

# MINUTES

## Ordinary Meeting of Council

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6.00pm Wednesday 17 June, 2020

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

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### **VENUE:**

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

### **NEXT MEETING:**

Wednesday 15 July, 2020

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

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This Council Meeting is conducted in accordance with the Local Government Act 2020 as amended by the COVID19 Omnibus (Emergency Measures) Act 2020 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 17 JUNE 2020

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**CRAIG NIEMANN  
CHIEF EXECUTIVE OFFICER**

## **ACKNOWLEDGEMENT OF COUNTRY**

### **PRAYER**

### **PRESENT**

Cr Margaret O'Rourke  
Cr Jennifer Alden  
Cr Matt Emond  
Cr George Flack OAM  
Cr Susie Hawke  
Cr Andrea Metcalf  
Cr Mal Pethybridge  
Cr James Williams  
Mr Craig Niemann (Chief Executive Officer)  
Mr Bernie O'Sullivan (Director, Strategy and Growth)  
Ms Vicky Mason (Director, Health and Wellbeing)  
Ms Debbie Wood (Director, Presentation and Assets)  
Mr Andrew Cooney (Director, Corporate Performance)  
Mrs Jessica Clarke-Hong (Manager Governance)

### **OPENING MOTION**

That Council:

- a) Notes this meeting is being conducted in accordance with the Local Government Act 2020 as temporarily amended by the COVID-19 Omnibus (Emergency Measures) Act 2020.
- b) Notes this meeting is being recorded and live streamed via the Council website and via live broadcast on radio Phoenix FM
- c) Agrees the method of voting on any matter during this meeting will be by show of hands in accordance with Section 21 of Greater Bendigo City Council Local Law - Process of Municipal Government (2020).

### **MOTION**

Moved Cr Flack, seconded Cr Williams.

That Council:

- a) Notes this meeting is being conducted in accordance with the Local Government Act 2020 as temporarily amended by the COVID-19 Omnibus (Emergency Measures) Act 2020.
- b) Notes this meeting is being recorded and live streamed via the Council website and via live broadcast on radio Phoenix FM
- c) Agrees the method of voting on any matter during this meeting will be by show of hands in accordance with Section 21 of Greater Bendigo City Council Local Law - Process of Municipal Government (2020).

**CARRIED**

## **APOLOGIES/LEAVE OF ABSENCE**

Cr Rod Fyffe OAM

## **MOTION**

Moved Cr Williams, seconded Cr Metcalf.

That the apology of Cr Rod Fyffe be received and Leave of Absence be granted from this meeting.

**CARRIED**

## **SUSPENSION OF STANDING ORDERS**

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

## **RESOLUTION**

Moved Cr Flack, seconded Cr Alden.

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

**CARRIED**

## **COMMUNITY RECOGNITION SECTION**

"We now move to the community section of tonight's Council meeting where we acknowledge significant events and achievements that have happened in Greater Bendigo since we last met.

First, tonight Council would like to congratulate two people who have received recent Queen's Birthday Honours, and who both also happen to be former Mayors in the days prior to amalgamation.

Chris Stoltz AM, received the Member of the Order of Australia for his significant service to engineering and charitable and emergency services organisations.

Chris has had a long association with the Royal Flying Doctor Service, serving as its president for three years and is current co-Chair of the Royal Flying Doctor Service Emeritus Council.

"He is also a great supporter of the Sacred Heart Mission, he is an ambassador for the organisation and also its Chair and a trustee of the Sacred Heart Mission Foundation.

He studied engineering at La Trobe University and returned to lecture there later in life and last year became an honorary professor of practice in engineering.

He was also Mayor of Bendigo at the age of 30 in 1981-1982 and is a former board member and president of Bendigo Health.

Chris has made and continues to make a remarkable contribution to our community and broader society through his charitable commitments and representing the engineering profession, and Council is delighted to congratulate him on this well-deserved recognition.

Ron Alexander OAM was also acknowledged two weeks ago and recognised for his service to Local Government and the community of Greater Bendigo.

Ron is a former Shire President and Deputy President of the Shire of Strathfieldsaye.

He was a well-known and colourful Councillor for 20 years from 1972 and known to enthusiastically debate issues.

Ron is also a Justice of the Peace and still comes to Bendigo once a month as signing registrar. He was made a Royal Victorian Association of Honorary Justices Fellow in 2017.

Ron had his own construction company and was a former director of Bendigo Brickworks and Bendigo Brick Company.

Ron was also recognised for his contribution to sport in Bendigo, as he was the founding member and player of the Bendigo Soccer Association and also a referee for the junior leagues and tribunal member for a number of clubs.

Ron migrated from England, after getting to know Australians through his service with the English Air Force.

He has been affectionately known as 'Ron the Pom' ever since he arrived here and now he has received one of our highest honours.

Congratulations Ron and thank you for all you have done for Bendigo.

Also tonight, Council would like to congratulate Kay MacGregor. She is a Bendigo Historical Society committee member and its Collections Manager, and she recently received the 'Award of Merit' from the Royal Historical Society of Victoria.

She was recognised for her selfless service over 16 years as a dedicated volunteer in caring for the Society's vast and varied collection. She is particularly passionate about Bendigo's mining history and we thank her for doing such a wonderful job in preserving our rich past.

Kay has also been a member of Council's Heritage Advisory Committee for over 10 years, and we thank her for her commitment to this committee work as well.

"Finally tonight, Council would like to acknowledge the passing of former MLC Bruce Reid who served his community well. It is always a loss when a local leader or identity passes away who helped shape Bendigo and Bruce did exactly that, representing the people of Bendigo at the State and Federal government level, and he stayed engaged and interested for many years in community life after he retired from politics.

Bruce was respectful and caring in his approach to getting the best outcome for Bendigo, and while he was a gentleman he also fought the good fight for his community and the issues that mattered to residents.

Bruce was an honest and trusted representative and friend to many of us. He was always on for a good chat about local events and issues, and ready with guidance and advice.

Thank you Bruce Reid for your long service to the Greater Bendigo community and our thoughts are with your family at this time.

That brings us to the end of this evening's community section".

## **PUBLIC QUESTION TIME**

## **RESUMPTION OF STANDING ORDERS**

That Standing Orders be resumed.

## **RESOLUTION**

Moved Cr Flack, seconded Cr Alden.

That Standing Orders be resumed.

**CARRIED**

## **CR FLACK'S REPORT**

"With Coronavirus affecting us limiting visits Councillors have been linking up on Monday mornings and Thursday afternoons. Also we three Eppalock Ward Councillors Mayor Marg and Susie Hawke have met to link up Ward tours during July and August to visit Strathdale, Axedale, Junortoun and Redesdale".

## **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 minutes; 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.**

The Chief Executive Officer, Mr Craig Niemann, declared a conflict of interest (indirect interest as a result of impact on residential amenity) in the Petitions and Joint Letters Report No. 1.1 (Petition: Brougham Street Median Plantings), as he has an interest in a property in this vicinity. Mr Niemann advised that members of his family nor he were signatories to the petition.

## CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting of Wednesday 20 May 2020.

The following items were considered at the Ordinary Council meeting held on Wednesday 20 May, 2020 at 6:00pm.

NO.	TITLE	RECOMMENDATION
1.1	Proposed Budget for the Financial Year Ending 30 June 2021	<p><b>RECOMMENDATION:</b> That Council adopt the proposed 2020/2021 budget in-principle and:</p> <ul style="list-style-type: none"> <li>a. Give public notice of the proposed Budget and Strategic Resource Plan in accordance with Section 129 of the <i>Local Government Act</i>, and make available for public inspection the information required by the <i>Local Government Act 1989</i> (as amended) and the <i>Local Government (Planning and Reporting) Regulations 2014</i>.b. Display the proposed Budget at City of Greater Bendigo offices and on the City of Greater Bendigo website.</li> <li>c. Receive submissions on the Budget until close of business on 17 June 2020.</li> <li>d. Appoint a committee of the Council to hear and consider any submissions received on the proposed Budget at a date to be advertised.</li> </ul> <p>And that Council note the following within the proposed 2020/2021 budget:</p> <ul style="list-style-type: none"> <li>e. A General Rate and nine (9) differential rates will be struck, noting that the final differential rates may change when final revaluation figures are received from the Valuer General.</li> <li>f. A nil rate in the dollar will be levied for the properties eligible to be rated under the provisions of the Cultural and Recreational Lands Act (1963).</li> <li>g. Service charges under Section 162 of the Act will be declared as detailed on page 29 of the proposed Budget document.</li> <li>h. A discount of 1.5% on current year rates and charges will be granted, if full payment (including any arrears and interest) is received on or before 1 October 2020.</li> <li>i. That the Budget and Strategic Resource Plan are, for the purposes of Section 126 and 127 of the <i>Local Government Act 1989</i>, the budget to be presented to the Council for adoption prior to 30 June, 2020.</li> <li>j. The fees and charges for 2020/2021 detailed in the appendix of attached Budget document, noting that certain fees may be waived or amended by the CEO in line with the City's Revenue &amp; Debt Collection policy to support Relief &amp; Recovery efforts over the coming year.</li> <li>k. No changes are required to the Community Plan, which has been reviewed.</li> </ul>

Annual actions for 2020/2021 are included as part of this consolidated document.

3.1 56 Beilharz Road, Ravenswood - 3 Lot Subdivision and Creation of Easement

**RECOMMENDATION:**

Pursuant to section 61 of the Planning and Environment Act (1987), Council issues a Notice of Decision to Refuse to Grant a Permit for 3 lot subdivision at 56 Beilharz Road, RAVENSWOOD 3453 on the following grounds:

1. The proposal is inconsistent with planning policy regarding rural subdivisions and agricultural land.
2. The proposal is inconsistent with the purposes of the Farming Zone.
3. The proposal presents an unacceptable outcome with regards to the fragmentation of agricultural land and does not support or enhance agricultural production.

4.1 Gender Equity Strategy

**RECOMMENDATION:**

That Council acknowledge and endorse the Greater Bendigo Gender Equity Strategy 2020 – 2025.

5.1 Bendigo GovHub Commercialisation

**RECOMMENDATION:**

That Council:

1. In accordance with section 191 of the *Local Government Act 1989* (Vic), approve to enter into a contract of sale with Development Victoria to sell the land located at 189 – 229 Lyttleton Terrace, Bendigo with the following key commercial terms:
  - a. Sale price of \$5,500,000 excluding GST, as determined by the Valuer General of Victoria
  - b. 10% deposit payable
  - c. Settlement, subject to conditions within the contract of sale
  - d. Subject to agreement to the terms of the proposed building lease (referred to in recommendation 3).
2. Approve the City's share of the Bendigo GovHub fitout costs of \$10,028,498 and for these costs to be allocated in future budgets. The fitout costs will be offset from the proceeds of the sale of land and State Government funding.
3. Approve for the City to enter into a lease agreement with the Department of Treasury and Finance (DTF) to become a tenant of the Bendigo GovHub with:
  - a. An initial lease term of 20 years; and
  - b. Two options for further terms of 10 years each
4. Note that the:
  - a. Commercial aspects of the transaction are within the upper limits prescribed by Council at the February 2019 Council meeting
  - b. Total cost for the City is estimated at \$35.6M over 40 years
5. Authorise for the CEO, on behalf of Council, to execute the documents required to finalise the sale of land and building lease transactions

6. Note the confirmation of funding from the Victorian Government as contribution to the City's temporary office accommodation and fitout costs.	
7.1	Reconciliation Plan Progress Report Year Three
<b>RECOMMENDATION:</b>	
1. That Council acknowledge the final Annual Progress Report for the City of Greater Bendigo Reconciliation Plan 2016-2019.	
2. That Council note the direction to not seek endorsement from Reconciliation Australia for the City's updated RP to be approved as a Reconciliation Action Plan (RAP).	
8.1	Finance Committee Report as at 31 March 2020 - Q3
<b>RECOMMENDATION:</b>	
That Council receive the Finance Report comparing Budgeted and Actual Revenues and Expenses to 31 March 2020, in accordance with the requirements of the <i>Local Government Act 1989</i> .	
8.2	Record of Assemblies
<b>RECOMMENDATION:</b>	
That Council note the record of assemblies of Councillors as outlined in this report.	
11.1	Section 66 Confidential Reports
11.2	
<b>RECOMMENDATION:</b>	
That Council close the meeting to members of the public pursuant to Section 66(2)(a) of the <b>Local Government Act 2020</b> to consider reports relating to Council business information.	

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 20 May 2020, as circulated, be taken as read and confirmed.

**RESOLUTION**

Moved Cr Flack, seconded Cr Metcalf.

That the recommendation be adopted.

**CARRIED**

## 1. PETITIONS AND JOINT LETTERS

### 1.1 PETITION BROUGHAM STREET MEDIAN PLANTINGS

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

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*[Petitions and joint letters with ten (10) or more signatures are included in the agenda or tabled at the meeting, unless there is a separate legal process for considering the petition or joint letter, as there is for planning submissions or submissions following public notices (Section 223 LGA) Further motion adopted at the Council Meeting (17 April 2019): That in order to support the public disclosure of petitions as part of the democratic process Council requires that all future officer reports to Council Ordinary Meetings in response to public petitions include a copy of the petition and the names of all signatories.]*

The following petition has been received from residents of Brougham Street, Bendigo requesting the replanting of trees in the centre median of Brougham Street, as outlined below:

"We, the undersigned residents and ratepayers of Greater Bendigo City Council, formally request Council to replant trees in the centre of Brougham Street between Williamson and Miller Street. We note the following:

Brougham St had median street trees until they were removed by Council about 8 years ago.

The City's draft Greening Bendigo Strategy notes that around the corner in Marks St, the cooling effect of trees is quite remarkable. By contrast, Brougham St is a wide expanse of heat-generating asphalt. The heat is oppressive, detracts from our amenity, and places existing trees under stress.

A number of us water the existing trees in dry times.

We are also keen to assist in watering and keeping an eye on any new plantings".

Signatures - 30

**The Chief Executive Officer, Mr Craig Niemann, declared a conflict of interest (indirect interest as a result of impact on residential amenity) in the Petitions and Joint Letters Report No. 1.1 (Petition: Brougham Street Median Plantings), as he has an interest in a property in this vicinity. Mr Niemann advised that members of his family nor he were signatories to the petition.**

**RECOMMENDATION**

That Council receive the petition and response be prepared within two (2) meetings.

**RESOLUTION**

Moved Cr Hawke, Seconded Cr Metcalf.

That the recommendation be adopted.

**CARRIED**

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## 2. PRESENTATION AND MANAGING GROWTH

### 2.1 PLANNING SCHEME AMENDMENT C243 - IMPLEMENT THE HEATHCOTE FLOOD STUDY 2016 - CONSIDER SUBMISSIONS AND REFER TO PANEL

#### Document Information

**Author** Frank Casimir, Amendments Planner

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

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#### Summary/Purpose

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

Generally, the amendment makes changes to the extent of the existing Urban Floodway Zone in Heathcote, updates the Land Subject to Inundation Overlay and introduces the *Heathcote Local Floodplain Development Plan*, October 2019. It also makes changes to Municipal Strategic Statement to state that flooding is a risk in Heathcote.

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

**No. submissions:** 7 (including 2 supporting, 5 objecting/requesting a change, 5 late submissions)

**Key issues:**

- Accuracy of the flood modelling and mapping.
- Application of the restrictive Urban Floodway Zone to freehold and public land.
- The constraints to the use and development of land.
- Consistency in the application of flood planning tools across the municipality.

