

AGENDA

Ordinary Meeting of Council

6.00pm Wednesday 6 May 2020

Livestreaming at www.bendigo.vic.gov.au/councilmeeting

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

VENUE:

www.bendigo.vic.gov.au/councilmeeting

NEXT MEETING:

Wednesday 20 May 2020

Livestream

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

This Council Meeting is conducted in accordance with the Local Government Act 2020 as temporarily amended to enable meeting by electronic means of communication and Local Law Process of Municipal Government 2020

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 6 MAY 2020

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CRAIG NIEMANN
CHIEF EXECUTIVE OFFICER

ACKNOWLEDGEMENT OF COUNTRY

PRAYER

PRESENT

OPENING MOTION

That Council:

- a) Notes this meeting is being conducted on-line and in accordance with the Local Government Act 2020 as temporarily amended to enable meeting by electronic means of communication.
- b) Further notes this meeting is being recorded and live streamed via the Council website and via live broadcast on radio Phoenix FM.
- c) Agrees that for the duration of the conduct of meetings electronically, the method voting on any matter during this meeting will be by roll-call vote as follows:

The Chairperson will call the name of all Councillors in attendance with each Councillor in attendance stating "yes" to support the motion, "no" to oppose the motion or "abstain" to abstain from voting.

The Chairperson will cast his/her vote by stating "yes", "no" or "abstain".

The Chairperson will then declare the result of the motion/amendment.

APOLOGIES

LEAVE OF ABSENCE

SUSPENSION OF STANDING ORDERS

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

COMMUNITY RECOGNITION SECTION

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

The public question time is held at every Ordinary Meeting of Greater Bendigo City Council.

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 questions.

Due to the COVID19 restrictions, meetings of the Council are being held electronically. Therefore only written questions, lodged by 5.00pm on the day prior to the meeting can be accommodated at this time.

Questions lodged in writing by the deadline will be read out and answered by the Mayor or CEO or where appropriate, Councillors or Council Officers.

Acceptance of Questions

Each person lodging a question of Council is required to include their name, and address. Public Question Time is not an opportunity for making of statements or other comments. Council's Meeting Procedure Local Law does not allow for comments as part of the question.

1. An individual may only ask one question per meeting.
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 day of 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 WILLIAMS' REPORT

DECLARATIONS OF CONFLICT OF INTEREST

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

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

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

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

CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting of Wednesday 18 March 2020.

The following items were considered at the Ordinary Council meeting held on Wednesday 18 March 2020 at 6:00pm.

NO.	TITLE	RECOMMENDATION
2.1	Planning Scheme Amendment C222 - Huntly DCP for Consideration of Submissions and Refer to Panel	That Council accept the late submissions and request the Minister for Planning to appoint an Independent Panel to consider the outstanding submissions.
2.2	Planning Scheme Amendment C232 - Strathfieldsaye Urban Design Framework Adoption of Amendment Following Panel Hearing	That Council: 1. Accept the Panel's recommendations. 2. Adopt Amendment C232 to the Greater Bendigo Planning Scheme with changes as recommended by the Panel, and to make a minor further change to the proposed General Residential Zone on part of 528 Tannery Lane to align with further work completed since exhibition of the amendment. 3. Forward the adopted Amendment to the Minister for Planning for approval, together with the prescribed information pursuant to Section 31(1) of the Planning and Environment Act, 1987.
2.3	330 Napier Street, Bendigo - Two Lot Subdivision of Lan, Demolition of Existing Dwelling and Development of Two Dwellings	Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Refuse to Grant a Permit for 2 lot subdivision of land, demolition of existing dwelling and development of 2 dwellings at 330 Napier Street, BENDIGO 3550 on the following grounds: 1. The development will adversely impact the significance and appearance of the heritage place, contrary to Clauses 15.03-1S, 21.08, 22.06 and 43.01 of the Greater Bendigo Planning Scheme. 2. The proposal does not comply with Clause 55.02-1 (Neighbourhood character objectives) and is inconsistent with the purposes of Clause 32.08 (General Residential Zone) which calls

		for new development to respect neighbourhood character. 3. The proposal does not comply with the objectives of Clauses 55.02-1, 55.03-1, 55.03-2, 55.04-1, 55.05-4, 55.05-5, 55.06-1 of the Greater Bendigo Planning Scheme.
3.1	Community Engagement Policy Review 2020	That Council 1. Approve the removal of the City of Greater Bendigo Community Engagement Policy (2016). 2. Approve and adopt the City of Greater Bendigo Community Engagement Policy (2020).
3.2	Catherine McAuley College Joint Use Agreement	That Council: 1. Agree to the joint development and use of sporting and community facilities between the City of Greater Bendigo and Mercy Education Limited at the Catherine McAuley College Coolock Campus for a term of 35 years; 2. Authorise the City of Greater Bendigo Chief Executive Officer to undertake the necessary administrative steps to enter into a Joint Use and Development Agreement with Mercy Education Limited and McAuley Property Limited; 3. Commit to funding 50% of the detail design and construction costs of the Joint Use Facilities up to a total of \$7,000,000; 4. Authorise Council Staff appointed to the Catherine McAuley College Construction Project Control Group to approve variations to construction costs for the project within the agreed Council funding commitment; 5. Commit Council's 50% share of ongoing operational cost of the Joint Use Areas.
3.3	Golden Square Swimming Pool (Fire Damage)	That Council: 1. Note the resolution from the February 2018 Ordinary Council Meeting on the future of the Golden Square Swimming Pool which includes that a decision on the future of the pool

		would be revisited in April 2020; 2. Note the requests for additional information and clarification that have been received from key stakeholders, including representatives from the Golden Square Pool Committee; and 3. Support the deferral of consideration of the matter until June 2020 Ordinary Meeting of Council to enable further stakeholder engagement to be undertaken.
4.1	Rail Transport Link	That Council: 1. Adopt the core principle that any solution(s) for future development of rail infrastructure and networks throughout Victoria, including the Melbourne Airport Rail Link (MARL) should not disadvantage the future growth and prosperity of the Greater Bendigo region, nor impact in a negative way, Bendigo's ability to connect with and travel to and from this State's Capital City; 2. Advocate to both the State and Commonwealth Governments, the importance of both levels of government committing to a Melbourne Airport Rail Link (MARL) that provides for world-class airport train connectivity; that takes pressure off congested rail networks; that improves regional rail services to the State's largest regional centres; that supports State and Commonwealth Government policies to strengthen regional Australia; and positions Sunshine as the only stop on an express service between the airport and Melbourne; 3. Advocate for further improvements to the Bendigo Rail line (including duplication of the rail track between Bendigo and Kyneton), the Echuca line and the Swan Hill line to improve services for Northern Victoria to and from Melbourne; and

		4. Write to the Prime Minister, the Premier, the Victorian Minister for Transport Infrastructure and the Commonwealth Minister for Infrastructure, Transport and Regional Development, advising Council's position. 5. Support the further development of the Bendigo Metro Rail project and the future upgrade to the Eaglehawk to Inglewood to Dunolly line when passenger and freight demand warrants such an upgrade.
7.1	Internal Audit Plan 2019-23	That Council: 1. On the recommendation of the Audit and Risk Committee approve the Internal Audit Plan for 2019-23. 2. Approve for the Audit and Risk Committee to make non material changes to the plan. Note that the Audit and Risk Committee have endorsed the plan and committed to reviewing the plan annually.
7.2	Record of Assemblies	That Council note the record of assemblies of Councillors as outlined in this report.
7.3	Contracts Awarded Under Delegation	That the contracts awarded under delegation, as outlined in this report, be acknowledged by Council.
13.1	Confidential Section 89 Report	Contractual matter

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

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on Wednesday 18 March 2020, as circulated, be taken as read and confirmed.

1. COVID19 UPDATE

1.1 CITY OF GREATER BENDIGO - COVID19 IMMEDIATE SUPPORT INITIATIVES

Document Information

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

Purpose

City of Greater Bendigo announced a range of initiatives in March 2020 to provide immediate support for our local community and business impacted by COVID-19.

The purpose of this report is to confirm these initiatives and outline the process Council will undertake to identify and fund further initiatives to be introduced over the next period.

RECOMMENDATION

That Council:

1. Ratify the initial list of initiatives to provide immediate support for our local community and business impacted by COVID-19; and
2. Ratify the decision to delay the release of the draft budget for 2020/21 to enable further assessment to be undertaken of the impact of COVID-19 and develop initiatives to provide further support for our community and businesses.

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#### Policy Context

Community Plan Reference:

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

Goal #1              Lead and Govern for all

- 1.2 Explain the reason for its decisions
- 1.3 Be innovative and financially responsible
- 1.4 Be accountable and efficient in its use of the community's money



## Report

In response to the current COVID-19 pandemic, the Council took a number of steps to provide immediate support for the community and businesses impacted by COVID-19. These initiatives include:

- Introducing financial hardship guidelines specifically for COVID-19
- Extending the due date for animal registrations to 30 June 2020
- Extending the due date for the fourth rate instalment to 30 June 2020
- Increasing the frequency of the payment of supplier invoices
- Introducing a temporary halt to interest being charged on overdue rates and fees as well as debt collection
- Enhanced cleaning of Council and other public facilities
- In partnership with Be Bendigo, facilitation of a number of webinars to provide valuable information to local businesses
- Supported Foodshare with operational staff and volunteer recruitment prepare for an increase in demand for emergency food relief
- Establishment of the Greater Bendigo COVID-19 community helpline and email service to connect residents with relevant services (internally and externally)
- Centralised immunisation service to the Strathdale Community Centre to enable social distancing and ensure high levels of hygiene
- Regular telephone contact with Greater Bendigo Commonwealth Home Support Program clients
- Developed and disseminated a local community relief services guide including accommodation, food access, family violence and mental health
- Established the Help Your Neighbour social media campaign promoting positive local stories of residents helping others and sharing practical tips for what can be done to help.
- Established the 'Make Someone's Day' – letter writing campaign
- Environmental Health Officers engaging with local food businesses that are altering their business model to provide support and ensure community safety

These initiatives are intended to provide initial support and relief while further information is gathered and assessments are made.

In addition to the introduction of these measures, Council has also agreed to delay the release of its draft budget for 2020/21 to enable further work to be undertaken on assessing the community and economic impact, as well as the impact on Council's operations. This will enable a more informed draft budget to be designed and released for the public to review and make comment on.

Work on the revised draft budget is currently being undertaken and it is Council's current intention to release this at the May 20 Council meeting if possible.

A relief and recovery subcommittee has been established which includes representatives of a range of community stakeholders. This group is providing valuable insight to Council on initiatives to support our community.

The Federal and State Governments have both made a number of announcements about funding and other support for businesses which are being regularly assessed. Both levels of Government have also announced delays to the release of their budgets until October 2020. Council continues to advocate to both levels of Government for a range of support measures, both social and economic to support our community.

It is likely Council's Budget for 2020/21 will need to include a degree of flexible to account for a number of factors that will not be known when the budget is released. These factors include the full-year impact of COVID-19 and any stimulus funding that may be announced by Federal and State through their budgets.

#### Options/Alternatives:

Options have been considered on the timing of the draft budget, and the available support for community and businesses through the State and Federal Government stimulus packages.

At this stage, the Government packages are directed at supporting businesses and affected community members. Further packages may support Local Government or involve Local Government in directing these funds to the community.

#### **Consultation/Communication**

Extensive consultation is being undertaken with community and business representatives to understand the many and at times varied social and economic impacts of COVID-19. This intelligence is being used to inform the next stage of initiatives that Council will consider as part of the revised draft budget for 2020/21.

#### **Attachment**

1. 27 March 2020 Media Release - City introduces rates deferrals and new payment options

**MEDIA RELEASE****Friday March 27, 2019****CITY INTRODUCES RATES DEFERRALS AND NEW PAYMENT OPTIONS**

In response to the COVID-19 pandemic and its impact on the community, the City of Greater Bendigo has announced a series of immediate measures to reduce the financial burden and support our community, residents, businesses and sporting clubs.

There are a number of options that can support people depending on their individual circumstances and they come into effect today. These are:

- For ratepayers on quarterly instalments, the fourth rate instalment due date will be extended by one month to June 30, 2020
- For those experiencing financial hardship, flexible rate payment plans are available, including the ability to defer all payments on rates to September 30, 2020
- Interest will not be charged for overdue rates or other payments through to September 30, 2020
- There are financial hardship options available, which consider individual circumstances. Customers can contact the City via [ratesenquiries@bendigo.vic.gov.au](mailto:ratesenquiries@bendigo.vic.gov.au) or call 5434 6000.

The City will also delay the release of the draft 2020/2021 Budget to enable additional work to be undertaken on the support that can be provided to the community in the next financial year.

Other measures introduced to help residents, businesses and sporting clubs:

- The City is paying all suppliers (regardless of payment terms) as quickly as possible in its weekly payment schedule
- Temporary stop to following up unpaid animal registrations
- A reduction of Council's commercial rents and ground leases for impacted sporting, community and hospitality venues until at least June 30, 2020.

City Chief Executive Officer Craig Niemann said COVID-19 was having a far-reaching impact on the community.

"We are committed to supporting the community through this time of uncertainty," Mr Niemann said.

"We have been working on ways to reduce the pressure on our community, businesses and sporting clubs. We want the community to know that there are a range of options available for those facing financial hardship. This includes the ability to enable flexible payments and defer payments. Please contact us so we can help.

"We know many businesses are facing cash flow challenges. We will also ensure we pay our supplier invoices promptly to support our suppliers.

"This is an unprecedented time that continues to change each day. The City will continue to review the situation and will provide updates to the community if further changes are put in place during this difficult time."

[www.bendigo.vic.gov.au](http://www.bendigo.vic.gov.au)

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## 2. PETITIONS AND JOINT LETTERS

### 2.1 RESPONSE TO PETITION: REQUEST FOR FOOTPATH FROM DOMAIN COUNTRY CLUB

#### Document Information

**Author** Philip Garner, Acting Manager Engineering

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

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#### Purpose

To address the request proposed in the petition from residents of the Bendigo Domain Country Club for sealed footpaths along McIvor Hwy, Junortoun.

#### Summary

The Bendigo Domain Country Club Residents Committee has submitted a petition to the City of Greater Bendigo (COGB) to upgrade the existing gravel path along McIvor Highway to a sealed path. The petition proposes several sealed sections of footpath (as shown on Attachment 1):

- **Section 1** - Harley Street to the Rothacker Drive
- **Section 2** – Rothacker Drive to St Vincent's Road (Lords Raceway frontage)
- **Section 3** - St Vincent's Road to the access point of the O'Keefe Rail Trail

CoGB has considered this request and have assessed the proposed sections to the Capital Works database. This provides an estimated costing of the proposed projects and a cost benefit analysis against other similar projects currently being considered. Based on this comparison, if Council were to fully fund this infrastructure, these projects would be identified as longer term and not the highest priority. The projects will remain in the database to be considered for future budgets.

There is opportunity to advocate for shared funding of this infrastructure with Council, Department of Transport and the Owner of Bendigo Domain Country Club.

#### **RECOMMENDATION**

That Council:

1. Advocate to the Department of Transport (DoT) to consider these projects in their ongoing McIvor Highway Corridor Study.
2. Investigate further if these projects can be funded by multiple parties including CoGB, Department of Transport and the Owners of the Bendigo Domain Country Club.

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Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal 4 – Presentation and Managing Growth

Objective 4.3 – Continue to implement strategies that increase the capacity of transport networks to better move people and goods and encourages walking, cycling and the use of public transport

Strategy Reference:

This report relates to the Walking and Cycling Strategy (adopted in 2019). The weblink is included below. The corridor has been identified as a 'Secondary – Proposed' path.

<https://www.bendigo.vic.gov.au/sites/default/files/2019-09/20190918%20Walk%2C%20Cycle%20Greater%20Bendigo%20Strategy.pdf>

Background Information

A Planning Permit was issued in 2008 for a staged Retirement Village (Permit DU/256/2007). The construction of a footpath from the Domain Country Club to Harley Street was not a condition on the planning permit as COGB did not consider it necessary or reasonable for this development. During planning discussions, the Developer was also of the view that a sealed path link to Harley Street was not required by the development. As outlined in the petition there are approximately 200 units with approximately 300 residents in the Village.

The Bendigo Domain Country Club Residents Committee have submitted a petition to the City of Greater Bendigo to upgrade the existing gravel path along McIvor Highway to a sealed path. The petition proposes several sealed sections of footpath (as shown on Attachment 1):

- **Section 1** - Harley Street to the Rothacker Drive
- **Section 2** – Rothacker Drive to St Vincent's Road (Lords Raceway frontage)
- **Section 3** - St Vincent's Road to the access point of the O'Keefe Rail Trail

The petition requests a 'double sealed bitumen path'. For the purpose of this report, COGB have termed this a shared user path at a width of 2.5 metres. COGB would recommend the material to be concrete, not 'asphalt/bitumen' in the petition, to ensure consistency with similar jobs and enhanced asset life.

Report

The following outlines the existing conditions, proposed path scope and Capital Works priority for each requested pathway in the petition:

Section 1 - Harley Street to the Rothacker Drive

The existing condition in Section 1 is a gravel pathway generally around 2.0 – 3.0 metres wide. The path is generally set back from Mclvor Hwy and is used for walking, cycling and by horse riders. The path is currently in good condition (see Attachment 2 photos).

Section 1 has been listed in COGB Capital Works rating system:

- Length of the pathway is approximately 1500 metres
- It rates 469 / 1200 New Footpath projects
- Estimated cost of \$1,050,000

Please note that COGB has previously provided priority information to residents for a requested section from Harley Street to the Domain Village entry. This project rates as a better priority (120 out of 1200 projects) due to the lower cost (1.5 metre width footpath and shorter distance than Section 1 described above) and a comparable number of users to Section 1.

