was significant uncertainty in the existing planning controls in Heathcote and there may be a significant risk to a number of properties and dwellings within the township. The *Heathcote Flood Study (March 2016)* addresses this uncertainty.



**Figure 1:** The Heathcote Flood Study catchment

The key steps in the Amendment process are summarised below:



**Figure 2:** The Planning Scheme Amendment process

### Previous Council Decisions

16 December 2015: Council resolved to request the Minister for Planning to authorise Council to prepare Amendment C221 (Bendigo Urban Flood Study) to the Greater Bendigo Planning Scheme.

15 December 2017: Council resolved to adopt Amendment C221 (Bendigo Urban Flood Study) to the Greater Bendigo Planning Scheme.

17 July 2019: Council resolved to adopt the Heathcote Township Plan

### **Report**

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

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

#### Land affected by the Amendment

The Amendment will affect approximately 320 properties across the township of Heathcote. These properties are located on either side of the Mclvor Creek, which is the primary waterway that traverses the township in a general north-south direction.

Some of the affected land will either be removed from the Urban Floodway Zone or have the existing extent of the Urban Floodway Zone increased. Other affected land parcels are land currently covered by the Land Subject to Inundation Overlay Schedule 3 which will be deleted and replaced by either the Land Subject to Inundation Overlay Schedule 1 or Schedule 2 which will also be extended to new properties.

In brief, 4 properties will be affected by the Urban Floodway Zone only, 176 properties will be covered by Land Subject to Inundation Overlay (either schedule 1 or 2 or both) and 109 properties will simultaneously be affected by the Urban Floodway Zone and both schedules to the Land Subject to Inundation Overlay. The existing flood related planning controls are proposed to be removed (and not being replaced) from a total of 31 properties.

#### What the Amendment does

The Amendment proposes to:

- Rezone approximately 2.33 hectares of land at Crown Allotment 1, Northern Highway, Heathcote from Mixed Use Zone to all Urban Floodway Zone and 3 other properties to part Urban Floodway Zone.
- Remove the Urban Floodway Zone from 2 properties in Heathcote.
- Delete the Land Subject to Inundation Overlay Schedule 3 (Heathcote and rural areas) from all land in Heathcote.
- Apply the Land Subject to Inundation Overlay Schedule 1 (depth of flooding up to and including 350 millimetres) to 81 properties in Heathcote.
- Apply the Land Subject to Inundation Overlay Schedule 2 (depth of flooding greater than 350 millimetres) to 10 properties in Heathcote.
- Apply both the Land Subject Inundation Overlay Schedules 1 and 2 to 85 properties.
- Apply simultaneously the Urban Floodway Zone, the Land Subject to Inundation Overlay Schedules 1 and 2 to 94 properties.
- Amend Schedules 1 and 2 to Clause 44.04 (Land Subject to Inundation Overlay) to make minor changes including permit exemptions.
- Amend the Schedule to Clause 61.03 to update the list of maps in the Planning Scheme.
- Insert the *Heathcote Local Floodplain Development Plan (2019)* as an incorporated document in the Greater Bendigo Planning Scheme.
- Amend the Schedule to Clause 81.01 to include the *Heathcote Flood Study (March 2016)* as an incorporated document in the Greater Bendigo Planning Scheme.

## Social, Economic and Environmental Impacts

### ***Social impacts***

Flooding can have significant consequences for individuals and local communities. The effects can include loss of life, loss or damage of property, personal belongings, business and community facilities which can result in temporary or permanent displacement.

The Amendment seeks to protect life and property in areas that have been earmarked and mapped as being at risk of flooding. The Amendment proposes to apply planning controls to these areas to reduce risks to life and property in the event of floods. The new planning provisions will create more certainty for a safer living and working environment for the residents of Heathcote.

### ***Economic impacts***

Flooding can have significant adverse economic impacts because of the damage it can do to private properties and to public infrastructure such as roads and other public utility services.

The Heathcote *Flood Study (March 2016)*, has made an assessment to determine the average cost in dollars per year that would occur in Heathcote as a result of flooding. The assessment found that these damages may result in significant financial costs for the local community and public authorities including Council. Although the Study based its calculation of these costs on a combination of factors like the probability of having a flood and its intensity, it is undisputable that flood events always leave behind a financial cost for the affected community.

The Amendment will address these potential adverse economic effects by providing up-to-date planning decision guidelines on how areas that are liable to flooding should be developed to minimise property loss or damage in the event of a flood. The Amendment also proposes to restrict the use and development of areas that are exposed to extreme flood hazard.

### ***Environmental impacts***

The Amendment will have a positive effect on the natural environment because it will protect the natural flow path of flood waters by not permitting development in extreme flooding areas.

The Amendment will help protect wetlands and other water bodies downstream and it is expected that this will be beneficial for the natural environment. The diversion or blocking of flood waters may result in isolating wetlands or drying up of water channels downstream and subsequently the destruction of natural habitats.



The Amendment will help to prevent inappropriate development from occurring in areas that are subject to flooding, that could reduce the capacity of the floodplain to store and convey water or divert floodwater to other land not normally inundated by floodwater. The Amendment will help to prevent blockages of floodways that can have adverse environmental impacts, such as isolating wetlands, destroying natural habitats, eroding stream channels and increasing siltation (Planning Practice Note 12).

### Strategic Justification – Planning Context

The Amendment is supported by the following clauses in the Greater Bendigo Planning Scheme:

#### ***State Planning Policy Framework***

Clause 11.02-1S *Supply of urban land* with the objective: To ensure a sufficient supply of land available for residential, commercial, retail, industrial, recreation, institutional and other community uses.

The Amendment supports this objective because one of its strategies is that urban growth should consider the limits of land capability and natural hazards and environment quality.

Clause 13.02-1S *Bushfire planning* with the objective: To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

The Amendment supports this objective because despite its nature, a bushfire risk assessment has been prepared which concluded that the Amendment will not cause an increase in bushfire risks.

Clause 13.03-1S *Floodplain management* with the objective: To assist the protection of life, property and community infrastructure from flood hazard.

The Amendment supports this objective by implementing the *Heathcote Urban Flood Study (March 2016)* into the Greater Bendigo Planning Scheme.

Clause 14.02-1S *Catchment planning and management* with the objective: To assist the protection and restoration of catchments, water bodies, groundwater, and the marine environment.

The Amendment supports this objective by updating the existing flood related planning controls which will assist in the protection of catchments and water bodies including wetlands.

Clause 14.02-2S *Water quality* with the objective: To protect water quality.

The Amendment supports this objective because it will discourage incompatible land use activities in areas that are subject to flooding to ensure minimum impact on downstream water quality or flow volumes.

Clause 19.03-3S *Integrated water management* with the objective: To sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.

The Amendment supports this objective because it will contribute to sustainably managing stormwater to minimise flood risks.

### ***Local Planning Policy Framework***

The Amendment is supported by the following clause of the Local Planning Policy Framework:

Clause 21.08-5 *Flooding* with the following objectives:

- To minimise the risk to life, health and safety from the effects of flood waters.
- To minimise the potential damage to new buildings and works from flood waters and
- To preserve the natural function of floodplains, including their inherent wetland values.

The Amendment supports these objectives because it will update the flood mapping for Heathcote to restrict, where required, developments in areas which are liable to extreme flood hazards and by incorporating the *Heathcote Floodplain Development Plan 2019* into the Greater Bendigo Planning Scheme.

### **Consultation/Communication**

The North Central Catchment Management Authority, which was the lead agency for the development of the *Heathcote Flood Study (March 2016)*, consulted extensively with key stakeholders and the relevant government agencies during the development of the Study. Communications included:

- Letters sent out directly to 480 residents within the Study area.
- Indirectly through the Community Reference Group and directly via the Heathcote Bush Market.
- Publications by way of community newsletters, articles in the *Mclvor Times* and in the *Bendigo Advertiser* newspapers.
- One television interview (WIN TV).
- One-on-one community meetings with North Central Catchment Management Authority officers.

The North Central Catchment Management Authority and the City have also sent letters to the six most adversely affected landowners inviting them for one-on-one meetings with City planning officers and the Catchment Management Authority officers. So far, two landowners have taken up the offer.

The Country Fire Authority has also been consulted and is satisfied that the Amendment will not have any unacceptable impacts on bushfire risks.



## Future Consultation

Once the Amendment is authorised, it will be publicly exhibited for a minimum of a month, as required under the *Planning and Environment Act 1987*. The City must give notice of Amendments to all owners and occupiers who may be materially affected by an Amendment, together with prescribed Ministers and public authorities. The Amendment will also be exhibited in the Government Gazette, the Bendigo Advertiser, the Mclvor Times and information provided on the City's website.

A bulletin will also be sent to affected landholders explaining the changes, a community information session will be held for people to drop in and ask questions, and one-on-one meetings will be held with individuals if needed.

## **Conclusion**

The implementation of the up-to-date information on flooding for Heathcote into the Greater Bendigo Planning Scheme is invaluable for its future growth and development because of the additional certainty it provides for in terms of safety or investment. It is recommended that Council seek authorisation from the Minister for Planning to prepare and exhibit the Amendment.

## **Options**

Council has the option of:

- Supporting the Amendment proposal and making a request to the Minister for Planning to authorise preparation and exhibition of the Amendment.
- Refusing the request to prepare an Amendment. Under the *Planning and Environment Act 1987* there is no right of review of a Council's decision not to support preparation of an Amendment.
- Requesting further information. The Amendment application documentation is not sufficiently comprehensive for a request to the Minister at this time and would require considerable financial investment to address all issues. It is considered that further investigation would not resolve the critical issues of the proposal.

## **Resource Implications**

Officer time will be required to prepare the Amendment documentation for authorisation, exhibition, manage the exhibition process and liaise with the Minister for Planning.

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

## **Attachments**

- Explanatory report
- Heathcote Flood Study (March 2016) (separate document)
- Maps

## **2.2 74 CONDON STREET, KENNINGTON 3550 - SUBDIVISION OF THE LAND INTO 5 LOTS, CONSTRUCTION OF 5 DWELLINGS, REMOVAL OF DRAINAGE RESERVE AND ALTERATION OF ACCESS ONTO A ROAD IN A ROAD ZONE CATEGORY 1**

### **Document Information**

**Author** Peter O'Brien, Planning Coordinator

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

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### **Summary/Purpose**

**Application details:** Subdivision of the land into 5 lots, construction of 5 dwellings, removal of drainage reserve and alteration of access onto a road in a road zone category

**Application No:** DSD/432/2018

**Applicant:** S J Trowell

**Land:** 74 Condon Street, KENNINGTON 3550

**Zoning:** General Residential Zone; and adjoins a Road Zone 1

**Overlays:** Nil

**No. of objections:** One objector lodged a statement of grounds with the Victorian Civil and Administrative Tribunal (VCAT)

**Consultation:** N/A

**Key considerations:**

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

**Conclusion:** The material before VCAT (and assessed by the City's Engineers) has satisfactorily demonstrated that the proposal can be accommodated without undue flooding from overland flow or impact the path and level of overland flow.

This report recommends Council reconsider its motion from its Ordinary Meeting of 17 April 2019 and instead make a new

decision that it establish a position of supporting the proposal at VCAT.

## **RECOMMENDATION**

That Council advise VCAT and the Permit Applicant that it now supports the granting of a permit to allow the *subdivision of the land into 5 lots, construction of 5 dwellings, removal of drainage reserve and alteration of access onto a road in a road zone category 1* at 74 Condon Street, KENNINGTON 3550 subject to the conditions at the end of this report:

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Policy Context

City of Greater Bendigo Community Plan 2017 – 2021

Goal 4: Presentation and managing growth

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

Goal 6: Embracing our culture and heritage

- Recognise and celebrate our unique history and diverse cultures.

Background Information

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

Rather than provide the drainage study directly to the City, the applicant chose to lodge a failure to determine proceeding at VCAT. VCAT set the matter down to be heard on 9 May 2019, and in the absence of the required drainage study, Council resolved at its 17 April 2019 Ordinary Meeting that it could not support the application. Council's sole ground for not supporting the granting of a permit was with respect to the unresolved drainage issue.

The matter was due to be heard on 23 October 2019, however, it has been adjourned to 13 March 2020. The adjournment has been granted to allow Council to reconsider its position, having the benefit of drainage/flood modelling and resultant amendments to the plans.

Report

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

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

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



Figure 1: Location map showing subject site. Resident who lodged a Statement of Grounds with VCAT marked with a star.

Proposal

- The existing dwelling on the property will be demolished and five lots will be created with a common property driveway running along the south eastern boundary of the lot.
- An old drainage reserve which is located in the middle of the lot will be removed.

- Lot 1 will have an area of 289sqm and will contain dwelling 1. The single storey dwelling will have an overall area of 124.09sqm and will be setback 6m from the street.
- Lot 2 will have an overall area of 233sqm and will contain dwelling 2. The single storey dwelling will have an overall area of 132.16sqm.
- Lot 3 will have an overall area of 239sqm and will contain dwelling 3. The single storey dwelling will have an overall area of 123.67sqm.
- Lot 4 will have an overall area of area of 241sqm and will contain dwelling 4. The dwelling will be single storey with an area of 141.46sqm.
- Lot 5 will have an overall area of 264sqm and will contain dwelling 5. The dwelling will be single storey with an area of 137.93sqm.
- All dwellings will contain two bedrooms, two bathrooms and a single garage.