**RECOMMENDATION**

That Council accept the late submissions and request the Minister for Planning to appoint an Independent Panel to consider the outstanding submissions in regard to Planning Scheme Amendment C243.

**RESOLUTION**

Moved Cr Hawke, Seconded Cr Metcalf.

That the recommendation be adopted.

**CARRIED**

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**Policy Context**

City of Greater Bendigo Community Plan 2017 – 2021

Goal 4: Presentation and managing growth

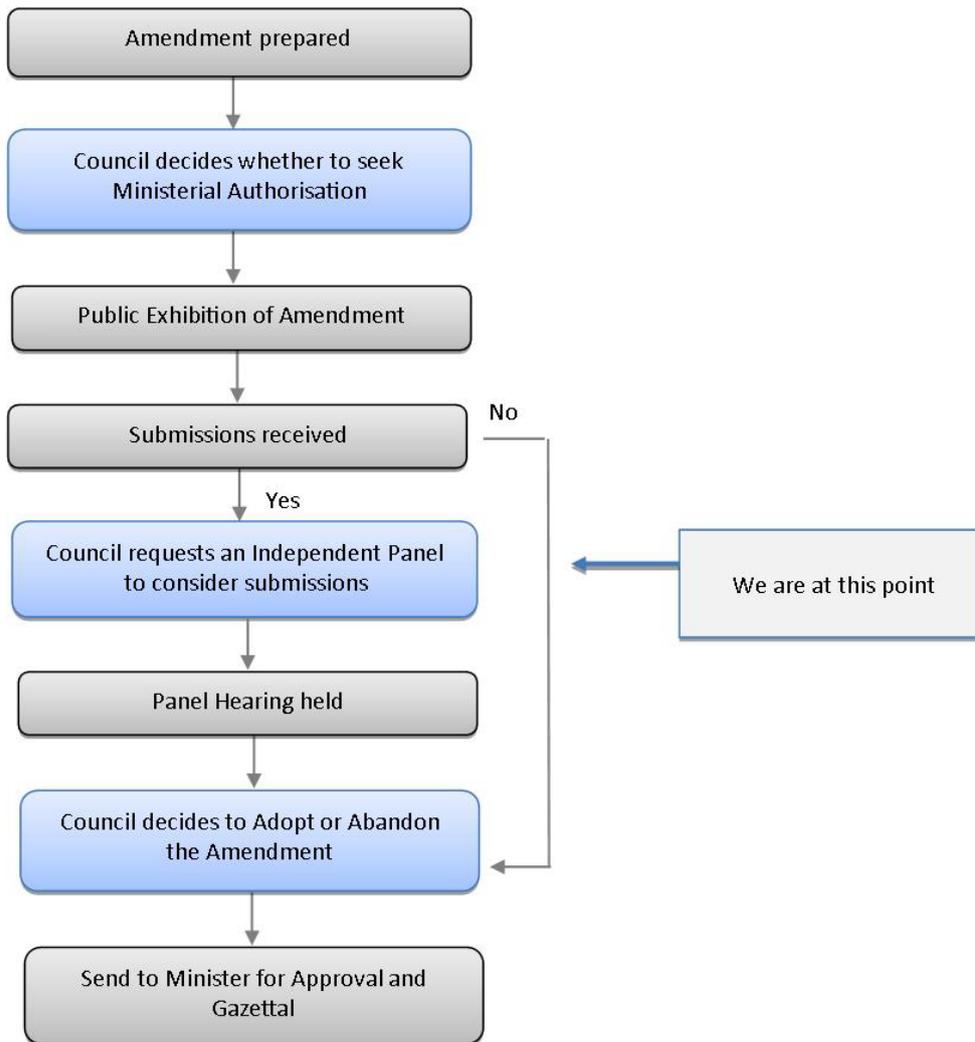
- Planning, developments and infrastructure that increase our liveability and pride in where we live.

Goal 5: Environmental sustainability

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

**Background Information**

The key steps in the Amendment process are summarised below:



Previous Council Decisions

On 29 November 2019 Council resolved to:

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

**Report**

An Explanatory Report is attached and details the purpose and affect of the Amendment and provides the strategic justification for the Amendment as required. Key issues identified in the Explanatory Report are summarised below.

### Land affected by the Amendment

The Amendment affects approximately 320 properties across the township of Heathcote. These properties are located on either side of the Mclvor Creek, which is the primary waterway that traverses the township in a general north-south direction. Some of the affected land will either be removed from the Urban Floodway Zone or have the existing extent of the Urban Floodway Zone increased or decreased.

Other affected land parcels are currently covered by the Land Subject to Inundation Overlay Schedule 3 which will be deleted and replaced by either the Land Subject to Inundation Overlay Schedule 1 or Schedule 2, which will also be extended to new properties. For some of the land parcels, the Land Subject to Inundation Overlay Schedule 3 will be deleted and not replaced by any new flooding overlays.

### What the Amendment does

The Amendment proposes to amend the Greater Bendigo Planning Scheme in the following ways:

- Rezone part of the land at 3 Barrack Street, Heathcote from Special Use Zone (Schedule 8) to Urban Floodway Zone.
- Rezone part of the land at 27 Caldwell Street and CA at 6D Forest Drive, Heathcote from Low Density Residential Zone to Urban Floodway Zone.
- Rezone part of the land at 31 Heathcote-Nagambie Road, Heathcote from Rural Living Zone to part Urban Floodway Zone.
- Rezone part of the land at 32 Heathcote-North Costerfield Road, Heathcote from General Residential Zone and Public Conservation and Resource Zone to Urban Floodway Zone.
- Rezone part of the land at 7 and 8 Fairy Dell Court, 2 High Street, 114-120, 120, 122-132, 134-136, 138-158 and 160-164 Kilmore Road, 3 and 4-6 McMahon Street, CA 15A Pianta Street, CA 13 Turner Street, Heathcote from General Residential Zone to Urban Floodway Zone.
- Rezone approximately 2.33 hectares of land at Crown Allotment 1, Northern Highway, Heathcote and part of the land at CA 6, 2-20, 22-36, 38-60, 62-76, 88 and 90-108 Kilmore Road, Heathcote from Mixed Use Zone to Urban Floodway Zone.
- Rezone part of land at 19 Ambers Drive, Heathcote from Urban Floodway Zone to Low Density Residential Zone.
- Rezone part of the land at CA 21 Forest Drive Heathcote from Urban Floodway Zone to Public Conservation and Resource Zone.
- Rezone land at CA 3 Bennett Street, Heathcote from Urban Floodway Zone to Rural Living Zone.
- Rezone part of the land at 273 High Street, 2-4 Mitchell Street, 1 and 5 Robinson Street, 2-6, 5 and 8 Routledge Street, and at 14 Thomas Street, Heathcote from Urban Floodway Zone to General Residential Zone.
- Insert new overlay maps 35LSIO and 37LSIO.
- Delete the Land Subject to Inundation Overlay Schedule 3 (Heathcote and rural areas) from all land in the township of Heathcote (approximately 320 properties).
- Apply the Land Subject to Inundation Overlay Schedule 1 (depth of flooding up to and including 350 millimetres) to approximately 81 properties in the township of Heathcote.

- Apply the Land Subject to Inundation Overlay Schedule 2 (depth of flooding greater than 350 millimetres) to approximately 10 properties in the township of Heathcote.
- Apply both the Land Subject Inundation Overlay Schedule 1 and Schedule 2 to approximately 85 properties in the township of Heathcote.
- Apply simultaneously the Urban Floodway Zone, the Land Subject to Inundation Overlay Schedule 1 and Schedule 2 to approximately 94 properties in the township of Heathcote.
- Amend Clause 21.08 of the Municipal Strategic Statement to refer to the *Heathcote Local Floodplain Development Plan*, October 2019 to guide development and subdivision in areas that are subject to flooding.
- Amend Clause 21.10 of the Municipal Strategic Statement to include the *Heathcote Flood Study*, 2016 as a reference document in the Greater Bendigo planning scheme.
- Amend Schedules 1 and 2 to Clause 44.04 (Land Subject to Inundation Overlay) to add new permit exemptions, reword some of the existing permit exemptions for more clarity, and include reference to the *Heathcote Local Floodplain Development Plan*, October 2019.
- Amend Schedule 3 to Clause 44.04 to change its title by deleting the word "Heathcote".
- Amend the Schedule to Clause 72.03 to update the list of maps in the Planning Scheme.
- Amend the Schedule to Clause 72.04 to insert the *Heathcote Local Floodplain Development Plan*, October 2019 as an incorporated document in the Greater Bendigo Planning Scheme.

## **Consultation/Communication**

### Exhibition Procedures

The Amendment was exhibited for 5 weeks from 12 March to 20 April 2020. The formal exhibition of the Amendment started before the State Government restrictions came into place due to COVID-19.

However, the only change to the exhibition procedure was that from 18 March 2020, Planning officers were unable to meet face to face with the affected landowners and occupiers and the public drop-in information session scheduled for 31 March 2020 in Heathcote was cancelled. City officers and officers of the NCCMA remained available to answer any queries from affected landowners and occupiers. A post was also put on Facebook on 8 April 2020 to encourage the public to comment on the Amendment.

Notice was also provided in the following manner:

- Individual notices were sent to all affected owners and occupiers. The notice also included an information bulletin (see attached) on the Amendment and told each affected landowner and occupier individually what the Amendment does to their land.
- Notices to prescribed Ministers under Section 19(1)(c) of the *Planning and Environment Act*.
- Notices to all authorities materially affected under Section 19(1)(a) of the Act.
- Public notice of the Amendment in the Bendigo Advertiser on 11 March 2020 and 14 March 2020 and in the Mclvor Times on 25 March 2020.
- Publication of the notice of the Amendment in the Government Gazette on 12 March 2020.

- Access on-line via the City webpage at [www.bendigo.vic.gov.au](http://www.bendigo.vic.gov.au) and via the Department of Environment, Land, Water and Planning webpage at [www.planning.vic.gov.au/publicinspection](http://www.planning.vic.gov.au/publicinspection)
- Facebook post on 8 April 2020 which attracted 2 responses and 3 likes.

### Submissions

Seven submissions were received in total during the exhibition period (including 5 late submissions)

<b>Submitter 1: CA 1 Northern Highway Heathcote</b>	
<b>Supports/Objects</b>	<b>Officer Response &amp; Recommendation</b>
<p><u>Objects</u></p> <p>The social and economic impacts of Amendment C243 on the Heathcote community and individual landowners has not been fully considered by the City of Greater Bendigo and the amendment has potential to sterilise growth and development opportunities for the community.</p> <p>Amendment C243 would be inconsistent with the objectives of planning in Victoria as set out in Section 4 of the <i>Planning and Environment Act 1987</i>, as it would not provide for the fair, orderly, economic and sustainable use, and development of land.</p>	<p>In applying or removing the different flood planning controls to the various properties through Amendment C243, the City has, in consultation with the NCCMA, considered the level of the flood hazard risk that is associated with each property. The City and the NCCMA were then guided by the Victorian Planning Provisions and the relevant Planning Practice Notes to determine the most appropriate flood controls that should be applied or removed from each property.</p> <p>It is acknowledged that restrictive controls like the UFZ may have detrimental socio-economic impacts on the affected landowners. However, what this amendment primarily seeks, is to minimise flood risks to life and property. Other effects/impacts would generally be considered as secondary.</p> <p>The amendment is consistent with the objectives of planning in Victoria specifically with Section 4(1)(b) which is an objective that planning in Victoria is to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.</p> <p>This amendment is consistent with this objective because it seeks to ensure that land identified as being prone to flood hazard risks are developed in such a way that it does not pose any unacceptable risks to</p>

<b>Submitter 1: CA 1 Northern Highway Heathcote</b>	
<b>Supports/Objects</b>	<b>Officer Response &amp; Recommendation</b>
<p>The widespread application of the UFZ to the Heathcote township is generally inconsistent with Planning Practice Note 12 (PPN12 - Applying the Flood Provisions in Planning Schemes).</p> <p>Rezoning of this important gateway site to Heathcote will potentially undermine the structure planning for the Heathcote township.</p> <p>The existing Land Subject to Inundation Overlay Schedule 3 (LSIO3) is adequate to manage development on this site.</p> <p>Reserve the right to raise further technical matters in relation to the flood modelling supporting the amendment.</p>	<p>human life or to the natural environment.</p> <p>Planning Practice Note 12 also states that the UFZ applies to urban floodway areas where the potential flood risk is high due to the presence of existing development or to pressures for new or more intensive development.</p> <p>This submitter’s land is in the urban area of Heathcote, it has been mapped as being in an area of high flood hazard risk and recently has also been subject to pressure for intensive development (construction of a service station). For these reasons, it is appropriate to apply the UFZ to it.</p> <p>According to Planning Practice Note 12, the FO applies to mainstream flooding in both rural and urban areas with a lesser flood risk. As the submitter’s land has been identified to be in an area where the flood risk is high, the FO is not considered to be the best flood planning tool for it.</p> <p>The adopted <i>Heathcote Township Plan 2019</i> has not shown this site as suitable for future development because it is in an area of high flood hazard risk. The rezoning of this site to UFZ will not undermine the <i>Heathcote Township Plan 2019</i> or the future development of Heathcote.</p> <p>The NCCMA has stated that this land is unsuitable for development because of its high flood risk, therefore the UFZ is the most appropriate planning tool.</p> <p>This submitter, like all other submitters to this amendment, will have the opportunity to be represented by an expert witness and to raise any technical matter in relation to the flood modelling in the event a panel is held.</p> <p><u>Recommendation:</u></p> <p>Refer to Panel.</p>

**Submitter 2: DELWP (Late)**



<b>Submitter 3: CA 13 Turner Street Heathcote (Late)</b>	
<b>Supports/Objects</b>	<b>Officer Response &amp; Recommendation</b>
<p>Not consulted throughout the preparation of the <i>Heathcote Flood Study</i> 2016.</p>	<p>The NCCMA as the lead agency for this Study widely publicised its preparation in the Heathcote community. This included letters sent to residents, publications by way of community newsletters, articles in the Mclvor Times and the Bendigo Advertiser newspapers, and stands at the community market.</p> <p>During the formal exhibition process of the amendment, letters were sent to all affected landowners and occupiers. A public drop-in information session that was scheduled had to be cancelled due to the outbreak of COVID-19, but all affected landowners were informed of this situation and encouraged to contact planning officers and the NCCMA to discuss their concerns. This submitter did not contact officers during that period and only put in a late submission.</p>
<p>The site conditions have not been accounted for in the <i>Heathcote Flood Study</i>, 2016.</p>	<p>In undertaking the Study, a number of past flood events were modelled, the January 2011 flood event did not impact on the property. The last known flood event that is likely to have impacted the property was in 1974.</p>
<p>The application of the UFZ to the land has limited our ability to construct any dwelling on it and we can't refute the findings of the Flood Study and request a review/change of the extent of the UFZ mapping.</p>	<p>The UFZ is proposed to be applied to only part of the site, the part where the UFZ is not proposed can potentially be developed.</p> <p>To respond to this issue, the NCCMA added that the Study is based on aerial survey that picked up the natural surface of the land and said that this site has a 5% chance of flooding in any given year, or on average, once every 20 years.</p> <p>The submitter has requested a minor change to the UFZ mapping to facilitate the construction of 2 dwellings on the site. The NCCMA does not agree that the boundary of the UFZ can be changed due to the flooding</p>

<b>Submitter 3: CA 13 Turner Street Heathcote (Late)</b>	
<b>Supports/Objects</b>	<b>Officer Response &amp; Recommendation</b>
	<p>characteristics. The depth of flooding at the location where the submitter has requested the removal of the UFZ is over 0.9 metres deep.</p> <p><u>Recommendation:</u></p> <p>Refer to Panel</p>

<b>Submitter 4: 96 Bennett Street Heathcote (Late)</b>	
<b>Supports/Objects</b>	<b>Officer Response &amp; Recommendation</b>
<p><u>Objects</u></p> <p>The new flood mapping and associated zoning (the UFZ) will limit the development including the subdivision potential of my property.</p>	<p>This property is already partly zoned UFZ and the amendment proposes to marginally increase the extent of the UFZ over the property. Given the size of the property (0.75 hectares) and the amount of land to remain outside the UFZ, there is still potential for residential development, however, due to the flood risk on the property, the potential for further subdivision is limited.</p> <p><u>Recommendation:</u></p> <p>Refer to Panel.</p>

<b>Submitter 5: 23 Thomas Street Heathcote (Late)</b>	
<b>Supports/Objects</b>	<b>Officer Response &amp; Recommendation</b>
<p><u>Objects</u></p>	<ul style="list-style-type: none"> <li>• After discussion with this submitter, the NCCMA advised the following:</li> <li>• The proposed LSIO is based on the 1% AEP flood event which is greater than the 1974 and 2011 flood events that impacted on the site. The information provided by the submitter around the 1974 flood event compares with the modelled extent.</li> </ul>

	<p>Discussions with the submitter confirm that the site floods, however, the submitter believes that the LSIO2 boundary is inaccurate.</p> <ul style="list-style-type: none"> <li>NCCMA has undertaken a review of the site. The 1% AEP flood extent is approximately 300mm higher than the 1974 event. Due to the steepness of the site, there is very little difference in the 1974 and 1% AEP flood extents. However, the areas which were shallow in the 1974 event, would be deep enough in the 1% AEP event to justify the application of the LSIO2.</li> </ul> <p>The NCCMA therefore maintains that the proposed extent of the overlays is accurate and should not be changed.</p> <p><u>Recommendation:</u></p> <p>Refer to Panel</p>
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<b>Submitter 6: Goulburn Murray Water</b>	
<b>Supports/Objects</b>	<b>Officer Response &amp; Recommendation</b>
<u>Supports</u>	No action required.