Section 2 – Rothacker Drive to St Vincent's Road (Lords Raceway frontage)

The existing condition in Section 2 has a gravel pathway generally around 1.0 – 1.5 metres wide in some areas and unmade in other areas. The construction of a new path would need to be setback further from Mclvor Hwy and alignment would need to be resolved by future design work. The path is currently in average condition (see Attachment 2 photos).

Section 2 has been listed in COGB Capital Works rating system:

- Length of the pathway is approximately 500 metres
- It rates 502 / 1200 New Footpath projects
- Estimated cost of \$360,000

Section 3 - St Vincent's Road to the access point of the O'Keefe Rail Trail

The existing condition in Section 3 has a gravel pathway generally around 1.0 – 2.0 metres wide. The construction of a new path would need to be setback further from Mclvor Hwy in some of the alignment. The path currently ranges between average and good condition along the length (see Attachment 2 photos).

Section 3 has been listed in COGB Capital Works rating system:

- Length of the pathway is approximately 680 metres
- It rates 468 / 1200 New Footpath projects
- Estimated cost of \$430,000

Priority/Importance:

These projects are in line with Councils aims to improve our transport network and encourage walking and cycling.

Further Priority Information

Contact was made by Council Officers to the Main Petitioner (Patrick Godfrey) following consideration of the petition and the priority rating given above. Following this conversation, the following notes are made:

- The first priority for residents would be Section 1 described above. This section will provide a sealed path from Domain Village up to Harley Street to access the service station, other path networks for exercise and Strathdale Park.
- The second priority for residents is Section 2 described above. This section would complete a sealed circuit path that residents could complete, even on mobility scooters. The circuit includes the Domain front exit to St Vincents Road (along Mclvor) then down St Vincents Road past the College. Then you would turn right onto the sealed path through the bush and then into the back gate of Domain Village.
- Section 3 was described as the last priority.

Options/Alternatives:

Capital Works priority has been provided above for each requested section of pathway.

Consultation/Communication**External Consultation:*****Department of Transport (DoT)***

The Department of Transport was contacted for comment on the petition and how the request relates to their overall transport functions and their ongoing Mclvor Hwy Planning Study. The Study is expected to conclude late in 2020.

A weblink is provided for some background on the study:

<https://regionalroads.vic.gov.au/map/northern-improvements/mcivor-highway-development-project>

The DoT response is included below (provided 12 March 2020):

The Department of Transport (Regional Roads Victoria) is currently investigating future improvements to Mclvor Highway between Strathdale and Longlea for all transport modes, including improved infrastructure to support walking and cycling. We're also undertaking an active transport study for the Strathfieldsaye and Junortoun areas to assess the typical journeys of pedestrians and cyclists to understand how people are travelling and where they might be going.

This information, along with outcomes from previous studies, community feedback and the City of Greater Bendigo's Walking and Cycling Strategy will be used to inform our concept design (planned to commence later this year (2020)) which will then be considered for future funding opportunities.

The Department of Transport (DoT) was consulted on the submitted petition and provided the following response on 12 March 2020:

As we are still in the data collection and analysis phase, we are not in a position to commit to the specific proposal outlined in the petition, as we're not at a point where we have a full picture of the future needs of this section of transport corridor. However, we can broadly support the desire for improved infrastructure for pedestrians in the area as outlined in the petition and commit to incorporating this feedback into our ongoing investigations to inform our concept design.

Some of the community feedback we received in early 2019 highlighted the desire for the provision of a formalised path into town from Domain Village and safer access to the bus stop on the northern side of the road at this location by either improving the crossing point at the bus stop location or by providing a formalised path on both sides of the road to enable crossing at the traffic signals.

Feedback also highlighted safety concerns for pedestrians and cyclists along Mclvor Highway in general and the desire for improved infrastructure to support safer pedestrian and cyclist movements, including to and from Catherine McAuley College, Junortoun's General Store/Post Office, O'Keefe Rail Trail and the Cousins Street Trail.

We've worked with Rob Kretschmer (CoGB) to ascertain the existing data available to us in the Junortoun and Strathfieldsaye area for walking and cycling and identified the gaps in base data which we are working towards collecting now (survey of ped/cyclist movements occurring next week). Once we have this and our traffic modelling outputs, we will start developing proposals for infrastructure improvements.

Country Club Living

Country Club Living are the owners of the Bendigo Domain Country Club and they have been contacted to discuss the request and whether they would be willing to contribute any funding to the projects.

Country Club Living have indicated that they would be limited in their capacity to contribute to these projects due to ongoing costs and maintenance of their various locations. They are willing to discuss further if COGB proceed to budgeting and approach them further for a small contribution.

Lords Raceway / Horse Users

Consultation with Eric Hendrix at Lords Raceway for trotting and access to the raceway is currently underway. No concerns have been raised at this stage. Report will be updated in early May if there are any changes.

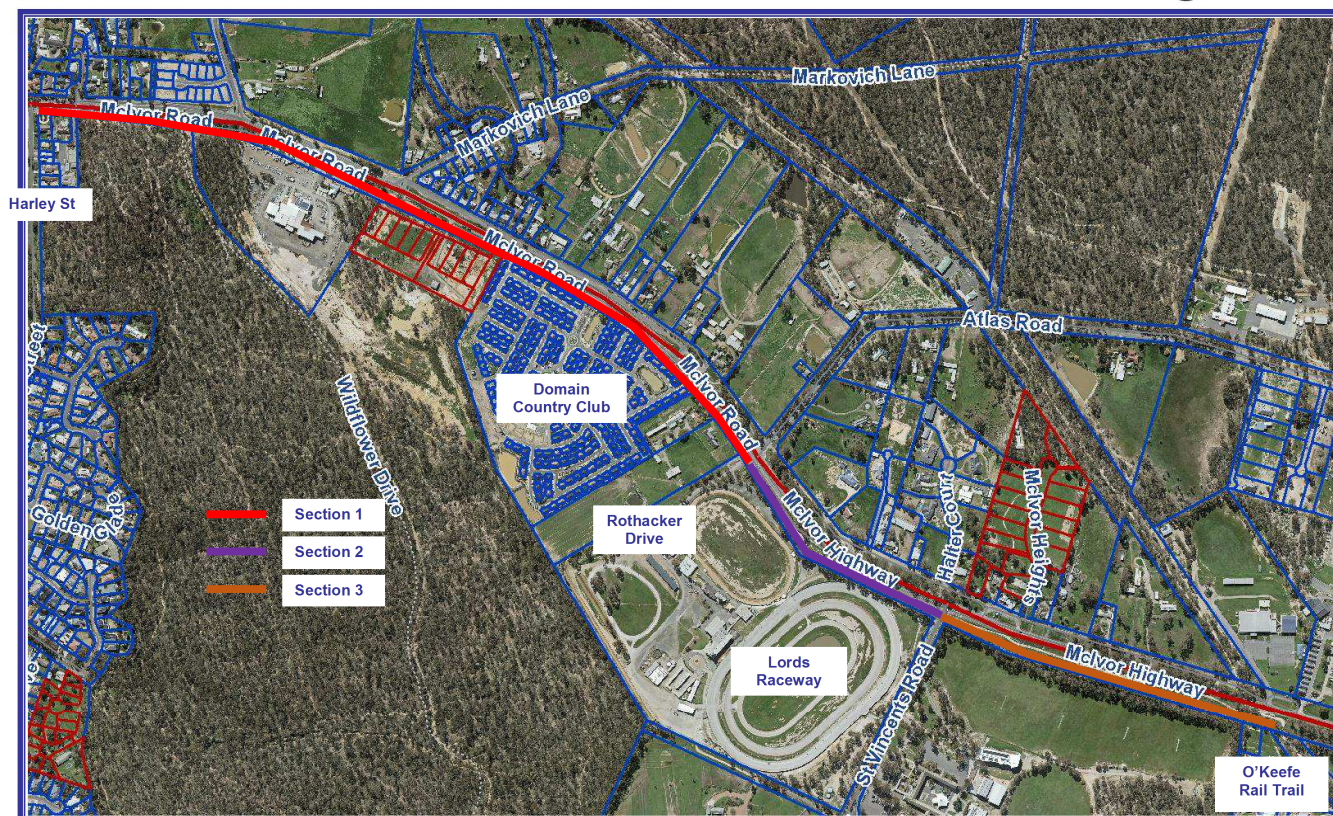
Resource Implications

Resource implications are project based and linked to the financial resource required when the project is delivered. This is outlined in the Report section above.

Attachments

1. Attachment 1 – Proposed path sections map
2. Attachment 2 – Existing conditions photos

Map : DOMAIN COUNTRY CLUB – PATH LINKS PETITION



Created by Engineering on Monday, 16 March 2020

Map Scale : 1:9,000

Map Width is 2429 m

About this Document

This map has been created for the purpose of showing basic locality information over Greater Bendigo City Council. Property boundary line network data is supplied by State Government. Any error should be reported to the GIS Section, Greater Bendigo City Council.

Disclaimer

This map is a representation of the information currently held by Greater Bendigo City Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions.

DOMAIN COUNTRY CLUB – PETITION FOR NEW PATHWAYS
ATTACHMENT 2 – EXISTING CONDITIONS PHOTOS



SECTION 1 – LOOKING TOWARDS HARLEY STREET



SECTION 1 – EXISTING PATH THROUGH 'CIVILMART' VEHICLE ENTRY



SECTION 1 – LOOKING WEST TOWARDS ‘CIVILMART’ ENTRY



SECTION 1 – LOOKING TOWARDS DOMAIN VILLAGE ENTRY



SECTION 2 – FROM ROTHACKER DRIVE LOOKING EAST



SECTION 2 – FRONT OF RACEWAY LOOKING EAST



SECTION 2 – FRONT OF RACEWAY LOOKING EAST



SECTION 2 – APPROACHING ST VINCENTS ROAD, LOOKING EAST



SECTION 2 – APPROACHING ST VINCENTS ROAD, LOOKING EAST



SECTION 2 – APPROACHING ST VINCENTS ROAD, LOOKING EAST



SECTION 3 – LOOKING WEST ACROSS ST VINCENTS ROAD



SECTION 3 – LOOKING EAST, FROM ST VINCENTS ROAD



SECTION 3 – LOOKING TOWARDS O'KEEFE RAIL TRAIL



SECTION 3 – FROM O'KEEFE RAIL TRAIL, LOOKING TOWARDS ST VINCENTS ROAD

3. PRESENTATION AND MANAGING GROWTH

3.1 88-90 FOREST STREET, BENDIGO 3550 - DEMOLITION OF EXISTING DWELLING, 3 LOT SUBDIVISION AND DEVELOPMENT OF 3 DWELLINGS AND ASSOCIATED WORKS

Document Information

Author Shannon Rosewarne, Senior Planner

Responsible Director Bernie O'Sullivan, Director Strategy and Growth

Summary/Purpose

Application details: Demolition of existing dwelling and associated outbuildings and pool, three lot subdivision and development of three dwellings and associated works

Application No: DSD/795/2018

Applicant: N Papaz

Land: 88-90 Forest Street, BENDIGO 3550

Zoning: General Residential Zone

Overlays: Heritage Overlay 1
Parking Overlay 1

No. of objections: 9

Consultation meeting: 21 May 2019

Key considerations:

- Planning policy
- Heritage impacts
- Neighbourhood character
- Rescode compliance
- Objections received

Conclusion: It is considered the proposal represents an unacceptable planning outcome, taking into considerations the relevant requirements of the Greater Bendigo Planning Scheme.

RECOMMENDATION

Pursuant to section 61 of the Planning and Environment Act (1987), Council resolve to issue a Notice of Decision to Refuse to Grant a Permit for demolition of existing dwelling, 3 lot subdivision and development of 3 dwellings and associated works at 88-90 Forest Street, BENDIGO 3550 on the following grounds:

1. The development will adversely impact the significance and appearance of the heritage place, contrary to Clauses 15.03-1S, 21.08, 22.06 and 43.01 of the Greater Bendigo Planning Scheme.
2. The proposal does not comply with ResCode (Clauses 55.02-1, 55.03-1, 55.03-2, 55.03-8, 55.05-4, 55.05-5, 55.06-1, 56.03-5 and 56.04-2 of the Greater Bendigo Planning Scheme).
3. The proposal does not comply with Clause 22.11 (Central Bendigo Residential Character Policy) and is inconsistent with the purposes of Clause 32.08 (General Residential Zone) which calls for new development to respect neighbourhood character.

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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**

Prior to the application being lodged, pre-application advice was sought on very preliminary concept site plans for the proposal and advice of a general nature was provided by the City's then Heritage Advisor and a Planning Officer. It was advised that the proposal could be in accordance with policy, however an appropriate site responsive design would be required and that the design of the new dwellings would need to have a similar degree of neutral integrity to the existing dwelling or preferably offer an outstanding level of modern design which would enhance the streetscape, sit sympathetically within it and be of historic value in the future. Further to this, it was advised that consideration should be given to the Central Bendigo Residential Character Policy (Precinct 2) when designing the proposal.

Further advice was subsequently sought from a temporary Heritage Advisor engaged by the City, on more detailed plans prior to lodgement of the application. The application states that the Heritage Advisor at the time was satisfied with the proposal, however there are no records of the advice given at this time.



During the course of the application, the plans were amended following concerns raised by the City's current Heritage Advisor. The amended plans were then advertised and nine objections were received.

Further discussions were subsequently held with the applicant's planning consultant and architect regarding potential amendments to the plans as a number of concerns remained, however it was considered that the concerns would not be able to be resolved without extensive redesign and the applicant has sought to proceed with the advertised plans without further amendments.

## **Report**

### **Subject Site and Surrounds**

The site is located on the eastern side of Forest Street, approximately 60 metres south east of the intersection with Barnard Street. The site has an area of 964 square metres and is an irregular shaped parcel with a frontage of 20.12 metres to Forest Street. The site is currently occupied by a single storey brick dwelling constructed in the 1960s, a swimming pool and associated outbuildings.

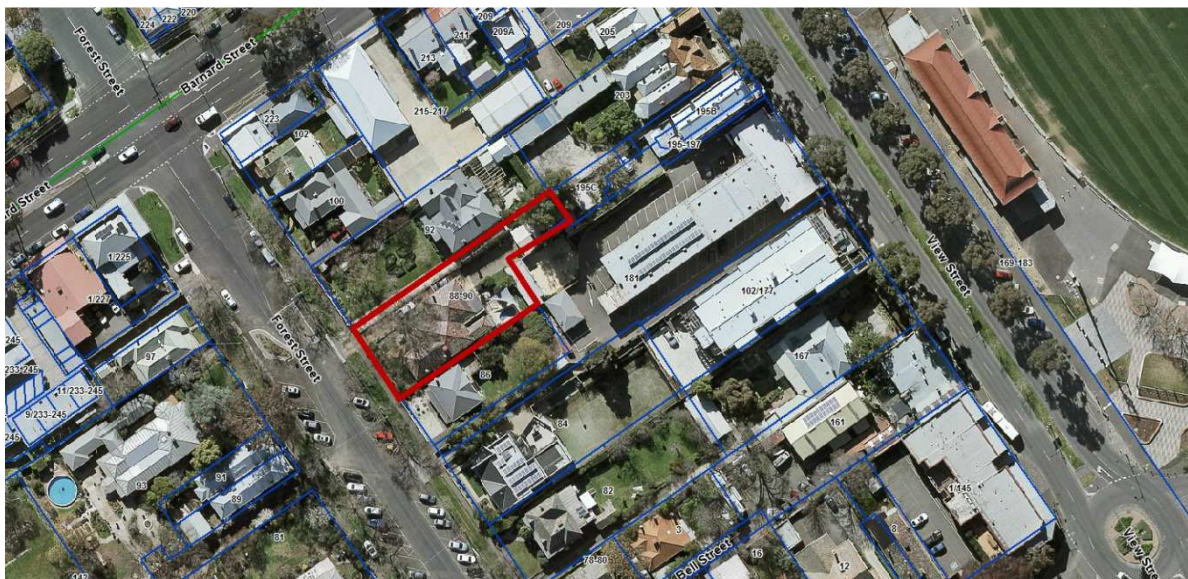
The adjoining land to the south east (86 Forest Street) is developed with a single storey Victorian weatherboard dwelling on a lot of approximately 640 square metres with a front setback of approximately 9 metres. The adjoining land to the north west (92 Forest Street) is developed with a single storey weatherboard Victorian dwelling on a lot of approximately 1,200 square metres, setback significantly from the street.

The surrounding residential area predominantly comprises single storey detached villas with pitched roofs constructed of brick or weatherboard.

Forest Street contains an avenue of mature English Elm street trees on both sides of the street. Bluestone guttering, footpaths and angled parking exists along both sides of the street.



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



**Figure 2:** Aerial photograph showing subject site and surrounds.

### Proposal

The proposal involves the demolition of the existing buildings and pool on the site and the construction of three double storey dwellings with associated works and a three lot subdivision with a common property driveway.

The design of the dwellings is contemporary and features gable roof forms for the front dwellings and a flat roofline for the rear dwelling. Proposed materials include brickwork, pre-finished fibre cement sheet, aluminium solar shade battens with black powder coated finish, white perforated steel mesh and steel fencing slats.

The proposed development will have a maximum height of 7.76 metres.

The townhouses will each comprise three bedrooms, living room, open plan kitchen, dining and living area, bathroom, ensuite, laundry, toilets, double garage and a balcony. Townhouse 1 will also contain a study area. Townhouse 3's garage will accommodate tandem parking.

Vehicle access to the site is proposed via a shared driveway off Forest Street contained within common property. A turntable is proposed be incorporated into the driveway design, to ensure all vehicles can exit the site in a forward direction.