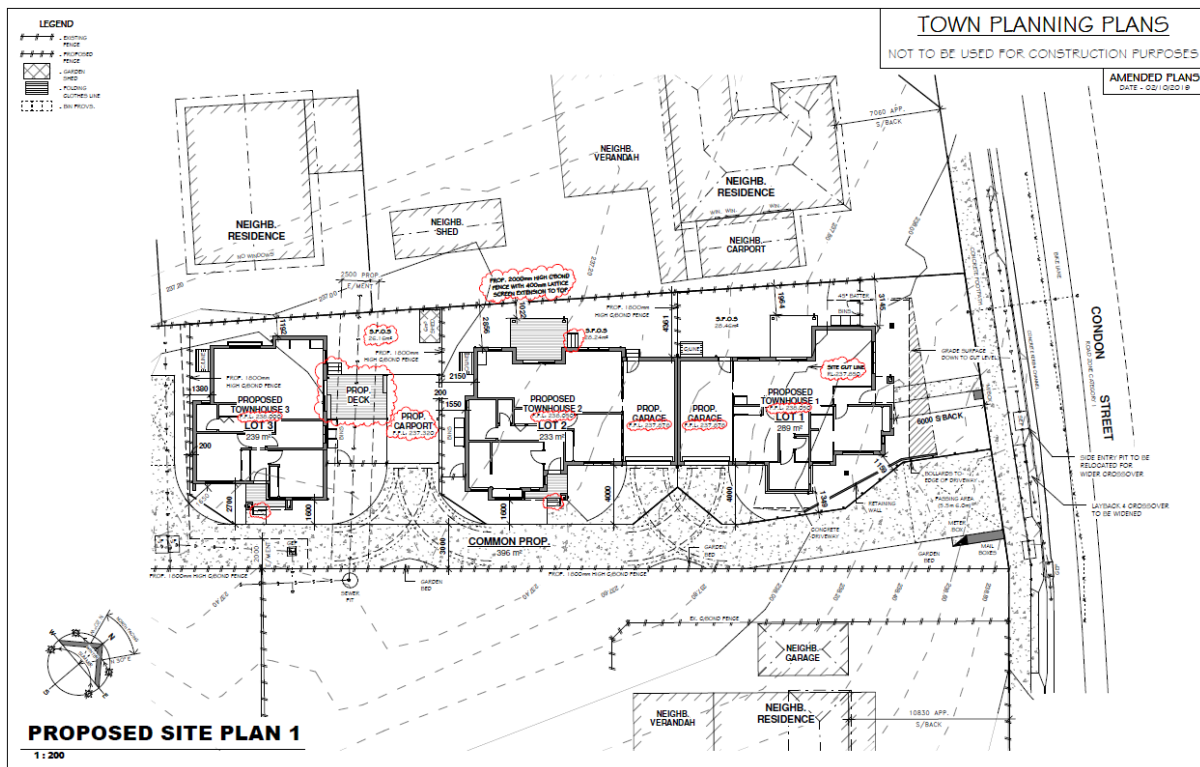


Figure 2: Site plan 1

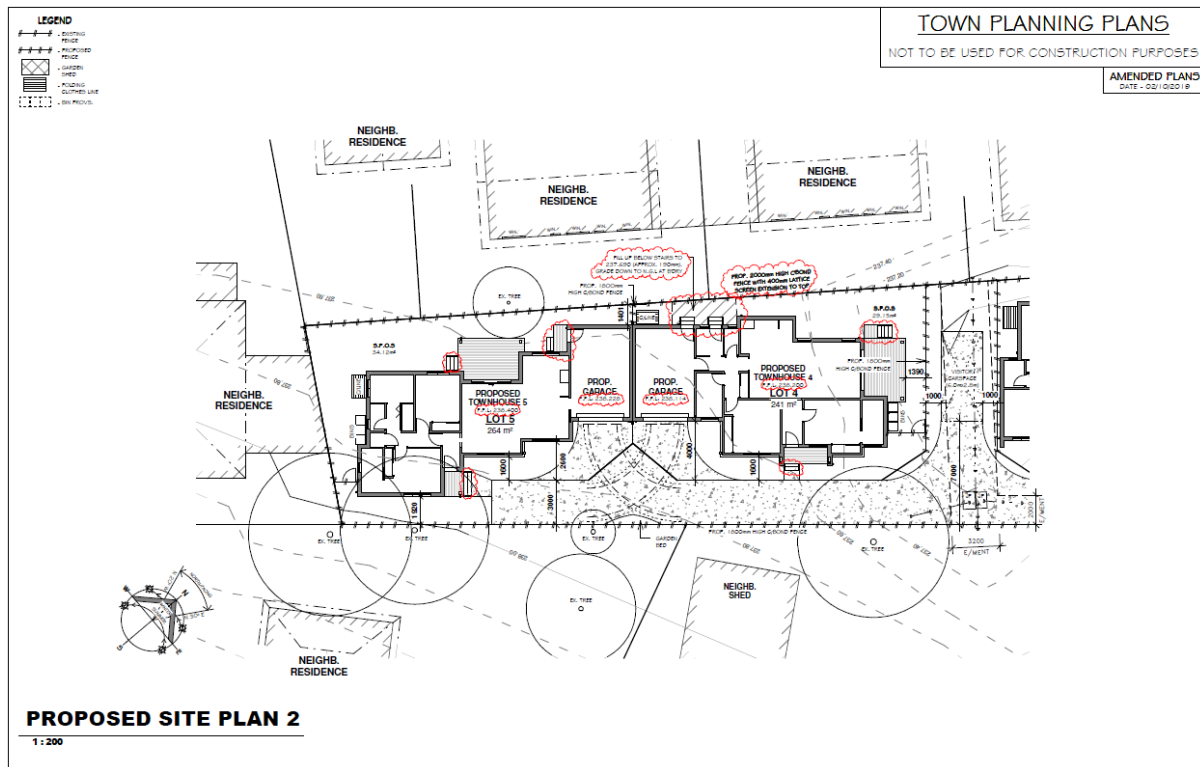


Figure 3: Site plan 2

Council considered a set of plans at its 17 April 2019 Ordinary Meeting which have been changed as a result of the flooding study. The VCAT process allows for plans to be substituted so that changes can be made to address identified shortcomings. The main impacts from the plans Council is now being asked to consider include:

- That the floor levels of dwellings have raised;
- Fence heights increased from 1.8 metres to 2 metres (with 0.4m metres of screening on top) to address potential overlooking from the floor level rise; and
- A carport (open) in lieu of detached semi-enclosed garage and slight footprint decrease for proposed lot/ townhouse 3.



Figure 4: Streetscape perspective

Planning Controls - Greater Bendigo Planning Scheme

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

Planning Policy Framework

- 11.01-1S Victoria - Settlement
- 11.01-1R Settlement Loddon Mallee South
- 15.01-3S Subdivision design
- 15.01-15S Neighbourhood character
- 16.01-3S Housing diversity

- 16.01-4S Housing affordability
- 19.03-3S Integrated water management

Municipal Strategic Statement

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

Local Planning Policies

- 22.24 Strathdale/Kennington Residential Character Policy

Other Provisions

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

Consultation/Communication

Referrals

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

Referral	Comment
Powercor	No objection subject to conditions
Coliban Water	No objection subject to conditions
Downer	No objection subject to conditions
VicRoads	No objection subject to conditions
Traffic & Design	No objection subject to conditions
Drainage	The drainage study was requested at the direction of the City's Engineers. The study and consequent plan changes are to the City's satisfaction.
Environmental Sustainable Design Officer	No objection. The comments included recommended voluntary changes to the plans which were not made. It should be noted that application was received prior to Amendment GC110 which introduced Clause 22.10 - environmentally sustainable development. As such, Clause 22.10 does not apply to this application.

Public Notification

The applicant was directed by VCAT to give notice of the application, firstly for the plans considered by Council on 17 April 2019 and more recently the plans Council is currently considering.

From the first VCAT notice, one neighbour chose to lodge a Statement of Grounds with VCAT, raising the following issues:

- Drainage – the objection notes that in storm events, water builds up and if drainage is restricted, flooding of their property is likely to occur.
- Privacy and overlooking – replacement of the damaged common fence. The objector requests a 2 metre high fence on the common boundary.
- The objector also made a comment wishing the developer to treat them and other neighbours with respect and consideration in the planning and construction phases.

With respect to the second round of the required VCAT notice, at the time of the authoring of this report, no new or amended Statement of Grounds has been received by the City.

Planning Assessment

Planning Policy Framework and Local Planning Policy Framework

Clause 11 Settlement states that planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. It also states that planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport and communication, water, sewerage and social facilities. The proposal supports these objectives.

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

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

Clause 19.03-3S relates to sustainable management of drainage and storm water through an integrated water management approach. The strategies in the clause require planning to minimise flood risks and provide urban environments that are more resilient to the effects of climate change. The drainage study requested is required to provide flood levels for the proposal to assist in mitigating potential flooding of the dwellings in a storm event and also to ensure flow levels are not raised on adjoining properties. With the benefit of the *Flood Impact Assessment Report* prepared by Engeny dated 29 April 2019 it can be concluded that the proposed dwellings will not be subject to flooding in storm events, nor create a flooding issue for nearby lots.

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

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

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

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

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

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

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

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

Objectives	Response
To maintain and strengthen the garden setting of the dwellings.	Prepare a landscape plan to accompany all applications for new dwellings.
<i>Comment: An acceptable landscape plan has been provided.</i>	
To minimise site disturbance and impact of the building on the landscape.	Buildings should be designed to follow the contours of the site or step down the site.
<i>Comment: Due to the fall of the land some cut and fill will be required, however this is not unreasonable and will not adversely impact the landscape.</i>	
To maintain the consistency, where present, of building front setback.	The front setback should be not less than the average setback of the adjoining two dwellings.
<i>Comment: The front setback will be less than the average of the adjoining two dwellings. However, the setback proposed is more than the existing dwelling on the site. The consistency of front setbacks in the street will not be adversely impacted by the proposal.</i>	
To reflect the existing rhythm of dwelling spacing.	Buildings should be setback between 1 and 3 metres from both side boundaries, based on the predominant pattern in the streetscape. Use low pitched roof forms. Articulate front and side facades to reflect building forms in the street.
<i>Comment: The dwellings are setback from both side boundaries, have low pitched roof forms and are reasonably articulated.</i>	
To ensure that buildings and extensions do not dominate the streetscape.	Respect the predominant building height in the street and nearby properties. Use low pitched roof forms.
<i>Comment: The dwellings are single storey which is in keeping with the predominant building height in the street. 18 degree roof pitches are proposed which is acceptable.</i>	
To use building materials and finishes that complement the dominant pattern within the streetscape.	In streetscapes where weatherboard predominates, render, bag or paint brick surfaces.
<i>Comment: The proposal would have a variety of materials including vertical groove cladding, face brickwork and rendered brickwork. This will complement the mixture of building materials within Condon Street.</i>	
To maintain the openness of the streetscape.	Provide low or open style front fences.
<i>Comment: The majority of the site will remain open.</i>	

General Residential Zone

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

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

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

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

The plans submitted with the application demonstrate the proposal complies with the requirement with 35.6% of the site meeting the garden area definition.

Drainage

Council's only reason for forming a position that the application should not be supported at VCAT was that, in the absence of a site specific study to the contrary, it could not be determined whether the proposal would raise the flow levels or direct the flow onto adjoining properties.

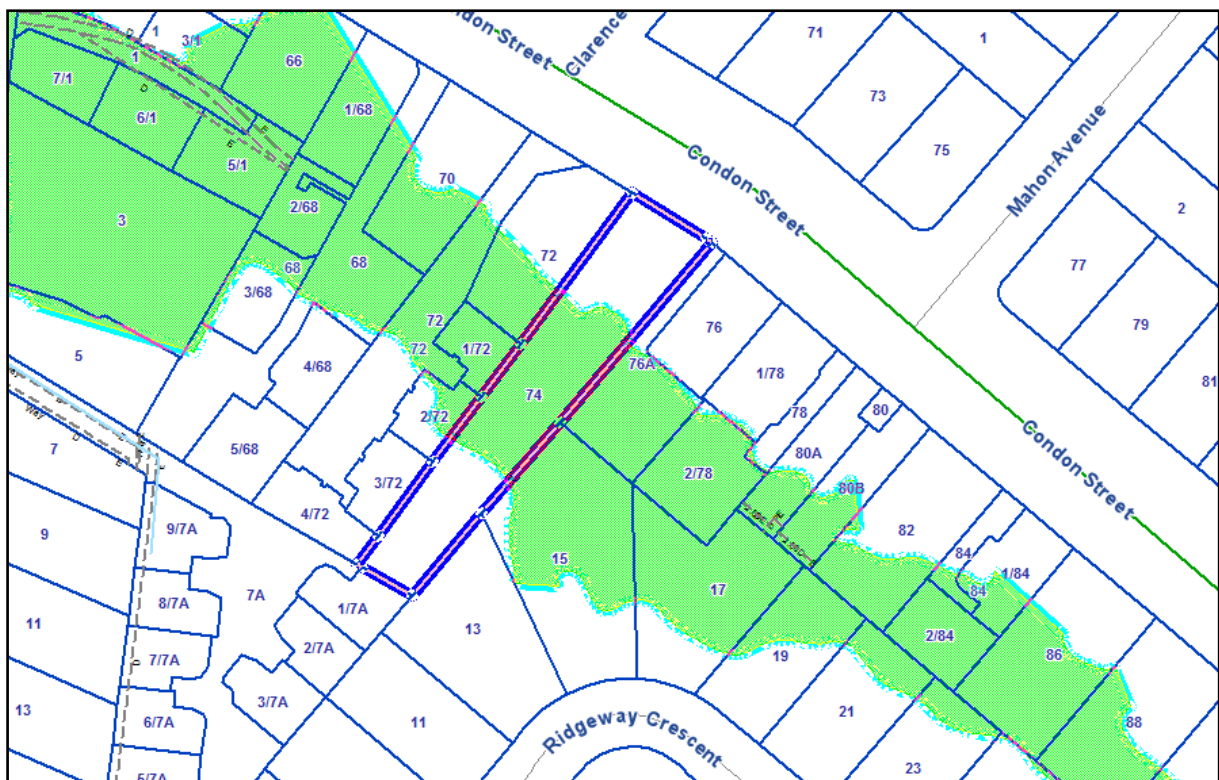


Figure 5: Map showing the areas subject to overland flow as identified by the Bendigo Urban Flood Study

Officers now has a level of comfort that the proposed development can occur on the site (accepting the findings of the applicant's *Flood Impact Assessment Report* prepared by Engeny dated 29 April 2019), and the resultant changes to the plans

Compliance with ResCode (Clauses 55 and 56)

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

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

Clause 55.02-4 Infrastructure objectives

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

Clause 55.03-1 Street setback objective

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

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

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

Clause 56.07-4 Urban run-off management objectives

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

As discussed earlier in this report, with the benefit of the *Flood Impact Assessment Report* prepared by Engeny dated 29 April 2019, the impacts of the overland flow path will not result in damage to the proposed development and adjoining properties.