<b>Submitter 7: CFA (Late)</b>	
<b>Supports/Objects</b>	<b>Officer Response &amp; Recommendation</b>
<u>Supports</u>	No action required.

Discussion

*Is the application of the restrictive Urban Floodway Zone justified?*

Four of the submitters (submitters 1, 2, 3 and 4) object to the application of the Urban Floodway Zone to their land because of the restrictive nature of this zoning. Three of these submitters (submitters 1, 3 and 4) are private landholders and both submitters 1 and 3 will have the Urban Floodway Zone applied to their land for the first time.

Submitter 1 does not specifically state how they will be directly affected by this rezoning. Their objection is that the widespread application of the Urban Floodway Zone in Heathcote will have adverse socio-economic effects in Heathcote as a whole. Their land is currently zoned Mixed Use and is affected by the Land Subject to Inundation Overlay Schedule 3. The NCCMA has in the past objected under Section 55 of the Act to a development proposal on this land because of the high flood hazard risks.

It is acknowledged that the application of the Urban Floodway Zone to the whole of this land will significantly restrict its development potential. It is, however, not anticipated that the application of the Urban Floodway Zone will have a similar effect on other land in Heathcote. This is because the Urban Floodway Zone has historically been applied and will remain applied only to land in close proximity and on either side of the McIvor Creek, and in all other cases only applies to part of a land parcel, thereby allowing some form of development.

The other issue that has been raised in the submissions (principally by submitters 3 and 4), about the application of the Urban Floodway Zone is more site specific and relates mostly about the inability to further subdivide or develop the affected land for residential purposes. The NCCMA is aware of this issue. It is for this reason that after the completion of the Study and before the Amendment maps were finalised, the NCCMA refined the mapping of the Urban Floodway Zone to ensure its accuracy and that this zoning is applied only where it is strictly required.

#### *Is the Land Subject to Inundation Overlay mapping justified?*

The issue raised by submitter 5 about the Land Subject to Inundation Overlay Schedules 1 and 2 mapping has been reviewed by the NCCMA. The NCCMA has advised that the part of the site where the LSIO2 is proposed to be applied will flood deep enough in the 1% AEP event to justify the application of the LSIO2.

## **Conclusion**

The proposed application or removal of the Urban Flood Zone is based on a rigorous technical flood report commissioned by the North Central Catchment Management Authority, and in accordance with the relevant planning practice notes. It is recommended that Council support the officer recommendations for the submissions received and request the Minister for Planning to appoint an independent panel to hear the outstanding submissions.

## **Options**

Section 23(1) of the *Planning and Environment Act 1987* requires that in consideration of submissions received in relation to an Amendment, the Council must either:

- Change the Amendment in the manner requested by the submitters and adopt the Amendment with changes; or
- Refer the submission(s) to an Independent Panel appointed by the Minister; or
- Abandon the Amendment, or part of the Amendment.

Section 22(2) of the *Planning and Environment Act 1987* advises that Council has the option of accepting late submissions, but must do so if requested by the Minister for Planning.

It is recommended that the late submissions be accepted and a Panel be requested to hear submissions that are outstanding.

### **Resource Implications**

The City is responsible for payment of statutory fees and costs incurred in the processing of the Amendment. This will include additional estimated costs of \$20,000 associated with the holding of a panel.

### **Attachments**

- Submissions (7)
- Explanatory report
- Information bulletin

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

#### **3.1 FOOD SYSTEM STRATEGY JUNE 2020**

##### **Document Information**

**Author** Rebecca Huddy, Food Systems Officer

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

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##### **Purpose**

To seek Council adoption of the Greater Bendigo Food Systems Strategy 2020 – 2030.

##### **Summary**

Greater Bendigo's Food System Strategy 2020-2030 (the Strategy) has been updated and finalised following a six-week public exhibition period. The Strategy will guide the actions of organisations and groups working to strengthen and support Greater Bendigo's food system over the next 10 years.

The review period concluded on 14 March 2020 and a total of 21 submissions were received from individuals, community organisations, State Government agencies and health services. Submissions were largely supportive of the strategy and no significant changes are being recommended to the Strategy. Submissions received sought clarification or amendments for areas including:

- A focus on minimising single used plastics in the food industry
- Supporting farm gate sales
- Support for community gardens
- Consideration of informal horticulture courses
- Modifications to some of Coliban Water's actions
- Addition of one new action to further support farmers to use sustainable farming practices

The Strategy has been developed with the support from an internal working group and external reference group who provided impartial local food system advice and expertise. The external reference group is made up of key local food system stakeholders. Both the internal working group and external reference group have endorsed the final Strategy. An Evaluation Plan for the implementation of the 10 year Strategy has also been prepared.

The Strategy incorporates the One Planet Living Principles and identifies a shared vision, guiding principles and key actions for the City, partner organisations and groups over the next 10 years. Strategy actions are guided by the following four strategic objectives:

- 1) Enable communities to access safe, affordable, nutritious and culturally appropriate food and drinks
- 2) Strengthen and support a sustainable local food economy that enables the growth, production and sale of healthy food locally
- 3) Support local food growing and producing, sourcing, cooking and sharing knowledge, skills and culture
- 4) Reduce and divert food waste from landfill

Greater Bendigo's Food System Strategy 2020-2030 is a multi-stakeholder initiative, with actions being led and supported by a range of organisations and community groups, along with City of Greater Bendigo.

### **RECOMMENDATION**

That Council adopt the Greater Bendigo Food System Strategy 2020-2030.

### **RESOLUTION**

Moved Cr Alden, Seconded Cr Metcalf.

That the recommendation be adopted.

**CARRIED**

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### **Policy Context**

Local Governments have been shown to be a key partner in many municipalities across Australia to support and provide leadership in food systems advocacy through strategy, policy, projects and programs. There is increasing awareness of how local government can demonstrate leadership and support to provide environments where food systems are strengthened and supported to improve community health and wellbeing.

The City's work and role in this area is also determined by relevant Victorian policy. The Public Health and Wellbeing Act 2008 highlights Council's role in planning for the health and wellbeing of the municipality. The Victorian Public Health and Wellbeing Plan 2019-2023 priority areas 'tackling climate change and its impact on health', 'improving mental wellbeing' and 'increasing healthy eating' directly support the development of Greater Bendigo's Food System Strategy.

### **Community Plan Reference:**

*City of Greater Bendigo Community Plan 2017-2021 ([link](#))*

|                |                                                                 |
|----------------|-----------------------------------------------------------------|
| Goal #2        | <u>Wellbeing and fairness</u>                                   |
| Objective #2.1 | Create a much healthier Greater Bendigo                         |
| Objective #2.2 | Promote positive wellbeing across the Greater Bendigo community |
| Objective #2.3 | Promote community connection                                    |

|                |                                                                                                                                           |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| Objective #2.4 | Support participation and development for residents of all ages and abilities                                                             |
| Objective #2.5 | Create safe and resilient communities                                                                                                     |
| Goal #5        | <u>Environmental Sustainability</u>                                                                                                       |
| Objective #5.1 | Drawing on the one planet living framework to connect the health of the natural environment to the health and prosperity of our community |

*Greater Bendigo Health and Wellbeing Plan 2017-2021 ([link](#))*

|              |                                                                                                 |
|--------------|-------------------------------------------------------------------------------------------------|
| Goal #1      | <u>Healthy and Well</u>                                                                         |
| Objective    | Promote Healthy lifestyles (healthy eating)<br>Promote positive mental wellbeing                |
| Goal #2      | <u>Able to participate</u>                                                                      |
| Objective #3 | Reduce socio-economic disadvantage by increasing access to and affordability of nutritious food |
| Goal #5      | <u>Liveable</u>                                                                                 |
| Objective    | Promote environmental sustainability and resilience to a changing climate                       |
| Objective    | Facilitate supportive built and natural environments                                            |

Strategy Reference:

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

|                  |                                                                                                                                                                               |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Action Area      | <u>Local and sustainable food</u>                                                                                                                                             |
| Action #5.1      | Support quality commercial scale agriculture and horticulture                                                                                                                 |
| Action #5.2      | Support local urban food production and food sharing                                                                                                                          |
| Sub-action 5.2.1 | Explore opportunities to develop a food policy and regional food strategy that coordinates a broad range of themes, including healthy eating and the Greater Bendigo Food Hub |
| Action #5.3      | Support and promote Traditional Owner food harvesting                                                                                                                         |
| Objective #5.4   | Raise awareness of the benefits of home gardening and local fresh food                                                                                                        |

Regional Strategic Plan Reference:

*Loddon Mallee Regional Strategic Plan 2015-2018 ([link](#))*

|              |                                                                                                               |
|--------------|---------------------------------------------------------------------------------------------------------------|
| Strategic    |                                                                                                               |
| Direction #1 | Foster our comparative advantages in agriculture, food processing and other regionally significant industries |
| Strategic    |                                                                                                               |
| Direction #3 | Enhance the wellbeing and economic participation of our people                                                |

**Strategic****Direction #4**

Protect and enhance the liveability and appeal of our region

**Background Information**

The food system includes all of the steps it takes to get food (and drink) on our plate. This includes how food and drinks are grown and produced, processed, packaged and distributed, marketed, sold, consumed and then disposed of. A local food system aims to create a more direct link between producers and consumers, through the food system stages. A strong local food system not only has health and environmental benefits, but also benefits local economies through job creation, greater investment in local businesses and increased farm viability.

Levels of food insecurity have increased over the past two decades, contributing to an increased prevalence of diet-related disease and placing a severe burden on our health system. Dietary risk factors (such as eating too many foods high in fat and sugar and not enough fruit and vegetables), combined with being overweight or obese is now the major contributor to the disease burden in Australia (Australian Institute of Health and Welfare, 2019). Within Greater Bendigo, the rates of food insecurity (6.96%) and residents classed as either overweight or obese (60.3%) are higher than the Victorian state average (6.22% and 50.8% respectively). Within Greater Bendigo, the rate of overweight and obese adults has increased significantly (7%) since the 2014 Victorian Population Health Survey.

Our current globalised food system creates multiple challenges for society. This includes year-round access to seasonal foods which are transported long distances; purchasing from a small number of large retailers and buying more processed foods with less nutritional value. This system creates a disconnect between the community and local producers and makes it easier for people to consume foods without developing food growing and preparation skills for themselves.

Current food system processes are responsible for a major share of greenhouse gas emissions. Looking at our entire food system provides an opportunity to prepare for a changing climate. The latest 'State of the Climate' report from the Bureau of Meteorology and CSIRO (2018) confirms that we are experiencing hotter temperatures, fewer frosts, lower rainfall and extreme fire weather and floods due to human induced climate change. This will affect local food production, including which foods can be grown locally. Reducing emissions associated with food production, processing, storage and transportation has the potential to slow climate change.

A key action in the Greater Bendigo Environment Strategy Action Plan 2017-2021 is to 'explore opportunities to develop a food policy and regional food strategy that coordinates a broad range of themes, including healthy eating and the Greater Bendigo Food Hub'. The Greater Bendigo Environment Strategy also identifies the importance of choosing locally grown, unprocessed, seasonal food as the most effective way to reduce our environmental footprint, eat healthily and support the local economy; key objectives of Greater Bendigo's Food System Strategy.

Although the City has been involved in food systems work for many years such as Healthy Together Bendigo's Food Security Report, undertaking a Greater Bendigo Food Hub Feasibility Study; participating in the State of Greater Bendigo's Local Food Economy pilot study by Sustain: The Australian Food Network; leading by auspicing the

first Australian Community Food Hubs conference and recently embedding food policy into the City's Environment Strategy, the Community and the Health and Wellbeing Plans; currently there is no strategic framework guiding the City's (and partner organisations and groups) work to strengthen and support Greater Bendigo's food system. The current global pandemic of COVID-19 further demonstrates the need and potential for a regional Food System Strategy to guide our work in this area locally.

Previous Council Decision(s) Date(s):

Council adopted the Greater Bendigo Environment Strategy on 31 August 2016.

Council released the draft Food System Strategy for public exhibition on 22 January 2020 and resolved to receive a further report, informed by community feedback, with a final Greater Bendigo Food System Strategy for consideration.

**Report**

The project team engaged with key stakeholders and the general community throughout the six-week public exhibition period via the following methods, as part of a joint engagement process with the Reimagining Bendigo Creek and Greening Greater Bendigo projects:

- Direct emails to key stakeholders
- Listening posts at:
  - Bendigo Community Farmers Market
  - Music in the Parks (Cooinda Park and Garden for the Future)
  - Heathcote Bush Market
  - *Zinda Festival - was planned but listening post did not go ahead due to event being cancelled (COVID-19)*
- Print information to inform people how to 'have their say' in all suburbs and townships at local post offices, community/neighbourhood houses, IGA's; schools also received electronic information to share in their school newsletters
- Radio advertising

The project team received 21 submissions from individuals, community organisations, State Government agencies and health services and were largely supportive of the strategy. As a result, no significant changes are being recommended to the Strategy. Submissions received sought clarification or amendments for areas including the following points, with a more detailed summary of feedback included as **Attachment 3**:

- A focus on minimising single used plastics in the food industry
- Supporting farm gate sales
- Support for community gardens
- Consideration of informal horticulture courses
- Modifications to some of Coliban Water's actions
- Addition of one new action to further support farmers to use sustainable farming practices

Details on key findings from the initial three-month community engagement process are included in the consultation/communication section of this report. The internal working

group and external reference groups contributed to developing a shared vision and objectives for the Strategy during meetings.