The proposed subdivision will create the following lots:

Lot 1 – 202.1 square metres

Lot 2 – 353.3 square metres

Lot 3 – 266.3 square metres

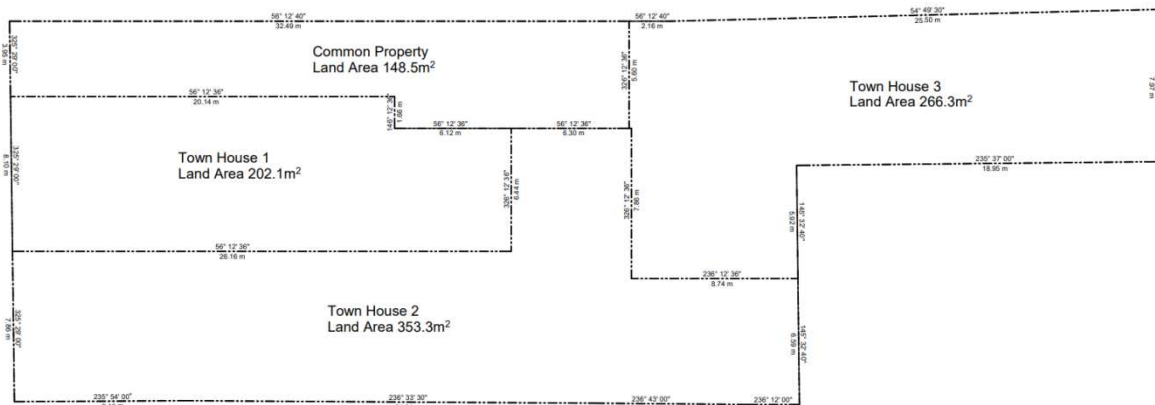


Figure 3: Proposed subdivision layout.

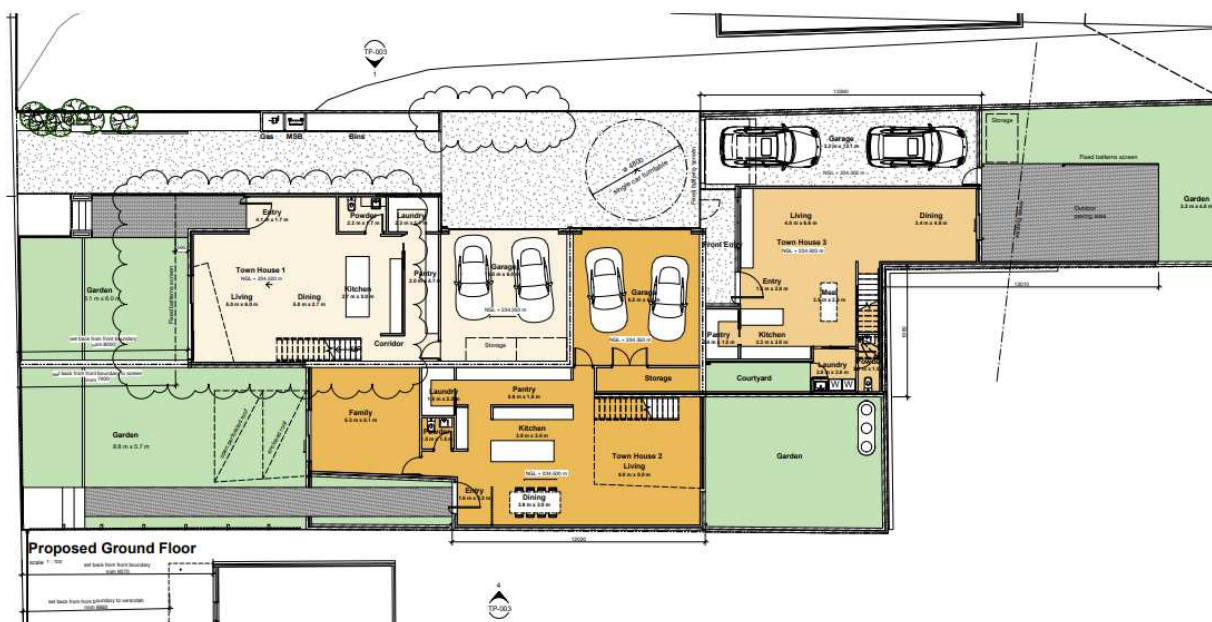


Figure 4: Proposed ground floor plan.





Figure 5: Proposed first floor plan.

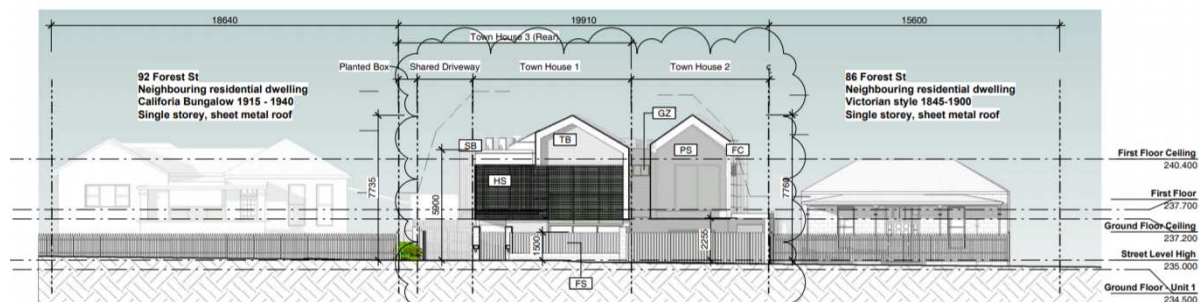


Figure 6: Proposed streetscape elevation.

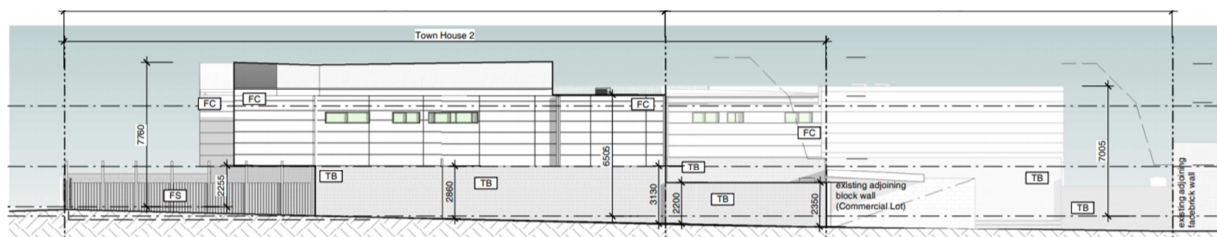


Figure 7: Proposed south east elevation.

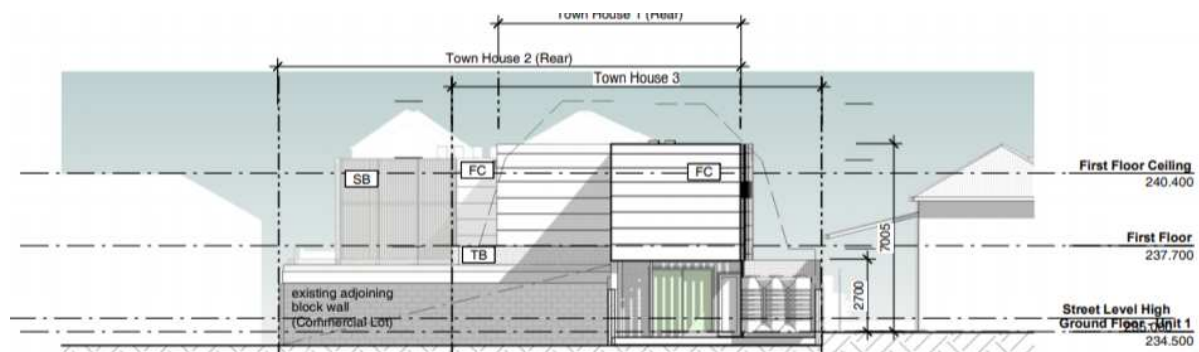
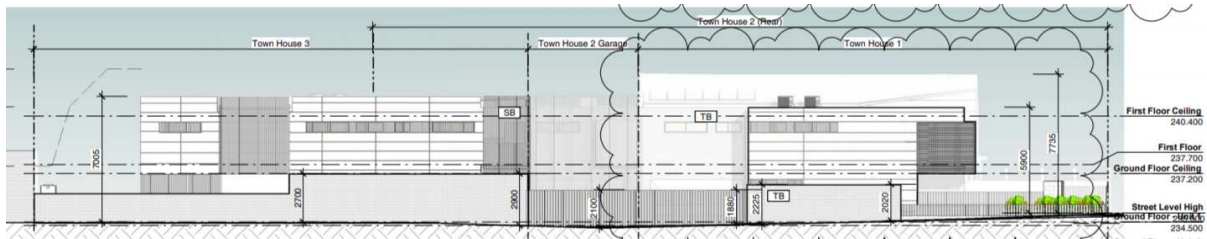


Figure 8: Proposed north east elevation.



**Figure 9.** Proposed north west elevation



**Figure 10:** Artist's impression of the development from Forest Street

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

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

### State Planning Policy Framework

- Clause 11 Settlement
- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Loddon Mallee South
- Clause 15.01-3S Subdivision design
- Clause 15.01-2S Building design
- Clause 15.01-5S Neighbourhood character
- Clause 15.03-1S Heritage conservation
- Clause 16.01 Residential development
- Clause 16.01-1S Integrated Housing
- Clause 16.01-3S Housing diversity

### Municipal Strategic Statement

- Clause 21.05 Compact Greater Bendigo
- Clause 21.08 Environment

### Local Planning Policies

- Clause 22.06 Heritage Policy

- Clause 22.10 Environmentally Sustainable Development Policy
- Clause 22.11 Central Bendigo Residential Character Policy

#### Other Provisions

- Clause 32.08 General Residential Zone
- Clause 43.01 Heritage Overlay
- Clause 52.06 Car parking
- Clause 55 Two or more dwellings on a lot
- Clause 56 Residential subdivision

#### Permit Triggers

The need for a planning permit is triggered by:

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

### **Consultation/Communication**

#### Referrals

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

| Referral         | Comment                                                                                                                                                                                                |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Powercor         | No objection subject to standard conditions.                                                                                                                                                           |
| Coliban Water    | No objection subject to conditions                                                                                                                                                                     |
| Downer Utilities | No objection subject to a standard condition.                                                                                                                                                          |
| Traffic & Design | No objection, subject to standard conditions relating to access. Initially recommended some changes to the plans to ensure access to Dwelling 1's garage can be achieved, which were undertaken.       |
| Drainage         | No objection subject to conditions requiring detailed drainage plans, construction of underground drainage, submission of a public assets condition report and consent for works within road reserves. |



| Referral         | Comment                                                                                                                                                                                                                                                                                                                  |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ESD Officer      | No objection, subject to a condition requiring revised plans with all proposed ESD measures annotated, the submission of a STORM report and a condition requiring that a report be submitted prior to occupation of the development demonstrating compliance with all measures outlined within the approved BESS report. |
| Heritage Advisor | The proposal is not supported in its current form. The height of the building and facade, fenestration and massing are not in keeping with the surrounding heritage precinct.                                                                                                                                            |

### Public Notification

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

As a result of advertising, 9 objections were received, with the grounds of objection summarised as follows:

- Proposal is not respectful of the heritage significance of the streetscape or precinct.
- Proposal will dominate the neighbouring properties and streetscape.
- Small lot sizes, minimum open spaces and need to adopt a car turntable suggest overdevelopment of the site.
- Double storey height, massing and scale of the development is not consistent with the existing neighbourhood character.
- Concerns about proposed materials and how they relate to the heritage precinct.
- Tandem parking will be impractical.
- Concern about increase in density of development within the area and subsequent increase in traffic.
- Development will result in off-site amenity impacts on adjoining properties including loss of privacy, visual impacts from the extent of side walls, overshadowing, reduction in solar access, impacts from earthworks on trees within adjoining gardens.
- Concern about loss of trees.

A consultation meeting was held on 21 May 2019; however the objections were not resolved. The issues raised in the objections are discussed as part of the assessment below.

## **Planning Assessment**

### Planning policy

The site at 88-90 Forest Street, Bendigo is identified as being within the urban growth boundary and is located close to the city centre within an established residential area.

The location of the site is well placed to take advantage of services, utilities, existing open space and recreation facilities, schools, public transport and sustainable transport modes such as walking and cycling. The proposal is supported by Clause 16 (Housing) of the Planning Policy Framework which seeks to encourage infill development within appropriate locations.

The proposal is supported by Clause 21.05-3 (10-minute neighbourhoods) of the MSS which seeks to promote neighbourhoods where people can access many of their daily needs within a 10 minute walk or cycle trip from where they live. Clause 21.05-4 (Housing density and diversity) of the MSS also encourages development that provides greater choice in housing types and densities that respond to community needs. The proposal is consistent with this policy objective.

From a strategic planning perspective, there is no dispute that the site is appropriately located for higher density development close to the city centre, in an area which is well serviced by existing infrastructure and facilities.

However, consideration must also be given to the site's context and the appropriateness of the design response, taking into account the site's location within a heritage precinct and the existing neighbourhood character.

Clause 15.01-5S (Neighbourhood character) of the Planning Scheme seeks to ensure development contributes to existing or preferred neighbourhood character, and ensures that development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:

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

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

Clause 22.06 (Heritage Policy) sets out objectives which include the need to ensure that Greater Bendigo's heritage assets are maintained and protected and to ensure developments are sympathetic with the appearance and character and maintain the significance of heritage places.

There are concerns that the proposal will adversely impact the existing neighbourhood character and the significance of the heritage precinct. These matters are discussed in detail below.

Clause 22.10 contains the City's Environmentally Sustainable Development. The application has demonstrated compliance with this policy through the submission of a Sustainability Management Plan which is generally satisfactory, subject to some further details being noted on the plans. The BESS report undertaken demonstrates the proposal will achieve a score of 56%, which achieves best practice.

The site is included within the Central Bendigo Residential Character Policy at Clause 22.11 of the MSS. The site falls within Precinct CB2. The policy describes the area as follows:

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

The statement of desired future character is: *“The heritage qualities and the distinctive characteristics of each streetscape will be maintained and strengthened.”*

A response to the design objectives is provided below. A number of the objectives are not appropriately addressed by the proposed development. The proposal will adversely impact on the streetscape and broader neighbourhood character.

| Objectives                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Response                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| To retain buildings that contribute to the valued character of the area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Retain and restore wherever possible, intact Victorian, Edwardian, Federation and Interwar era dwellings.<br>Alterations and extensions should be appropriate to the dwelling era. |
| <i>Comment: Complies. The existing dwelling and outbuildings will be demolished; however these are non-contributory buildings.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                    |
| To encourage the consideration of the landscape setting of the dwelling.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Prepare a landscape plan to accompany all applications for new dwellings. Retain large, established trees and provide for the planting of new trees wherever possible.             |
| <i>Comment: A detailed landscape plan has been submitted as part of the application. The existing street trees within Forest Street will be retained. A large tree will be removed from the site but other existing trees within the frontage of the site will be retained and incorporated into the landscaping for Lots 1 and 2, with additional planting within the front and rear yards proposed. However, there is a concern regarding the extent of paving within the front yards of Lots 1 and 2, as hard surfaces within front gardens is not consistent with the neighbourhood character.</i> |                                                                                                                                                                                    |
| To minimise site disturbance and impact on the landscape.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Buildings should be designed to follow the contours of the site or step down the site.                                                                                             |
| <i>Comment: Complies. The site has a fall of approximately 1.5 metres from the west to the east. No significant site cuts are proposed, although the floor level of the dwellings will be below footpath level due to the grade away from the street.</i>                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                    |
| To maintain the consistency, where present, of building front setbacks.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | The front setback should not be less than the average setback of the adjoining two dwellings.                                                                                      |
| <i>Comment: The adjoining dwellings do not have consistent setbacks, with the dwelling at 92 Forest Street having a setback of over 30 metres, and the dwelling at 86 Forest Street being setback 9.07 metres.</i>                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                    |



| Objectives                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Response                                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>The proposed front setback is 8 metres., as such the development will be set forward of the adjoining buildings. It is acknowledged that there is variation in setbacks within the street, however it is desirable that the siting of new development is respectful of heritage buildings within the streetscape.</i>                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                          |
| To maintain the rhythm of dwelling spacing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Buildings should be setback from at least one side boundary.                                                                                                                                                                             |
| <i>Comment: Complies. Dwelling 1 is offset from the northern boundary by the proposed driveway. Dwelling 2 is partially built to the southern boundary. Dwelling 3 is built to the northern boundary, however given its setback from the front boundary, its siting will not have a significant impact on the streetscape.</i>                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                          |
| To minimise the dominance of car storage facilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Locate garages and carports behind the line of the dwelling. Use rear access where available.                                                                                                                                            |
| <i>Comment: Complies. Garages are proposed to be located behind the front line of the dwellings and will not be dominant within the streetscape.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                          |
| To respect the identified heritage qualities of the streetscape or adjoining buildings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Where the streetscape contains identified heritage buildings, reflect the dominant building forms in the street, including roof forms, in the new building design.                                                                       |
| <p><i>Comment: Does not comply. The predominant building height in the surrounding area is single storey. The proposed development will comprise two storeys and it will sit above the adjoining heritage dwellings. The upper storeys have not been sufficiently recessed to reduce the impact of the building's bulk and the development will dominate the streetscape.</i></p> <p><i>The predominant building form in the street is double fronted dwellings, whereas the development has been designed as semi-detached townhouses with a stepped façade. Stepped facades are not typical of the precinct.</i></p> |                                                                                                                                                                                                                                          |
| To ensure that buildings and extensions do not dominate the streetscape.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Respect the predominant building height in the street and nearby properties. Where there is a predominance of single storey, the height of the dwelling at the front of the dwelling should match the typical single storey wall height. |
| <i>Comment: Does not comply. There are concerns that the overall height and the front setback forward of the adjacent contributory building will result in the development dominating the streetscape. The almost sheer two-storey frontage with added height from the gable will dominate the predominantly single storey streetscape.</i>                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                          |
| To use building materials and finishes that complement the dominant pattern within the streetscape.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | In streetscapes where weatherboard predominates, use timber or other non-masonry cladding materials where possible, and render, bag or paint brick surfaces.                                                                             |

| Objectives                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Response                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <i>Comment: Partially complies. There are concerns about the extent of perforated steel, mesh and aluminium battens, particularly on the front façade of the development. These materials are not reflective of those used within existing residential developments in the vicinity of the site.</i>                                                                                                                                                                                                                                                   |                                                                                                              |
| To ensure front fences are appropriate to the era of the dwellings and maintain the openness of the streetscape.                                                                                                                                                                                                                                                                                                                                                                                                                                       | Provide open style front fencing. Front fences should not exceed 1.2 metres other than in exceptional cases. |
| <i>Comment: Partially complies. The proposed fence will be 1.5 metres high. Although this is slightly higher than the recommended 1.2 metres under this policy, the height will be acceptable within the streetscape and the materials are generally acceptable. However, the proposed use of two different styles of fences along the frontage further emphasises the appearance of the development as two separate dwellings within the streetscape, whereas the existing character comprises predominantly single dwellings sited across a lot.</i> |                                                                                                              |

### General Residential Zone

Under the zone, 35% of the site must be set aside as garden area. The proposal meets this requirement

### Heritage

The site is affected by a Heritage Overlay (HO1 – Barnard Street Precinct). The purposes of the Heritage Overlay include conserving and enhancing heritage places of natural or cultural significance and ensuring that development does not adversely affect the significance of heritage places.