Statement of Grounds lodged with VCAT by a neighbour

The Statement of Grounds lodged with VCAT raises concerns related to overland flow and the potential for the development to redirect stormwater onto their property. The applicant has now provided a suitable level of evidence that this will not occur subject to the changes made to the application plans.

In regard to fencing, the plans submitted with the application indicate a 1.8 metre high fence on the boundary shared with the neighbour who lodged the Statement of Grounds; and on the other boundary a 2m high Colorbond fence with a 0.4 metre high lattice extension (25% transparency) is proposed. Both fences achieve compliance with the overlooking Standard and Objective of ResCode.

Conclusion

The material before VCAT (and assessed by the City's Engineers) has satisfactorily demonstrated that the proposal can be accommodated without undue flooding from overland flow or impacting the path and level of overland flow.

This report recommends Council reconsider its motion from the Ordinary Meeting of 17 April 2019 and instead make a new decision that it establishes a position of supporting the proposal at VCAT.

Options

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

Attachments

- *Flood Impact Assessment Report* prepared by Engeny dated 29 April 2019.

Proposed Permit Conditions

ENDORSED PLANS

1. The subdivision and development permitted by this permit as shown on the endorsed plans (prepared by Penno Drafting and Design ref: R18-057 dated 02/10/2019) 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.

LANDSCAPE PLAN REQUIRED

2. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and must show:
 - a. A survey (*including botanical names*) of all existing vegetation to be retained and/or removed;
 - b. Details of surface finishes of pathways and driveways; and
 - c. Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

COMPLETION OF LANDSCAPING

3. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

LANDSCAPING MAINTENANCE

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

PUBLIC OPEN SPACE CONTRIBUTION

5. The applicant or owner must pay to the City of Greater Bendigo an amount equivalent to 4% of land in the subdivision. This payment must be made before a Statement of Compliance is issued and may be varied under section 19 of the Subdivision Act 1988.

DETAILED DRAINAGE PLANS

6. Prior to the certification of the plan of subdivision under the Subdivision Act 1988, Detailed Drainage Plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then will form part of the permit. The plans must be drawn to scale with dimensions. The Detailed Drainage Plans must include:
 - a. Direction of stormwater run-off;
 - b. A point of discharge for each lot;
 - c. Independent drainage for each lot;
 - d. Documentation must be provided demonstrating approval from the relevant authority for the point of discharge;
 - e. Stormwater detention to predeveloped levels for major & minor events; and
 - f. Details relating to stormwater quality.

DRAINAGE EASEMENTS

7. Before the plan of subdivision is certified, the plan of subdivision must provide for easements for drainage within and through the subject land for external outfall drainage to a point of lawful discharge to the satisfaction of the Responsible Authority.

DRAINAGE WORKS REQUIRED

8. Before Council issues a Statement of Compliance, the drainage and associated works shown on the approved Detailed Drainage Plans must be constructed to the satisfaction of the responsible authority. Within 14 days of completing the works, certification by a suitably qualified engineer must be submitted to the responsible authority certifying works are completed in accordance with the approved Detailed Drainage Plans.

PUBLIC ASSETS

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

CONSTRUCTION MANAGEMENT PLAN

10. Before any works start, a "Construction Management Plan" (CMP) prepared to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. Once approved, the plan will be endorsed and will then form part of the permit. This plan must include, but not be limited to:
- a. A site specific plan showing proposed erosion and sedimentation control works.
 - b. Techniques and intervention levels to prevent a dust nuisance.
 - c. Litter control.
 - d. Techniques to prevent mud and dirt being transported from the site to adjacent streets.
 - e. The protection measures taken to preserve any vegetation identified for retention.
11. During construction of works associated with the subdivision, the applicant/owner must employ and provide the protection methods contained in the CMP to the satisfaction of the responsible authority.

REGIONAL ROADS VICTORIA

12. Prior to the issue of a Statement of Compliance, to the satisfaction of and at no cost to Regional Roads Victoria and Council, the existing:
- a. Driveway layback must be modified to be a width of 5.5 metres (minimum) and must have an internal passing area of 5.5 metres by 6 metres; and
 - b. Stormwater side entry pit must be relocated and constructed.
13. The driveway and crossover must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).

COLIBAN WATER

14. The owner is required to reach agreement with Coliban Water for the provision of reticulated water supply and sewerage services to each of the lots within the subdivision and comply with any requirements arising from any effect of the proposed development on Coliban Water assets. Services are to be provided in accordance with our specifications.
15. All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation.

16. Gravity sewer is required for all lots within the subdivision and Coliban Water requires that all lots have full lot control.

POWERCOR

17. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
18. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (a payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
19. Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
20. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
21. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
22. Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision. Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.
23. Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
24. Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
25. Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
26. Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.

27. Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

DOWNER UTILITIES

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

TELECOMMUNICATIONS

29. The owner of the land must enter into an agreement with:
- A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time.
 - A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
30. Before the issue of a statement of compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time.
 - A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

COMPLETION OF DEVELOPMENT

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

EXPIRY OF THE PERMIT – SUBDIVISION AND DWELLINGS

32. This permit will expire if:
- The plan of subdivision is not certified within two years from the date of this permit; or
 - The subdivision is not completed within five years from the date of certification of the plan of subdivision; or
 - Construction of the approved dwellings is not completed within 7 years from the date of this permit.

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

--- End of Conditions ---

3. WELLBEING AND FAIRNESS

Nil.

4. STRENGTHENING THE ECONOMY

Nil.

5. ENVIRONMENTAL SUSTAINABILITY

Nil.

6. EMBRACING OUR CULTURE AND HERITAGE

Nil.

7. LEAD AND GOVERN FOR ALL

7.1 FINANCE COMMITTEE REPORT QUARTER 1 AS AT 30 SEPTEMBER 2019

Document Information

Author Nathan Morsillo, Manager Financial Strategy

Responsible Director Andrew Cooney, Director Corporate Performance

Summary/Purpose

To provide Council with a report on the financial performance and position of the City of Greater Bendigo (CoGB) to 30 September for the 2019/20 financial year.

RECOMMENDATION

That Council receive the Finance Report comparing Budgeted and Actual Revenues and Expenses to 30 September 2019, in accordance with the requirements of the *Local Government Act*.

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#### Background Information

In accordance with Section 138 of the *Local Government Act* 1989:

“At least every 3 months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to the Council at a Council meeting which is open to the public.”

A review of the financials for the period 1 July 2019 to 30 September 2019 was undertaken by the City's Finance Committee, which includes all Councillors, on 11 November 2019.

#### Policy Context

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

##### Goal 1

##### Lead and govern for all

Objective 1.3

Be innovative and financially responsible

Objective 1.4

Be accountable and efficient in its use of the community's money

## Report

This report provides an update on the financial performance in comparison to the adopted budget for the 2019/2020 financial year for the period 1 July 2019 to 30 September 2019.

### 1. Actual Financial Performance

#### Operating Result - YTD Actual vs YTD Budget

The City's operating result as at 30 September 2019 is \$2.1M favourable to budget.

Operating Result is a measure for accounting for an organisation's profit or loss for a given period. An Operating Result recognises all revenue and operating expenditure; it includes non-cash expenditure such as depreciation and non-cash revenue of donated assets.

| <b>YTD Budget<br/>30/09/2019<br/>Surplus/(Deficit)</b> | <b>YTD Actual<br/>30/09/2019<br/>Surplus/(Deficit)</b> | <b>Variance</b>   |
|--------------------------------------------------------|--------------------------------------------------------|-------------------|
| \$85.6M                                                | \$87.6M                                                | \$2.1M Favourable |

The Income Statement for the period 01 July 2019 – 30 September 2019 is included below:

## Income Statement – COGB

|                         | YEAR TO DATE   |                |              |           | FORECAST         |                       |                      |            |
|-------------------------|----------------|----------------|--------------|-----------|------------------|-----------------------|----------------------|------------|
|                         | YTD<br>Budget  | YTD<br>Actual  | YTD Variance |           | Annual<br>Budget | Full Year<br>Forecast | Forecast<br>Variance |            |
|                         | \$'000         | \$'000         | \$'000       | %         | \$'000           | \$'000                | \$'000               | %          |
| <b>REVENUE</b>          |                |                |              |           |                  |                       |                      |            |
| Rates & Charges         | 121,437        | 120,814        | (623)        | -1%       | 121,851          | 122,067               | 216                  | 0%         |
| Stat Fees & Fines       | 1,340          | 1,780          | 440          | 33%       | 5,581            | 5,581                 | -                    | 0%         |
| Use <sup>1</sup> Fees   | 6,458          | 6,800          | 342          | 5%        | 26,897           | 27,393                | 496                  | 2%         |
| Operating Grants        | 4,493          | 4,914          | 421          | 9%        | 24,746           | 26,404                | 1,658                | 7%         |
| Capital Grants          | 1,286          | 451            | (835)        | -65%      | 5,144            | 3,805                 | (1,339)              | -26%       |
| Contributions - Cash    | 1,698          | 1,731          | 33           | 2%        | 5,712            | 7,680                 | 1,968                | 34%        |
| Contributions - Asset   | -              | -              | -            | 0%        | 12,307           | 12,307                | -                    | 0%         |
| Interest & Other        | 356            | 336            | (20)         | -6%       | 1,424            | 1,424                 | -                    | 0%         |
| Internal Revenue        | 7,009          | 6,583          | (426)        | -6%       | 27,002           | 27,104                | 102                  | 0%         |
| Share of NCGRLC         | 23             | -              | (23)         | -100%     | 92               | 92                    | -                    | 0%         |
| <b>Total Revenue</b>    | <b>144,100</b> | <b>143,409</b> | <b>(691)</b> | <b>0%</b> | <b>230,756</b>   | <b>233,857</b>        | <b>3,101</b>         | <b>1%</b>  |
| <b>EXPENSES</b>         |                |                |              |           |                  |                       |                      |            |
| Employee Benefits       | 16,968         | 16,414         | 554          | 3%        | 68,568           | 69,200                | (632)                | -1%        |
| Materials & Services    | 21,323         | 20,868         | 455          | 2%        | 75,518           | 74,613                | 905                  | 1%         |
| Equipment Expenses      | 1,982          | 1,604          | 378          | 19%       | 6,941            | 6,952                 | (11)                 | 0%         |
| Depreciation            | 9,808          | 10,046         | (238)        | -2%       | 39,229           | 39,132                | 97                   | 0%         |
| Borrowing Costs         | 530            | 517            | 13           | 2%        | 2,120            | 2,068                 | 52                   | 2%         |
| Loss on PPEI            | 1,028          | -              | 1,028        | 100%      | 4,110            | 4,110                 | -                    | 0%         |
| Bad Debts               | 56             | 20             | 36           | 64%       | 226              | 226                   | -                    | 0%         |
| Internal Expenses       | 6,883          | 6,359          | 524          | 8%        | 27,167           | 27,179                | (12)                 | 0%         |
| <b>Total Expenses</b>   | <b>58,578</b>  | <b>55,828</b>  | <b>2,750</b> | <b>5%</b> | <b>223,879</b>   | <b>223,480</b>        | <b>399</b>           | <b>3%</b>  |
| <b>Operating Result</b> | <b>85,522</b>  | <b>87,581</b>  | <b>2,059</b> | <b>2%</b> | <b>6,877</b>     | <b>10,377</b>         | <b>3,500</b>         | <b>51%</b> |

Major variances that contribute to the result include:

| <b>Area</b>                   | <b>Fav / Unfav</b> | <b>Main Contributing Factors</b>                                                                                                                                                                                                                                       | <b>Variance</b> |
|-------------------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| Government Grants – Operating | Favourable         | The favourable result is due to additional grants including Community Partnerships (inclusive communities and champions for change programs); and various Regional Sustainability and Development grants. This income will be matched by expenditure this FY and next. | \$2.1M          |
| User Fees                     | Favourable         | There has been a larger quantity of commercial waste being received, with RR&E user fee income \$0.2M higher.                                                                                                                                                          | \$0.34M         |
| Statutory Fees & Fines        | Favourable         | Minor increases in some statutory fees; and parking fine revenue compared to budget is currently tracking (YTD) higher than anticipated.                                                                                                                               | \$0.4M          |
| Government Grants – Capital   | Unfavourable       | Capital grants are unfavourable to the adopted budget due to the timing of invoicing for grants. Grants are still forecast to be received within the current financial year.                                                                                           | \$0.84M         |

*The report continues on the following page*



## 2. Balance Sheet

The Balance Sheet for 30 September 2019 is included below:

### Balance Sheet – COGB

|                                             | Annual<br>Budget<br>2020<br>\$'000 | YTD<br>Previous<br>Actual<br>2019<br>\$'000 | YTD<br>Actual<br>2020<br>\$'000 | Year on Year<br>Variance<br>\$'000 % |            |
|---------------------------------------------|------------------------------------|---------------------------------------------|---------------------------------|--------------------------------------|------------|
| <b>Current Assets</b>                       |                                    |                                             |                                 |                                      |            |
| Cash and Cash Equivalents                   | 45,832                             | 64,510                                      | 80,039                          | 15,529                               | 24%        |
| Trade and Other Receivables                 | 12,270                             | 110,292                                     | 104,269                         | (6,022)                              | -5%        |
| Inventory                                   | -                                  | 444                                         | 427                             | (17)                                 | -4%        |
| Other Assets/Prepayments                    | 1,520                              | 1,504                                       | 1,484                           | (19)                                 | -1%        |
| <b>Total Current Assets</b>                 | <b>59,622</b>                      | <b>176,749</b>                              | <b>186,220</b>                  | <b>9,471</b>                         | <b>14%</b> |
| <b>Non-Current Assets</b>                   |                                    |                                             |                                 |                                      |            |
| Investments in Associates                   | 3,949                              | 3,222                                       | 3,272                           | 51                                   | 2%         |
| Trade and Other Receivables                 | 80                                 | 101                                         | 59                              | (42)                                 | -41%       |
| Forestry Plantations                        | -                                  | 83                                          | 83                              | -                                    | 0%         |
| Intangible Assets                           | -                                  | 216                                         | 216                             | -                                    | 0%         |
| Plant, Equipment and Infrastructure         | 1,538,802                          | 1,484,640                                   | 1,597,625                       | 112,985                              | 8%         |
| <b>Total Non-Current Assets</b>             | <b>1,542,831</b>                   | <b>1,488,261</b>                            | <b>1,601,255</b>                | <b>112,994</b>                       | <b>8%</b>  |
| <b>TOTAL ASSETS</b>                         | <b>1,602,453</b>                   | <b>1,665,010</b>                            | <b>1,787,176</b>                | <b>122,465</b>                       | <b>7%</b>  |
| <b>Current Liabilities</b>                  |                                    |                                             |                                 |                                      |            |
| Trade and Other Payables                    | 15,828                             | 17,949                                      | 18,839                          | (890)                                | -5%        |
| Provisions                                  | 16,675                             | 17,908                                      | 16,492                          | 1,416                                | 8%         |
| Interest Bearing Liabilities and Borrowings | 5,397                              | 3,143                                       | 2,985                           | 157                                  | 5%         |
| Trust Funds                                 | 3,025                              | 3,136                                       | 3,338                           | (202)                                | -6%        |
| <b>Total Current Liabilities</b>            | <b>40,925</b>                      | <b>42,135</b>                               | <b>41,655</b>                   | <b>481</b>                           | <b>1%</b>  |
| <b>Non-Current Liabilities</b>              |                                    |                                             |                                 |                                      |            |
| Provisions                                  | 9,875                              | 10,299                                      | 10,842                          | (543)                                | -5%        |
| Interest Bearing Liabilities and Borrowings | 40,643                             | 45,684                                      | 41,725                          | 3,960                                | 9%         |
| <b>Total Non-Current Liabilities</b>        | <b>50,518</b>                      | <b>55,983</b>                               | <b>52,566</b>                   | <b>3,417</b>                         | <b>6%</b>  |
| <b>TOTAL LIABILITIES</b>                    | <b>91,443</b>                      | <b>98,118</b>                               | <b>94,221</b>                   | <b>3,898</b>                         | <b>4%</b>  |
| <b>NET ASSETS</b>                           | <b>1,511,010</b>                   | <b>1,566,891</b>                            | <b>1,692,955</b>                | <b>126,364</b>                       | <b>8%</b>  |
| <b>Equity</b>                               |                                    |                                             |                                 |                                      |            |
| Accumulated Surplus                         | 616,862                            | 791,377                                     | 850,600                         | 59,535                               | 8%         |
| Reserves                                    | 871,565                            | 752,124                                     | 817,156                         | 65,031                               | 9%         |
| Other Reserves                              | 22,583                             | 23,390                                      | 25,200                          | 1,809                                | 8%         |
| <b>TOTAL EQUITY</b>                         | <b>1,511,010</b>                   | <b>1,566,891</b>                            | <b>1,692,955</b>                | <b>126,377</b>                       | <b>8%</b>  |

## 3. Forecast Performance

The City regularly updates its forecasts, which estimates what the financial year position will be at 30 June 2020. The operating forecast result is currently favourable to budget, representing various minor additional forecast income and expenditure reductions in the current financial year.

Operating Result - Forecast v Annual Budget

| <b>Annual Budget<br/>30/06/2020</b> | <b>Forecast<br/>30/06/2020</b> | <b>Variance</b>   |
|-------------------------------------|--------------------------------|-------------------|
| Operational Surplus                 | Operational Surplus            | Variance          |
| \$6.8M                              | \$10.3M                        | \$3.5M Favourable |

Major variances that contribute to the forecast favourable operating result include the following:

| <b>Area</b>               | <b>Fav / Unfav</b> | <b>Main Contributing Factors</b>                                                                                                                                                                                                                                                                                            | <b>Variance</b> |
|---------------------------|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| Operating Grants          | Favourable         | The City has been successful in gaining a number of operating grants that were not included in the adopted budget. These programs are mainly across Active & Healthy Lifestyles, Regional Sustainable Development and Community Partnerships. These will have corresponding expenditure in the current and subsequent year. | \$1.7M          |
| Cash Contributions        | Favourable         | Additional funds received not accounted for in the adopted budget include contributions for Blackspot and <i>Safer Transport in Local Streets</i> (STILS) funded road projects.                                                                                                                                             | \$2.0M          |
| Government Grants - Capex | Unfavourable       | The favourable result is primarily due to timing of grants for various projects.                                                                                                                                                                                                                                            | \$1.3M          |

2019/2020 Cash Result

The cash result is managed on an ongoing basis rather than annually, as the impact of previous year's results will affect the following year's budget.

|                                                        | <b>Annual Budget<br/>Surplus/(Deficit)</b> |
|--------------------------------------------------------|--------------------------------------------|
| Accumulated Surplus Carried Forward 30/06/19           | \$24,478,822                               |
| Carried Forward Capital Work Projects from 2018/2019   | (\$13,527,096)                             |
| Grants received in 2018/2019 not spent at 30 June 2019 | (\$1,767,104)                              |
| Budgeted accumulated cash surplus as at 30/06/19       | \$9,184,622                                |

|                                                                              | <b>Forecast Result<br/>Surplus/(Deficit)</b> |
|------------------------------------------------------------------------------|----------------------------------------------|
| 2019/20 financial year cash result (including above carry-forwards & grants) | \$3,766,310                                  |
| Capital Projects identified at 30/09/2019 as requiring Carry Forward         | N/A*                                         |

|                                                       |              |
|-------------------------------------------------------|--------------|
| Forecast of grants in 2019/2020 relating to 2020/2021 | N/A*         |
| 2019/2020 forecast accumulated surplus/(deficit)      | \$12,950,932 |

\* - these are forecast in the second and third quarterly reports

### **Conclusion**

The Finance Committee has reviewed the statement comparing Budgeted and Actual Revenues and Expenses to 30 September 2019, and the financial forecast for 2019/2020.

## 7.2 REVENUE DEBT COLLECTION POLICY

**Author** Nathan Morsillo – Manager Financial Strategy and Leesa Mein – Coordinator Rates & Revenue

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

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### Purpose

The purpose of this report is to review, seek input and endorsement of the City's Revenue and Debt Collection Policy and the new Financial Hardship Guidelines.

### Summary

The Revenue and Debt Collection Policy was last reviewed in June 2014. The Policy aims to provide a transparent framework to support consistency and fairness in our revenue and debt collection practices. The Policy and guidelines also outline how we support the community who may be experiencing difficulty paying their debts.

### **RECOMMENDATION**

That Council endorse the revised Revenue and Debt Collection Policy.

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Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal #1 Lead & Govern for All

Objective #1.4 Be accountable and efficient in its use of the community's money

Current Council Policy: [Revenue & Debt Collection Policy](#).

External regulatory context: Both the ACCC and the Australian Securities and Investments Commission (ASIC) enforce consumer protection laws, including laws relevant to debt collection.

The ACCC and ASIC jointly produced a guideline (Debt collection guideline for collectors & creditors) which aims to assist creditors, collectors and debtors in understanding their rights and obligations, and ensure that debt collection activity is undertaken in a way that is consistent with consumer protection laws. The principles within the City's Revenue and Debt Collection Policy reflect these guidelines.

Background Information

The Revenue and Debt Collection Policy is due for review. Revenue supporting services relating to rates, grants, fees and charges depends on the smooth and consistent application of this policy. Rates and other revenue was recognised to the value of \$196M in 2018/2019. The policy seeks to work with stakeholders to ensure there are minimal unrecoverable debts or bad debt write-offs. In particular, the administration of the City's role with 60,000 rates assessments annually requires consistency, fairness, equity and sensitivity.

Previous Council Decision(s) Date(s): The policy was last updated in 2014.

Report

The City of Greater Bendigo (the City) is responsible for the administration of a significant volume of rates and other revenue annually. In 2018/2019 this totalled \$194M (2017/2018 \$188M) in various rates, charges, grants and other receivables within the ambit of this policy.

The majority of the policy is rightly concerned with the small percentage of individuals or organisations which have difficulty meeting payment terms. The City of Greater Bendigo has a strong track record in engaging with ratepayers and other organisations which is reflected in consistently low bad or doubtful debts.

There does however continue to be significant numbers of debtors experiencing financial hardship, and the City is committed to working with these people and organisations in a consistent, fair and sensitive manner.

Principles

The principles which underpin the policy and the guidelines have been updated to reflect the City's desire to be a model debtor. Principles within the policy include:

- Transparency and accountability
- Consistency
- Fairness, equity and sensitivity

In reviewing the policy and internal approach, consideration was given to broader societal issues – including domestic violence and farming rates/recovery.

Revised financial hardship guidelines have been produced and will be available on the City's website, including referral pathways to appropriate support services where applicable.

Delegations

Delegations have been updated to recognise internal efficiencies in line with recommendations of previous internal audits.

Consultation/Communication

Internal Consultation: Managers, Executive and relevant key Debtor contacts.

External Consultation: Anglicare Australia and Rural Financial Services were invited to comment on the draft policy and guidelines. Anglicare Australia provided detailed commentary and input, and most of the information and guidelines within the policy were positively received.

Resource Implications

Recognition of revenue related to rates, grants, fees and charges is dependent on the smooth and consistent application of this policy (\$194M in 2018/2019).

The amendments to this policy are able to be resourced from the current operational budget of the Financial Strategy Unit.

Attachments

1. Revenue & Debt Collection Policy

REVENUE AND DEBT COLLECTION POLICY

Approval Level:	Council
Policy Type:	Council
Approval Date:	14/10/2019
Review cycle:	4 Years
Review Date:	14/10/2023
Responsible Officer:	Manager Financial Strategy
Owner:	Financial Strategy
Responsible Director:	Corporate Performance
Relevant Legislation/Authority:	<i>Local Government Act 1989 (Vic)</i> <i>Competition and Consumer Act 2010 (Cth)</i>
DOCSETID:	4152491

If you find yourself in financial difficulty and you cannot pay your rates or other bill, please contact us for assistance as soon as you can and before the due date for payment. Our customer support contact number is 03 5434 6000. The following policy contains the detail of how the City manages revenue and debt collection. If you are experiencing Financial Hardship, please refer to our Financial Hardship Guidelines, also on the City's website.

1. PURPOSE

The purpose of this policy is to support best practice ethical revenue and debt collection practices. This policy aims to ensure the City works with ratepayers and general debtors who have a willingness but not the capacity to pay, and treat them with fairness, equity and sensitivity.

2. BACKGROUND

The City has the responsibility to ensure all services they provide meet the community's expectations in terms of cost and quality. Debtor management is an essential element of the City's budget monitoring and control strategy. Rates and charges account for a considerable percentage of the total operating income of the City. Inconsistent and ineffective collection of the City's revenue and Debts has the potential to negatively impact the City's cash flow and consequently diminish the level of service to the community.

3. SCOPE

This policy applies to all City staff and departments recovering or managing funds owed to the City. It is also applicable to the City departments that are responsible for managing the provision of paid services and products, including permits and penalties or infringements.

4. DEFINITIONS

ACCC means the Australian Competition and Consumer Commission.

Act means the *Local Government Act 1989* (Vic).

ASIC means the Australian Securities and Investments Commission.

CCA means the *Competition and Consumer Act 2010* (Cth).

City means the Greater Bendigo City Council.

CIV means Capital Improved Value.

Debt means an amount of money owed, including an alleged Debt.

Financial Hardship means a situation where the City reasonably considers that a ratepayer or debtor is unable because of prolonged illness or unemployment, or other cause, to discharge their financial obligations to the City. Financial Hardship will be considered on an individual basis and always with a view to the ratepayer or debtor re-establishing financial capacity and meeting their financial obligations. The Financial Hardship Guidelines outline the framework for administering applications for financial hardship.

General Debtors means Debts owed to the City (excluding rates and certain fines).

5. PRINCIPLES

Decisions relating to the collection of revenue and outstanding Debts will be considered in the context of:

5.1 Transparency and accountability

- The City will provide targeted and consistent information, payment terms and advice for the type of service being charged.
- The City will be clear, fair and transparent in its approach to the processes of the follow up of non-payment, and decisions will be made in accordance with the relevant legislation.

5.2 Consistency

- The City will consistently apply and interpret the Revenue and Debt Collection Policy across all services that manage debt

5.3 Fairness, equity and sensitivity

- The City will actively work with ratepayers or general debtors experiencing Financial Hardship, as detailed in the guidelines.
- The City will actively work with ratepayers or general debtors on compassionate grounds, as detailed in the guidelines.

- Requests for assistance will be treated consistently, objectively, sensitively, respectfully and in a confidential manner.
- The City's debt collection processes and Financial Hardship Guidelines are intended to be in line with CCA and the *Debt Collection Guideline for Collectors and Creditors* produced by the ACCC and ASIC.
- The City will exhaust all reasonable avenues to prevent matters from proceeding to Court or other formal action.

6. POLICY – RATE DEBTORS

The City operates a rates system which records financial information on a transactional basis and maintains debtor information in accordance with established principles of rating in local government. Rates debtors are diverse, including but not limited to individuals, small businesses, corporations and religious institutions.

6.1 Collection

- 6.1.1 Annual rate notices and instalment notices will be issued no less than 14 days before due dates for payment in accordance with Section 158 of the Act.
- 6.1.2 All notices will be clear and provide sufficient information in regard to payment terms and the type of rate, charge or levy.
- 6.1.3 Debt collection costs incurred, including legal fees, are generally also recoverable and added to the account.