The Strategy provides a strategic framework and actions that will strengthen and support Greater Bendigo's Food System over the next 10 years.

The Strategy was developed by:

- Establishing an internal working group and external reference group
- Reviewing key recommendations of previous food system reports and Strategies (i.e. Healthy Together Bendigo Food Security Report 2014, The State of Greater Bendigo's local food economy: a pilot study 2017; Greater Bendigo's Environment Strategy 2017-2021)
- Food systems research i.e. current issues and opportunities, current food system initiatives occurring nationally and internationally
- Engaging with key stakeholders across the community (over 1000) to understand their ideas, issues and concerns related to Greater Bendigo's food system via stakeholder workshops, listening posts, face to face interactions, presentations and discussions at committee meetings, telephone interviews and an online survey
- Developing Greater Bendigo's Food System Issues and Opportunities Report
- Developing a draft of Greater Bendigo's Food System Strategy 2020-2030
- The draft Strategy on public exhibition for a period of six weeks.
- Strategy finalised and endorsed by the internal working group and external reference group

The Strategy takes a systems approach to the issues with Greater Bendigo's food system, acknowledging that the City cannot deliver solutions on its own, but rather needs to work with our partners and leverage them to influence the food system at differing points in the system where it is not the City's domain to intervene. This is reflected in the action plan, with 32 additional partners committed to either leading or supporting action/s in response to the broader issues within the local food system.

The Strategy vision is:

*Greater Bendigo's food system is healthy, equitable and sustainable and supports the local economy, culture and health and wellbeing of our communities.*

The Strategy is guided by the following principles:

- Healthy - a healthy food system that promotes the health of people and enhances the natural environment
- Equitable - an equitable food system that makes nutritious and culturally appropriate food accessible and affordable to everyone across our communities
- Sustainable - a sustainable food system that strengthens our local economy and builds the capacity and resilience of our communities

The Strategy works across four strategic objectives:

- 1) Enable communities to access safe, affordable, nutritious and culturally appropriate food and drinks
- 2) Strengthen and support a sustainable local food economy that enables the growth, production and sale of healthy food locally
- 3) Support local food growing and producing, sourcing, cooking and sharing knowledge, skills and culture
- 4) Reduce and divert food waste from landfill

For a list of key actions, please see Appendix 1 (Greater Bendigo's Food System Strategy 2020-2030). An evaluation plan for the implementation of the Strategy has been prepared.

#### Priority/Importance:

Continuing the City's work towards a healthy, equitable and sustainable food system is an essential component of the delivery of the City's role as a UNESCO Creative City of Gastronomy. The Greater Bendigo and region's core gastronomy themes are:

- A 40,000 year old sustainable food system through the Dja Dja Wurrung people and the need to heal the landscape following colonisation and gold mining
- The creativity and innovation of the community and of our food producers
- Health and nutrition and the role of food in inclusion and community wellbeing
- The importance of developing a sustainable food system in an era of climate change.

With the most recent COVID-19 pandemic, coordinating a food system strategy for the region that will support and strengthen our local food system over the next 10 years has never been so crucial.

#### Options/Alternatives:

Council has the option to endorse the Food System Strategy or alternatively seek amendments or further information from officers prior to endorsing the Strategy.

#### Timelines:

Food System Strategy Project Proposal: October 2018  
Food System Strategy Project Brief: November 2018  
Community Engagement Plan: January 2019  
Councillor Briefing (Information): March 2019  
Community Consultation: March–June 2019  
Greater Bendigo's Issues and Opportunities Report: July 2019  
Councillors Briefing (Issues and Opportunities Report): August 2019  
Draft Greater Bendigo's Food System Strategy: October 2019  
Strategy Evaluation Plan (implementation): November 2019–January 2020  
Councillors Briefing (public exhibition): December 2019  
Ordinary Meeting (public exhibition): January 2020  
Public Exhibition: February-March 2020  
Finalise Strategy: March-April 2020

Councillors Briefing: May 2020

Ordinary Meeting (Strategy endorsement): June 2020

### Risk Analysis:

The City has engaged extensively with the community and key food system stakeholders to develop this Strategy. A Food System Strategy Reference Group has also been established. There has been a strong contribution to the process by this group and an appreciation of the need for a regional strategy to guide the City and key partners work to strengthen and support Greater Bendigo's food system.

By not endorsing the Strategy, implementation of the Strategy will be delayed, leaving the City and partner organisations without any current strategic directions for food system work and investment, reducing the ability to seek funding from external sources.

### **Consultation/Communication**

#### Internal Consultation:

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

- Active and Healthy Lifestyles
- Regional Sustainable Development
- Community Wellbeing
- Community Partnerships
- Parks and Open Space
- Safe and Healthy Environments
- Resource Recovery and Education
- Tourism and Major Events
- Healthy Heart of Victoria
- Healthy Greater Bendigo

#### External Consultation:

A three-month community engagement process was undertaken from March–June 2019 to inform development of an Issues and Opportunities Report and development of the Strategy. Engagement activities and participation included:

- Six schools including engagement with teachers, parents and students in both low and high SES areas
- Over 700 people through community listening posts, engagements stalls and community activities
- Almost 300 responses to the online survey
- 60 people attended the stakeholder workshop, with each element of the food system represented at the event
- Eight presentations and discussions at relevant committee meetings
- 11 farmers / producers via a telephone interview, online surveys and workshops
- 73 representatives from organisations and businesses via the online survey
- 20 community groups via the online survey and face-to-face meetings

- 23 representatives from Hospitals and Health Services
- Seven food distributors / emergency food relief agencies
- 20 food service providers / food retailers
- Representatives from six sporting facilities and clubs
- 60 City staff at a project 'drop in session'
- Four multicultural and Indigenous groups at group sessions and meetings

Key data obtained from the general community included the following questions and answers:

**Question: What would make it easier for people to grow/produce food in Greater Bendigo?**

The most common responses included:

- Education: basic food growing workshops; what to plant and when in our hot dry climate
- Increasing access to materials that will assist people to grow food (i.e. subsidies for compost, raised garden beds, cheaper water)
- Funding support for schools to set up kitchen garden programs
- Protecting agricultural land
- Projects (i.e. seed library, urban agriculture)

**Question: What would help residents eat more healthy fresh food?**

The most common responses included:

- Increasing healthy snack and takeaway options and limiting unhealthy options (making healthy choices the easy choice)
- Education: teaching people how to cook with fresh produce (in ELC's, schools and community settings), teaching kids about 'paddock-plate-paddock' food system cycle
- Growing your own food
- More food events celebrating fresh, local produce and our diverse food culture
- Making healthy food cheaper than unhealthy food
- Changing attitudes and behaviours of residents

**Question: What food system issue matters to you the most?**

The most common responses included:

- Food waste
- Lack of healthy fast food / healthy snacks available
- Use of chemicals in food production
- Not enough access to locally produced food
- Food in unrecyclable packaging
- Seasonal eating
- Not knowing how to cook with fresh food

**Question: What are some changes you would like to see in our local food system?**

The most common responses included:

- More food grown locally – food grown in schools, community gardens, orchards
- More local produce utilised locally – sold at Farmers Markets and local supermarkets, used in cafes and restaurants, cooked with in school kitchen garden programs
- Strengthen connections and relationships between farmers / producers, schools and the general community
- Less unhealthy fast food, more healthy options available
- More information and education on how to cook with fresh produce

The Food System Strategy External Reference Group has been established with diverse representation from across Greater Bendigo's food system. The Reference Group is made up of representatives from the following businesses and organisations:

- City of Greater Bendigo
- Healthy Greater Bendigo
- Bendigo Loddon Primary Care Partnership
- Bendigo Community Health Services
- Bendigo Health
- Coliban Water
- Bendigo Foodshare
- Bendigo Regional Food Alliance Inc.
- Loddon Campaspe Multicultural Services
- Be.Bendigo
- Jenny's Early Learning Centre
- Bendigo Kangan TAFE (Food and Fibre Centre of Excellence)
- Bridgeward Grove

The External Reference Group has provided input into the Strategy vision, guiding principles, objectives and actions as well as committing to the actions listed within the Strategy Action Plan.

**Resource Implications****Budget Allocation in the Current Financial Year:**

Food System Officer (fixed-term position until 30 June 2020)

**Previous Council Support:**

The development and design of the Strategy has been led by the Food Systems Officer, who was appointed for 18/19 and 19/20 to deliver this (and other) work following a successful budget bid.

**Projected costs for future financial years:**

A budget bid has been submitted as part of the 20/21 budget process for the recruitment of an ongoing Food Systems Officer to coordinate the implementation and evaluation of the Strategy. There is acknowledgement that if the Strategy is endorsed it will require resourcing to coordinate implementation and evaluation of the Strategy as well as resourcing to implement key actions. See attachment 5 (Service Plan: Greater Bendigo's Food System Strategy) for anticipated resources required to implement and evaluate the 10 year Strategy.

**Attachments**

1. Greater Bendigo's Food System Strategy 2020-2030
2. Greater Bendigo's Food System Strategy Strategic Summary
3. Greater Bendigo's Food System Strategy: Public Exhibition Summary
4. Greater Bendigo's Food System Strategy Evaluation Plan (implementation)
5. Service Plan: Greater Bendigo's Food System Strategy 2020-2030

### **3.2 GOLDEN SQUARE RECREATION RESERVE MASTER PLAN - COMMUNITY ENGAGEMENT UPDATE**

#### **Document Information**

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

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

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#### **Purpose**

To update Council of the engagement process for the Golden Square Recreation Reserve Master Plan.

#### **Summary**

Consultants Otium Planning Group were appointed to undertake the development of a master plan for the Golden Square Recreation Reserve (including the Swimming Pool and Bowls & Croquet Club) in September 2018 and following market analysis and community and key stakeholder engagement prepared an Issues and Options Report for the site for Council's consideration, which was presented at the 15 July 2019 Councillor Briefing. At Council's request, further work on the master plan process was deferred and Otium Planning Group recently began the process of re-engaging the community and key stakeholders on the master plan.

The new engagement process, as requested by Council at the 18 March 2020 Ordinary Council meeting, aims to inform Council's decision on the future of the site by seeking feedback from key stakeholders and the broader community on the five potential options for the reserve as detailed in the discussion paper prepared by Otium.

At the time of writing this report community engagement had commenced, with the final date for submissions to be 17 June 2020.

**RECOMMENDATION**

That Council acknowledge the community engagement process being undertaken and agree to receive a final Golden Square Recreation Reserve Master Plan at the July Ordinary Meeting.

**RESOLUTION**

Moved Cr Emond, Seconded Cr Alden.

That the recommendation be adopted.

**CARRIED**



**Policy Context**

**Greater Bendigo Community Plan 2017-2021**

Goal 1: Lead and govern for all –making and financially responsible resource allocations, which are transparent and accountable.

Goal 2: Wellbeing and fairness – Inclusive policies, partnerships and projects that increase access, improve health and learning opportunities by building better connections and quality of life for all.

Goal 3: Strengthening the economy – Advocacy, innovation and support to grow jobs, attract visitors and diversify the local and regional economy.

Goal 4: Presentation and managing growth – Planning, developments and infrastructure that increase our liveability and pride in where we live.

Goal 5: Environmental sustainability – Protect and enhance our environment, conserve our resources and increase resilience to a changing climate.

Goal 6: Embracing our culture and heritage – Recognise and celebrate our unique history and diverse cultures.

**Greater Bendigo Health and Wellbeing Plan 2017 – 2021**

Objective: Healthy and well

- Promote healthy lifestyles
- Promote positive mental wellbeing
- Reduce harm from tobacco, alcohol and gambling

Objective: Able to participate

- Support early years learning and development
- Support positive ageing

Objective: Connected to culture and community

- Support inclusive communities
- Strengthen community participation and belonging
- Increase social connection and reduce loneliness

Objective: Liveable

Facilitate supportive built and natural environments

The project also considers a number of other strategies and plans including:

- Greater Bendigo Aquatics Strategy 2010
- Greater Bendigo Public Spaces Plan
- Walk, Cycle Greater Bendigo
- Hard Court Facilities Policy
- AFL Central Victoria Strategic Plan
- Greater Bendigo Community Buildings Policy (pending Council adoption)
- Long-term Financial Plan

## **Background Information**

Consultants Otium were appointed to undertake development of a master plan for the Golden Square Recreation Reserve in September 2018. An issues and options report prepared by Otium was presented at a councillor briefing for consideration in mid-2019 following extensive background research, site review and engagement process. The engagement process involved surveys, interviews and workshops with key stakeholder groups including the tenant sports clubs, Golden Square Bowls and Croquet Club, Golden Square Swimming Pool Committee and Golden Square Primary School. The broader community were engaged through an online community survey that received 409 responses.

At Council's request, further work on the master plan process was deferred and this round of community engagement seeks to re-engage the community and key stakeholders on the master plan process using a discussion paper (Attachment 1) informed by the previous work.

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

The future of the Golden Square Pool, which is part of the Recreation Reserve, has been the subject of a number of previous Council decisions.

At the Ordinary Council meeting on **1 December 2010**, Council adopted a suite of recommendations in order to achieve a sustainable municipal wide Aquatic Strategy that intends to provide a mix of aquatic opportunities which meet modern expectations across Greater Bendigo. Included in the recommendations were the actions to develop a new indoor aquatic leisure centre and close the Golden Square Swimming Pool.

At the Ordinary Council meeting of **14 November 2012** Council resolved amongst other things to...**2. Permanently decommission the Long Gully and Golden Square Swimming Pools...**

At the meeting of **19 December 2012** Council resolved: *That the Golden Square Swimming Pool not be demolished or removed until such time as the eight (8) questions submitted on behalf of the attendants at the public meeting held on 10 December 2012, have been addressed and a decision made by the Council as to the future use of the land.*

At the meeting of **13 February 2013** Council resolved:

That having considered the petition received from members of the Golden Square community in relation to the closure of the Golden Square swimming pool that Council:

- i. Acknowledge and greatly appreciate the efforts made by a number of Golden Square residents for their willingness to volunteer in order to reopen the Golden Square pool for the 2013-14 season, however note that the overall costs of pools needs to be balanced with Council's finite resources and the competing demands of all other recreational pursuits.
- ii. Adopt Option 3 which is to:
  - a) Proceed with the permanent closure and demolition of Golden Square Swimming Pool,
  - b) Allocate funding as part of the 2013/14 budget for the development of a Recreation and Opens Space Master Plan including the Golden Square Swimming Pool site, walking track, recreation reserve and Bowling / Croquet Club, and
  - c) Notify the submitters of Council's decision.

That Council conduct a mediation meeting with representatives of the Save the Golden Square Pool Committee to further discuss the outcomes of the Council decision tonight.

That people with Golden Square Swimming Pool seasons ticket for the 2011/2012, be given free access to either the Bendigo Aquatic Centre or the Kangaroo Flat Swimming Pool for the season 2013/14.