The statement of significance for this heritage precinct is contained within the *Bendigo and Eaglehawk Heritage Study*. The precinct is significant for its association with successful mining speculators of the nineteenth century, such as Mueller and Lansell, and the twentieth century industrial leaders like the Leggo family. The siting of the mining figures dwellings away from their mine complexes marks the creation of Bendigo's early middle-class residential enclaves. The area includes houses designed by prominent designers like Beebe and Vahland, as well as groups of well-preserved housing from Bendigo's golden era.

Many of the objections received raised concerns about the impact of the development on the streetscape and heritage precinct.

The application has been assessed against the decision guidelines of the Heritage Overlay, in addition to the City's Heritage Policy at Clause 22.06 and the *Greater Bendigo Heritage Design Guidelines (August 2015)*, an Incorporated Document within the Planning Scheme.

One of the objectives of the Heritage Policy is to ensure that new development is sympathetic with the appearance and character and maintains the significance of heritage places, including surrounding precincts.

In relation specifically to infill development, or new buildings, it is policy to:

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

The proposal is at odds with the City's Heritage Policy as it is not consistent with the predominant scale and pattern of development in the precinct and the proposal will dominate the heritage precinct.

It is considered that the proposal fails to meet the first two policy statements listed above. It is acknowledged that a contemporary design for an infill development can be acceptable within a heritage precinct, however the main concerns with this particular proposal are the scale, height, setbacks and massing of the development.

The City's *Heritage Design Guidelines* for infill development state that the design of a new building should consider the prevailing built form which contributes to the significance of the Heritage Overlay area, with specific regard to front and side setbacks, rhythm and orientation to the street, form and massing, height and scale, materials and finishes, window and door openings, architectural detailing, fencing and car parking and landscaping.

The Heritage Advisor's assessment against the relevant design objectives of the Heritage Design Guidelines is provided below.

#### *Demolition*

The dwelling is not contributory to the precinct as it was outside the period of significance for the precinct. Demolition of the existing dwelling can therefore be supported.

#### *Setbacks*

Under the Guidelines, the front setbacks of infill buildings should be consistent with adjoining significant or contributory elements. The setback of the properties neighbouring the subject site are varied, from approximately 9.07 metres at No. 86 Forest Street to over 31 metres at No.92 Forest Street.

The proposed setback of 8 metres for Townhouse 1 would therefore be forward of both adjoining heritage properties. This is not supported. The front wall of the proposed townhouse should be no further forward than 9.07 metres, to be in keeping with the streetscape. The proposed side setbacks are generally consistent with those elsewhere in the precinct.

#### *Rhythm and orientation to the street*

In the immediate streetscape, the heritage buildings are typically oriented across the lot. The proposed design, with its stepped facades and appearance of semi-detached townhouses, is out of character with this. While there are occasional single-fronted dwellings, the more common presentation is for a double-fronted dwelling. Stepped facades are not typical of the precinct. The proposal has not responded well to the context in this regard.

*Form and massing*

The proposed roof form responds to the predominantly pitched roofs of the surrounding precinct. The overall volume and massing of the proposed works, however, risk dominating the heritage surrounds. With the bulk of Townhouse 1 located adjacent to a site with a substantial setback, and itself sited forward of the typical setback, the two-storey form will draw the eye away from the heritage fabric of the existing streetscape and will detract from the heritage values of the place.

*Height and scale*

The City's Heritage Design Guidelines encourage similar façade heights to the adjoining contributory elements in the street. The proposed townhouses are considerably taller than the existing built form in the immediate streetscape, which largely consists of single-storey dwellings, in both the façade height and overall building height. While two-storey development of the site may be possible, the upper level should be recessed to avoid dominating the low level heritage buildings.

*Materials, finishes and details*

The materials palette of the contributory buildings within the streetscape is mixed, with a variety of weatherboard, brick and render below typically corrugated sheet roofing. The proposed materials palette is generally sympathetic to this, however there are some concerns about the extent of perforated steel, mesh and aluminium battens proposed. While metal is used in decorative elements and the roofing, it is not a dominant feature of the facades of the heritage buildings.

The screens also make the facades effectively blind and lacking address. Fenestration is part of the rhythm of the heritage fabric of the streetscape and should be respected by new developments. Some screening may be supported, but the complete screening of the façade is not in keeping with the heritage place.

*Fencing and car parking*

The proposed fencing and car parking arrangements are generally supported, although it is preferable to maintain a uniform approach to fencing across the site frontage. The proposal provides for two different fence styles along the front boundary.

*Landscaping*

Planting should be used to soften the new development and extensive hard surfaces should be avoided.

*Subdivision*

The proposed subdivision will create two lots with frontages of 8.1 metres and 7.86 metres to Forest Street. Lot 3 will have no street frontage and will be accessed via common property. Lots on the north eastern side of the street typically have frontages in the order of 20 metres, as such the proposed subdivision will create lots with substantially narrower frontages.

Overall, the design response does not reflect the predominant characteristics of the heritage precinct in terms of form, scale, height, massing and setbacks. Rather than being visually recessive, the scale of the development will dominate the contributory buildings within the precinct.



### Car parking and Traffic

Under Clause 52.06 (Car parking) of the Planning Scheme, the development is required to provide two car spaces for each of the dwellings. The proposal meets this requirement through the provision of double garages for Dwellings 1 and 2 and a tandem garage with two spaces for Dwelling 3. Dimensions for the double garages meet the requirements of this Clause. The tandem garage is proposed to be 3.3 metres wide, which does not comply with the required width of 3.5 metres under the Scheme.

As the development will provide for more than 4 car spaces, the accessway must be designed so that cars can exit the site in a forward direction. The width of the accessway adjacent to the garages does not meet the required dimension of 6.4 metres to allow for turning, however a turntable is proposed to enable turning movements on the site and adequate clearance appears to be available.

The driveway must be a minimum of 3 metres wide. Although the plan is not dimensioned, it appears there is sufficient space to provide this, with an estimated distance of 3.9 metres between the northern boundary and the wall of Dwelling 1. The bin storage and meter box area may be required to be relocated elsewhere on site if the driveway needs to be wider, should the application be approved.

Despite objectors concerns about increased traffic to the area and the practicality of tandem parking, the City's Traffic Engineer did not object to the proposal, subject to conditions of permit. This section of Forest Street is a relatively low speed environment due to the chicane in the road reserve, which only allows one vehicle to pass through at a time.

Unrestricted on street parking is available on both sides of the street and whilst not as convenient as double garages, tandem spaces are permitted under the Planning Scheme. In the event the application is approved, conditions requiring the access and garages to be designed to meet the required dimensions within the Scheme should be included within the permit.

### Rescode

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

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

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

While the Planning Scheme states that a standard contains the requirements to meet an objective, VCAT has frequently held the view, following *Li Chak Lai v Whitehorse CC (No.1) [2005] VCAT 1274 (30 June 2005)*, that where the standards are met, the considerations against a proposal can include failure to meet the objectives to which the standards relate.

#### Clause 55 – Two or more dwellings on a lot

- *Clause 55.02-1 Standard B1 - Neighbourhood character*

This section of Forest Street between Barnard Street and Rowan Street has a relatively uniform character. It is dominated by single storey Victorian Italianate villas. Materials are typically weatherboard or brick. Roof forms are mostly hipped or gabled forms.

The application describes the proposal as contemporary in design and articulated through a high quality mix of materials and finishes, with the gable ended roof form maintaining the proportions throughout the precinct. It states that the siting of the development is responsive to the adjoining dwelling to the south and the staggered setback breaks up the width of the building when viewed along the street.

Whilst the design of the development is contemporary and not reflective of the surrounding heritage dwellings, this is not necessarily inappropriate. However, the scale, form and design detail of the development is of concern and not reflective of development in the surrounding area.

- *Clause 55.03-1 Standard B6 Street setbacks*

Under this standard, the required setback to Forest Street is 9 metres. The proposal provides for a minimum setback of 8 metres which does not comply with the standard.

The application states that the proposed setbacks reflect the predominant pattern within the street and are consistent with the existing dwelling that the development replaces and that the proposed feature screen will extend into the setback in a similar fashion to a verandah, which is able to encroach within a front setback. It further states that the staggered setback is responsive to the disparity in the setbacks of the adjoining dwellings, serves to recess Dwelling 2 and reduces the extent of building width across the frontage and provides a sense of spacing between dwellings within the streetscape.

Whilst the setbacks of Dwellings 1 and 2 have been staggered, the development will sit forward of the adjoining buildings and there are concerns that the siting of the dwellings together with the scale and form of the development will result in unacceptable building bulk within the streetscape.

- *Clause 55.03-2 Standard B7 Building height*

The maximum height allowed under this standard is 9 metres. The height of the development is 7.76 metres which is within the allowable maximum. The application states that building heights in the area are a mixture of single and double storey and that single storey development often has substantial overall height and bulk owing to high pitched roof forms. It also states that changes in building height are graduated and supported by the use of an appropriately pitched gable ended roof form presenting to the street.

Given the predominant height of the surrounding development in the immediate context is single storey, concern remains that the height of the development does not respect the existing neighbourhood character and it will sit higher than the adjoining dwellings and dominate the streetscape.

- *Clause 55.03-8 Standard B13 Landscaping*

An existing large tree located within the front setbacks of the existing dwelling will be removed, with smaller trees along the frontage to be retained. While an objection is concerned with the loss of this large tree, it would be difficult to develop the site for medium density housing without removing this tree.

The site layout provides for landscaping opportunities for the new dwellings within the front setbacks and rear yards. A detailed landscape plan has been submitted as part of the proposal. Paving is proposed within a significant portion of the front setbacks.

The application states that the landscape design considers the use of the open spaces, particularly for Dwelling 1 which will have secluded private open space at the front of the site. Landscape treatments include the siting of a raised seating wall to create semi secluded spaces for seating and a BBQ area, and that the space will still be open to the street.

Hard surfaces within front setbacks is not a typical feature of the neighbourhood and larger garden beds with plantings or lawn areas in this location would further soften the built form and be consistent with landscaping treatments in the wider area.

- *Clause 55.04-2 Standard B18 Walls on boundaries*

Walls are proposed on the north western, south eastern and north eastern boundaries of the site. The proposal largely complies, with the exception of the south eastern wall of Dwelling 3 which does not comply, however the adjoining property is commercially zoned and contains a motel, therefore the impact of this wall on the boundary is not significant.

- *Clause 55.04-3 Standard B19 Daylight to Existing Windows*

The objective is to allow adequate daylight into existing habitable room windows. Concerns have been raised in an objection about solar access, however the proposal complies with the standard and will allow for adequate daylight to habitable windows on adjoining properties.

- *Clause 55.05-4 Standard B28 Private open space*

The objective of this clause is to provide adequate private open space for the reasonable recreation and service needs of residents. Each dwelling meets the minimum requirement of 40 square metres of private open space or a balcony of 8 square metres with a minimum width of 1.6 metres. Dwellings 2 and 3 will have rear yards to provide for secluded private open space.

The location of the private open space for Dwelling 1 adjacent to Forest Street is not ideal as the area is not private or secluded as there are views to it from the street. The area requirement for the private open space is met, but it is not located at the side or rear of the dwelling. As such, its useability for the reasonable recreation and service needs of residents is questionable as it is not private. A high fence to enclose this space to provide privacy from the street would not be an appropriate design response to address this issue.

Whilst a balcony is proposed of adequate size and dimensions for this dwelling, extensive screening material is proposed across the upper storey of the front façade to provide for a level of privacy for this space, which is not supported from a design perspective.

- *Clause 55.04-5 Standard B21 Overshadowing Open Space*

The objective is to ensure buildings do not significantly overshadow existing secluded private open space. The application has demonstrated compliance with this standard and the adjoining dwellings' private open space will not be significantly impacted. No overshadowing will occur to the adjoining property to the north west and minimal overshadowing will occur to the property to the south east.

- *Clause 55.04-6 Standard B22 Overlooking*

The objective is to limit views into existing secluded private open space and habitable room windows. While the plans have not been fully dimensioned, it appears that habitable room windows on the upper level with an outlook to adjoining properties will have either sill heights above 1.7 metres or will have fixed battens screens to windows with sill heights below this and balconies will also be screened with fixed battens, which will comply with the standard. If approved, final plans should be fully dimensioned to demonstrate compliance. As such, there are no concerns with overlooking to adjoining properties.

- *Clause 55.05-5 Standard B29 Solar access to open space*

Private open space is located to the east and west of the dwellings. Whilst some of these spaces have a northerly aspect, much of it will be in shadow throughout the day. The amenity of these spaces is therefore not optimal.

- *Clause 55.06-1 Standard B31 Design detail*

The objective of this clause is to encourage design detail that respects the existing or preferred neighbourhood character. Whilst contemporary materials and finishes can be acceptable within a heritage context, there is concern about the extent of metal screening materials proposed to be used, especially on the front façade, and how the development will fit within the streetscape.

Separate gable roof forms are proposed for Dwellings 1 and 2, whereas hipped roof forms are the predominant roof form in the surrounding area. Whilst the design response provides for pitched roofs to respond to the surrounding area, the roof forms reinforce the narrowness of the building forms and the height of the development, and the layout has the effect of splitting the lot frontage between two distinct townhouses. Given the orientation of most dwellings in the immediate streetscape is across the width of the frontage, the proposed design response is not consistent in this respect.

The dominance of the scale and massing relative to the surrounds is also of concern. The upper storeys of the front dwellings are not sufficiently recessed to reduce their dominance within the streetscape.



Whilst the upper level of Dwelling 1 has been slightly recessed, the upper level of Dwelling 2 projects forward of the lower level. The resulting façade height is significantly taller than adjoining heritage properties and is likely to be a dominant feature of the streetscape. While two storey development may be possible on the site, the upper level should be visually recessive and should allow a single storey presentation to the street in keeping with the surrounds.

With regard to views of the development from the adjoining properties, it is agreed that the large expanse of a two storey wall when viewed from the adjoining properties will have a visual impact, in particular for the property to the north west, due to the buildings all being attached. The driveway offers some separation from the adjoining property and the upper floor of Dwelling 3 is recessed from this boundary, but there is little relief from the two storey bulk of this elevation which extends for much of the length of the site.

#### Clause 56 – Residential subdivision

- *Clause 56.03-5 Neighbourhood character objective*

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

The proposed subdivision does not respect the neighbourhood character as it will not allow for the siting of dwellings in a manner consistent with the established pattern of development on the north east side of Forest Street. The proposed subdivision will result in two lots with significantly narrower frontages than the majority of other lots along this section of the street.

- *Clause 56.04-2 Lot area and building envelope objective*

The objective of this clause is to provide lots with areas and dimensions that enable the appropriate siting and construction of dwellings, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.

The subdivision will create one lot over 300 square metres and two lots of less than 300 square metres. Under Standard C8 for this objective, for lots of less than 300 square metres where no development has been approved, an application should demonstrate that a dwelling may be constructed on each lot in accordance with the requirements of the Planning Scheme. For lots over 300 square metres, where a wall on boundary is proposed, a lot must contain an envelope measuring at least 9 metres by 15 metres.

The proposed development does not comply with a number of objectives and standards of Rescode as outlined above. Whilst the depth of Lot 2 is adequate, its frontage is 7.86 metres, which does not comply with the building envelope requirement. As such, the standard is not met and it is considered that the overall objective is not met.

## **Conclusion**

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

The site forms part of a heritage precinct and adjoins contributory buildings. The scale and height of the proposal is not consistent with the surrounding development and the proposed development will dominate the precinct. The form, layout and detail of the development is not reflective of the predominant neighbourhood character and it fails to satisfy a number of ResCode objectives.