6.2 Interest

The City will charge interest on rates and charges in accordance with Section 172 of the Act. The interest percentage charge is the rate fixed under Section 2 of the *Penalty Interest Rates Act 1983* (Vic). This rate will be confirmed each year in the declaration of rates and charges.

6.3 Waiving rates, interest and charges

- 6.3.1 Rates are a first charge on the property pursuant to the Act and will generally not be waived.
- 6.3.2 Interest, rates and charges may be waived in accordance with clause 6.4.
- 6.3.3 Legal costs incurred may be waived in accordance with clause 6.4.

6.4 Financial Hardship

- 6.4.1 Ratepayers who are suffering Financial Hardship or would suffer Financial Hardship if the full amount of rates and charges for which they are liable were paid, may apply to the City for a deferment. This may be for the whole or part of any rate, charge or interest imposed for late payment. The City will assess each application in

accordance with the Financial Hardship Guidelines administered by the City and the hardship provisions set out in the Act.

- 6.4.2 The City may also provide alternative payment arrangements to assist ratepayers deemed to be under Financial Hardship in accordance with the Financial Hardship Guidelines.

6.5 Sale of Land to Recover Debt

- 6.5.1 The City will utilise the sale provisions under Section 181 of the Act in the following circumstances:

- a) where all other recovery attempts have failed;
- b) where at least 3 full years rates and charges remain unpaid;

- 6.5.2 Preparation for sale of property should commence:

- a) as soon as permitted under the Act;
- b) where 5 years rates and charges remain unpaid for owner occupied dwellings.

- 6.5.3 The City must ensure outstanding rates, legal and other costs never exceed the CIV of the property, except in cases where a property has a valuation of less than \$10,000.

6.6 Authority to Waive Interest (Rate Debtors)

Interest can only be waived by the following delegated authority:

- a) Administrative waiver for any one property up to \$50
 - (i) All staff in the Financial Strategy Unit;
- b) Interest for any one property up to \$500
 - (ii) Senior Coordinator – Financial Strategy;
 - (iii) Coordinator Rates; and
 - (iv) Manager Financial Strategy.
- c) Interest for any one property over \$500
 - (i) Director Corporate Performance; or
 - (ii) Chief Executive Officer.

7. POLICY – GENERAL DEBTORS

The City operates a computerised debtor accounts system which records financial information on a transactional basis and maintains debtor information in accordance with the principles of commercial business. All invoices will be clear and provide sufficient information of payment terms and the service or charge that is being invoiced.

There are a wide range of individual debtor accounts across the 600+ fees which the City charges or administers on behalf of State and Federal agencies. The below policy and principles apply across these debtors – noting that Infringements are briefly discussed at item 8.

7.1 Interest

The City will not charge interest on any General Debtor account unless permitted under specific legislation.

7.2 Collection

Collection and management of relevant contracts will be undertaken in a fair, transparent and consistent manner, including the formal processes for the follow up of non-payment. Follow up of non-payment will generally be referred to a Debt collection agency where collection is unsuccessful.

7.3 Authority to Waive General Debt

General Debts can only be waived by the following delegated authority:

- a) General Debtor for any amount up to \$500
 - (i) Applicable Unit Manager (noting centralised reporting requirement)
- b) General Debtor for any amount up to \$1,000
 - (ii) Manager Financial Strategy; or
 - (iii) Senior Coordinator Rates and Revenue.
- c) General Debtors for any amount up to \$10,000
 - (iv) Applicable Director
- d) General Debtor for any amount over \$10,000
 - (v) Chief Executive Officer.

7.4 Arrangements on default of a general Debt

The City will consider all requests for alternative payment arrangements in accordance with the guidelines, however, full payment of the debt in the shortest reasonable time is preferred.

7.5 Financial Hardship

The Financial Hardship Guidelines provide further detail on the assessment of applications seeking a deferment, waiver or payment arrangement for debts.

7.6 Discounts for community purpose

The City operates a large number of services and facilities for community purpose for which not all may be invoiced or charged. This will be in line with the City's pricing policy (normally items which are classified as accessible) and annual updates to fees and charges.

8. PARKING AND ANIMAL SERVICES INFRINGEMENTS

The collection of outstanding Parking infringements is governed by the *Infringements Act 2006* (Vic) and the *Fines Reform Act 2014* (Vic) and includes processes administered by Fines Victoria. The collection of outstanding Animal Services infringements is governed by the *Domestic Animals Act 1994* (Vic) and the *Impounding of Livestock Act 1994* (Vic). Please refer to the Safe and Healthy Environments policies included on the City's website.

9. ROLES AND RESPONSIBILITIES

Further information or advice on this policy should be directed to Financial Strategy.

10. REPORTING

The Manager, Financial Strategy will prepare a quarterly report for the Finance Committee detailing all outstanding rates income. The report will include details of any special circumstances or arrangements.

11. RELATED DOCUMENTS

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

These include:

Financial Hardship Guidelines
Internal Review of Infringements Policy

12. HUMAN RIGHTS COMPATIBILITY

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

13. ADMINISTRATIVE UPDATES

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

DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
June, 2014	TH	Finance	Develop	1	May, 2018
14/10/2019	NM	Financial Strategy	Review (significant) Update	2	14/10/2023

7.3 RATING REVIEW SUBMISSION

Author **Leesa Mein, Senior Coordinator Rates and Valuations and Nathan Morsillo, Manager Financial Strategy**

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

Purpose

The purpose of this report is to note and endorse the City's submission to the Local Government Rating System Review.

Summary

The State Government's rating review was announced 17 April 2019. The rating review panel have invited submissions to the review which closed on 1 November. The panel will consider submissions and report back to the Minister by March 2020.

Full details of the review in progress are also available at: <https://engage.vic.gov.au/rating-review>. This includes a discussion paper released by LGV and some useful information (including a video) explaining elements of the current rating system.

The submission has been informed by engagement with various stakeholders from across the municipality, including Councillors, the Farming Advisory and Rural Communities Committees and staff from across the organisation.

The submission was lodged with panel prior the closing date.

RECOMMENDATION

That Council ratify the submission to the Local Government Rating System Review.

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#### **Policy Context**

Community Plan Reference:

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

Goal 1                Lead & Govern for All

### Objective 1.3 Be innovative and financially responsible

#### Background Information

The Local Government Act 1989 is currently under review. In April 2019 it was announced that the rating system would be reviewed in more detail by a panel appointed by the State Government.

A draft submission to the Rating System Review was reviewed by Councillors at a briefing on 21 October 2019.

#### Report

The State Government's rating review was announced in April 2019, with written submissions due by 1 November 2019.

The review aims to respond to the Parliament of Victoria's Inquiry into the Sustainability and Operational Challenges of Victoria's Rural and Regional Councils and review the *local government rating system to identify changes that will improve its fairness and equity*.

Representatives of the City attended a consultation session on 4 September 2019, conducted by the panel appointed by the state Government to oversee the Rating Review.

Officers have also engaged with the Farming Advisory Committee and Rural Communities Committee in relation to advocating for options to improve the system for rating farm properties.

The attached documents outline the points discussed at the session and frame council's position on a range of topics including:

- The ability to retain flexibility in setting differential rates.
- A review of the rating exemptions including land used for mining, residences of a Minister of religion, and land currently exempt that is used to derive an income from gaming activities.
- Whether there is still a requirement for the Cultural and Recreational Lands Act.
- Clarity around the rating of retirement villages with 'removable dwellings'.

#### Submission Structure

The Rating Review has asked for input to discussion paper questions, included at **Attachment 1**.

## **Consultation/Communication**

Internal Consultation: Discussed with members of OLT, EMT and staff with an involvement in the detail of rates.

External Consultation: Consultation was undertaken with the Farming Advisory Committee at a meeting on 24 September and via subsequent emails. This committee sought to ensure:

- local and regional flexibility was retained in setting differential rates;
- flexibility in payment arrangements remained available;
- continued engagement on the role of local government (to increase clarity between state and local responsibilities);
- review of options around averaging of Valuations over multiple years to decrease large movements annually;

Representatives of the City attended a consultation session on 4 September 2019 with the State Government appointed panel.

Consultation was also undertaken with the Greater Bendigo Rural Communities Meeting on the 8<sup>th</sup> October 2019.

## **Attachments**

1. Review of Rating System – Consultation Response



## Local Government Rating Review, Bendigo Submission October 2019

### Origins of the Review

#### **Inquiry in to the Sustainability and Operational Challenges of Victoria's Rural and Regional Councils**

*"In response to the Parliament of Victoria's Inquiry in to the Sustainability and Operational Challenges of Victoria's Rural and Regional Councils the Government has commenced an inquiry into the local government rating system to identify changes that will improve its fairness and equity."*

The City of Greater Bendigo (COGB), welcomes the review and looks forward to the panel's findings and the Government's response to improving the fairness and equity of the Victorian Local Government rating system.

Last year the Municipal Association of Victoria adopted a resolution sponsored by Greater Bendigo City Council urging the Victorian Government to develop a plan to maintain the liveability and economic strength of regional and rural Victoria and that the plan should incorporate a review of the rating system along with other key recommendations from the inquiry specifically:

- Seeking changes to the Commonwealth Financial Assistance Grant Pool to ensure a larger proportion can be distributed based on Council's needs (Rec. 5)
- A new Victorian Grants program designed to assist small rural Councils to deliver core services (Rec. 6)
- New Victorian Government grants to assist Councils wishing to investigate and establish shared service and resource arrangements (Rec. 9)
- Expanded efforts to grow the population and economy of rural Victoria (Rec. 10)
- Greater flexibility when establishing grant programs requiring co-contributions. (Rec 14)

### **Council local and regional flexibility**

There are a number of issues which are particular to rural and regional councils which were covered in the parliamentary report.

COGB believes it is important overall for Councils, particularly regional and rural, to maintain the flexibility to apply differential rates to various classes of rate types (including but not limited to Farm rates).

COGB's Farming Advisory Committee was consulted as part of the City's process to provide this submission. The committee is supportive of local government retaining this flexibility. This enables Council's to address the equity principles of:

- a) Capacity to Pay– based on ratepayer's economic means
- b) Benefit principle – where the distribution of benefit is not uniform, those who benefit should contribute more.

## Role of Local Government

There is some confusion in the community around the role of Local Government – and often disparity between what Local Governments are expected and able to provide. There is a distinct divide between the sustainability of service provision in rural and regional Councils when compared with the services delivered by metropolitan Councils. Clear expectations from State Government of the core services provided by Local Government would assist in the community's understanding of the services Local Government is expected to deliver and therefore fund. This feedback was supported by the City's Farming Advisory Committee and Rural Communities Committees as part of consultation undertaken.

## Chapter Five Panel Questions

(In order of rating review consultation document)

### **What types of properties should receive rating exemptions?**

As a principle, rating exemptions should be kept to a minimum – the more exemptions the greater potential to distort the system and undermine its consistency, fairness and equity.

In general, the COGB support an exemption for land that is open to, and used for, the benefit of all community members at no charge and which is not assigned to one particular person or group.

Current exemptions that are supported are for:

- Land used for public or municipal purposes
- Land held in trust and used exclusively by organisations of ex-servicemen and women
- Unoccupied Crown Land and land vested in a Minister, Council, statutory body etc.

COGB would support review of the current exemptions on:

- Land used for mining along with some forms of minerals development and exploration (often the precursor to mining), including where it takes place on Crown Land
- Land used as a residence of a practising Minister of religion and or for the education and training of Ministers of religion.
- Land used by the RSL or other exempt bodies where the body derives an income from gaming at the property such as poker machines or bingo centres.
- Land used by Private Schools and Universities.

COGB is supportive of exemptions for land used for charitable purposes, however there is a need to be clearer and more consistent around what does and what doesn't constitute an approved charitable use.

An example here would be Bendigo Primary Care which is run as a commercial enterprise but has charitable status with the ATO and therefore is non-rateable.

***Why would this be fair?***

Many of the premises occupied by these organisations are leased on a commercial basis. The property owner profits from the commercial tenancy and then is exempt from paying rates.

In addition to the example provided above, private schools and Universities benefit directly from the infrastructure and services provided by Councils. A contribution to these costs in the form of rates would be equitable.

**How does your council allocate differential rates?**

Greater Bendigo has three Commercial rates based on geographical location, a General Rate, a Farm rate, and a Residential Vacant Land. The current differentials as percentage of the General rate are:

- Farm Rate - 85%
- Commercial/Industrial A – 185%
- Commercial/Industrial B – 180%
- Commercial/Industrial C – 190%
- Vacant Land (residential & rural residential) - 125%

***Why?***

Greater Bendigo has differential rates that are based on capacity to pay, use of the land, benefits derived for the community (so businesses pay more), and, in part, for restricted access to services e.g. farms.

***What types of properties should pay more through differential rates?***

Commercial and Industrial properties should pay more as they have the ability to generate an income from their property.

Residential Vacant land has a higher differential for the City of Greater Bendigo to encourage development of the land.

There should be the ability to utilise a higher differential rate for Commercial premises (in Bendigo's context, the CBD) that are vacant for a period of greater than 12 months. The rationale is to encourage property owners to have their properties tenanted, improving the community engagement with the CBD. This is distinct from derelict properties. Currently the guidelines do not allow for this to occur.

Airbnb's and similar services are a challenge for council's to track and administer a differential rate. A mechanism that can assist with this that may involve other areas of government would be required. The City is keen to explore data matching with other areas of State Government which would enable better targeting – where possible – to ensure the correct 'use' of property.

**Why?**

To acknowledge that some properties gain more in a commercial sense from the community. For example business and retail properties that derive income from their property have a higher capacity to pay and should then contribute more in rates.

On the other hand we acknowledge that rural commercial properties have a lower differential commercial rate than CBD properties as their benefit from the community is less mainly due to location.

***What types of properties should receive rates waivers?***

None, rates are a charge on the property and will be collected in most cases.

**Why?**

Rates are a property tax so the debt is attached to the property. Once a property is sold the debt will be recovered. A debt can be deferred in cases of financial hardship without being waived.