At the Ordinary Council meeting of **6 March 2013** Council resolved that:

1. Council recognise the enthusiasm and commitment of the Golden Square Save our Pool Committee in relation to the future of the Golden Square Swimming Pool and, in response to the Group's commitment to raise funds, re-open and operate the pool.
2. In accordance with Council's resolution of 14 November 2012 the decommissioning of the Golden Square Pool be postponed to a date no earlier than 6 March 2014.
  - a) Other than reinstating the items already removed as part of the decommissioning, the group undertake all capital and maintenance works required to restore the pool to a safe and compliant standard for operation by 1 December 2013;

- b) As soon as the pool is in a safe and compliant condition, Council commence to negotiate a process to relinquish its Committee of Management status in relation to the property with the Department of Sustainability and Environment and recommend that responsibility for management be transferred to the Pool Group, while the pool is operational until the opening of the proposed new Kangaroo Flat Aquatic Centre.
3. Council issue a Lease to the Golden Square Pool Committee under section 16(2) of the Crown Land (Reserves) Act 1978 for a period of one year ending 6 March 2014.  
The Lease to include special conditions to cover:
    - a) Development and safety requirements to ensure the pool meets and maintains the required standard, ie the pool be operated in accordance with all relevant health and safety and water quality standards including the required standard in accordance with current legislative requirements of the Public Health and Wellbeing, Dangerous Goods, Occupational Health & Safety Acts and Guidelines for Safe Pool operations and undertake a Lifesaving Victoria Safety Audit and implement any recommendations;
    - b) The provision by council of financial support for recurrent expenses similar to which is provided for the Committee of the White Hills Pool'
    - c) The Council will not pay for any ongoing maintenance or capital works for the Golden Square Pool;
    - d) The pool will be permanently closed and be decommissioned:
      - i. In the event that conditions of the lease cannot be met; or
      - ii. In the event of continued successful operation, no later than the opening of the proposed new Kangaroo Flat Aquatic Centre.
  4. Immediate action be taken to secure the Golden Square pool property including plant room and all fixtures related to the pool's operation.

At the meeting of **21 February 2018** Council resolved to:

1. Defer a decision on the Golden Square Pool for two years subject to:
  - a. The facility continuing to be managed by Golden Square Pool Inc.
  - b. Responsibility for maintaining and repairing of pool infrastructure remaining with Golden Square Pool Inc.
  - c. Continued provision of \$50,000 in annual funding from Council
  - d. Any repairs, works or replacement due to infrastructure failure are to be funded by Golden Square Pool Inc.
2. Monitor the patronage of the Golden Square Pool over the 2018-19 and 2019-20 outdoor pool seasons and revisit this decision in April 2020.
3. Continue to undertake Master Planning for the Golden Square Recreation Reserve including options that include retention of the pool and/or replacement with other recreation opportunities.
4. Review the Greater Bendigo Aquatic Facilities Strategy 2010.

At the Ordinary Council meeting of **18 March 2020** Council resolved to:

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
3. Support the deferral of consideration of the matter until June 2020 Ordinary meeting of Council to enable further stakeholder engagement to be undertaken.

## Report

Otium Planning Group are an independent sport and leisure consultancy that have been engaged to conduct the engagement process. They have prepared a community feedback survey and discussion paper as part of this process and are seeking key stakeholder and community feedback.

The discussion paper highlights four key issues identified through the previous community engagement and research process:

- The landlocked nature of the Reserve, which restricts expansion/addition of facilities and a lack of integration between the four key areas of the reserve.
- Growing sport participation demands that require additional facilities.
- Existing facilities that don't meet current standards and require renewal.
- Community pressure for retaining the pool vs replacing the pool.

These four key issues identified by Otium largely centre around the tension between “a landlocked reserve with no capacity for expansion” and “the growth of organised sport and a subsequent need for additional facilities.” The options provided to address this tension would require either the relocation or removal of an existing user group/s from the site or a restriction on additional facilities, which would fail to meet needs associated with the growth in organised sport. Key stakeholders have workshopped the key challenges at the site and recognise that any decision will be hard.

In acknowledging the above issues the five options for Golden Square Recreation Reserve that the discussion paper highlights and seeks feedback on are summarised as follows:

1. Retain the Golden Square Swimming Pool and relocate the Golden Square Bowls and Croquet Club.
2. Remove the Golden Square Swimming Pool.
3. Remove the Golden Square Swimming Pool and relocate the Golden Square Bowls and Croquet Club.
4. Develop Backhaus Reserve as the main organised sport facility for Golden Square, relegating the Reserve to a secondary/junior focussed reserve.
5. Work within the existing confines of the Reserve, upgrading facilities, but not including additional facilities.

### Priority/Importance:

Key stakeholders have communicated to Council that a decision on the long term future of the site is a high priority for all of them.

### Options/Alternatives:

Seeking an extension to the timeline to allow face-to-face engagement as Covid-19 restrictions eased was considered as an alternative option from the proposed engagement process, however all stakeholders have made it clear that they are seeking a decision on the site sooner than that would have allowed.

### Timelines:

Otium met with all key stakeholder groups on 3 June 2020, with Councillors and officers observing. The community survey went live on 4 June 2020.

The final date for submissions is 17 June 2020 to allow time for a recommendation to be presented to Council at the July 2020 Ordinary Meeting.

## **Consultation/Communication**

### Internal Consultation:

Meetings/workshops have been undertaken previously with the internal PCG and content experts including representatives from Property Services, Parks and Open Space, Regional Sustainable Development, Community Wellbeing, Statutory Planning, Community Wellbeing, Creative Communities and Community Partnerships.

### External Consultation:

Otium are seeking feedback on the five potential options for the site as highlighted in the discussion paper to inform the preparation of a final master plan. Engagement will be conducted via Zoom meetings with key stakeholders, an online community survey and other electronic methods up until 17 June 2020. Promotion of the engagement will be through traditional media, social media, letter drop to surrounding residents and via existing networks of stakeholders.

The previous engagement process used to inform the discussion paper involved surveys, interviews and workshops with key stakeholder groups including the tenant sports clubs, Golden Square Bowls and Croquet Club, Golden Square Swimming Pool Committee and Golden Square Primary School. The broader community were engaged through an online community survey that received 409 responses.

## **Resource Implications**

Future budget implications will be clearer once a recommended option has been prepared for Council's consideration, with the intention that the master plan would provide guidance for prioritised future budget bids for the site.

## **Attachments**

1. Golden Square Recreation Reserve Master Plan – Discussion Plan

### 3.3 BENDIGO BOTANIC GARDENS - WHITE HILLS - CENTRAL HUB PROJECT

#### Document Information

**Author/Responsible Officer**      **Craig Niemann, Chief Executive Officer**

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#### Purpose

To seek Council consideration of progressing the development of the Bendigo Botanic Gardens – White Hills Central Hub following the announcement of Funding for the project by the State Government of Victoria.

#### Summary

Development of the Bendigo Botanic Gardens – White Hills Central Hub following the announcement of Funding for the project by the State Government of Victoria.

#### **RECOMMENDATION**

That Council

1. Accept the funding from the Victorian Government of \$3.75M for the Bendigo Botanic Gardens Central Hub project;
2. Allocate funding from the Australian Government of \$1.75M from the Local Roads and Community Infrastructure program to the Bendigo Botanic Gardens Central Hub project;
3. Commit \$1M from the 20/21 and 21/22 Council Budgets to the Bendigo Botanic Gardens Central Hub project.

#### **RESOLUTION**

Moved Cr Metcalf, Seconded Cr Williams.

That the recommendation be adopted.

**CARRIED**

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## Policy Context

### Community Plan Reference:

*Community Plan – Goal 2: Wellbeing and Fairness*

*2.3.3. Ensure there are facilities that allow people to come together for social and learning purposes and to have fun.*

## Report

The City of Greater Bendigo is expanding its award-winning Garden for the Future at the historic Bendigo Botanic Gardens. Stage 2 of this exciting project is the development of a Central Hub precinct which will form the heart of the Bendigo Botanic Gardens by creating a new entrance to the gardens, along with a new visitor centre, café, community and educational spaces, public amenities and wetlands set within one hectare of high-quality gardens with a local indigenous focus.

The project will provide much needed new visitor facilities within a unique and dramatic landscape setting whilst seamlessly connecting the 19th century Heritage Gardens with the new contemporary Garden for the Future. This exciting project will enhance Greater Bendigo and the wider region's arts and recreation strengths, and will provide opportunities for social participation, lifelong learning, cultural enrichment, and enhanced physical and mental health. It will also provide unique opportunities for visitors to learn about our region's indigenous heritage and culture, facilitate educational programs and demonstrate environmentally sustainable design. Importantly it will be a place for everyone from the very young to the not so young and everybody in between by offering opportunities to attend events, recreate, learn, play, eat, drink and enjoy.

The Botanic Gardens are an oasis for our community and their importance has been reinforced during the recent COVID-19 crisis where they have experienced unprecedented use as a place for respite and recreation. This project will stimulate the local economy by providing over 50 construction jobs and nine permanent jobs through the operation of the café and ongoing maintenance of the gardens.

The Central Hub precinct concept has been released to the public for community feedback, which closes on 31 May. The responses from the community have been very constructive. The project recently received advice of \$3.75M in funding from the Victorian Government towards the project, which is subject to a contribution of \$1M from the City of Greater Bendigo. The Council contribution is not included in the Draft 2020/21 City of Greater Bendigo Budget.

The \$4.75M will not deliver the project scope that has been presented to the community – which is costed at \$6.5M.

The Australian Government has released a Local Road and Community Infrastructure allocation to local governments across Australia. The \$500M package was distributed across the approximately 550 Councils in Australia. The City of Greater Bendigo will receive \$2,245,916 for the 2020/21 year.

These funds are able to be spent by Councils on projects that fit within local roads or community infrastructure criteria, can be spent over the next financial year and have not been budgeted for by Council in 2020/21.

In recent months the City of Greater Bendigo has submitted five local road projects (upon request from the Deputy Prime Minister) for possible funding from a stimulus type package. Three of these five projects are listed for delivery in the City's 20/21 Draft Budget and the remaining two are planned for 21/22.

Council is requested to consider how it will spend the Federal funds in the next financial year.

An option is to allocate part of the funds to the Bendigo Botanic Gardens Central Hub project to add to the City and State funds. This would result (subject to Council allocating the \$1M from its resources) in a total budget for the project as follows:

City of Greater Bendigo	\$1,000,000
Victorian State Government	\$3,750,000
Australian Government	\$1,750,000
<b>Total</b>	<b>\$6,500,000</b>

A requirement of the State funding is that the project be started before the end of the 2020 year, and for the Federal funds is that they are spent by 30 June 2021. We believe that both of these criteria can be achieved.

If this proposal is supported by Council, we can deliver this important project over the next 18 months. It will need to be a priority project with detailed design to follow from the community engagement, contracts let later this year and construction commenced. There are options for an early works package that will see the project started within the required timeframe.

This is an exciting opportunity to get this project delivered to the standard that we are planning and one that has aligned perfectly with the work of the City and of the available funds from the State and Federal Governments

#### Options/Alternatives:

Nil

#### **Consultation/Communication**

The Central Hub precinct concept was released to the public for community feedback which closed on 31 May.

#### **Resource Implications**

Allocation of \$1M for the 20/21 and 21/22 Council budgets.

#### **Attachments**

Nil

## **4. STRENGTHENING THE ECONOMY**

### **4.1 BENDIGO AIRPORT LEASE POLICY**

#### **Document Information**

**Author** Ben Devanny – Manager Business Services

**Responsible Director** Bernie O’Sullivan – Director Strategy and Growth

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#### **Purpose**

The purpose of this report is to recommend the adoption of the Lease Policy for the Bendigo Airport.

#### **Summary**

The proposed Airport Lease Policy changes will provide greater clarity on the calculation of rent values and reduce ambiguity for current and prospective tenants.

Currently, the use of determined market value and site value on the rates notice have some variables which cause frustration from tenants and result in rental queries.

**RECOMMENDATION**

It is recommended that Council:

1. Resolve with respect to future leases of land at Bendigo Airport:
  - a. To change the way that rent is calculated to Site Value on Rates Notice x Airport Rental Rate. The proposed airport rental rate for serviced sites is 10% and un-serviced sites is 6%. This rate would be increased annually by CPI, as a part of Council’s fees and charges; and
  - b. To remove provision for a licence fee to use the Airport infrastructure.
2. Resolve that Council’s decision made on 16 February 2011 with respect to leasing of land at Bendigo Airport is set aside to the extent that it is inconsistent with Item 1.
3. Note that the matters contemplated in Items 1 and 2 constitute operational issues and direct that any future decisions regarding leasing policy at Bendigo Airport be approved by Council’s Executive Management Team (or equivalent) without requirement for Council resolution.

**RESOLUTION**

Moved Cr Williams, Seconded Cr Pethybridge.

That the recommendation be adopted.

**CARRIED**



**Policy Context**

Community Plan Reference:

- Goal 1: Lead and Govern for all
- Objective 1.3 Actively seek more funding opportunities from Federal, State and private investors.
- Goal 3 Strengthening the economy
- Objective 3.3 Ensure Greater Bendigo is a welcoming place for new business and industries and supports creativity and innovation and visitor attraction.

Strategy Reference (include weblink as applicable):

[Bendigo Airport Strategic Plan 2017](#)

## **Background Information**

The current Airport Lease Policy was adopted in February 2011.

Currently the Policy calculates the rent using the following formula.

Market Value x 6%

That value is then multiplied by 50% for un-serviced sites and 65% for serviced sites.

The policy also includes a Licence Fee which is the tenant's contribution towards the common area expenses.

Regularly the determined market value and site value on the rates notice have variables which cause frustration from tenants and result in rental queries.

## **Report**

It is recommended to change the way that rent is calculated to Site Value on Rates Notice x Airport Rental Rate. The proposed airport rental rate for serviced sites is 10% and un-serviced sites is 6%. This rate would be increased annually by CPI, as a part of Council fees and charges.

This methodology should provide greater clarity on the process to contest Market Value and reduce ambiguity for current and prospective tenants on how airport rentals are calculated.

Current tenants will be given the opportunity to renegotiate a new lease. The City will waive all fees associated with renegotiating a lease if tenants request this prior to 31 December 2020.

## **Consultation/Communication**

Internal Consultation:

Manager Financial Strategy and Coordinator Legal Services have been consulted on the proposed changes to the Lease Policy. They have confirmed that this is the best approach to provide a simple calculation for leased sites at the airport.

External Consultation:

The first consultation period for the proposed introduction of fees and charges and changes to the lease policy commenced on 18 October 2019 for a four-week period. During the consultation, the period was extended by 1 week until 22 November 2019.

The proposal was presented to the Airport Users Group and then distributed to the known users of the airport through an email which included FAQs.

Officers held a drop-in session on Monday, 22 October 2019 from 3pm – 6pm. Approximately 30 airport users attended this session to provide their feedback on the proposal. Officers also met with the Bendigo Flying Club, RMIT and two individuals and received 32 written submissions.

The second consultation period was for four weeks, commencing on 11 February 2020. The proposal was emailed to known users of the airport. During this consultation period 13 written submissions were received.

The feedback the City has received on the changes to the lease policy has been favourable. Those that have provided feedback on this component agree that it will simplify lease calculations and take away the ambiguity.

### **Resource Implications**

The City currently receives approximately \$120,000 per annum in rental revenue from tenants at the airport. This amendment in policy will see minimal change in the current rental figures.

Tenants will have the option to change over to a new lease. There are four tenants who have leases that will expire in the next five years. These tenants will notice an increase in their rental if they remain on the current policy due to the limited market reviews and no CPI increases over a number of years.

### **Attachments**

Nil

## **4.2 ADOPTION OF THE GREATER BENDIGO INDUSTRIAL LAND DEVELOPMENT STRATEGY AND BACKGROUND PAPER**

### **Document Information**

**Author**            **Bridget Maplestone – Coordinator Growth and Liveability**

**Responsible Director**   **Bernie O’Sullivan – Strategy and Growth**

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### **Purpose**

The purpose of the report is to advise Council on the outcomes of the public consultation process for the draft Greater Bendigo Industrial Land Development Strategy (GBILDS) and recommend the adoption of the Background Paper, the Strategy and to approve staff to commence the preparation of a Planning Scheme Amendment.