The proposed subdivision layout will result in development on the site that is not consistent with the predominant pattern of development within the street. The site may be suitable for a multi-dwelling development, however the proposal does not adequately respond to the character of the area or achieve a satisfactory level of amenity for future residents.

It is recommended that this application be refused on the basis that it represents an unacceptable planning outcome with regard to neighbourhood character, ResCode, heritage policies, the City's Heritage Design Guidelines and the Heritage Overlay.

## **Options**

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

## **Attachments**

- Objections

### 3.2 **AUTHORISATION OF PLANNING SCHEME AMENDMENT C256 - GREATER BENDIGO PLANNING SCHEME REVIEW IMPLEMENTATION**

#### **Document Information**

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

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

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#### **Summary/Purpose**

**Amendment details:** This Amendment proposes the biggest update ever undertaken to the Greater Bendigo Planning Scheme by implementing the recommendations of the *Greater Bendigo Planning Scheme Review 2019*, and by reformatting the Scheme to comply with the new Planning Policy Framework, introduced by the Minister for Planning through Amendment VC148.

This Amendment replaces the existing Municipal Strategic Statement and Local Planning Policies with a Municipal Planning Strategy and local policies within the Victorian Planning Policy Framework.

It also introduces into the Scheme the policy recommendations from documents previously adopted by Council including: *Rural Areas Strategy 2009*; *Greater Bendigo Public Space Plan May 2019* and *Walk, Cycle Greater Bendigo Strategy 2019*, and strategic directions from other Council plans and strategies resulting in a more integrated and holistic document.

This report also presents the four-year future strategic work and planning scheme amendment program, which is presented to Council annually and is now included in the planning scheme in new clause 72.04 Future Strategic work.

**Proponent:** City of Greater Bendigo

**Key issues:**

- Provision of a more streamlined, integrated and up to date planning scheme, which will make it easier for the community and City planners to use and interpret.
- New vision and Municipal Planning Strategy consistent with the Council vision.
- Identification of a large strategic planning work program to address several policy gaps identified in the Review.

## **RECOMMENDATION**

That Council:

1. Endorse the Planning Scheme Strategies and Amendments Work Program.
2. Request the Minister for Planning to authorise Council to prepare Amendment C256 to the Greater Bendigo Planning Scheme.
3. When Authorised by the Minister, exhibit Amendment C256 to the Greater Bendigo Planning Scheme giving notification as required for the minimum statutory exhibition period of one month.
4. Request the Minister to provide an exemption to notify all landowners and occupiers individually that may be affected by the Amendment.

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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.

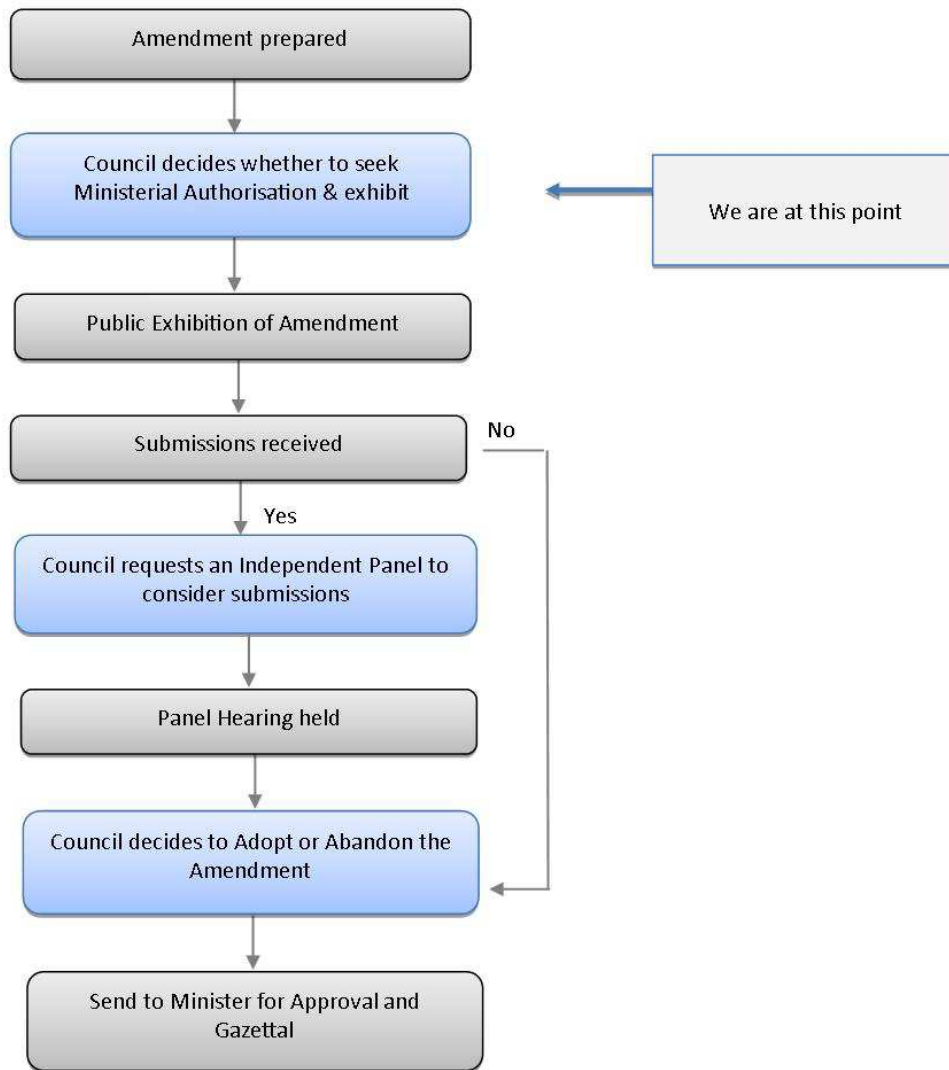
Major initiative: Continue to enhance Council's ability to balance development and growth while protecting our heritage, through strengthened planning strategy and policy including completing the review of the planning scheme.

Goal 6: Embracing our culture and heritage

- Recognise and celebrate our unique history and diverse cultures.

Background Information

The key steps in the Amendment process are summarised below:



The *Greater Bendigo Planning Scheme Review* was adopted by Council on 20 March 2019 as required by Section 12B of the *Planning and Environment Act 1987*. The Review found that although the Planning Scheme is operating well, it has several fundamental policy gaps which are affecting the Council's ability to sufficiently guide development of the municipality.

These policy gaps include:

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

The proposed Planning Scheme changes to implement the Review are extensive, as although a lot of strategic work has been undertaken over the last 10 years, there has not been a full refresh of the Scheme since it was first written in 2000.

The major recommendations of the Review for the Planning Scheme were:

- Integrate the vision and goals of the *Community Plan 2017-2021*, the *Municipal Public Health and Wellbeing Plan 2017-2021* and *One Planet Living* into the Greater Bendigo Planning Scheme.
- Include a local policy response to the recent State Government planning reforms.
- Undertake future strategic work recommended in the review of Planning Panel reports and actions to address the issues identified in the VCAT cases review.
- Adopt the *Policy Neutral Review of the Greater Bendigo Planning Scheme Local Planning Policy Framework*, April 2018 as the base version for the Municipal Strategic Statement re-write, to which new policy will be added and redundant policy deleted in the subsequent Planning Scheme Amendment.
- Adopt the recommendations of the audit of the Greater Bendigo Planning Scheme.
- Develop comprehensive strategic framework plans for both urban and rural Greater Bendigo to provide the 'big picture' or vision of the municipality.
- Adopt the recommendations for further strategic work listed and prioritise the recommendations using the proposed strategic work matrix, which assists in identifying need, risk, benefits, costs and timeframes to complete each piece of work and enable an overall prioritisation of work.
- Identify further strategic work to be included in the Municipal Planning Strategy (MPS).
- Implement the identified new strategic work into the Planning Scheme as recommended.

The Amendment also introduces the new planning scheme structure introduced by the State Government through Amendment VC148. The main changes to format include an MPS instead of an MSS, and an integrated State, regional and local policy format to ensure better alignment and make it easier to understand the full policy positions. The MPS provides the foundation for the Scheme and describes the municipality's location, regional context, assets and strengths, opportunities and challenges.

As a result of this reformatting, the revised Planning Scheme has been refined and modernised with its length reduced from approximately 77,000 words to 20,000 words through removing duplications and superfluous content that doesn't support planning decisions. It also now includes modern and consistent strategic framework and policy plans. This reformatting will make the Scheme much easier for the community to use and lead to more efficient and consistent decision making.

It is critically important going forward that any future amendment is consistent with this new structure and drafting standards to maintain the quality of the Scheme. Also, any proposed amendment should justify how it supports the MPS and the PPF and resolves any policy conflicts, and how it will assist the community to make planning permit applications and the responsible authority to make decisions.

The final Planning Scheme Amendment that is presented for authorisation includes:

- A new MPS of 5,000 words with a context, vision, strategic directions and strategic plans.
- A new Planning Policy Framework (PPF) including updated plans and new local policy.

- An updated Heritage Overlay schedule and a new Gaming particular provision schedule.
- A future strategic work program in clause 74.02.

The new PPF includes streamlined versions of all the previous local policy in the Scheme with the following changes:

- New policy from the recently adopted *Public Space Plan* and the *Walking and Cycling Strategy*.
- New strategic directions from other Council strategies and plans including: *Public Health and Wellbeing Plan*, *Bendigo Brand Toolkit*, *Creative Greater Bendigo*, *Greater Bendigo Community Plan*, *Greater Bendigo Health and Wellbeing Plan*, *Water Sensitive Bendigo*, *Rural Communities Strategy*, *Plan Greater Bendigo Action Plan*.
- Strengthening of the Rural Subdivision and Rural Dwellings policies to better support protection of the agricultural base, as recommended in the *Rural Areas Strategy* 2009 and the Review.
- A streamlined Neighbourhood Character Policy of approximately 40 pages instead of the previous 120 pages, that removes duplication and information that doesn't assist planning decisions.
- Gaming Policy relocated to the particular provisions section as required.

Because of the large amount of work required to implement the Planning Scheme Review and modernise the Planning Scheme, it is proposed that the changes are divided into three separate planning scheme amendments. This first current amendment will resolve the strategic policy section of the Scheme. The second amendment will make the recommended changes to the zone and overlay schedules and correct approximately 80 mapping errors, collected over the last three years.

The third amendment will be a heritage focussed amendment that will make further changes to the Heritage Overlay schedule, as required by the new format, update the Heritage Design Guidelines to include guidance for signs in heritage areas, correct mapping errors identified over the last three years, and introduce a heritage overlay to some individual properties where recent statements of significance have been prepared. All three amendments will be commenced this year.

The benefit of this approach is that each amendment can focus on a particular aspect and be more manageable. Also, it will be more efficient timing wise as the Department of Environment, Land, Water and Planning is proposing to make formatting changes to the zone and overlay schedules within the next 3 months and these should be finalised prior to the Part 2 amendment being submitted for authorisation.

Future Strategic Work

The *Independent Review* 2013 recommended that priorities for strategies and planning scheme amendments be communicated to the community. This has been done since 2014 by Council annually adopting the work program.

The Planning Scheme Strategies and Amendment Work Program (refer Attachment 6) consolidates projects from the existing list of outstanding strategic work and those recommended by the Review. These projects have been grouped where appropriate for efficiency; eg the rural settlement study will consider intensive animal issues, rural zones, subdivision sizes and significant landscapes.

These projects have then been prioritised using a list of factors:

- Potential risk to life, liveability, lost income to Council or community and lost assets including vegetation and heritage;
- Important strategic driver for other work;
- Urgency of the issue;
- Completing outstanding work and how long the work has been identified.

The new planning scheme requires that the Future Strategic Work is now listed in Clause 74.02.

Previous Council Decisions

16 September 2009 - Council resolved to adopt the *Rural Areas Strategy*

18 July 2018 - Council resolved to adopt the *Greater Bendigo Public Space Plan*

20 March 2019 – Council resolved to adopt the *Greater Bendigo Planning Scheme Review*.

19 June 2019 – Council resolved to readopt the Greater Bendigo Public Space Plan May 2019, to ensure that changes arising from the Implementation Framework process were reflected.

18 September 2019 - Council resolved to adopt the *Walk, Cycle Greater Bendigo Strategy*.

Report

Section 4B of 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 to prepare and exhibit an amendment, an explanatory report must be submitted that lists all the changes proposed and discusses the purpose, effects and strategic justification for the amendment. Key issues identified in the explanatory report for this amendment are summarised below. (Full copy attached).

Land affected by the Amendment

As the Amendment makes changes to local policy and to formatting for most clauses, it applies to all land in the City of Greater Bendigo.

What the Amendment does

The Amendment proposes to implement the recommendations of the *Greater Bendigo Planning Scheme Review 2019* and the strategic directions from the *Rural Areas Strategy 2009*; *Greater Bendigo Public Space Plan* June 2019 and *Walk, Cycle Greater Bendigo Strategy 2019* by undertaking the following:

- Introduce a new Municipal Planning Strategy (MPS) at Clause 02. (See Attachment 3)
- Introduce new and revised local policy content into the Planning Policy Framework (PPF) at Clauses 11 (Settlement), 12 (Environment and Landscape Values), 13 (Environmental Risks and Amenity), 14 (Natural Resource Management), 15 (Built Environment and Heritage), 16 (Housing), 17 (Economic Development), 18 (Transport) and 19 (Infrastructure. (See Attachment 4)
- Replace the Schedule to Clause 43.01 (Heritage Overlay) with a new schedule that includes application requirements previously contained in the local planning policy at Clause 22.01 (Heritage) of the Local Planning Policy Framework.
- Replace the Schedule to Clause 52.28 (Gaming) with a new schedule that includes content previously contained in the local policy at Clause 22.28 (Gaming) of the Local Planning Policy Framework.
- Replace the Schedule at Clause 72.04 (Documents Incorporated into this Planning Scheme) with a new schedule to remove 5 documents that are no longer current .
- Replace the Schedule to Clause 72.08 (Background Documents) to include documents used to inform the creation of the MPS and local policies in the PPF. These documents include those currently described in the Scheme as Reference documents, and some new documents adopted by Council since the last Planning Scheme review.
- Introduce a new Schedule to Clause 74.01 (Application of Zones, Overlays and Provisions) to provide an explanation of the relationship between the municipal objectives and strategies and the controls on the use and development land in the Planning Scheme.
- Introduce a new Schedule to Clause 74.02 (Further Strategic Work) that consolidates all Planning Scheme implementation from Clause 21 of the Local Planning Policy Framework and includes new Planning Scheme implementation actions identified in the Review 2019. (See Attachment 7)

Social, Economic and Environmental Impacts

Environmental

The Amendment is expected to have positive environmental effects through the provision of clear guidelines to achieve environmental resilience and sustainable future land use and development outcomes in the municipality. The new and revised provisions will make a positive contribution to Greater Bendigo's natural and built environment by:

- Guiding growth to locations where existing infrastructure can be leveraged, resulting in a lower environmental impact.
- Protecting agricultural areas.
- Strengthening rivers, creeks and open space corridors by enhancing biodiversity, habitat and overall ecological value.

- Enhancing the sense of Bendigo being a city in a forest by protecting urban – forest interfaces
- Encouraging waste avoidance, reuse and recycling.
- Establishing a standard for infrastructure design.
- Facilitating more sustainable transportation choices such as walking and cycling.
- Developing the open space network strategically.

Social and Economic

The Amendment is expected to have a positive social and economic impact for the municipality by:

- Implementing the shared vision for Greater Bendigo to be an environmentally sustainable, healthy and desirable place in which to live.
- Providing the framework for the City to deliver the adequate provision of infrastructure and services for the growing municipality.
- Providing the framework for decision making, which Council will use to strategically accommodate growth in the municipality.
- Enhancing commercial and community opportunities in identified growth areas, activity centres and rural townships.
- Improving the quality of built form, the attractiveness of streetscapes and overall safety and amenity in the public realm.

Overall the Amendment will have a net community benefit.

Strategic Justification – Planning Context

Section 12B of the *Planning and Environment Act 1987* (the Act) requires a planning authority to regularly review the provisions of the planning scheme. The purpose of the review is to enhance the effectiveness and efficiency of the planning scheme in achieving the objectives of planning in Victoria and the objectives and strategies of the planning scheme. The Amendment is required to implement the recommendations of the *Greater Bendigo Planning Scheme Review 2018*.

The Amendment is required to update the Greater Bendigo Planning Scheme in accordance with the Ministerial Direction on the Form and Content of Planning Schemes and has been prepared in accordance with the Ministerial strategic directions.

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

- *Planning Policy Framework*

The Amendment is consistent with the principles of the PPF as outlined below:

01 - Purposes of this Planning Scheme to provide a clear and consistent framework within which decision about the use and development of the land can be made, to express state, regional, local and community expectations for areas and land uses and to provide for the implementation of State, regional and local policies affecting land use and development.

71.01 - That the Municipal Planning Strategy at Clause 02 sets out the vision for the future development of the municipality and sets the strategic directions about how the municipality is expected to change through the implementation of planning policy and the planning scheme. A planning authority must take into account the Municipal Planning Strategy when it prepares an amendment to this planning scheme.

71.02 - Operation of the Planning Policy Framework states that the Planning Policy Framework is dynamic and will be built upon as planning policy is developed and refined, and changed as the needs of the community change.

71.02-2 - Operation says that the consistent application of planning policy over time should achieve a desired outcome. A planning authority must take into account the Planning Policy Framework when it prepares an amendment to this planning scheme.

- **Local Planning Policy Framework**

The Amendment is consistent with the existing *Clause 21.11 Monitoring and Review*, which advises *a review of the Planning Scheme will be undertaken every three years.*

Consultation/Communication

Extensive consultation occurred with the community, internal City units and external referral agencies during the Planning Scheme Review, including surveys, website information, media releases, public information sessions and workshops.