***If councils provide rate discounts what criteria should apply?***

It is the view of COGB that there are not many instances where a discount should apply. While rates can be a significant cost to certain entities or groups, there are many other costs associated with land use or commercial entities.

***Should cultural and recreational land and electricity generators have alternative rating arrangements?***

COGB supports Councils having the option to apply a rating differential to cultural and recreational land provided it is being used for the benefit of the community. This could be done within the Local Government Act negating the requirement for the CRLA at all. The challenge is, like with land used for charitable purposes, to define and measure what constitutes a beneficial use.

***Statistics on cultural and recreational lands?***

- 57 occupancies categorised as cultural and recreational lands
- Money received in lieu of rates \$149,944 in 18/19, and zero in the dollar rate for 19/20
- The estimated income if properties assessed under general rate for 2019-20 is \$244,015.

**Why?**

How do you quantify the level of community benefit gained from one individual property over another? Some suggested criteria could include:

- Provision of health and wellbeing, sporting and recreational activities, for instance community sport facilities

- Economic by attracting visitors to the area, for instance a museum that generates tourism
- Community development, for instance a facility that supports the provision of charity function.

In terms of land used for electricity generation, COGB supports Councils having the power to apply rates against land used for electricity generation.

### **Should property values determine rates? If not, then what should?**

There are issues with land values being used as an indicator for an owner's wealth and capacity to pay. This, in part, remains the case. The nexus between this indicator of wealth has become less related to services provided – as historically services were more directly related to a particular land area.

There are obvious challenges with this method in farming areas where the value of the land does not always translate into income being generated, particularly in periods of prolonged drought or poor commodity prices.

There may be an opportunity to look at the *application* of these valuations of valuations averaged over multiple years.

This could reduce the impact of inflated land prices attributed to nearby land purchases that have been made for 'strategic' reasons.

However overall on balance, and in the absence of any alternative system, property values remain the best available method for local government to utilise for the purpose of determining rates.

### **What services should be funded by their users (in line with the user pays principle) rather than through general rates?**

In general services which have a variable cost component and can support the principles of user-pays should be considered for user pay principle.

However it is extremely important that there is flexibility for Councils to set policy to ensure the right outcomes are achieved. For example, Greater Bendigo sets fees across the following categories:

- a) Full cost pricing which is applied where the objective is to achieve financial return for Council.
- b) Accessible Pricing which is a discount on the full cost of providing the service. The discounted rate is determined based on the community benefit or social good, and can be set somewhere between 100% discount (i.e. without cost) and full cost recovery.
- c) Incentive Pricing is utilised where certain behaviours are encouraged by pricing above full cost recovery.
- d) Full cost plus margin pricing (or market pricing) is applied to services considered discretionary and without strong social benefit.

Other fee examples include waste collection (on the rates notice).

There are a large number of other fees which Council should retain flexibility including: provision of parking, animal registration, rescue and shelter operations, statutory planning including owner/developer initiated planning scheme amendments, aged care and children's services, pool entrance fees.

### **When should councils use special rates and charges?**

In theory this is when a benefit is derived for a restricted number of people

#### ***Why?***

This should be approached with caution. While the flexibility for certain Councils is important, it can be difficult to ensure equity. For example – how is the benefit of a footpath valued and then distributed among those who use it?

The theory is that by having kerb and channel in front of your property you get the benefit, but these attributes would be reflected in market value of the property.

### **How does your council set charges for waste and other services?**

See above for details of COGB's Pricing Policy 'categories'.

Cost recovery for the operation of waste services including landfill, street sweeping, and public litter bins, but includes a clear intent to ensure that fees will only be utilised for costs related to waste.

### **Does your council have a clear rating strategy?**

COGB publishes a detailed annual rating strategy as part of the public consultation process on the budget. This normally occurs in April each year.

The last comprehensive rating strategy review (including assessing differentials) was in 2011, and a review is planned for 2020/2021.

### **Should all councils apply consistent rating practices? Why/why not?**

Where consistency is possible it would be easier for ratepayers to understand, especially those that own properties in different municipalities where the methodology for setting differential rates can be quite different.

On the other hand there may be differences between what is equitable between city councils and rural councils. Examples of this include the farm rate, rates on derelict land, or the City of Melbourne utilising Net Annual Value (NAV) rather than CIV to reflect rental returns.

COGB believes it is important overall for Council's, particularly regional and rural, to maintain the flexibility to apply differential rates to various classes of rate types, including but not limited to Farm rates).

**Does the Local Government Act 1989 (and other requirements) provide clear rules and guidance to councils to set and levy rates? What could be improved?**

It would be beneficial to receive increased clarity around non-rateable properties, and better definitions of other arrangements, including charitable use, public purpose and community benefit.

Ministerial Guidelines provide some guidance but a clear direction on retirement villages across all councils would be useful.

- Some Councils have a differential rate for retirement villages, while other councils have determined that they receive the same level of benefit from services than any other residential property, and are charged the same General rate.
- Also an anomaly around those retirement villages with 'removable dwellings' where there is no intention of the dwelling being removed. These are rateable but valued the same as caravan parks, as one assessment.

## 7.4 COUNCIL APPOINTMENTS TO COMMITTEES 2019

### Document Information

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

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

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### Purpose

The purpose of this report is to appoint Councillors to various Council and community committees for the 2019/2020 Mayoral Term.

### **RECOMMENDATION**

That Council make appointments to committees as outlined in this report, effective from 21 November 2019.

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Policy Context

Involvement with committees provides Councillors with an opportunity for community engagement. Advisory committees to Council also have the opportunity to provide input into the strategic direction of the Council and guidance to staff working on Council initiatives.

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal # 1: Lead and Govern For All

Objective # Encourage community participation by citizens in the development of new strategies and policies

Background Information

The appointment of Councillor representatives on council and community committees is reviewed annually.

Previous Council Decision(s) Date(s): November 2018

Report

Council Representatives for 2019/2020

COMMITTEE	COUNCILLOR
Affordable Housing Action Plan Project Steering Committee	Cr Alden
Arts and Creative Industries Advisory Group	Cr Emond Cr Fyffe
Audit Committee	Cr O'Rourke Cr Alden Cr Metcalf
Bendigo Agricultural Show Society	Cr Fyffe Cr Pethybridge
Bendigo Art Gallery Board	Cr Emond
National Chinese Museum of Australia Limited, trading as Golden Dragon Museum	Cr Emond
Bendigo Easter Festival Reference Group	Cr Fyffe Cr Pethybridge
Bendigo Inventor Awards Group (as sub-committee of Be.Bendigo)	Cr Pethybridge
Bendigo Livestock Exchange Stakeholders Group	Cr Williams (Cr Pethybridge)
Bendigo Manufacturing Group	Cr Pethybridge (Cr O'Rourke)
Bendigo Maubisse Friendship Committee	Cr O'Rourke
Bendigo Regional Archive Centre (BRAC) Committee of Management	Cr Fyffe
Bendigo Safe Community Forum	Cr O'Rourke
Bendigo Stadium Limited Board	Cr Metcalf
Bendigo Tourism Board Incorporated	Cr Alden (Cr Hawke)
Bendigo Trust (Bendigo Heritage Attractions)	Cr Hawke
Calder Highway Improvement Committee	Cr Williams
Central Victorian Greenhouse Alliance	Cr Alden

City of Gastronomy Advisory Committee	Cr O'Rourke Cr Alden Cr Metcalf
Community Buildings Policy Project Working Group	Cr Pethybridge Cr Fyffe Cr O'Rourke
Cultural Diversity and Inclusion Plan Steering Committee	Cr O'Rourke Cr Hawke Cr Fyffe
Disability Inclusion Reference Committee	Cr Hawke Cr Flack Cr Pethybridge (Cr O'Rourke)
Economic Statement and Strategy Steering Committee	Cr O'Rourke
Farming Advisory Committee	Cr Metcalf Cr Fyffe Cr O'Rourke
Finance Committee	All Councillors
Fosterville Environmental Review Committee	Cr Williams
Gender Equity Working Group and Gender Equity Coalition	Cr Alden Cr O'Rourke
Goldfields Library Corporation Ordinary Library Board Meeting	Cr Fyffe
Heritage Advisory Committee	Cr Emond
Industrial Land Development Steering Committee	Cr O'Rourke
Integrated Municipal Emergency Management Planning Committee	Cr Flack Cr Pethybridge
Loddon Mallee Waste and Resource Recovery Group Forum	Cr Williams
Municipal Association of Victoria	Cr Fyffe (Cr Metcalf)
Municipal Fire Management Committee	Cr Flack Cr Pethybridge
Positive Ageing Advisory Committee	Cr Pethybridge Cr Fyffe
Public Spaces Advisory Committee	Cr Metcalf Cr Alden Cr Hawke
Rail Freight Alliance	Cr Williams
Rosalind Park Recreation Reserve Precinct Advisory	Cr Emond Cr Metcalf

Committee	(winding up)
Rural Communities Committee	Cr Fyffe Cr Metcalf Cr Hawke
Sustainability and Environment Advisory Committee	Cr Alden Cr Metcalf Cr O'Rourke
Wolstencroft Reserve Community Reference Group	Cr O'Rourke (Cr Hawke)
La Trobe University Bendigo Athletics Complex	Cr Flack

Note: (....) denotes Deputy or Alternative Representative

Attachments

Nil

7.5 COUNCIL MEETING DATES 2019/2020 MAYORAL TERM

Document Information

Author Miki Wilson, Manager Governance

Responsible Director Andrew Cooney, Director Corporate Performance

Purpose

The purpose of this report is to put forward proposed Council Meeting dates for the 2019/2020 Mayoral term.

Summary

It is proposed that the Ordinary Council Meeting dates for December 2019 and for 2020 (to October 21, 2020) outlined in this report, be adopted.

RECOMMENDATION

That the Ordinary Meeting of Council dates for December 2019 and for 2020 (to October 21, 2020) as detailed in this report be confirmed and advertised.

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### Policy Context

#### Community Plan Reference:

*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.

### Report

It is proposed that the following Ordinary Council Meeting dates for December 2019 and for 2020 (to October 21, 2020) be adopted. The dates are based on Council Meetings being held on the third Wednesday of every month at 6.00pm at the Bendigo Town Hall (except for the first meeting for 2019, which will be held on the fourth Wednesday of the month - January 22, 2020).

The consistent monthly meeting day and time is considered by the 2016/2020 Council to continue to have a number of advantages:

- More certainty for the community and all other interested parties;
- The opportunity to circulate meeting agendas to the community earlier;
- Increased opportunities to meet with the community between formal Council meetings.

## **2019**

December 11

## **2020**

January 22

February 19

March 18

April 15

May 20

June 17

July 15

August 19

September 16

October 21

Following the 2020 Council Elections, the balance of the Council Meetings, including the Special Meeting to Elect the Mayor [and Deputy Mayor] for 2020/2021, will be finalised and advertised accordingly.

## **Resource Implications**

Conduct of Council Meetings and advertising of meetings can be accommodated within the current budget.

## **Attachments**

Nil

## 7.6 RECORD OF ASSEMBLIES

### Document Information

**Author**                **Miki Wilson, Manager Governance**

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

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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	16 September 2019	
Matters discussed	1. Forward Agenda review 2. Future City Centre developments 3. Resourcing for 2019/2020 Capital Plan 4. Briefing by Minerals Development Victoria 5. DCP update 6. Maiden Gully and Marong Structure Plans update 7. Kangaroo Flat Library relocation 8. Great Stupa 9. Public Spaces Advisory Committee 10. Creative Industries Advisory Committee Terms of Reference	
Attendees/Apologies		
Councillors	Cr Margaret O'Rourke Cr Jennifer Alden Cr Matt Emond Cr George Flack Cr Rod Fyffe Cr Andrea Metcalf Cr Mal Pethybridge Cr James Williams	
Staff/ Community Representatives	Mr Craig Niemann Mr Bernie O'Sullivan Ms Vicky Mason Mr Andrew Cooney Ms Debbie Wood Ms Miki Wilson	
Conflict of Interest disclosures		
Matter No.	Councillor/officer making disclosure	Councillor/officer left meeting
	Nil	

Meeting Information	
Meeting Name/Type	Councillors' Briefing
Meeting Date	7 October 2019
Matters discussed	<ol style="list-style-type: none"> 1. Forward agenda review 2. Planning matters 3. Discussion on priorities 4. Annual Report 5. All Ages All Abilities 6. Eaglehawk Landfill Buffer update 7. Resourcing for 2019/2020 Capital Plan Deferrals update 8. Joint naming and use of Dja Dja Wurrung language within

		CoGB
		9. Bendigo Stadium Annual Report
<i>Attendees/Apologies</i>		
Councillors	Cr Margaret O'Rourke Cr Jennifer Alden Cr Matt Emond Cr George Flack Cr Rod Fyffe Cr Andrea Metcalf Cr Mal Pethybridge Cr James Williams	
Staff/ Community Representatives	Mr Craig Niemann Mr Bernie O'Sullivan Mr Andrew Cooney Ms Fiona Jemmett Ms Debbie Wood Ms Miki Wilson Apology: Ms Vicky Mason	
<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	14 October 2019
Matters discussed	1. Forward Agenda Review 2. Planning Scheme Review Implementation 3. GovHub update 4. Coliban Water Epsom Plant 5. Youth Council update 6. Audit and Risk Committee 7. Revenue Debt Collection Policy and Financial Hardship Guidelines
Attendees/Apologies	
Councillors	Cr Margaret O'Rourke Cr Jennifer Alden Cr Matt Emond Cr Rod Fyffe Cr Susie Hawke Cr Andrea Metcalf Cr Mal Pethybridge Cr James Williams Apologies: Cr George Flack