### **Summary**

The City of Greater Bendigo in partnership with the Victorian Planning Authority have prepared the Greater Bendigo Industrial Land Development Strategy (‘GBILDS’). The GBILDS seeks to plan for a long-term pipeline of industrial land to meet industry needs, reduce land use conflicts and to plan for the future of the many existing industrial precincts in Greater Bendigo.

The implementation of this strategy will provide certainty to existing industry and new industry considering establishing in Greater Bendigo.

It is critical that Council proactively plans for a pipeline of industrial land supply. Based on a current supply of under 100ha, there is less than 11 years supply of industrial land based on a near perfect development scenario, which is highly unlikely. There are only a handful of lots of over one hectare remaining and without future land Greater Bendigo will potentially start to lose industry and jobs to other locations with a more ready supply of industrial land.

Consultation on the draft GBILDS and the GBILDS Background Paper took place from Monday 24 June to Friday 2 August 2019. Over this period 20 submissions were received from various businesses, landowners and consultants acting for landowners, and State Government agencies. These submissions generally related to existing precincts and some changes have been made to the strategy as a result of these submissions.

A summary of submissions, and proposed changes to the strategy based on these submissions, have been summarised in Attachment 1 to this report. Other changes to the strategy include introducing a hierarchy for existing precincts, providing greater justification around the need for future industrial land, providing direction in relation to the existing Marong Business Park land (zoned Comprehensive Development Zone), summarising the consultation and updating the figures in some instances to reference more recent data.

During the consultation period, Council also called for expressions of interest from landowners who potentially owned land that might be suitable for industrial development. Each of these sites has been investigated further. Due to the confidential nature of these submissions they have not been included within this report.

**RECOMMENDATION**

That Council:

1. Adopt the Greater Bendigo Industrial Land Development Strategy, as separately circulated in Attachment 2 to this report.
2. Adopt the Greater Bendigo Industrial Land Development Strategy Background Paper, as separately circulated in Attachment 3 to this report.
3. Commence the drafting of a Planning Scheme Amendment to implement the Greater Bendigo Industrial Land Development Strategy into the Planning Scheme.

**RESOLUTION**

Moved Cr Pethybridge, Seconded Cr Williams.

That the recommendation be adopted.

**CARRIED**

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**Policy Context**

Council Plan Reference:

A new Industrial Land Development Strategy will implement the Community Plan's Goal 3 - Strengthening the Economy.

This includes:

- Objective 3.1 – support our local businesses and industry to be strong, vibrant and to grow and develop.
- Objective 3.3 – ensure Greater Bendigo is a welcoming place for new businesses and industries and supports creativity and innovation and visitor attraction.

## Background Information

Council's previous *Industrial Land Strategy* was adopted in 2002. In the 18 years since the strategy was adopted there have been significant changes in population and economic trends, planning policy, sustainability and community expectations.

Therefore, following the Marong Business Park decision by the Minister to not apply the Public Acquisition Overlay to the land to enable a business park to progress, it was timely to develop a new strategy, one which reflects current planning practice and the needs of industry. The need to update this strategy was also identified in the *Greater Bendigo Planning Scheme Review 2018*.

As the first step in developing the new GBILDS the City undertook a very detailed assessment of the existing supply of industrial land. The City then commissioned REMPLAN to prepare a Strategic Economic Inputs report to better understand the forecast demand for future industrial land in different sizes. This was summarised into the *Industrial Land Needs and Gaps Analysis Report*.

Current population growth trends indicate that Greater Bendigo's population will grow from around 118,000 people today<sup>1</sup> to around 200,000 people by 2050. With a growing population, Greater Bendigo and the wider region needs suitably zoned and serviced industrial land to support the growth of its successful industrial sectors.

It is forecast that there will be an estimated 3,303 new jobs relating to the City's industrial sectors in the two decades from 2016 to 2036<sup>2</sup>. These jobs will need to be performed in suitable locations and adequate land needs to be provided to accommodate this.

At March 2020 it was estimated that Greater Bendigo has a theoretical supply of about 100ha of industrial land remaining (an update to the previous audit completed at the start of this project). This would equate to 11 years of supply (based on a take up rate of around 9ha per year). However, the quality of the City's industrial supply indicates that a near perfect development scenario is highly unlikely.

If no future planning was undertaken for the provision of new industrial land, or likewise for the improvement of existing undeveloped industrial land, then Greater Bendigo would not be able to accommodate new industrial businesses and industrial job growth beyond 2032 at the latest and much sooner (2027) in the case of businesses requiring larger industrial lots of between 1 and 5 hectares<sup>3</sup>. This analysis was based on 120ha of available land. Since this time there have been seven sales of sites over once hectare in size. There are now only a handful of sites this large remaining in Greater Bendigo. The City's capacity to attract large industries requiring even modest sized sites has basically been reached.

In terms of maintaining economic and employment growth, it is therefore critical that the City plans for a pipeline of industrial land supply to ensure that it remains competitive in comparison to other regional cities such as Greater Geelong, Ballarat, Wodonga and Latrobe which all have significant large tracts of well located, zoned and serviced industrial land. Greater Bendigo's comparative position is becoming progressively worse.

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<sup>1</sup> Estimated Residential Population, ABS 2019

<sup>2</sup> Strategic Economic Inputs Report, REMPLAN 2019

<sup>3</sup> Strategic Economic Inputs Report, REMPLAN 2019

As well as a supply of future land, there are a number of issues with existing industrial land in Greater Bendigo. This includes proximity of existing residential development to heavy industry and freight movements through urban areas. A new GBILDS presented the opportunity to address some of these historical land use issues.

Based on the issues outlined above, the GBILDS includes seven objectives:

1. *Provide for 30 years of industrial land supply through the development of a new business park(s)*
2. *Provide future direction about the existing industrial precincts so as to:*
  - 2a. *Reduce industry-residential land use conflicts*
  - 2b. *Provide protection of viable industrial and employment precincts from non-industrial uses*
3. *Minimise the impacts of freight movements on non-industrial, particularly urban areas*
4. *Improve the function, design and amenity of existing and new industrial areas*
5. *Promote sustainable industrial land use and development*
6. *Increase regional competitiveness and grow investment and employment*
7. *Advocate for State and Commonwealth funding for both core infrastructure and priority economic initiatives*

The future implementation of the GBILDS will seek to address each of these objectives.

Previous Council Decision Date:

19 June 2019 – Council endorsed the draft Greater Bendigo Industrial Land Development Strategy (GBILDS) and Background Report for community consultation.

## **Report**

The GBILDS guides the strategic direction of industrial land across the municipality, including specific actions for each of the 22 industrial precincts in Greater Bendigo, and identifies the need for new greenfield industrial land to meet industry needs.

While the development of the GBILDS has only been going on for 18 months, the need for future industrial land has been identified for a number of years. This is being further reinforced by an ongoing inability to find land for existing Greater Bendigo businesses, particularly those looking for larger sites.

The GBILDS provides the rationale for why the City needs more industrial land and explains why this cannot be met within existing precincts but it does not go as far as the specific identification of the preferred greenfield precinct/s for future industrial land. This is the subject of a separate process.

Consultation on the draft GBILDS and Background Paper took place between Monday 24 June and Friday 2 August 2019. The program for consultation was extensive. It included a mail out to all landowners and tenants of industrial land, four drop-in sessions attended by around 60 individuals, development of a brochure, website updates and individual meetings with landowners. This consultation follows on from community and stakeholder forums held in late 2018 which were used to inform the GBILDS.

During the consultation period a total of 20 submissions were received. A summary of these submissions and a response are provided in Attachment 1 to this report. The key concerns raised in submissions were around the proposed future rezoning from Industrial 1 to Industrial 3, or in the case of the Golden Square/Golden Gully precinct Industrial 3 to General Residential, both for and against. Other issues raised included:

- Rezoning of a site in Bagshot to industrial - not supported due to isolated nature of the site;
- Submission from the Environment Protection Authority generally in support of the strategy while managing land use conflicts;
- Submission from the Department of Transport requesting some changes under objective 3 of the strategy which have been made;
- Need to clarify the amount of future additional industrial land required;
- Two submissions in support of extending the Kangaroo Flat precinct along Manallacks Road – this is no longer a recommendation of the strategy due to the potential bushfire risk and other constraints.

Where possible, changes have been incorporated into the final version of the GBILDS and Background Report.

Other changes to the GBILDS include greater direction around future land as well as the Marong Business Park land, updating of data and improvements to language. More detail in relation to the role and function of existing precincts has also been included.

#### Priority/Importance:

Progressing this project is of a high importance to provide greater certainty for businesses in Greater Bendigo and the region.

#### Options/Alternatives:

Council can adopt the GBILDS and Background Paper, as amended following consideration of stakeholder and government agency submissions. Alternatively, Council can decide to not adopt the GBILDS and Background Paper in its current form, or to request further changes.

#### Commencement Date:

A substantial amount of work has been undertaken to progress this project over the last 18 months, including periods of stakeholder and community engagement.

### Risk Analysis:

There is a risk that by not adopting the GBILDS and providing greater certainty to industry that Greater Bendigo may start to lose businesses to other areas which are more well serviced with industrial land.

### **Consultation/Communication**

There has been a large amount of internal and external engagement in the development of the GBILDS.

#### Internal Consultation:

There is a Project Control Group guiding the project, which includes the CEO, Director Strategy and Growth, Manager Regional Sustainable Development, Manager Statutory Planning, Manager Engineering, Manager Finance, Coordinator Growth and Liveability, Senior Infrastructure Engineer.

Councillors have received regular briefings on the progress of the GBILDS over the last 18 months.

#### External Consultation:

The development of the GBILDS has been informed by a Project Steering Group involving key government agencies, stakeholders and internal representatives.

The initial draft GBILDS was informed by community and stakeholder forums in late 2018.

Community consultation on the draft Greater Bendigo Industrial Land Development Strategy took place from Monday 24 June to Friday 2 August 2019. All individuals and stakeholders were invited to provide feedback through this process.

### **Resource Implications**

Budget will be required for the Planning Scheme Amendment process and funding any background studies, but the broader process will be managed within existing staff resources.

#### Budget Allocation in the Current Financial Year:

This project has been funded in the 2019/20 financial year by both the City and via support from the Victorian Planning Authority.

### **Attachments**

1. Summary of submissions
2. Greater Bendigo Industrial Land Development Strategy
3. Greater Bendigo Industrial Land Development Strategy – Background Report

## **5. ENVIRONMENTAL SUSTAINABILITY**

### **5.1 REIMAGINING BENDIGO CREEK**

#### **Document Information**

**Author** Wonona Fuzzard, Coordinator Public Spaces and Place Making

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

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#### **Purpose**

The purpose of this Report is to advise Council of the submissions received during the community engagement process for the Draft Reimagining Bendigo Creek Plan and seek Council's endorsement to adopt the final Plan.

#### **Summary**

The Reimagining Bendigo Creek Plan (Attachment 1) is the product of a two-year process to collaboratively develop a vision and high level strategic plan to guide our future management of Bendigo Creek with the aim to create a healthier, more inclusive, more connected and more beautiful Creek that we all respect and value.

The Draft Plan was placed on public exhibition from 3 February to 16 March 2020 with a total of eight written submissions received. 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 2). In response to the information placed on Social Pinpoint, a total of 20 survey responses, 34 feedback comments on the artist's impressions and 40 feedback comments on the Draft Plan were received (Attachment 3).

Overall the submissions have been very supportive of the vision and intent of the Plan, including the important involvement of the Dja Dja Wurrung in the project. The key matters raised in submissions relate to the overall creek health, water quality, contamination, weed control, flooding, environmental improvements, heritage and the value of the Creek Trail for walking and cycling.

An important part of finalising this Plan has been the agreement of the project partners on the governance arrangements to implement the Plan. Following consideration of the options put forward in the Draft Plan and further discussions at the Steering Committee meeting, a final agreed option has now been included in the Plan.

**RECOMMENDATION**

That Council:

1. Adopt the Reimagining Bendigo Creek Plan.
2. Support and participate in the governance framework to implement the Reimagining Bendigo Creek Plan with partner agencies, the Dja Dja Wurrung and the community.

**RESOLUTION**

Moved Cr Williams, Seconded Cr Alden.

That the recommendation be adopted.

**CARRIED**

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**Policy Context**

Council Plan Reference:

Goal 5: Environmental Sustainability – Further plan and develop the Bendigo Creek project

- Continue to implement the Environment Strategy action for 2019/20 including adopting the Reimagining Bendigo Creek Plan

Strategy Reference:

The Greater Bendigo Environment Strategy 2016-2021 identifies the preparation of a plan for the Bendigo Creek as one of four flagship projects.

**Background Information**

The Bendigo Creek is the city’s most significant urban waterway. Prior to European occupation and the settlement of Bendigo, the Creek evolved and flourished as part of a wider natural ecology and landscape that was managed by the Dja Dja Wurrung to support their needs. The gold rush era devastated the landscape and transformed the Creek. Ever since then, this impact has shaped our perceptions and management of the Creek.

Recent decades have seen many examples of initiatives and investment to revitalise Bendigo Creek and its tributaries, though there has not been an overall strategic plan to guide our efforts.

The Reimagining Bendigo Creek project is being driven by a combination of factors, including an increasing awareness of water management issues and of the need for strategic planning for our water resources.

The project aims to create a shared vision and strategic plan for the Bendigo Creek, focussing on the 20 kilometre stretch through the urban area which forms the top of the Creek's catchment. A range of aspects connected with the Bendigo Creek environs are being addressed and integrated by this work. They include the wider context of urban stormwater management, flooding and water quality; the Creek's ecology and environmental management; the design and relationship of the built environment around the Creek, the role of the Creek as a community place and in improving health and wellbeing; community perceptions and custodianship, as well as the coordination of partnership-based governance and management.

The City of Greater Bendigo (the City) is working jointly with several project partners and representatives of the Greater Bendigo community. The following organisations are partnering in the development of the Plan: the Dja Dja Wurrung Clans Aboriginal Corporation (DDWACC), the Department of Environment, Land, Water and Planning (DELWP), the North Central Catchment Management Authority (North Central CMA), Coliban Water, the Department of Health and Human Services (DHHS), Goulburn Murray Water (GMW) and Parks Victoria.

Joint funding is being provided principally by DELWP under the Integrated Water Management Plan and supported with funding by the North Central CMA, the City and Coliban Water. The delivery of the project is being managed by a small team led from within the City of Greater Bendigo and including a staff representative of both the DDWACC and North Central CMA.

The focus of the Plan is from the Big Hill range to Huntly. The urban catchment of the Creek and its various tributaries are integral to the Creek in many ways – from water flows and quality to shared path networks – and so are also addressed contextually by the Plan.

The Plan is organised in four main parts:

- Vision and Principles
- Creek-wide Strategies
- Precincts
- Implementation

### Vision and Principles

The vision and principles together describe the essence of the Plan and are the primary guide for how future decisions are made.

An elegantly-worded vision – Bendigo Creek Reimagined – was crafted by the Dja Dja Wurrung to paint an evocative picture of the Creek's future from a Traditional Owner perspective and which reflects broader community aspirations for the Creek.

The principles together provide the simplest, most tangible expression of the Plan's aims. They reflect One Planet Living, the internationally-recognised sustainability framework adopted by the City of Greater Bendigo as a guide to attain our vision of becoming the world's most liveable community.

## Creek-wide Strategies

The overall strategic planning framework for Bendigo Creek, with reference to its urban catchment and various tributaries, is provided here. The framework is organised according to three primary themes – Catchment, Connections and Culture.