Since adoption of the Review, the draft planning scheme changes have been circulated to relevant internal units and external referral agencies for comment and further workshops have been held to ensure that all current adopted policy is included and that the controls will assist with clear decision making.

The new draft MPS and PPF have also been reviewed by the Department of Environment, Land, Water and Planning (DELWP) Smart Planning Team and Regional Office to ensure it meets the drafting requirements for the new planning scheme structure. Discussions with DELWP have resulted in agreement on most issues. Outstanding matters, other than administrative issues, are referring to the goal of providing access to nutritious food in activity centres and referring to the traditional owners of the land. We have now changed the later to be more land use focussed "Respect the traditions and attachment to the landscape of Indigenous Australians" [Community Plan]. These matters will be determined by the Minister when considering authorisation.

The MPS and PPF documents provided as attachments to this report are final draft versions. There may be some minor edits made prior to submission to the Minister, such as formatting background document titles or any further requirements from DELWP Smart Planning. Any changes will be administrative in nature only and will not change the intent of the policy.

Once authorised, the planning scheme documents 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.

Because the Amendment includes policy that applies across the whole municipality, it is not possible to directly notify all landholders. Also, because it doesn't include rezoning or overlay changes it does not directly affect any individual landowners. Therefore, it is recommended that Council asks the Minister to exempt it from full notification. Instead, media releases will be used in conjunction with the website. An Amendment exhibition notice will also be placed in the Government Gazette, the Bendigo Advertiser and Mclvor Times newspapers.

The Planning Scheme Strategies and Amendments Work Program has been prepared in consultation with the Regional Sustainable Development Unit.

Conclusion

This Amendment is the result of a long and thorough process to review and modernise the Greater Bendigo Planning Scheme into the new format. It is recommended that Council now seek authorisation from the Minister for Planning to prepare and exhibit the Amendment once it is appropriate to do so.

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*.
- Requesting further information as the Amendment documentation is not sufficiently comprehensive for a request to the Minister at this time. It is considered that further investigation would not resolve the critical issues of the proposal.

Resource Implications

The Amendment will not lead to increased permit applications and will make planning decisions simpler and more efficient.

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

Attachments

1. Explanatory report
2. *Greater Bendigo Planning Scheme Review 2019* Executive Summary
3. Proposed Municipal Planning Strategy
4. Proposed Planning Policy Framework
5. Clause 52.28 Gaming
6. Planning Scheme Strategies and Amendment Work Program
7. Clause 74.02 Future Strategic Work

3.3 BENDIGO CITY CENTRE PLAN FOR ADOPTION

Document Information

Author: Wonona Fuzzard, Coordinator Public Spaces and Place Making
Philip DeAraugo, Senior Strategic Planner

Responsible Director Bernie O'Sullivan, Director Strategy and Growth

Purpose

The purpose of this report is to advise Council of the outcome of the public consultation process for the draft Bendigo City Centre Plan, including the Parking Futures Action Plan, and recommends that Council adopts the amended Plans and commences the drafting of a planning scheme amendment to implement the Bendigo City Centre Plan.

Summary

The Bendigo City Centre Plan (Attachment 1) has been developed to provide the vision and clear direction to manage the growth of the City Centre as it continues to strengthen its role as an important regional mixed-use centre and tourist destination. The Plan was placed on public exhibition from 19 September to 27 October 2019. The Plan was supported by the Parking Futures Action Plan (Attachment 2), which provides the direction for how parking is to be managed in the future to support a growing mixed-use city for people to enjoy. A total of 26 submissions have been received with comments relating to both the Plan and Action Plan. A summary of the comments made during the consultation period and the planning response to these are provided in the Summary of Public Submissions (Attachment 3). Overall, the submissions have been supportive of the vision and intent of the Plan, with key comments related to matters such as car parking, public realm improvements, heritage and infrastructure.

A specific matter raised in the submissions relates to the Bendigo City Centre Heritage Study which is the subject of a separate report. Both are linked through the implementation process of an amendment to the Planning Scheme. To ensure that there is no conflict between the two documents both planning scheme amendments will commence in 2020 to ensure consistency.

RECOMMENDATION

That Council:

1. Adopt the Bendigo City Centre Plan, as amended;
 2. Adopt the Parking Futures Action Plan as amended;
 3. Commence the drafting of a planning scheme amendment to implement the Bendigo City Centre Plan.
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Policy Context

Community Plan:

Goal 2	Wellbeing and fairness
Objective 2.5	Create safe and resilient communities
Goal 3	Strengthening the economy
Objective 3.1	Support our local businesses and industry to be strong, vibrant and to grow and develop
Goal 4	Presentation and managing growth
Objective 4.4	Keep Greater Bendigo attractive with good quality public facilities and places
Goal 6	Embracing our culture and heritage
Objective 6.1	Celebrate our unique heritage

Strategy Reference:

The Bendigo CBD Plan 2005 is the primary 'place based' strategy that provides the vision for the City Centre. The aim of the CBD Plan is 'to attract more people to the City Centre for longer'.

The Bendigo CBD Parking Strategy 2008 investigated the complex and emotive issue of parking supply and demand. The Parking Strategy is centred on the City's commitment to transitioning to a sustainable 'movement' network where people can move around easily by foot, bicycle, public transport or private vehicle.

Following adoption of the Bendigo CBD Plan in 2005, the planning controls for the Bendigo City Centre were updated as part of Planning Scheme Amendments C85 and C86. This was the first time that items such as height, setbacks and weather protection had been included for the Bendigo City Centre as dedicated planning controls.

Both the Bendigo CBD Plan and the Bendigo CBD Parking Strategy will be replaced by the Bendigo City Centre Plan and the Parking Futures Action Plan respectively. However, the recommendations from the Action Plan have been included in the Bendigo City Centre Plan with the Action Plan functioning more as a supporting background document.

In relation to the heritage protection of the City Centre, it is noted that a large part of the City Centre had been studied previously in the *Eaglehawk and Bendigo Heritage Study* in 1993. This 1993 Study documented places on both sides of the Bendigo Creek as well as around Rosalind Park in the 'Precinct 8.01 Bendigo Commercial and Civic' citation (Volume 3, Significant Areas). These places were implemented into the Greater Bendigo Planning Scheme as the Bendigo Civic Precinct (Heritage Overlay 3). This Overlay captured about half of the City Centre: north and west of Lyttleton Terrace. The other half of the City Centre, where the retail area predominates, was largely excluded from the 1993 Study. However, over the years some individually significant places from within this area have been included in the Planning Scheme for protection but generally

the area south and west of Lyttleton Terrace had never been studied as a precinct. This area is the main focus of the Bendigo City Centre Heritage Study – Stage 1 which is the subject of a separate report. The Study recommends a series of individual sites which are considered to be individually significant. As a courtesy to the property owners a copy of the citations and an opportunity to discuss the information and the process involved occurred in March 2020 prior to the full Study being submitted to Council in April 2020 where it will become a public document.

However, it should be noted that the recommendations from this Study have been considered in the finalisation of this Plan which is a strategic document. The actual implementation of the Plan into the Planning Scheme will occur concurrently with the Bendigo City Centre Heritage Study – Stage 1 to ensure there is no conflict between the two documents.

Regional Strategic Plan Reference:

The Loddon Campaspe Regional Growth Plan includes a number of actions that relate to promoting the growth of 'Bendigo - the regional city'. There is a particular emphasis on growing the Bendigo City Centre.

Background Information

Greater Bendigo is showing strong growth across the local government area and is expected to grow to a population of 200,000 by 2050. The refresh of the 2005 CBD Plan provided the opportunity to promote greater housing choice, through promoting the benefits of inner city living, which is expected to become a more attractive option for many households in the future.

The Bendigo CBD Plan was adopted in 2005. This Plan established the vision and determined the scale and direction of development to meet the future needs of the community, investors, business operators and the City. The majority of actions identified in the document have now been completed, however the themes and directions adopted remain relevant.

The Bendigo CBD Parking Strategy was adopted in 2008. Since this time Council has adopted the Integrated Transport and Land Use Strategy 2015 (ITLUS), which established a framework and direction for integrating transport and land use planning which promotes active travel such as walking and cycling, public transport and reducing the reliance on cars for all trips. The overall direction set in the Parking Strategy remains current, such as better use of commercial land through the strategic positioning of multi-deck carparks across the city, however, the way we move around the city is changing. There is a slow but steady increase in the use of public transport and more flexible, alternative car options are presenting themselves through increased use of e-bikes and ride and car share vehicles.

The new plan for the City Centre builds on the work of the above two documents with the aim to facilitate high quality development through design principles and integrating car parking. As the City has the important role in managing the public realm rather than as a property investor, additional work was included to provide direction to ensure high quality design outcomes. The existing public realm areas in the City Centre play a key role in setting the look and feel and will become increasingly more important as the City

transitions to a greater mix of uses and the public realm provides for an accessible, safe, connected and enjoyable “backyard” for residents and visitor alike.

The Plan applies to the primary commercial core of Bendigo and sets the vision and direction for how the city will meet the needs of the growing population and visitor offerings.

The Plan maintains a similar structure to the existing CBD Plan 2005, has a vision and is grouped into four key themes. The Plan maintains the intent of the extended wording for the vision from the CBD Plan 2005 and also provides a simplified, one line version to preface the explanation:

"The Bendigo City Centre will be a vibrant regional mixed-use destination for businesses, employment, recreation and a home for people."

On 18 September 2019 Council resolved to release the draft Bendigo City Centre Plan and the Parking Futures Action Plan for a period of community comment. A total of 26 submissions have been received and amendments have now been made to finalise the document. Once adopted, a planning scheme amendment will be drafted. The planning scheme amendment process provides the community with an additional opportunity to review and test the recommendations of the City Centre Plan.

Previous Council Decision Date:

18 September 2019 – Council resolved to place the Draft City Centre Plan on public exhibition for a minimum of 28 days.

Report

Exhibition of the draft City Centre Plan, including Parking Futures Action Plan, occurred between 19 September and 27 October 2019. The engagement process provided an opportunity for the public and stakeholder groups to view and comment on the draft plans. A listening post was also held in the Hargreaves Mall. The key comments raised by the community are outlined below, together with a Summary of Public Submissions (Attachment 3) which provides a planning response to comments and how each of the matters have been addressed in the amended Plan.

Key Matters Raised in Submissions

Infrastructure

Stakeholders involved in the delivery of private sector projects in Bendigo identified the growing need to resolve the infrastructure constraints that are present in central Bendigo as a priority. Sufficient water pressure for domestic use, as well as water for firefighting purposes are believed to be the biggest constraints. The conversion of electricity from high voltage to lower voltage is also an issue, but one that appears to be more manageable. A high-level investigation was completed several years ago that highlighted the issues, but a more detailed investigation is needed to fully understand the implications and to identify an action plan for investment in network upgrades.

The private sector is well aware of the need to contribute to infrastructure upgrades to support the additional pressure that their developments place on networks, but at present it is believed that the onus to upgrade trunk infrastructure is excessive. They have indicated that the development envisaged by the draft Plan and promoted by both State and local government will not be able to be delivered unless upgrades to the trunk infrastructure for water (including for fire fighting purposes), are provided by relevant authorities with the assistance of the State Government. They have recommended that a working group be formed to focus on lobbying the State Government to co-fund an infrastructure capacity study. It is believed that the study would cost in the order of \$250,000.

Heritage

Many of the submissions refer to the delay in the release of the Bendigo City Centre Heritage Study and a concern that this has translated into heritage not being considered in the draft Plan. This is not the case, as heritage is at the centre of thinking when it comes to understanding how the city has changed over time and how it will continue to change into the future. Heritage is fundamentally important to the attraction of Bendigo and it is part of our city's DNA. While the mistakes of the past cannot be undone, as a community we hope to have learnt from them and we need to now take a conservative approach to any changes to heritage buildings or streetscapes. In saying that however, we also need to be able to accommodate new development in the City Centre where appropriate.

For the City Centre to have a viable future, it needs to become more mixed-use and increase its density of jobs and people. An analysis has found that there are many sites that will be suitable for redevelopment. Some of these will require the demolition of current buildings, many of which are the result of previous demolition and development that took place through the second half of the 20th century, where basic, often single storey and low cost buildings were constructed. This has resulted in a 'salt and pepper' scattering of buildings that we want retained, restored and reused remaining across the City Centre. There are some exceptions to this, such as parts of View Street, Pall Mall and lower Williamson Street, where there is a good concentration of significant buildings. Any new development proposed adjacent to a building that we want retained will need to carefully consider the site and streetscape context as the first step in the design process. This is imbedded in the Plan through the design guidelines and will be clearly expressed in the revised planning controls when they are drafted in 2020.

Public Realm Improvements/Access and Movement

In the submissions that mentioned the public realm, there was general agreement that it is a significant contributor to the effective operation of the City Centre, particularly from an access and inclusion perspective. The overwhelming recommendation was to keep improving the public realm to facilitate ease of movement for people who walk, use mobility scooters / wheelchairs / push prams and those who ride bikes. It was acknowledged that the City Centre is a place of social and economic exchange and that it needs to prioritise people who are in the place, rather than those travelling through the place. A simple example of an action that would assist in making it easier for people who walk is changing the traffic light phasing / timing at the intersection of Mitchell and Hargreaves Street. At present the traffic lights favour vehicles using Mitchell Street over

people wanting to cross Mitchell Street. This relatively minor barrier deters potential customers from visiting some parts of the City Centre.

One of the recommendations from Bendigo Heritage Attractions related to the Bendigo Tramways and the important role that they have in getting visitors around the City Centre. They have the potential to improve their 'hop-on, hop-off' service if a new tram stop was installed near the Dai Gum San precinct. It would also help them deliver on their growing role as a shuttle service that reduces the demand for car parking for major events, such as White Night and the Easter Fair. They want to make the journey part of the experience of visiting the City Centre.

A recommendation from the Disability and Inclusion Reference Committee related to mobility scooter hire. It was noted that many people with limited mobility are car dependent, however if they knew they could book a mobility scooter at an easily accessible car park, then they could 'park once and ride'. It would greatly enhance their ability to participate in the economic and social life of the City Centre.

The Mitchell Street bus stops were also mentioned on numerous occasions. There was general agreement that the current 'super stop' in Mitchell Street is not working, and in fact is working against getting more people to use our bus network. There was support for City Centre bus routes to be reconsidered with several parallel routes perhaps providing better coverage of the City Centre. The Department of Transport has indicated a willingness to work with the City to explore this further.

Car Parking

The City's proposed approach to car parking was well supported by those submitters that took the time to read the Parking Futures Action Plan. There was broad agreement that this approach is more visionary, contemporary and flexible. Submitters noted that parking would still be added to the City Centre as part of most developments, but it would be added at a rate that was appropriate for each development, not what an arbitrary figure in the Planning Scheme dictated. It also would remove the planning permit trigger for existing buildings, which is a small but significant barrier to small businesses wanting to start up in an established building.

Next steps following adoption of the Plan

The drafting of a planning scheme amendment to implement the Bendigo City Centre Plan will commence on adoption of the Plan. A further report will be provided to Council seeking the commencement of the legislated planning scheme amendment process and authorisation from the Minister.

Priority/Importance:

Progression of the Bendigo City Centre Plan is a matter of high importance as it will facilitate development and ensure high quality urban design outcomes. It is important that new development complements the existing heritage buildings which are highly valued by the community and play an important role in promoting tourism.

Options/Alternatives:

Options available to Council include the following:

1. Adopt the Bendigo City Centre Plan and the Parking Futures Action Plan, as amended following consideration of community and government agency submissions. This is the preferred option.
2. Take no further action.

Timelines:

On adoption of the Plan, the process of amending the planning scheme will commence. The process will seek to run concurrently with the amendment process for the Bendigo City Centre Heritage Study – Stage 1 to be considered by Council following consultation with affected property owners and which is the subject of separate report for the April 2020 meeting. However, it is likely the amendment for the Heritage Study will progress slightly ahead of the planning scheme amendment for the Bendigo City Centre Plan which is anticipated to be an 18-month process.

Risk Analysis:

The Bendigo City Centre must grow to continue to be economically viable and be able to fulfil its role as the regional centre. The current planning controls need to be clearer, less complex and more responsive to allow for a well-designed compact city to flourish. If changes to the planning controls are not progressed there is a high risk of not attracting investment, reducing economic growth potential and not delivering on the vision of creating the world's most liveable community.

Consultation/Communication

Internal Consultation

As the draft Plan was a refresh of an adopted plan, internal consultation was focused on the areas of change. Statutory Planning provided advice on the issues limiting good design outcomes experienced in the current Planning Scheme to ensure the future amendment works well and is able to deliver the vision of the Plan

A working group was also used specifically for the public realm theme as the current plan provided limited long-term direction. Internal workshops and the outcomes of the parking service level review provided direction for the development of the Parking Futures Action Plan. Any changes made in response to submissions that have the potential to impact on agreed policy established for the draft Plan have been further reviewed with relevant officers.

External Consultation:

Exhibition of the draft Plan, including the Parking Futures Action Plan, occurred between 19 September and 27 October 2019. The engagement process provided an opportunity for the public and stakeholder groups to view and discuss the draft Plan and Parking Futures Action Plan. A listening post was also held in the Hargreaves Mall. A total of 26 submissions have been received.

Briefings were held with several committees, including the Sustainable Environment Advisory Committee, the Disability and Inclusion Reference Committee, the Heritage Advisory Committee and the Rosalind Park Advisory Committee. Briefings were also held with Be.Bendigo and with a group representing Bendigo's development sector.