Staff/ Community Representatives	Mr Craig Niemann Mr Andrew Cooney Mr Bernie O'Sullivan Ms Caroline Grylls Ms Debbie Wood Ms Miki Wilson Apology: Ms Vicky Mason	
<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	21 October 2019
Matters discussed	<ol style="list-style-type: none"> 1. Forward Agenda review 2. Reuse and Recycle Home Collection Trial 3. Community Engagement Policy 4. Rating System Review 5. GovHub update 6. City of Gastronomy update 7. Process for Election of Mayor and Deputy Mayor for 2019/2020
Attendees/Apologies	
Councillors	Cr Margaret O'Rourke Cr Jennifer Alden Cr Matt Emond Cr Rod Fyffe Cr Susie Hawke Cr Andrea Metcalf Cr Mal Pethybridge Cr James Williams Apologies: Cr George Flack
Staff/ Community Representatives	Mr Craig Niemann Mr Andrew Cooney Ms Debbie Wood Mr Trevor Budge Ms Caroline Grylls Mr Peter Hargreaves Apologies: Mr Bernie O'Sullivan Ms Vicky Mason Ms Miki Wilson

Conflict of Interest disclosures		
Matter No.	Councillor/officer making disclosure	Councillor/officer left meeting
	Nil	

Meeting Information	
Meeting Name/Type	Heritage Advisory Committee
Meeting Date	17 October 2019
Matters discussed	<ol style="list-style-type: none"> 1. State of Heritage Review: Local Heritage (Heritage Council Project) 2. Draft Bendigo City Centre Plan 3. Open House Bendigo 2019 4. GovHub 5. Regional Sustainable Development Update 6. Statutory Planning update 7. QEO Cottage

Attendees/Apologies	
Councillors	Cr Matt Emond
Staff/Community Representatives	<p> Mrs Wonona Fuzzard Ms Kylie Howe Dr Dannielle Orr/ Mr Peter Abbott Mr Laurie Brown Bishop Andrew Curnow Dr Cael Leskovec Mr Jon Marshallsay Ms Jess Milroy Ms Jenny Trewartha Mr Darren Wright Apologies: Ms Emma Bryant Mr Trevor Budge Mr Ross Douglas Mr Bernie O'Sullivan Ms Trudy Rickard/ Mr Matthew Dwyer Ms Angela Gladman Mr Bruce McClure Dr Di Smith Mr Calum Walker </p>

Conflict of Interest disclosures		
Matter No.	Councillor/officer making disclosure	Councillor/officer left meeting
	Nil	