## Precincts

The precincts show the application of the Creek-wide strategies at a local level. Four precincts were identified and agreed in the scoping stage of the project:

1	Kangaroo Flat:	Big Hill Range to Bay Street, Golden Square
2	Golden Square – Bendigo:	Bay Street, Golden Square to Weeroona Avenue, North Bendigo
3	White Hills:	Weeroona Avenue, North Bendigo to Howard Street, Epsom
4	Epsom – Huntly:	Howard Street, Epsom to Bendigo-Tennyson Road, Huntly

## Implementation

Governance to support the implementation of the Plan is crucial. Three options for potential governance structures were outlined in the Draft Plan. The option included in the final Plan is discussed below in this Report.

### Previous Council Decision Dates:

3 September 2018 – Councillor appointment to the Steering Group as part of project governance.

12 August 2019 – Councillor Briefing to provide a progress update, including presentation of the Issues and Opportunities Report and the Vision and Concept.

11 December 2019 – Council resolved to place the Draft Plan on public exhibition.

## **Report**

Exhibition of the Draft Reimagining Bendigo Creek Plan occurred between 3 February and 16 March 2020. The engagement process provided an opportunity for the public and stakeholder groups to view and comment on the Draft Plan. Further details of the engagement over the course of the whole Project are listed under the Consultation/Communication section of this report.

A total of eight written submissions received during exhibition and a summary of the comments made including the planning response to these, are provided in the Summary of Public Submissions (Attachment 2). In response to the information placed on Social Pinpoint, a total of 20 survey responses, 34 feedback comments on the artist's impressions and 40 feedback comments on the Draft Plan were received (Attachment 3).

Overall the submissions have been very supportive of the vision and intent of the Plan including the important involvement of the Dja Dja Wurrung in the project. There is clearly a strong will in the community to embrace and value Bendigo Creek including working together to improve the condition and environs for future generations to enjoy.

The key focus in many of the submissions related to the need to improve the health of the Creek. Matters such as water quality, contamination, weed control, flooding and environmental improvements to adjacent land and associated tributaries was raised as areas requiring urgent focus. The Plan recognises all of these issues, however, it is a high level strategy focused more on the visionary and direction aspects rather than immediate solutions. The implementation of the Plan will continue to address these important points with the long term aim of improving the health of the Creek.

Two submissions requested that the document be reframed into two parts – Stage one would have a focus on water related elements with stage two focused on engineering and infrastructure projects to facilitate increased and extended Creek access. The submissions then state that until the first stage is finalised no progress should commence on stage two. The two suggested elements of the stages are addressed in the Plan. It is agreed that Creek and catchment health is critically important. However, improving this requires many integrated interventions and significant investment over a prolonged period. It is therefore considered unreasonable not to take the opportunity to progress other projects which improve the enjoyment of the Creek such as shared paths and supporting infrastructure – seating/signage and so on. Also, both the input from the project working group and general community highlighted that the more the community has the opportunity to interact with the Creek in a positive way the greater the chance of the community re-engaging and sharing responsibility for the long term health and stewardship of the Creek.

The importance of the built heritage value of the City Centre part of the Creek, particularly the bluestones was raised in regard to requesting any investigation on the Low Line trail be abandoned. It is agreed and reflected in the Plan that there are areas of the Creek which are recognised to be of high heritage value, however, further investigation into the construction of a Low Line trail would consider heritage. Therefore, the request to remove the action was not supported.

There was strong support in submissions to continue to improve access to the Creek, particularly for walking and cycling. The Bendigo Creek Trail is already a highly valued asset by the community and the concept of growing this network and improving the associated infrastructure was supported. The importance of good accessible walking opportunities has also been intensified with increased participation in walking across Greater Bendigo as the community adapts to the current lockdown restrictions of COVID19.

Groups such as Landcare are already making a valuable contribution to improving areas adjacent to the Creek, which in turn promotes positives for the Creek health as well as raises awareness of the value of the Creek in the community. Some submissions also went into detail about specific projects or operational issues which are at a level that is too detailed for this more high-level Plan. However, there will be opportunities through the implementation of the Plan for these issues to be considered, particularly as precinct plans become more developed.

The range of matters raised in the submissions are either already identified in the Plan or will be addressed in more detail through the implementation process. The minimal change required to the final Plan from what was exhibited is a reflection on the quality and investment of the input and knowledge sharing the working groups contributed in the development of the Plan.

### Governance Framework

As highlighted at the very commencement of this project, the ownership, authority, access rights, management and overall responsibility for the Creek is extremely complex and involves several government agencies and the City. The development of the Plan has seen everyone working together to form an agreed position on the governance framework to implement the Plan.

The Draft Plan outlined three governance options for implementing the Plan, which included:

1. Build upon the Joint Partnership Initiative;
2. Expand upon the Water Sensitive Bendigo partnership; or
3. Establish an incorporated body.

Comments from the community who did address this in their submission identified the preference for option two. In further discussions with project partners it was determined also that the preferred governance option was expanding upon the Water Sensitive Bendigo partnership as the scope of the Joint Partnership Initiative was too constrained to achieve the aspirations for Reimagining Bendigo Creek and it was unlikely that there would be enough resources to create an incorporated body.

The agreed option includes establishing a Reimagining Bendigo Creek Implementation Group and assigning a facilitator. The Implementation Group will include representatives from partner organisations as a means to enable cross-agency collaboration. The immediate purpose of the Implementation Group is to:

1. Coordinate and align partner organisations to deliver agreed actions;
2. Seek opportunistic funding to progress the Plan;
3. Lead specific projects and investigations to progress the Plan;
4. Lead community and stakeholder engagement regarding the Plan.

It is important to note that the implementation of this Plan will happen over a long period of time and involve significant financial and staff resources. Therefore, the Implementation Group and the associated governance arrangements will evolve over time, as they meet the needs of the stakeholders, the Creek and available resources.

The following wording and diagram of the agreed option has now been included in the final Plan for adoption.

## Governance to implement the Plan

### Water Sensitive Bendigo Partnership

To oversee the implementation of the plan, the agencies agreed to build upon the Water Sensitive Bendigo Partnership. This includes establishing a Reimagining Bendigo Creek Implementation Group and assigning a facilitator. The Implementation Group will include representatives from partner organisations as a means to enable cross-agency collaboration.

The immediate priority of the Implementation Group is to:

1. Coordinate and align partner organisations to deliver agreed actions
2. Seek opportunistic funding to progress the plan
3. Lead specific projects and investigations to progress the plan
4. Lead community and stakeholder engagement regarding the plan

It is important to note that the Implementation Group and the associated governance arrangements will evolve over time, as they will change to meet the needs of the stakeholders, the Creek and available resources.



**Water Sensitive Bendigo Partnership**

In 2019, nine organisations signed a memorandum of understanding for *Water Sensitive Bendigo*. This MoU defined a cross-agency governance structure, a stakeholder network, a coordination role for the City, and a requirement to develop and deliver an implementation plan. This governance arrangement is working towards making Bendigo a *thriving inland city where water innovation supports healthy people, green environments and resilient systems*.



Figure 5: Governance Structure



### Priority/Importance:

High – the development of the Plan is a commitment of the 2017 - 2021 Community Plan.

### Options/Alternatives:

Options available to Council include the following:

1. Adopt the Reimagining Bendigo Creek Plan as amended following consideration of community and government agency submissions. This is the preferred option.
2. Take no further action.

### Timelines:

The original completion date associated with the funding agreement with DELWP was 30 December 2019. However additional time was needed due to several factors:

- Approvals time and process required by agencies to endorse the Draft Plan for public exhibition and to approve the final Plan;
- Continued collaboration with the Dja Dja Wurrung; and
- The running of the community consultation period outside of the Christmas/New Year holidays to maximise public awareness and participation.

### Risk Analysis:

A risk assessment was completed and is included in the project brief. At this stage, risks identified as having major consequences have not eventuated.

## Consultation/Communication

The development and finalisation of the Plan is the product of a consultative approach, building on inputs and direction gained by successive stages of the project and related documents; most notably the Issues and Opportunities Report and the Vision and Concept. The Steering Group and Working Groups, which together include representatives of project partner organisations, City of Greater Bendigo staff and the Greater Bendigo community, also formed the focus of community engagement. A summary of engagement activities for the life of the project is provided below:

### Summary of Engagement

Stage and Timing	Participants
Stage 1 – Mobilisation and coordination August – October 2018	
Preliminary meetings with project partner organisations	Representatives of project partners
Preliminary meetings with City managers	City managers
Information capture sessions	City staff
Project scoping workshop	Project partners
Steering Group meeting 1 (inception)	Steering Group members
Expression of Interest for Working Groups	Greater Bendigo community
Working Groups bus tour	Working Group members
Stage 2 – Research, analysis and preliminary engagement October 2018 – February 2019	
Combined Working Groups meeting	Working Group members
Social Pinpoint online interactive map	Greater Bendigo community
Listening Posts (x5)	Greater Bendigo community
Project bulletin	Greater Bendigo community
Media release / social media	Greater Bendigo community
Stage 3 – Issues and Opportunities February – May 2019	
Combined Working Groups meetings (Issues and Opportunities)	Working Groups members
Bendigo Creek Group workshop	Representatives of Dja Dja Wurrung
Project bulletin	Greater Bendigo community
Media release / social media	Greater Bendigo community
Working Groups meetings (x2) (Issues and Opportunities report review)	Working Group members
Steering Group meeting (Issues and Opportunities report review)	Steering Group members
Stage 4 – Vision and concept May – August 2019	
Office of Victorian Government (OVGA) Architect Bus Tour	Victorian Design Review Panel members and OVGA Staff
Vision and concept workshop	Steering Group and Working Groups members

Stage and Timing	Participants
Vision and concept workshop follow-up session (review of Vision and concept package)	Steering Group and Working Groups members
<b>Stage 5 – Draft Plan and public display August 2019</b>	
Combined Working Groups meeting (review of preliminary draft Plan)	Working Group members
Steering Group meeting (review of preliminary draft Plan)	Steering Group members
<b>Public Exhibition February – March 2020</b>	
<p>Listening posts in conjunction with Greening Greater Bendigo and Food Systems Strategy –</p> <ul style="list-style-type: none"> <li>• Rosalind Park (8 February, Bendigo Farmers Market)</li> <li>• Cooinda Park (21 February, Summer in the Parks)</li> <li>• Garden for the Future (28 February, Summer in the Parks)</li> <li>• Rosalind Park (14 March, Zinda Festival) – Event Cancelled due to COVID19</li> </ul>	
Reimagining Bendigo Creek logo stencilled at various locations along the Creek with QR code link to information on line	
Copies of Draft Plan available at Libraries and main counter	
Copy of Draft Plan on Council website and social media posts	
Project Bulletin	
Social Pinpoint on line interactive map with Draft Plan summary and survey	
Promotion of the public display with flyers at 45 venues city-wide (ie schools, post offices, supermarkets etc)	
Promotion of the public displays and Social Pinpoint via school news letters	
Presentations to Disability and Inclusion Reference Committee, Heritage Advisory Committee, Positive Ageing Advisory Committee, Sustainable Environment Advisory Committee and Youth Council.	
<b>Post Exhibition</b>	
Steering Group Meeting (review submissions and agree on governance option to include in final Plan)	Steering Group members
Combined Working Groups meeting (Provided an overview of submissions received and governance option agreed by the Steering Group)	Working Group members

## Steering Group and Working Groups Guidance

A working draft of the Plan for exhibition was reviewed as a preliminary working draft by the Working Group and Steering Group. The feedback from these workshops shaped the Draft Plan that was placed on exhibition. Post exhibition meetings were also held with both groups. In particular, a focus of the Steering Group was the agreement of the governance framework discussed above.

## Advice from the Office of the Victorian Government Architect

The Office of the Victorian Government Architect (OVGA) appointed a four-member Victorian Design Review Panel (VDRP) for this project. A design review for the Draft Plan was held in Melbourne on 20 November 2019. The formal advice of the VDRP provided a strong level of support, together with recommendations to further improve community understanding and interpretation of the document.

## Government Agencies

A section of Bendigo Creek in the City Centre is covered by a Heritage Overlay under the Greater Bendigo Planning Scheme. A copy of the Draft Plan was provided to Heritage Victoria (DELWP), who advised that any works in this part of the Creek would require a planning permit with their focus being on a render on page 51. The renders, as stated in the Plan are simply an artist's impression to illustrate potential future outcomes only and that further technical studies, planning, design and consultation will be required.

The Environment Protection Authority responded to the invitation for comments indicating its overall support for the Reimagining Bendigo Creek project, noting no specific comments about the Draft Plan and requesting consultation related to relevant implementation actions to mitigate risks associated with any works.

The Country Fire Authority made a brief late comment highlighting their primary objective to protect life and property and therefore to ensure appropriate management of the Creek and tributary corridors, in particular issues of access and vegetation and associated fuel loads.

Briefings were also held with several committees, including the Sustainable Environment Advisory Committee, the Disability and Inclusion Reference Committee, the Heritage Advisory Committee, Positive Ageing Advisory Committee and the Youth Council.

## **Resource Implications**

Budget Allocation in the Current Financial Year: In kind

Previous Council Support: \$35,000 (2018/19)

External Funding Sources: \$140,000 (DELWP and North Central CMA)

## **Attachments**

1. Reimagining Bendigo Creek Plan June 2020
2. Summary of Public Submissions
3. Social Pinpoint Report.

## 5.2 GREENING GREATER BENDIGO

### Document Information

**Author** Tania MacLeod, Urban Forester

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

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### Purpose

The endorsement of Greening Greater Bendigo 2020-2070 and accompanying Greening Greater Bendigo Action Plan 2020-2030.

### Summary

Greening Greater Bendigo is a 50-year strategic vision for how urban trees and green infrastructure are planned and prioritised across Greater Bendigo. Following a public display period, a final strategy and accompanying 10-year action plan have been prepared.

### RECOMMENDATION

That Council endorse Greening Greater Bendigo 2020-2070 and Greening Greater Bendigo Action Plan 2020-2030.

### RESOLUTION

Moved Cr Alden, Seconded Cr Metcalf.

That the recommendation be adopted.

**CARRIED**

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### Policy Context

#### Community Plan Reference:

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

Goal 4 To endorse Greening Greater Bendigo 2020-2070 and Greening Greater Bendigo Action Plan 2020-2030.

Objective 4.4.3. Increase urban shade and provide protection for significant and heritage trees through the development of a Greater Bendigo Tree Strategy.

Strategy Reference:

The development of an Urban Forest Strategy for Greater Bendigo was first identified in Council's Environment Strategy endorsed in 2016.

*Flagship Project 2: 'City in the forest, forest in the city'* aims to strategically increase vegetation cover across all urban areas of Greater Bendigo to reduce the urban heat island affect, improve community health and wellbeing and to enhance the overall attractiveness of the City.

## **Background Information**

Greening Greater Bendigo is the first urban forest strategy for Greater Bendigo. It is a 50-year strategic vision for increasing tree cover and health across urban areas and townships of Greater Bendigo and provides a strategic response to the complex challenges facing human and natural systems over the coming decades.

The document itself outlines the strategic context and the case for such a strategy. It comprises a vision and rationale on which targets have been set and the action plan has been aligned. It also contains an implementation framework outlining resource considerations and ongoing monitoring, reporting and review.

A draft document was endorsed by Council at the February 19 meeting prior to a period of public display.

Previous Council Decision(s) Date(s):

Endorsement of Draft Greening Bendigo for public display, February 19 ordinary Council meeting.