Councillor Engagement

Three Councillor Briefings were held as well as two workshops specifically focused on car parking in the development phase of the Plan. A further Councillor Briefing was held on 9 December 2019 to consider submissions received during the exhibition process and review of the final document.

Resource Implications

Existing staff resourcing and budget allocation has been used to finalise the Plan. However, the Planning Scheme Amendment will require the use of staff resources and budget allocation.

Budget Allocation in the Current Financial Year:

\$90,000 was allocated in the Regional Sustainable Development Unit budget for the refresh of the CBD Plan 2005 and the Parking Strategy 2008 review.

Previous Council Support:

Nil

External Funding Sources:

Nil

Any known or anticipated variance to budget:

No

Any ongoing recurrent expenditure required:

No

Attachments

1. Bendigo City Centre Plan
2. Parking Futures Action Plan
3. Summary of Public Submissions

3.4 BENDIGO CITY CENTRE HERITAGE STUDY - STAGE 1

Document Information

Author Philip DeAraugo, Senior Strategic Planner

Responsible Director Bernie O'Sullivan, Director City Strategy & Growth

Purpose

To consider adoption of the Bendigo City Centre Heritage Study – Stage 1 and for Council to request authorisation from the Minister for Planning to prepare and exhibit a Planning Scheme Amendment to implement its key recommendations.

Summary

The Bendigo City Centre Heritage Study – Stage 1 has been prepared by independent experts (Context) to identify buildings and structures of potential heritage significance within an area of the City Centre that was lacking heritage controls. Context has recommended 18 individually significant sites to be protected by the Heritage Overlay in the Greater Bendigo Planning Scheme. Property owners impacted by the recommendations have been consulted and will have additional opportunities to comment on the proposed changes during the Planning Scheme Amendment process. This includes an opportunity to make written submissions and be heard by an independent panel.

RECOMMENDATION

That Council:

1. Adopt the Bendigo City Centre Heritage Study – Stage 1, 2020.
2. Request the Minister for Planning to authorise Amendment C235 to the Greater Bendigo Planning Scheme and when authorised, exhibit the Amendment.

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#### Policy Context

##### Council Plan Reference:

Goal 6 Embracing our culture and heritage  
Objective 6.1 Celebrate our unique heritage

## Strategy Reference

The Bendigo City Centre Heritage Study – Stage 1 has been considered in the Bendigo City Centre Plan, which is the subject of a separate report, however is linked through the implementation process of an amendment to the Planning Scheme.

## **Background Information**

The majority of heritage identification and protection for Bendigo stems from the 1993 Eaglehawk and Bendigo Heritage Study. The 1993 Study has information gaps and would no longer meet the threshold expected for documentation required to support a planning scheme amendment, however, at the time it was written it was considered acceptable. When the heritage overlay was introduced into the Planning Scheme a small part of the City Centre was not included. This study rectifies this situation, however, it should be noted that this is stage one of a two stage process. Stage one has looked at individual sites, while stage two will look at precincts.

## **Report**

Prior to recommending the inclusion of sites within a heritage overlay, a comprehensive heritage study must be undertaken to justify the protection of the sites, in accordance with legislative requirements.

As mentioned above, part of the City Centre was studied previously in the 1993 Eaglehawk and Bendigo Heritage Study. This 1993 study documented places on both sides of the Bendigo Creek as well as around Rosalind Park in the 'Precinct 8.01 Bendigo Commercial and Civic' citation (Volume 3, Significant Areas). These places were implemented into the Greater Bendigo Planning Scheme as the Bendigo Civic Precinct (Heritage Overlay 3). This Overlay captured only half of the City Centre: north and west of Lyttleton Terrace. The other half of the City Centre, where the retail area predominates, was largely excluded from the 1993 Study. However, over the years some individually significant places from within this area have been included in the Planning Scheme for protection, but generally the area south and west of Lyttleton Terrace has never been studied as a precinct. This area is the main focus of the work of the Bendigo City Centre Heritage Study as identified at Attachment 1.

Preparation of the Bendigo City Centre Heritage Study commenced at the end of 2015 with consultants appointed in 2016. Although much of the work on the Study was undertaken in 2016/2017, it was not finalised due to concerns that the information provided to support the recommendations was not of a standard to meet the legislative threshold for inclusion in a Planning Scheme Amendment as well as the significant ongoing issues with the conversion to the State government cadastral map. This in part related to limited funding being allocated to the original project as heritage studies are very expensive and the legislative threshold for the listing of individual items has increased in recent years. A further issue was that the original scope had not anticipated that the potential extension of existing precinct areas would bring into question the integrity of the existing precinct boundaries as they had primarily been identified through the 1993 Study. As a result, the precincts will now be considered in a later, stage two,

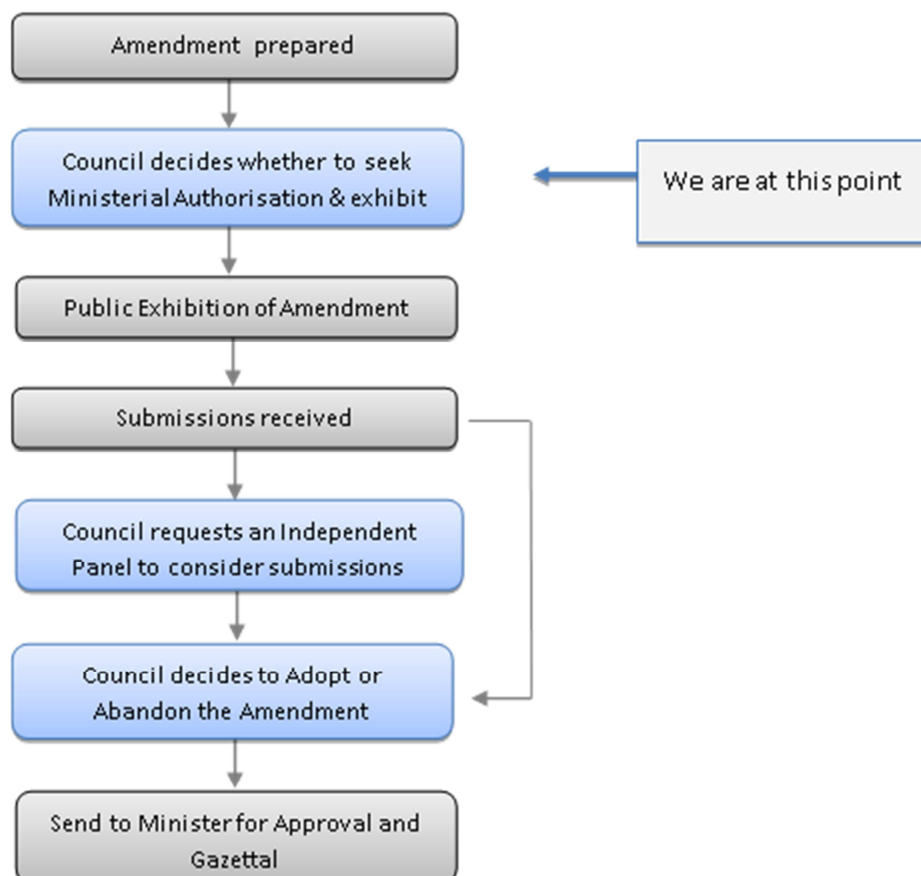
piece of work. The current focus remains on individual sites and places and is referred to as the Bendigo City Centre Heritage Study – Stage 1.

Given some time has passed since the citations were first prepared, the consultants have reviewed and updated their report and their recommendations to include 18 sites in the Heritage Overlay. The 18 sites are listed on page 37 of Attachment 1 and are drawn from an initial list of 95 sites that were first investigated. Reasons for excluding the 77 sites are documented in the report.

Following the finalisation of the consultant's report, the 18 individual citations have been provided to the property owners to review and discuss with the study team. While some minor changes may be made to the citations, such as adjustments to the curtilage, it is not expected that any significant changes will be required, or should be made, until such time as they can be reviewed and tested by an independent panel as part of the Planning Scheme Amendment process. This will provide the most comprehensive and robust option for reviewing changes and ensuring that they comply with the City's obligations around the identification and protection of our community's heritage assets.

In addition to including the 18 sites in the Heritage Overlay, the amendment will also seek to include the Bendigo City Centre Heritage Study – Stage 1 as a Reference Document at Clause 21.10 of the Greater Bendigo Planning Scheme.

The key steps in the Amendment process are summarised below:



As can be seen in the above flowchart, there are numerous times when the progress of the Planning Scheme Amendment requires further direction or decisions from Council.



This provides a public and transparent process for anyone affected by the Study's recommendations.

#### Priority/Importance:

The identification and protection of the city's heritage assets is an important requirement of local government. Incorporating new knowledge relating to heritage assets into the Greater Bendigo Planning Scheme provides landowners, investors and the community with this information in an easily accessible and transparent location. It is therefore important to adopt this Study and commence the Planning Scheme Amendment process in a timely manner.

#### Options/Alternatives:

1. Adopting the Bendigo City Centre Heritage Study – Stage 1 and supporting the amendment proposal by making a request to the Minister for Planning to authorise preparation and exhibition of the Amendment.
2. Not adopting the Bendigo City Centre Heritage Study – Stage 1 and not progressing an amendment to the Greater Bendigo Planning Scheme.
3. Requesting changes be made to the Bendigo City Centre Heritage Study – Stage 1 prior to considering its adoption.
4. Request specific recommended sites be removed from the list of 18 properties identified to be included in the heritage overlay and progress an amendment to the Greater Bendigo Planning Scheme for the remaining sites.

#### Timelines:

The Planning Scheme Amendment process can take some time, often up to 18 months from commencement to completion. There are a number of unknowns, such as the receipt of submissions and the availability of panel members that can impact on timelines. Given the need to report to Council regularly, there is an ability to provide updated timelines at these points.

It should be noted that in discussions with the Department of Environment, Land, Water and Planning (DELWP), the City was requested to be mindful that the exhibition of the amendment may need to be delayed until the current health crisis has passed. However, this matter would be reviewed in more detail when considering Council's request for Authorisation.

#### Progress:

The study has been completed and the amendment documents have been drafted.

#### Risk Analysis:

Without progressing the project there is the chance that Bendigo will lose some of its important social and built heritage. Without the protection afforded by the Heritage Overlay, a building permit application for demolition can be made without the need to first obtain planning approval. Given we now know of the heritage significance of these 18

properties, it is incumbent on the City to act and commence the amendment process to ensure that everyone is aware of the latest available heritage information.

### **Consultation/Communication**

The Bendigo City Centre Heritage Study – Stage 1 is a document prepared by heritage experts and as such has been developed independent of external influences. Relevant officers from the Regional Sustainable Development Unit, Statutory Planning Unit and Heritage Advisor have contributed to the background information required by the consultants, however the recommendations are those of the experts. Those recommendations have also been shared with the relevant property owners, primarily to check that the details are accurate, to ensure that they are aware of the project and the opportunity to participate in the amendment process. Should a property owner disagree with the recommendations of the heritage experts, the panel process is the most appropriate mechanism for the heritage significance of their property to be ‘tested’. The panel process is usually initiated if submissions have been received during the exhibition period, which usually runs for one month.

The consultants provided a briefing on the recommendations of the Study including details on each of the recommended properties on 20 January 2020.

### **Resource Implications**

The Amendment will increase the number of properties included within the Heritage Overlay and this would ordinarily result in an increase in the number of planning permit applications.

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**

1. Bendigo City Centre Heritage Study – Stage 1
2. Greater Bendigo C235 Explanatory Report

### 3.5 GOLDEN SQUARE HERITAGE STUDY STAGE 1 - ADOPTION

#### Document Information

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

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

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#### Summary/Purpose

The purpose of this report is to recommend that Council adopt the *Golden Square Heritage Study Stage 1* June 2019 prepared by History in the Making.

The Golden Square Heritage Study Stages 1 and 2 was identified as a priority in the *City of Greater Bendigo Heritage Gap Analysis* May 2019, because the existing study for that area, *Eaglehawk and Bendigo Heritage Study* 1993, needs urgent revision. The Golden Square heritage studies will also support the *Imagine Golden Square* project that is underway, which will identify areas for intensive development.

The Stage 1 Study provides a thematic environmental history that identifies the key themes of development to underpin a Stage 2 Study and identifies places of potential heritage significance not protected by a heritage overlay for further investigation. The Stage 1 Study will be used to inform and engage with the community when undertaking the Golden Square Heritage Study Stage 2.

#### **RECOMMENDATION**

That Council adopt the *Golden Square Heritage Study Stage 1* June 2019.

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Policy Context

Greater Bendigo Community Plan 2017 – 2021

Goal 6: Embracing our culture and heritage

Objective: Celebrate our unique heritage

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

City of Greater Bendigo Planning Scheme

State Planning Policy

Clause 15 Built Environment and Heritage:

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

Clause 15.03-1S Heritage conservation

The objective of this clause is to:

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

The relevant strategies of this clause are:

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

Local Planning Policy

Clause 21.02-2 Environment

Managing heritage sites and places

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

Clause 22.06 Heritage policy

The objectives of this clause are:

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

Previous Council Decisions

21 August 2019 - Council resolved to adopt the *City of Greater Bendigo Heritage Gap Analysis*.

Background Information

The City has many heritage places protected in the Planning Scheme through studies undertaken over the last 30 years. However, some parts of the municipality have never been fully studied, such as the former Shire of Huntly. Other areas have old studies that do not provide enough information to support efficient planning decisions and do not protect places that we would consider as being historically significant today. Golden Square is one of these areas.

In recognising these gaps and the importance of heritage to the City's economy and lifestyle, the Council supported a program to complete the City's post-contact heritage studies. A gap analysis was commissioned to identify all gaps and recommend a methodology for completing the heritage studies most efficiently.

The highest priorities identified in the Gap Analysis included:

- Engage a consultant to prepare an on-going consultation strategy to support the Heritage Program.
- Undertake a heritage review of Golden Square, which would include identifying new places and updating existing precincts. This would then become a pilot for future reviews of the *Eaglehawk and Bendigo Heritage Study* and support preparation of the Golden Square structure plan.

Report

The area for *Golden Square Heritage Study Stage 1* was the suburb boundary used for the Imagine Golden Square project. See Figure 1 below.

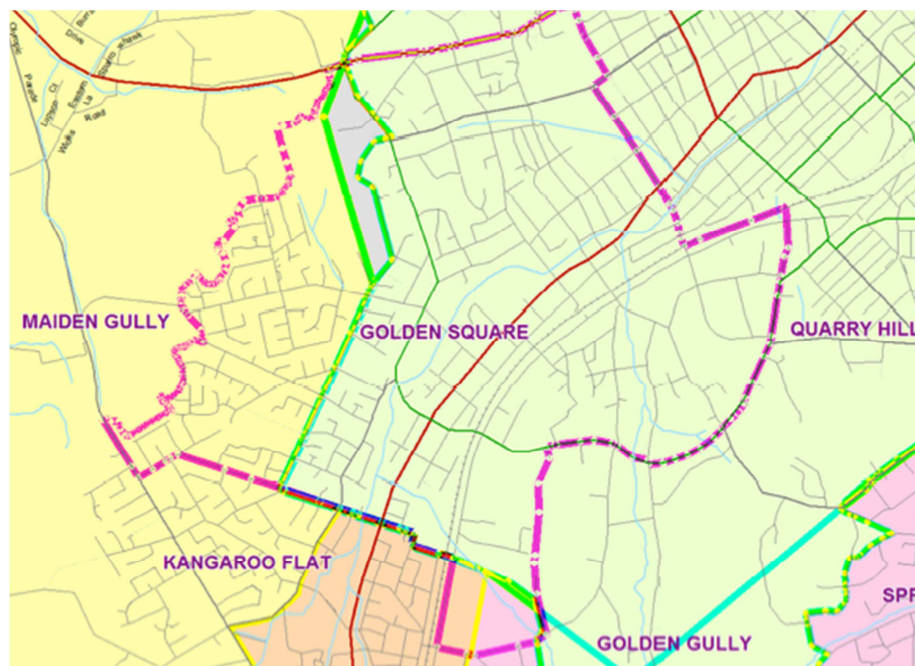


Figure 1: Map of Golden Square (study area) showing the former municipalities of the Shire of Marong (yellow), City of Bendigo (green) and Shire of Strathfieldsaye (pink).

Golden Square is of historic interest as it contains the site of the Bendigo region's first gold discovery. Golden Square's mines were significant contributors to the wealth of Bendigo, Melbourne and Victoria and many miners settled in this area around gullies and quartz mines. Dwellings and mines from this early era of development can still be seen in the landscape today. As well as this haphazard mining activity and settlement, Golden Square was included in the first formal survey for the City of Sandhurst by Larritt in 1853-54. This survey is still intact today.



Figure 2: Photograph of the township of Golden Square by N. J. Caire, 1877. (Source: Caire 1866, SLV, p. 50 of the Golden Square Heritage Study Stage 1 Chronological and Thematic History).

Golden Square had large numbers of Cornish, Chinese and German immigrants who contributed to cultural and community life. Today we can see evidence of this in the churches, e.g. the magnificent former Wesleyan Methodist Church, and the civic buildings such as the fire station, working men's club, Golden Square State School and Railway Station.

From the mining presence, Golden Square became a centre for industry and innovation with leading firms including Victoria Foundry, Foggitt, Jones and Co and Leggos.



Figure 3: The former stores and residence built for Ralph Jones in the late 1860s at the corner of Panton and Laurel streets, in 2019 (Photo: Tom Henty, p. 39 of the Golden Square Heritage Study Stage 1 Chronological and Thematic History).

This very comprehensive Stage 1 Heritage Study identified the historical themes for Golden Square based on Heritage Victoria's Framework, and provides examples of significant places for each theme for further study, as shown in the table below.