7.7 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.

~~~~~

### 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> |                                                 |                                               |                   |                   |
| CT000480                 | Fibre Optic Cabling Relocation                  | Bendigo Telco Limited                         | Andrew Cooney     | 25 September 2019 |
|                          | <b>Price:</b> \$325,375.00                      | <b>Practical Completion:</b> 31 December 2019 |                   |                   |
| CT000395B                | Bendigo Town Hall Heritage Works – Render Works | SC & FC Balnaves Pty Ltd                      | Craig Niemann     | 4 October 2019    |

|          |                                         |                                                    |             |                 |
|----------|-----------------------------------------|----------------------------------------------------|-------------|-----------------|
|          | <b>Price:</b> \$1,121,363.00            | <b>Practical Completion:</b> 30 June 2021          |             |                 |
| CT000492 | Bendigo Athletics Centre Lighting Works | DeAraugo & Lea Electrical Contractor (Vic) Pty Ltd | Vicky Mason | 11 October 2019 |
|          | <b>Price:</b> \$262,620.00              | <b>Practical Completion:</b> 6 December 2019       |             |                 |

**8. URGENT BUSINESS**

Nil.

**9. NOTICES OF MOTION**

Nil.

**10. COUNCILLORS' REPORTS**

**11. MAYOR'S REPORT**

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

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

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

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

**RECOMMENDATION**

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

**SIGNATORIES TO PETITIONS:**

**1.1                    PETITION: COFFEE VAN AT RAILWAY SQUARE, ELMORE**

We the undersigned would like to bring to the notice of the BENDIGO SHIRE COUNCIL our OBJECTION of a permit being passed to allow a van selling coffee at the RAILWAY SQUARE ELMORE

There are six established premises in ELMORE selling coffee that have invested Heavily in our town and not only do they pay rates and employ locals but also Support any local activities and fund raising.

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| NAME               | ADDRESS | PHONE NO. |
|--------------------|---------|-----------|
| John Glog          |         |           |
| Brian Lehitman     |         |           |
| Patricia Lehitman  |         |           |
| David Lehitman     |         |           |
| Darren Lehitman    |         |           |
| Blayne Lehitman    |         |           |
| Neema Tieman       |         |           |
| MICK CAMBER        |         |           |
| Wendy Gull         |         |           |
| Bruce Taylor       |         |           |
| Doug Roussen       |         |           |
| Bridget O'Sullivan |         |           |
| Ken Hill           |         |           |

| NAME              | ADDRESS | PHONE NO: |
|-------------------|---------|-----------|
| JOHN PARSONS      |         |           |
| Sam Beentley      |         |           |
| MARK BROWNE       |         |           |
| GAVIN O'SULLIVAN  |         |           |
| Harry Hagerberg   |         |           |
| PETER CAMPBELL    |         |           |
| AKEEN CAMPBELL    |         |           |
| ROGER TREWICK     |         |           |
| Mark Oliver       |         |           |
| DAMIAN CARBOON    |         |           |
| Catherine Watson  |         |           |
| Reece Causer      |         |           |
| Cina Spizzica     |         |           |
| Vivienne Spizzica |         |           |
| Fiona Cricelli    |         |           |
| Emma Brown        |         |           |
| Corey Windridge   |         |           |
| Rachael Else      |         |           |
| Wade Catchin      |         |           |
| Abby Tuohy        |         |           |
| Nathaniel Gordijn |         |           |
| Jake Catchin      |         |           |
| Shelley Catchin   |         |           |
| Keith Catchin     |         |           |



| NAME              | ADDRESS | PHONE |
|-------------------|---------|-------|
| Fiona Fenta       |         |       |
| DAVID WARR        |         |       |
| Roger Robinson    |         |       |
| DANIEL WARR       |         |       |
| PETER STENNET     |         |       |
| Dirk Tieman       |         |       |
| ROBYN STROE       |         |       |
| DREW STROET       |         |       |
| Steve Parke       |         |       |
| Dianne Parke      |         |       |
| KEVIN COUTHMAN    |         |       |
| Tom Jordan        |         |       |
| Rick Humphries    |         |       |
| Graham Myle       |         |       |
| Maree Dunn Devlin |         |       |
| JESS BICKLEY      |         |       |
| Tim Bickley       |         |       |
| GEO M'CORMICK     |         |       |
| Jonathan Mchesy   |         |       |
| Tom Carboer       |         |       |
| JANET SIMMIE      |         |       |
| David Simmie      |         |       |
|                   |         |       |
|                   |         |       |

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| NAME            | ADDRESS | PHONE NO. |
|-----------------|---------|-----------|
| S. English      |         |           |
| P. ASH          |         |           |
| Leonie Mitchell |         |           |
| Annette Holmes  |         |           |
| Susi Tanner     |         |           |
| Janis Farrugia  |         |           |
| Judy Simons     |         |           |
| Tracey Staines  |         |           |
| JEFF SIMON      |         |           |
| Diane Hoare     |         |           |
| Cheryl Cleorn   |         |           |
|                 |         |           |
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| NAME                | ADDRESS | PHONE NO. |
|---------------------|---------|-----------|
| Larissa Long        |         |           |
| Dennis Jasper       |         |           |
| Ross R. L. L.       |         |           |
| RENEE PHILLIPS      |         |           |
| Zali Holden         |         |           |
| Charmaine Miller    |         |           |
| Michelle McIntyre   |         |           |
| Brian McInley       |         |           |
| Tim Hunter          |         |           |
| Toni Lackey         |         |           |
| Jessica Hildebrandt |         |           |
| Jodi Palmer         |         |           |
| Pauline Bell        |         |           |

| NAME                 | ADDRESS | PHONE NO: |
|----------------------|---------|-----------|
| Pauline Wilson       |         |           |
| Emma Todd            |         |           |
| Michigan Soelenmeyer |         |           |
| PETER SIMMONS        |         |           |
| Paula Holby          |         |           |
| Ross Lees            |         |           |
| Nancye Lees          |         |           |
| Matt Keating         |         |           |
| Tessa Gouda          |         |           |
| DELAN MILLER.        |         |           |
| <i>[Signature]</i>   |         |           |
| <i>[Signature]</i>   |         |           |
| Bruce Anderson       |         |           |
| THEL BERRY           |         |           |
| Ric Bramucci         |         |           |
| SOPHIE BRAMUCCI      |         |           |
| LACHLAN BRAMUCCI     |         |           |
| ORLA McGinley        |         |           |
| UNA McGinley         |         |           |
|                      |         |           |
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| NAME                   | ADDRESS | PHONE NO. |
|------------------------|---------|-----------|
| R MITCHELL             |         |           |
| V. SPIZZICA            |         |           |
| PHILIP NEALE           |         |           |
| Gina Spizzica          |         |           |
| Nadelle Ginter         |         |           |
| <del>W. H. K. K.</del> |         |           |
| C HOLMBERG             |         |           |
| C. EARTY               |         |           |
| C TUOHY                |         |           |
| T. DUNN                |         |           |
| D. GOODER              |         |           |
| J. COOK                |         |           |
| J. MacCallum           |         |           |
| J. M'Cann              |         |           |

| NAME              | ADDRESS | PHONE NO: |
|-------------------|---------|-----------|
| LUKE GRANTAM      |         |           |
| Troy Humbert      |         |           |
| George Moate      |         |           |
| Ian Hay           |         |           |
| FRAN O'SULLIVAN   |         |           |
| Robyn McKay       |         |           |
| Steven Speers     |         |           |
| Nicole Kuiper     |         |           |
| Jonathan Medhurst |         |           |
| Shayne Halliday   |         |           |
| Mike Sulich       |         |           |
| J Lindsay         |         |           |
| Con McCormick     |         |           |
| K. HANMER         |         |           |
| SCASEY            |         |           |
| M Devlin          |         |           |
| Robert            |         |           |
| Kathleen McCorrle |         |           |
| Shayla            |         |           |
| MARK BROWNE       |         |           |
| WAYNE GOODING     |         |           |
| PIER HALLIAR      |         |           |
| Emma Carr.        |         |           |
| Carina Henei      |         |           |

| NAME             | ADDRESS | PHONE NO: |
|------------------|---------|-----------|
| KELLY WALSH      |         |           |
| Jai Forster      |         |           |
| Robyn Machean    |         |           |
| Nic Sanford      |         |           |
| Peter Farmer     |         |           |
| Kane Cornell     |         |           |
| D. Fitting       |         |           |
| L. Gibson        |         |           |
| J. DALE          |         |           |
| Bernie           |         |           |
| Cowan            |         |           |
| Rocky            |         |           |
| Mark             |         |           |
| John Rohn        |         |           |
| Sascha Charnstom |         |           |
| Roger Bernard    |         |           |
| Stephanie Bena   |         |           |
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| NAME           | ADDRESS | PHONE NO. |
|----------------|---------|-----------|
| Burboones      |         |           |
| Grant Robinson |         |           |
| J. Cuthbert    |         |           |
| D. Guerin      |         |           |
| G. Nelson      |         |           |
| Sam Cendon     |         |           |
| Paul Cuthbert  |         |           |
| Derek Shotton  |         |           |
| Khadija Ali    |         |           |
| Toby Edwards   |         |           |
| LEANNE TREWICK |         |           |
| Robert Jordan  |         |           |
| MARK RYAN      |         |           |

| NAME             | ADDRESS | PHONE NO: |
|------------------|---------|-----------|
| Tony STEWART     |         |           |
| TIM CARROLLS     |         |           |
| Maurice Stewart  |         |           |
| Hannah Treweek   |         |           |
| Rob Viney        |         |           |
| Ray Eeles        |         |           |
| Jenny Morris     |         |           |
| Karin Alsop      |         |           |
| Jefferson Smith  |         |           |
| Tamp Nira        |         |           |
| Dawn Seane       |         |           |
| Andrew Perry     |         |           |
| GRENIS GORDON    |         |           |
| Denyse Dalton    |         |           |
| Leanne McCallum  |         |           |
| Malcolm McKeller |         |           |
| BILL BAILEY      |         |           |
| LI HUYNH         |         |           |
|                  |         |           |
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| NAME            | ADDRESS | PHONE NO <sup>OPTIONAL</sup> |
|-----------------|---------|------------------------------|
| Rosemary CRISP  |         |                              |
| Pat Flood       |         |                              |
| Matt Crociani   |         |                              |
| Bruce Robertson |         |                              |
| Emma case       |         |                              |
| T. Seno         |         |                              |
| J. Seno         |         |                              |
| J CRAWFORD      |         |                              |
| TREVOR FIEDLER  |         |                              |
| CRAG MATTHEWS   |         |                              |
| NOEL HUGHES     |         |                              |
| JUSTIN CUFF     |         |                              |
| Tamara McKnight |         |                              |

| NAME                                   | ADDRESS | PHONE NO: |
|----------------------------------------|---------|-----------|
| Liz Dow                                |         |           |
| Jeanell Lea                            |         |           |
| Christi Edward                         |         |           |
| Max KENNEDY                            |         |           |
| Alan Lee                               |         |           |
| Brendan Framley                        |         |           |
| Lynn Bryan                             |         |           |
| Phil Noble                             |         |           |
| Misheal McMahon                        |         |           |
| Candice Szabo                          |         |           |
| Kelli Brushett                         |         |           |
| Lorraine Trewick                       |         |           |
| Phil of Linn                           |         |           |
| BARB GRAY                              |         |           |
| Kathie Hollis <sup>Kathie Hollis</sup> |         |           |
| Ainsley Barkby                         |         |           |
| W. T. COUGHLIN                         |         |           |
| COUSINS                                |         |           |
| GARRY BRANNAN                          |         |           |
| Penny Hays                             |         |           |
| Lily Wareham                           |         |           |
| Helen McCaskie                         |         |           |
| Anthony Jones                          |         |           |

| NAME                     | ADDRESS | PHONE NO: |
|--------------------------|---------|-----------|
| Holli Jones              |         |           |
| Helen O'Sullivan         |         |           |
| Pat OLIVER-KOCH          |         |           |
| ANNE MORGAN              |         |           |
| JENNIFER CAUST           |         |           |
| JEFF CAUST               |         |           |
| SANDRA HAMBURG           |         |           |
| Jenny Viney              |         |           |
| <del>Moss Johnson</del>  |         |           |
| Bernie Bickn             |         |           |
| Josh Neale               |         |           |
| <del>JP SATTORUCCI</del> |         |           |
| BOB DOWSET               |         |           |
| Beth Dobell              |         |           |
| Alan Dobell              |         |           |
| Steve Kennedy            |         |           |
| Kevin Hoey               |         |           |
| <del>Peter HILLMAN</del> |         |           |
| JIM OEHMS                |         |           |
| R WALKER                 |         |           |
| Cathie Power             |         |           |
| CAROL TAIT               |         |           |
| <del>Patricia Gies</del> |         |           |
| Pete McCallum            |         |           |



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| NAME | ADDRESS | PHONE NO. |
|------|---------|-----------|
|------|---------|-----------|

|                     |  |  |
|---------------------|--|--|
| Deanne Bowles       |  |  |
| Rachel Johnson      |  |  |
| Christine McCormick |  |  |
| Sarah McCluskey     |  |  |
| Glenn McCluskey     |  |  |
| John                |  |  |
| Matt Ayres          |  |  |
| GRANT FITZGERALD    |  |  |
| Nola Dunn           |  |  |
| Jane Windsor        |  |  |
| Diana Brunning      |  |  |
| Ann McCluskey       |  |  |
| Jack Wickham        |  |  |

[illegible]

[illegible]



**1.2                    PETITION: PROPOSED CLOSURE OF MELBURY COURT PLAY  
SPACE, EPSOM**

- Greater Bendigo City Council (Aaron Lindsay, Coordinator of Public Space Design). In regards to the proposed closure of Melbury Court Play Space. We the following wish to keep the play space located at 6A Melbury Court, and disagreed that it has reached "the end of its useful life".

|    | NAME                | ADDRESS | SIGNATURE |
|----|---------------------|---------|-----------|
|    | Lachlan O'Toole     |         |           |
|    | Karly O'Toole       |         |           |
|    | David Smith         |         |           |
| 2  | Rachel & John Brown |         |           |
|    | Suzanne Brown       |         |           |
|    | Keith Brown         |         |           |
|    | Leon Franchina      |         |           |
|    | Celeste Franchina   |         |           |
|    | Walter Miller       |         |           |
|    | Lisa Miller         |         |           |
|    | Wois Huehns         |         |           |
|    | Keith Danaher       |         |           |
| 12 | Lee + Lana Jackson  |         |           |
|    | D'Anne Berdy        |         |           |
|    | Naomi Boyd          |         |           |
|    | Ross Dunstan        |         |           |
|    | AARON CUMMING       |         |           |
|    | Ebony Mitchell      |         |           |
|    | SARAH STARK         |         |           |
|    | Diane Coppola       |         |           |
|    | MAURICE COPPOLA     |         |           |
|    | MAX GOVERT          |         |           |
|    | Ken Widenman        |         |           |
|    | Linda Waterman      |         |           |
|    | Karen Thompson      |         |           |

Greater Bendigo City Council (Aaron Lindsay, Coordinator of Public Space Design). In regards to the proposed closure of Melbury Court Play Space. We the following wish to keep the play space located at 6A Melbury Court, and disagree that it has reached "the end of its useful life".

| NAME              | ADDRESS | SIGNATURE |
|-------------------|---------|-----------|
| Lisa Petty        |         |           |
| Sam Mumford       |         |           |
| Rebecca Perry     |         |           |
| S Neuell          |         |           |
| P. Cutting        |         |           |
| LINDA SANDERSON   |         |           |
| C. Smith          |         |           |
| J Harvey          |         |           |
| Karen Robertson   |         |           |
| Troy Robertson    |         |           |
| CHRIS MITCHELL    |         |           |
| Daniel Morgan     |         |           |
| Luke Brophy       |         |           |
| SCOTT TOLL        |         |           |
| Lynne Lowry       |         |           |
| Suzanne McMahon   |         |           |
| S. WICKHAMASINGHE |         |           |
| GRAEME BARNES     |         |           |
| Lynnda Campbell   |         |           |
| Phil Smart        |         |           |
| DAVID LOMBARD     |         |           |
| Nicolaus Smart    |         |           |
| M. Smart          |         |           |
| B. Butler         |         |           |
| Brett Bree Butte  |         |           |

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| NAME              | ADDRESS | SIGNATURE |
|-------------------|---------|-----------|
| Di Smith          |         |           |
| Shayne Wright     |         |           |
| S. Resuggan       |         |           |
| Justin McKenzie   |         |           |
| Mickelle McKenzie |         |           |
| Aimee Hobertford  |         |           |
| Angela Dummert    |         |           |
| Rosent Price      |         |           |
| GRAEME CROTHERS   |         |           |
| Cheryl Coadman    |         |           |
| Jason Graham      |         |           |
| Fred Meehan       |         |           |
| Rhonda Walker     |         |           |
| KEN GOODMAN       |         |           |
| ROBERT TAYLOR     |         |           |
| Steve Smith       |         |           |
| MICK RO           |         |           |
| Kat Reid          |         |           |
| Darcy Weddles     |         |           |
| Asher Goulder     |         |           |
| Hank Tense        |         |           |
| Shannon Hays      |         |           |
| Cliffy Mhair      |         |           |
| Andera Blackby    |         |           |
| BEN WAKEFIELD     |         |           |

Greater Bendigo City Council (Aaron Lindsay, Coordinator of Public Space Design). In regards to the proposed closure of Melbury Court Play Space. We the following wish to keep the play space located at 6A Melbury Court, and disagree that it has reached *"the end of its useful life"*.

[illegible]

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**1.3**

**PETITION: OPPOSING THE SALE OF 49 NAPIER STREET,  
EAGLEHAWK**

**To the City of Greater Bendigo Councillors.**

The petitioners, with all respect, remind Councillors of the present lack of space, plus the Railway Station /Environs plans which will increase the traffic flow in the shopping area, necessitating extra parking space and improved access for safety reasons.  
This petition from the residents/ratepayers from the Greater Bendigo region opposes the sale of No 49 Napier St, property.

**It is requested that the sale of the property not take place.**

**It is requested that the carpark extension as foreseen by the former Borough of Eaglehawk take place.**

**That Entry to carpark be in Victoria street and Exit be into Napier St .**

| Name.             | Address | Signature | Mobile or email |
|-------------------|---------|-----------|-----------------|
| ELISSA BOOTH      |         |           |                 |
| Elissa Roberts    |         |           |                 |
| FLORA O'DONNELL   |         |           |                 |
| Shawnee Cawscelli |         |           |                 |
| Shawn Smith       |         |           |                 |
| Barb DAYKIN       |         |           |                 |
| Gabi Daykin       |         |           |                 |
| DAVID WALKER      |         |           |                 |
| Jarrad Handford   |         |           |                 |
| HELMER MACKAY     |         |           |                 |
| TANIKA MACKAY     |         |           |                 |



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| Name.             | Address | Signature. | Mobile or email |
|-------------------|---------|------------|-----------------|
| IAN. WENZLAW      |         |            |                 |
| PHILIP GLADMAN    |         |            |                 |
| JOHN PHILLIPS     |         |            |                 |
| TERRY STEVENS     |         |            |                 |
| PETER NASH        |         |            |                 |
| Kelen Nash        |         |            |                 |
| Sam Mudge         |         |            |                 |
| L. Mudge          |         |            |                 |
| Rachael Goldsmith |         |            |                 |
| Bernie Goldsmith  |         |            |                 |
| Ben Goldsmith     |         |            |                 |
| Gordon Goldsmith  |         |            |                 |

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|-----------------|---------|-----------|-----------------|
| PETER MUDGE     |         |           |                 |
| GERRY PATRICK   |         |           |                 |
| JACK LAVERN     |         |           |                 |
| MURDOCK GARDNER |         |           |                 |
| PETER KELLY     |         |           |                 |
| MARK KENNOR     |         |           |                 |
| EMMY MUDGE      |         |           |                 |
| MARIA O'DONNELL |         |           |                 |
| VALERIE HERMANS |         |           |                 |
| JOHN HERMANS    |         |           |                 |
| Jenny Gladman   |         |           |                 |
| Malizei Gladman |         |           |                 |
| Brett Gladman   |         |           |                 |

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|---------------------|---------|------------|-----------------|
| J. COBURN           |         |            |                 |
| GARY B COBURN       |         |            |                 |
| PETER NICHOLLS      |         |            |                 |
| Pam Bono            |         |            |                 |
| Sharon Crimmins     |         |            |                 |
| Pam Thorne          |         |            |                 |
| GAY WILKINSON       |         |            |                 |
| Lisa Matthews       |         |            |                 |
| Ange Crawford Smith |         |            |                 |
| TERRY CHAPMAN       |         |            |                 |
| CINDY GROWCOTT      |         |            |                 |
| NICOLE CORDY        |         |            |                 |

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| Name.              | Address | Signature |
|--------------------|---------|-----------|
| GIRKEE BOLDING     |         |           |
| Janet Paul Greyman |         |           |
| RON ROGERS         |         |           |
| WAYNE FORBES       |         |           |
| PAULINE BELL       |         |           |
| Jan Mason          |         |           |
| Jan Nelson         |         |           |
| HAVERIL TREASER    |         |           |
| Steph Hein         |         |           |
| Karen Adamson      |         |           |
| VERONICA FENDLAY   |         |           |
| Yvonne BOTCHKILL   |         |           |

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|----------------------|---------|------------|-----------------|
| Mabel Ivy Nicholls   |         |            |                 |
| LORNA THOMAS         |         |            |                 |
| Viv Greenhields      |         |            |                 |
| Peter Sansattax      |         |            |                 |
| Sudith Lewis         |         |            |                 |
| Ruth Black           |         |            |                 |
| PETER MOORE          |         |            |                 |
| Julie Fote           |         |            |                 |
| Tina Grist           |         |            |                 |
| Jo Lown              |         |            |                 |
| WILLIAM MITCHELL/Sue |         |            |                 |
| JOHN PENHALL         |         |            |                 |
| ROBERT ROWS          |         |            |                 |
| Sue Harding          |         |            |                 |

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|-------------------|---------|-----------|-----------------|
| Annette Stockwell |         |           |                 |
| KEN TREW          |         |           |                 |
| Sue Parsons       |         |           |                 |
| N B Haddock       |         |           |                 |
| TRACEY WHORHOUSE  |         |           |                 |
| Loana Mearns      |         |           |                 |
| Greg Howland      |         |           |                 |
| KIMBERLY ALLISON  |         |           |                 |
| JUDY MERRETT      |         |           |                 |
| Rona Thack        |         |           |                 |
| SUE EDWARDS       |         |           |                 |
| Mary McFarlane    |         |           |                 |

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| Name.            | Address | Signature |
|------------------|---------|-----------|
| KEVIN O'HARA     |         |           |
| Alex Litchard    |         |           |
| Ian O'ast.       |         |           |
| Norma E. Elliott |         |           |
| Leslie Pascoe    |         |           |
| Heather Noel     |         |           |
| Mandy Edwards    |         |           |
| Minda Hana       |         |           |
| David Hanna      |         |           |
| Ayman Dawood     |         |           |
| Jeanette Schultz |         |           |
| Karen Timms      |         |           |

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| Name.             | Address |
|-------------------|---------|
| Helen Campbell    |         |
| CARL CHIRGWIN     |         |
| Michaela Swanson  |         |
| Leonie Pascoe.    |         |
| Julie Daniel      |         |
| MICHAEL PENTREATH |         |
| JACK BEERY        |         |
| Arianne Serrano   |         |
| Chris Sweetman    |         |
| Rhonda Buchanan   |         |
| ROSS SIMMONS      |         |
| WANDA BODY        |         |



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|------------------|---------|------------|-----------------|
| P. Reed          |         |            |                 |
| S WALLIS         |         |            |                 |
| JULIE BURGESS    |         |            |                 |
| Julie Cunningham |         |            |                 |
| A.L. MURPHY      |         |            |                 |
| K. Hicks         |         |            |                 |
| D. Stephens      |         |            |                 |
| K. DAWSON        |         |            |                 |
| K. Bailey        |         |            |                 |
| A. CANTON        |         |            |                 |
| J. MURPHY        |         |            |                 |
| F Henderson      |         |            |                 |

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| Name.            |
|------------------|
| Colleen Freedane |
| TRACEY BRERETON  |
| Aleesa Daykin    |
| Judy Spooner     |
| Lynn Pedrotti    |
| Sandra Cenn      |
| MICK ROSSDA      |
| JIM WILLIAMS     |
| Jim Kennedy      |
|                  |
|                  |
|                  |

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|---------------|---------|----------------------|-----------------|
| Walter Miller |         | <i>Walter Miller</i> | 0199 966 025    |
| Lisa Miller   |         |                      |                 |
| Lauren Miller |         |                      |                 |
| Henry Miller  |         |                      |                 |
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|-------------------|---------|-----------|-----------------|
| Matthew Goldsmith |         |           |                 |
| PETER GOLDSMITH   |         |           |                 |
| Irish Mudge       |         |           |                 |
|                   |         |           |                 |
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|----------------|---------|-----------|
| Anda Blandford |         |           |
| Murray Peel    |         |           |
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|---------------|---------|------------|-----------------|
| Kate Stanton  |         |            |                 |
| P DEANRY      |         |            |                 |
| Nick Dobner   |         |            |                 |
| Gordon Talbot |         |            |                 |
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|-----------------|---------|------------|-----------------|
| J. CRAWFORD     |         |            |                 |
| J F FRIDPATRICK |         |            |                 |
| S Daley         |         |            |                 |
|                 |         |            |                 |
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