THEME	FEATURES	EXAMPLES
Shaping the environment	Parallel synclines and gold bearing anticlines. Bendigo Creek and Back Creek. Box Ironbark Forest extensively cleared.	• Bendigo Creek • Napoleon Reef • Specimen Hill • Sparrowhawk Gully Bushland Reserve
Peopling places and landscapes		
Aboriginal peoples	Golden Square occupied by the Jaara Jaara people of the Dja Dja Wurrung language community.	
Immigration	Immigrants from all over the world for the Goldrush - English, Scottish, Cornish, Irish, Chinese, German. Chinese market gardens along the creek. German architects.	• Former Wesleyan Methodist • German architect designed buildings • Shamrock Street for Ireland; Rose Street for England; and Thistle Street for Scotland
Connecting by transport and communications		
Transport	Tracks from the 1850s later made into roads. Bridges across waterways from the 1850s and John Monash bridges. The Melbourne-Murray River railway	• High Street; Marong Road; Mackenzie Street West • Monier bridges • Golden Square

THEME	FEATURES	EXAMPLES
	line in 1862. Tramways and buses.	Railway Station • Railway bridges
Communications	Post office opened in 1862, moved in 1877. Demolished and rebuilt in 1940s. BCV8 television station.	• Former Golden Square Post Office • Former BCV8 television studios
Transforming and managing land and natural resources		
Gold mining	The first gold rush at 'the Rocks' at Golden Point 1851. 1859 box drain to drain the sludge from Bendigo Creek into Tysons Swamp below Huntly. 1910 works to straighten the creek. Reclamation mining scars from 1960.	• Gold discovery monument, R Turner Reserve • Tailings dumps, Chum Street and Thistle Street (amongst others)
Water supply	1877 the Coliban Water Supply scheme began to deliver water to Bendigo from Malmsbury. Workshops for the State Rivers and Water Supply Commission established Alder Street, c1947. Houses erected by the SRWSC in Mimosa and Kurrajong Streets.	• Bendigo Creek channel lining • Gate posts and remnant plantings, SRWSC depot, Alder Street and Mimosa Street
Parks and gardens	Larritt 1853-54 survey for reserve for Public Hall and Gardens. Large tree-planting program from 1860s. Arbor Day plantings by students in 1891, 1907 and 1912.	• Public Hall and Gardens Reserve • Elm and Ironbark tree avenues
Building industries and the workforce		
Gold mining	Alluvial mining 1850s to 1860s. One of the first quartz mines on Specimen Hill. Mid-1870s Quartz mining declining, but Golden Square mines continue to contribute. Following mining landscape strewn with engine beds, mullock heaps. shafts and poppet heads. Can still be seen in Golden Square today.	• Quartz gold mine remains
Manufacturing	Decentralisation of industry 1960/70s. Large industrial estate on former mining land Allingham Street and Hattam Road,	• Former Stramit Pty Ltd offices • Former BLB Textile Corporation factory • Sunkist Street,

THEME	FEATURES	EXAMPLES
	Victoria Foundry in Shamrock Street. H M Leggo farms and factories. Sandhurst and London Breweries. Bendigo Cordial Extracts (BCX) established in 1938 in High Street. Textiles industry 1930s-50s, Bernardo and Lorenzo Banfi Breen Street.	named after H M Leggo's farms
Commerce	The first commercial area established in 1851-52 on Bendigo Creek at Golden Point. Hotels established on the Mount Alexander Road (High Street) from 1851. Many hotels upgraded in the 1870s/80s. Caravan parks and motels opened in the 1950s to accommodate growing car ownership.	• High Street retail • Former Ralph Jones store • Golden Square, Foundry, United Kingdom, Hibernian, former London, Gold Mines Hotels • Gill family garage • Welcome Stranger and Elm Motels
Building towns, cities and the area		
Surveying	The first survey 1853-54 by Larritt. Two parts: Portion A High Street and Panton; Portion B north side of High Street between Ophir and Thistle. Crown land Miner's Rights until 1970s.	• R W Larritt's original 1853-54 survey of Golden Square
Constructing civic buildings	Public civic buildings constructed to tame the goldfields. Forester's Hall and Mechanic's Institute (later the Working Men's Club) main meeting venues.	• Former Forester's Lodge and Salvation Army Hall • Golden Square Working Men's Club • Fire Station
Building homes	Slab, timber and tent houses in the 1850/60s. Miners rights encouraged more permanent structures. 1870s mining boom more substantial houses built, eg Fortuna. Post war stimulated housing commission houses and redevelopment mining land.	• Dwellings 1850s-1960s • Commission estates • SRWSC housing, Mimosa and Kurrajong Streets
Governing and defence		
Police	Police station built 1859, closed 1972.	• Former Police Station and residence
Defence	Expansion of the armed forces from 1911 and World War One resulted in a large number of drill halls	• Former drill hall • Former Fortuna Villa

THEME	FEATURES	EXAMPLES
	constructed by the Commonwealth Government. World War Two compulsory acquisition of buildings for defence, including Fortuna Villa for Australian Survey Corps headquarters. Occupied until 2008, world leader in mapping systems.	
Building community life		
Schools	Wesleyan School opened 1854 with 101 pupils. Golden Square State School, successor to Wesleyan Common School. Additional site at the corner of Maple Street and Mackenzie Street West purchased 1895. Specimen Hill State School opened 1874, demolished in 2004-05. Golden Square High School opened 1968 in Hattam Street. Closed in 2008.	• Former Golden Square State School • Children's classrooms former Wesleyan Methodist (Uniting) Church • Former gymnasium Golden Square High School
Fire brigade	Golden Square Fire Brigade formed 1878 and fire station opened in 1909.	• Golden Square Fire Station
Churches	Methodist started 1852, stone church built 1859 then current brick building 1870s. Sold in 2016. St Johns Presbyterian Church opened in Maple Street in 1872. In 1881, the foundation stone laid for the existing St Mark's Anglican Church in Panton Street. Other churches included Roman Catholic, Seventh-day Adventists, Baptists.	• Former Wesleyan Methodist (Uniting) Church and manse • Former St Johns Presbyterian Church • St Marks Anglican Church • Former Salvation Army Hall
Health	Golden Square Infant Welfare Centre established in Maple Street. Mount Alvernia Hospital (now St John of God), home for the aged in Hattam Street.	• Golden Square Infant Welfare Centre • Golden Oaks Nursing Home
Shaping cultural and creative life		
Cultural institutions	The Golden Square Working Men's Club formed in 1883, initially met at the Forester's Lodge Hall then purchased old post office. Continues today.	• Golden Square Working Men's Clubrooms • Bendigo Theatre Company Arts Shed

THEME	FEATURES	EXAMPLES
	In 1996 Bendigo Theatre Company took on long-term lease on former army drill hall in Allingham Street.	(former drill hall)
Sport and recreation	Golden Square Progress Association requested the Council in 1926 to create a sports ground on Allingham's sand dump in Wade Street. Golden Square Football Club entered the Bendigo Football League in 1935. Part of the market building in Bendigo was relocated to the oval for use as a grandstand, and a press box was housed in a former weighbridge building from Cedar Street. Golden Square Baths opened in 1918 in Maple Street after years of lobbying. Scouts in old school building and girl guides hall in Bond Street since 1909.	• Golden Square Football grounds • Backhaus Oval, including large peppercorn • Allingham Street Recreation Reserve • Golden Square Swimming Pool • Girl Guides Hall • Golden Square Bowling and Croquet Club

Consultation/Communication

The heritage consultant consulted with historical groups when preparing this Study. An engagement consultant has been appointed and will be assisting with future community engagement for Stage 2 of the Golden Square Study.

It is essential that effective community consultation is part of preparing and implementing heritage studies so that the community has a sense of ownership, understands what is proposed and can contribute information about places.

Conclusion

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

Options

Council has the option of:

- Supporting the recommendation.
- Rejecting the recommendation.

Resource Implications

A budget of \$75,000 is available for Golden Square Stage 2 Study.

Attachments

- *Golden Square Heritage Study Stage 1* June 2019

4. WELLBEING AND FAIRNESS

Nil.

5. STRENGTHENING THE ECONOMY

Nil.

6. ENVIRONMENTAL SUSTAINABILTY

Nil.

7. EMBRACING OUR CULTURE AND HERITAGE

Nil.

8. LEAD AND GOVERN FOR ALL

8.1 RECORD OF ASSEMBLIES

Document Information

Author Jessica Clarke-Hong, Manager Governance

Responsible Director Andrew Cooney, Director Corporate Performance

Purpose

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

RECOMMENDATION

That Council note 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                     | 17 February 2020                                                                                                                                                                        |                                 |
| Matters Discussed                | 1. Budget Session # 3<br>2. GovHub update<br>3. Review of Forward Agenda/Final Ordinary Meeting Agenda<br>4. Industrial land update                                                     |                                 |
|                                  |                                                                                                                                                                                         |                                 |
| Attendees/Apologies              |                                                                                                                                                                                         |                                 |
| Councillors                      | Cr Margaret O'Rourke<br>Cr Jennifer Alden<br>Cr Matt Emond<br>Cr George Flack OAM<br>Cr Rod Fyffe OAM<br>Cr Susie Hawke<br>Cr Andrea Metcalf<br>Cr Mal Pethybridge<br>Cr James Williams |                                 |
| Staff/Community Representatives  | Mr Craig Niemann<br>Ms Debbie Wood<br>Mr Andrew Cooney<br>Ms Vicky Mason<br>Mr Bernie O'Sullivan<br>Mr Peter Hargreaves                                                                 |                                 |
|                                  |                                                                                                                                                                                         |                                 |
| Conflict of Interest Disclosures |                                                                                                                                                                                         |                                 |
| Matter No.                       | Councillor/officer making disclosure                                                                                                                                                    | Councillor/officer left meeting |
|                                  | Nil                                                                                                                                                                                     |                                 |

| Meeting Information              |                                                                                                                                                                                                                                                                          |                                 |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Meeting Name/Type                | Councillors' Briefing                                                                                                                                                                                                                                                    |                                 |
| Meeting Date                     | 24 February 2020                                                                                                                                                                                                                                                         |                                 |
| Matters Discussed                | <div>1. Budget Session # 3(a)</div> <div>2. Potential strategic land purchase</div> <div>3. Community Presentation Session:<br/>Bendigo Easter Fair Society<br/>Victorian Goldfields Railway</div> <div>4. Golden Square Swimming Pool</div> <div>5. GovHub update</div> |                                 |
|                                  |                                                                                                                                                                                                                                                                          |                                 |
| Attendees/Apologies              |                                                                                                                                                                                                                                                                          |                                 |
| Councillors                      | <div>Cr Margaret O'Rourke</div> <div>Cr Jennifer Alden</div> <div>Cr Matt Emond</div> <div>Cr George Flack OAM</div> <div>Cr Rod Fyffe OAM</div> <div>Cr Susie Hawke</div> <div>Cr Andrea Metcalf</div> <div>Cr Mal Pethybridge</div> <div>Cr James Williams</div>       |                                 |
| Staff/Community Representatives  | <div>Mr Craig Niemann</div> <div>Ms Debbie Wood</div> <div>Mr Andrew Cooney</div> <div>Ms Vicky Mason</div> <div>Mr Bernie O'Sullivan</div> <div>Mr Greg Painter</div>                                                                                                   |                                 |
|                                  |                                                                                                                                                                                                                                                                          |                                 |
| Conflict of Interest Disclosures |                                                                                                                                                                                                                                                                          |                                 |
| Matter No.                       | Councillor/officer making disclosure                                                                                                                                                                                                                                     | Councillor/officer left meeting |
|                                  | Nil                                                                                                                                                                                                                                                                      |                                 |

| Meeting Information              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                 |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Meeting Name/Type                | Councillors' Briefing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                 |
| Meeting Date                     | 2 March 2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                 |
| Matters Discussed                | <div>1. Review of Forward Agenda and Draft Ordinary Meeting Agenda</div> <div>2. Budget Session # 4</div> <div>3. Gender Equity</div> <div>4. Welcoming Cities Accreditation</div> <div>5. Rail Project Victoria</div> <div>6. Catherine McAuley College</div> <div>7. GovHub update</div> <div>8. Industrial Land Strategy update</div> <div>9. Golden Square Swimming Pool</div> <div>10. Review of Council Priorities</div> <div>11. Quarterly Organisation Health Check</div> <div>12. Bendigo Town Hall Works update</div> |                                 |
|                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                 |
| Attendees/Apologies              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                 |
| Councillors                      | <div>Cr Margaret O'Rourke</div> <div>Cr Jennifer Alden</div> <div>Cr George Flack OAM</div> <div>Cr Rod Fyffe OAM</div> <div>Cr Andrea Metcalf</div> <div>Cr Mal Pethybridge</div> <div>Cr James Williams</div> <div>Apologies:</div> <div>Cr Matt Emond</div> <div>Cr Susie Hawke</div>                                                                                                                                                                                                                                        |                                 |
| Staff/Community Representatives  | <div>Mr Craig Niemann</div> <div>Mr Andrew Cooney</div> <div>Ms Debbie Wood</div> <div>Ms Vicky Mason</div> <div>Mr Bernie O'Sullivan</div> <div>Mr Ryan Millard</div>                                                                                                                                                                                                                                                                                                                                                          |                                 |
|                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                 |
| Conflict of Interest Disclosures |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                 |
| Matter No.                       | Councillor/officer making disclosure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Councillor/officer left meeting |
| 6                                | <div>Cr Margaret O'Rourke</div> <div>Mr Andrew Cooney</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <div>No</div> <div>No</div>     |



| Meeting Information              |                                      |                                                                                                                                                                                                                                               |                                 |
|----------------------------------|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Meeting Name/Type                |                                      | Councillors' Briefing                                                                                                                                                                                                                         |                                 |
| Meeting Date                     |                                      | 11 March 2020                                                                                                                                                                                                                                 |                                 |
| Matters Discussed                |                                      | 1. Planning matters<br>2. Golden Square Swimming Pool<br>3. Economic Development Strategy<br>4. Waste Fees and Charges<br>5. Active Living Census<br>6. GovHub update<br>7. Court Services update                                             |                                 |
|                                  |                                      |                                                                                                                                                                                                                                               |                                 |
| Attendees/Apologies              |                                      |                                                                                                                                                                                                                                               |                                 |
| Councillors                      |                                      | Cr Matt Emond<br>Cr Jennifer Alden<br>Cr Matt Emond<br>Cr George Flack OAM<br>Cr Andrea Metcalf<br>Cr Margaret O'Rourke (via telephone)<br>Cr James Williams<br><b>Apologies:</b><br>Cr Rod Fyffe OAM<br>Cr Susie Hawke<br>Cr Mal Pethybridge |                                 |
| Staff/Community Representatives  |                                      | Mr Craig Niemann<br>Mr Andrew Cooney<br>Ms Debbie Wood<br>Ms Vicky Mason<br>Mr Bernie O'Sullivan<br>Mr Peter Hargreaves                                                                                                                       |                                 |
|                                  |                                      |                                                                                                                                                                                                                                               |                                 |
| Conflict of Interest Disclosures |                                      |                                                                                                                                                                                                                                               |                                 |
| Matter No.                       | Councillor/officer making disclosure |                                                                                                                                                                                                                                               | Councillor/officer left meeting |
|                                  |                                      |                                                                                                                                                                                                                                               |                                 |

| Meeting Information              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                 |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Meeting Name/Type                | Councillors' Briefing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                 |
| Meeting Date                     | 16 March 2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                 |
| Matters Discussed                | <div>1. Review of Forward Agenda Draft Ordinary Meeting Agenda</div> <div>2. DCP/Structure Plan update</div> <div>3. Bendigo Inventor and Innovation Festival</div> <div>4. Transforming the City Centre Action Plan update</div> <div>5. Feedback session following move to Fountain Court</div> <div>6. Bendigo Heritage Attractions update</div> <div>7. Meeting with new Chief Executive Officer of the Golden Dragon Museum</div> <div>8. Use of fireworks at events and festivals</div> <div>9. Eaglehawk Recycle Shop</div> <div>10. Youth Council quarterly update</div> <div>11. GovHub update</div> <div>12. BARC update</div> |                                 |
|                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                 |
| Attendees/Apologies              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                 |
| Councillors                      | <div>Cr Margaret O'Rourke</div> <div>Cr Jennifer Alden</div> <div>Cr Matt Emond</div> <div>Cr George Flack OAM</div> <div>Cr Rod Fyffe OAM</div> <div>Cr Susie Hawke</div> <div>Cr Andrea Metcalf</div> <div>Cr Mal Pethybridge</div> <div>Cr James Williams</div>                                                                                                                                                                                                                                                                                                                                                                       |                                 |
| Staff/Community Representatives  | <div>Mr Craig Niemann</div> <div>Mr Andrew Cooney</div> <div>Ms Vicky Mason</div> <div>Mr Bernie O'Sullivan</div> <div>Mr Ryan Millard</div> <div>Apology:</div> <div>Ms Debbie Wood</div>                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                 |
|                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                 |
| Conflict of Interest Disclosures |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                 |
| Matter No.                       | Councillor/officer making disclosure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Councillor/officer left meeting |
|                                  | Nil                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                 |

**9. URGENT BUSINESS**

Nil.

**10. NOTICES OF MOTION**

Nil.

**11. CONFIDENTIAL (SECTION 66) REPORTS**

**11.1 Confidential Section 66 Report in accordance with Section 66(2)(a) of the Local Government Act 2020 relating to Council business information**

**RECOMMENDATION**

That Council close the meeting to members of the public pursuant to Section 66(2)(a) of the **Local Government Act 2020** to consider a report relating to Council business information.