## **Report**

Since the draft strategy was released, the update to the City tree inventory has been completed which has enabled the final strategy baselines and targets to be set.

The following changes have been made to the document since additional data was submitted.

1. Tree canopy cover baseline. Baseline tree canopy cover has been updated from 16% in the draft to 20.4% in the final strategy following further refinement of the 'Tree Ledger' model. The targets for tree cover remain unchanged, however the baseline cover is 20.4%.  
An additional aspirational target to reach 45% tree cover by 2070 has been included.

2. Useful Life Expectancy. Bendigo can expect to lose 15% of all Council managed trees within the next 10 years to natural attrition. This figure has been revised from 17% in the draft. The target of having no more than 10% of the total tree population with a useful life expectancy of less than ten years has remained unchanged.
3. Tree Health. On completion of the tree inventory, 64% of Council managed trees are currently in good or very good health compared to 61% in the draft. The target for tree health has been reworded from *“No more than 10% of the total tree population will have a health and condition rating of average or poor”* to *“80% of the total tree population will be healthy”* to focus more on increasing the number of healthy trees across the City.
4. Tree Structure. Unfortunately, Bendigo has a legacy of poorly pruned trees which means that only 35% of all trees have very good or good structure. This figure remains relatively unchanged from the draft. As these older, poorly structured trees are removed and replaced with quality young trees, the overall structure of Bendigo’s trees will improve. As such, a target of increasing the proportion of good and very good structured trees to 60% by 2030 has been introduced.
5. Tree Diversity. The completion of the tree inventory has enabled an analysis of tree diversity to be included in the final document. The capture of more trees in outlying urban areas and Council managed bushland reserves has meant that locally indigenous trees make up a greater proportion Bendigo’s tree population from previous surveys. This figure is up from 34% to 41%. As a result, the percentage of exotic trees has fallen from 30% to 25% with the remainder being other Australian natives. Overall, however, there is a fairly even mix of exotic, Australian and local tree species across urban areas of Bendigo. A challenge of the Greening Greater Precinct Plans will be to strike the right balance of tree types for each precinct.

The following changes have been made to the document a result of community and stakeholder feedback during the public display period.

1. The section on urban trees and bushfire has been expanded slightly to communicate and dispel beliefs about trees' role in bushfires.
2. The priority of Action 1.5 has been changed from medium to ongoing.
3. Action 5.2 has been changed to ongoing as these are all actions that can easily be incorporated into general Council operations.
4. An additional discussion on the importance of urban vegetation for biodiversity and habitat is included in the final version.
5. The importance of enhancing biodiversity in urban areas has been strengthened as an important consideration in the development of the Greening Greater Bendigo precinct plans in Action 4.1. An additional action (4.1.vii) has been included to make it more explicit that enhancing biodiversity is an objective of the precinct plans.
6. Wording in the strategy has been altered slightly in line with the feedback on Plane trees although we have stopped short at suggesting that Plane Trees are a public health risk.
7. An additional action has been included (Action 5.3.vii) that the City will investigate incentives to support renters and landlords to undertaken greening initiatives in tenanted properties.

8. Action 1.5. has been expanded to include dialogue with Coliban regarding supplementary irrigation in times of drought and water shortages.
9. The wording of Action 1.6. has been changed from 'promote WSUD' to 'require WSUD treatments as standard practice'.
10. Wording of Action 3.2vi has been changed to include porous *and* 'lightly coloured' surfaces.
11. Wording of Action 4.1iii changed to include 'constraints' following Coliban Water's feedback.

There was a push from several stakeholders to further prioritise a number of actions regarding biodiversity and community outreach and education for action within the next two years. It should be noted that all actions in the document are currently listed as high, medium or ongoing to be delivered by 2025 with all actions to be led by the Parks and Open Space Unit. Increasing the amount of actions to be delivered by 2022 would place great strain on existing resources. If the actions under strategy areas 2 (Connect the community to nature) and 5 (Increase biodiversity in urban areas) were to be delivered by 2022 it would be reliant on being able to resource a new position to coordinate these actions and foster greater community environmental education and outreach. Thus, the timeframes for action have remained unchanged from the draft.

### Targets

1. Increase tree cover across urban areas and townships of Greater Bendigo from 20.4% at present to:
  - a. 25% tree cover across urban Bendigo by 2030
  - b. 35% tree cover across urban Bendigo by 2050
  - c. 45% tree cover across urban Bendigo by 2070
2. Improve the health of Bendigo's urban forest.  
By 2030 we will achieve:
  - a. An establishment rate for all newly planted trees of at least 95%At any one time there will be:
  - b. No more than the 10% of the total tree population with a useful life expectancy of less than ten years; and
  - c. 80% of the total tree population will be healthy
3. The community will have a greater understanding of the importance of the urban forest and engage in its stewardship

### Priority Actions:

Of all the actions, there are three that have been listed as priority actions based on their importance to the successful delivery of this strategy.

1. Develop and deliver a ten-year tree planting program to increase tree cover and replace projected tree losses (Action 1.1)
2. Develop Greening Greater Bendigo precinct plans for each urban precinct and township to guide local tree planting and green infrastructure investment (Action 4.1)

3. Undertake a review of the mechanisms available to protect significant trees and landscapes and implement recommended controls (Action 4.2)

#### Timelines:

The 10-year action plan accompanying the strategy outlines the timelines of each individual action.

#### **Consultation/Communication**

##### Internal Consultation:

Extensive internal engagement was undertaken in the development of the draft strategy. This was reported on in February 2020 prior to the draft being released for public display.

##### External Consultation:

The draft Greening Greater Bendigo 2020-2070 and accompanying 10-year action plan had a period of public display following the Council resolution to do so at the February 2020 ordinary Council meeting. A detailed report on the outcomes of this engagement is included in Attachment 2 (or available online).

#### **Resource Implications**

Realising the vision for Greening Greater Bendigo requires long-term commitment from Council, City staff and the wider Greater Bendigo community. The Action Plan outlines the estimated resource demand for each action. The delivery of the action plan will require significant investment over the next decade and beyond and, in a period of rate-capping and slow economic growth, there will no doubt be challenges in securing sufficient resources. It will therefore be essential that Greening Greater Bendigo principles are integrated into the way that the City plans for and manages its assets and the public realm if the targets are to be met.

An operational budget bid has been adopted for the 2020-21 financial year to expand Council's annual tree planting program from 1100 trees currently, to 3000 trees by 2023/24. This bid will cover replacements for all anticipated tree losses over the next four years, progress street tree planting in the most vulnerable areas as well as responding to planting requests from the community. It also includes a dedicated officer to ensure the successful delivery of the program and achievement of the establishment target for newly planted trees.

#### **Attachments**

1. Greening Greater Bendigo
2. Public Display Outcomes Report

### **5.3 LOCAL GOVERNMENT POWER PURCHASING AGREEMENT UPDATE**

#### **Document Information**

**Author** Greg Painter, Coordinator Procurement

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

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#### **Purpose**

To provide an update to Councillors on the delay to the tendering timelines for the Victorian Council's Renewable Energy Power Purchase Agreement (PPA) and a change to the governance structure. These changes will see Darebin City Council appointed as the Lead Organisation, and the appointment of a new Tendering Supplier to be engaged by Darebin. Energetics will continue their work as the energy expert under their existing contract and the current Agency Agreement with the MAV will be terminated.

#### **Summary**

At the 17 July 2019 Council meeting, Council resolved to proceed with a tender for the PPA and enter into a retail contract for the supply of electricity to small market, large market and street lighting accounts, subject to the final offer(s) being within the agreed financial limits. Stage 1 of the project was a business case that was prepared and delivered by Energetics on 10 May 2019.

Stage 2 of the project was the tender development stage and after undertaking an independent governance review Darebin as the Lead Organisation and the 48 participating Councils agreed to appoint the MAV as the Tendering Agent. All Councils then signed an Agency agreement in July 2019. Darebin, the MAV and the Project Steering Committee then progressed work on the development of the PPA tender with an expectation that the tendering process and subsequent contracts would be in place by July 2020.

MAV undertook a separate request for quote to appoint their own probity advisor. The outcome was that the MAV were advised they needed direct contractual arrangements with the energy consultant Energetics to meet their probity requirements and continue in the role.

After extensive discussion and exploration of contractual, legal and other options it was clear by late January 2020 that this couldn't be achieved. Based on the updated advice, Darebin engaged Maddocks Lawyers to provide a report on the proposed procurement structure required to progress the PPA.

Based on the recommendations in the report the Buyers Group have recommended to appoint Darebin City Council as the Lead Agency to engage a different Tendering Supplier and continue with Energetics as the energy expert. This will require the execution of a new Participation Deed between all members of the Buyers Group and Darebin City Council. The MAV will no longer have a role in the project and their existing Agency Agreement will be terminated.

Whilst the PPA tendering process is underway, Council will continue to pursue a range of related initiatives and projects aligned to the Council's 19 August 2019 resolution of a Climate and Biodiversity breakdown including finalising the business case for Lighting the Regions (Stage 2); additional solar rooftop installations; funding the Greening Greater Bendigo Strategy; and continuing development of an organisation wide Climate Change Action Plan.

**Cr Flack left the meeting at 7.45pm**

**Cr Flack returned to the meeting at 7.47pm**

### **RECOMMENDATION**

That Council:

1. Authorise the Chief Executive Officer to sign the Termination of Tender Agent Agreement Letter to revoke the MAV agency appointment;
2. Authorise entry into the Participation Deed with Darebin City Council and authorise the Chief Executive Officer to sign the Participation Deed; and
3. Authorise Officers to undertake the necessary administrative and decision-making steps throughout the LG PPA Tender.

### **RESOLUTION**

Moved Cr Metcalf, Seconded Cr Alden.

That the recommendation be adopted.

**CARRIED**

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### **Policy Context**

The Greater Bendigo Environment Strategy 2016-2021.

City of Greater Bendigo Community Plan 2017-2021

**Goal 1: Lead and Govern for all**

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

**Goal 5: Environmental Sustainability**

5.1 Drawing on the One Planet Living framework to connect the health of the natural environment to the health and prosperity of our community.

**Background Information**

At the 17 July 2019 meeting, Council resolved to:

1. Commit 100% of its electricity load of large sites, small sites and street lighting to the Victorian Local Government PPA Tender.
2. Proceed with the offer(s) resulting from the Victorian Local Government PPA tender for small market, large market and street lighting accounts if the Net Present Cost impact over the life of the offer(s) is no more than business as usual and includes 100% Largescale generation certificates (20% compliance + 80% voluntary)
3. Authorise the Chief Executive Officer to sign the Letter of Authority issued by the Municipal Association of Victoria (MAV).
4. Authorise the Chief Executive Officer to sign the PPA retail contracts for the supply of electricity to small market, large market and street lighting accounts, subject to the final offer(s) being within the agreed financial limits.

**Report**

The Victorian Local Government PPA is being coordinated by Darebin City Council on behalf of the buyers' group as lead council. A summary of the timeline and key considerations made by the City are provided below.

In February 2020, the CEO of Darebin, Sue Wilkinson, wrote to the buyers' group to advise that Maddocks Lawyers had been appointed to assist with reviewing the project work and proposed process, which would result in a project delay. This was flagged at the Councillor briefing in February when discussing the outcomes of the climate change workshop (held in December) and any associated opportunities for projects for the 2020/21 budget process.

Correspondence from Sue Wilkinson (7/2/20) flagged:

- Project delays due to the governance structure and MAV probity requirements had led to timelines being pushed back from contract commencement of 1 July 2020 to 1 July 2021
- Maddocks lawyers had been engaged to review the project work and proposed processes to provide recommendations for moving forward with the project.
- Outcomes of the review to be shared in late February
- Interim contract arrangements to be put in place for the City's small sites electricity which expire in 30 June 2020.

EMT was updated on the Power Purchase Agreement and 2020 Emission targets (25/2/20) which included:

- An update on delay to timelines for delivery of the PPA from July 2020 to July 2021
- Approval from EMT to roll in the expiring small markets sites into the State Purchase Contract to meet the 30 June 2020 deadline.
- Options to consider for future possible carbon offset mechanisms to support greenhouse reduction targets

A PPA Briefing was held in Melbourne and background information and interim recommendations from the Maddocks review were tabled (4/3/20):

- Darebin were appointed Lead Council by the 39 Councils (Buyers Group) that agreed to participate in a business case for a PPA.
- Darebin conducted a tender process and engaged Energetics Pty Ltd to prepare the business case, which was delivered in May 2019.
- The Buyers Group agreed to progress the business case and go to tender.
- MAV was appointed as the tendering agent in June 2019 to manage all aspects of the tender relating to a new retail contract.
- MAV received advice from their appointed Probitry Advisor, that they needed to change the contractual arrangement with Energetics and Darebin or seek an alternative approach.
- Despite considerable exploration of contractual, legal and other options, it was clear by late January 2020 that a stalemate had been reached between MAV and the Buyers Group.
- This led to the independent Maddocks review on how best to progress the project.

Release of Maddocks' independent review and update provided from Sue Wilkinson, CEO Darebin (12/3/20)

- Recommended adjustments to the governance proposed moving forward, that Darebin as Lead Council will continue to work with Energetics Pty Ltd under the existing energy advisory contract and will engage a different tendering supplier to run the tender.
- MAV existing Agency Agreement will need to be terminated by each individual Council.
- Based on the recommendations of the Lead Council and the Central Victorian Greenhouse Alliance, we provided an informal indication that the City was keen to progress with the new arrangements.

### PPA Key messaging

On 11/05/2020 additional information on key messaging was received from Darebin, General Manager, Sustainability and Strategy to support local media enquiries about the changes.

“The Local Government Power Purchase Agreement (LG PPA) is the largest ever emissions reduction project undertaken by local government in Australia. Councils who have been participating account for approximately 45 per cent of all Victorian Council electricity, which would then switch to 100 per cent renewable energy. The size and scale of the project has not been attempted at a Council level before.

The business case that councils commissioned showed that using a Power Purchase Agreement can help councils save money as well as switching to renewable energy and creating jobs. By working together as a buyer’s group, councils will be able to access energy in this new way and councils across Victoria have been participating to date.

While there have been some delays in the last six months, this is not unusual for such a large and complex project. The project continues to progress steadily. At this point, the roll in date for energy supply is expected to be around June 2021 and this has been communicated with our local government colleagues across the state. We expect to be able to provide a further update towards the end of financial year.”

#### Options/Alternatives:

##### Option 1 (Preferred Option)

Appoint Darebin as Lead Organisation to engage a different Tendering Agent and continue with Energetics. Terminate the existing Agency Agreement with MAV and execute a new Participation Deed with Darebin City Council.

This option would ensure that the extensive business case work already completed by Energetics and the funds already spent would not be wasted and that the project could progress under the most cost effective and swiftest method to ensure there are no further delays. The Buyer’s Group have been more than satisfied with the work of both Energetics and Darebin in the project so far.

##### Option 2

Continue with MAV as the Tendering Agent and engage a different energy expert. This would require MAV to agree to continue as the Tendering Agent and that its probity advice can be adhered to. A varied Agency Agreement would be required to clearly define roles so that continuity in the process could be achieved. A new energy consultant engaged would be required to adhere to probity requirements.

This option is not preferred, as the MAV have shown a reluctance to continue in the role of Tendering Agent and have agreed to release Councils from the current Agency Agreement. There would be substantial delays in appointing a new energy consultant which would lose all the work already completed in the business case phase. The Agency Agreement would also need to be varied to ensure probity requirements are adhered to.

#### Timelines:

Termination letter and Participation Deed to be signed by mid-June 2020

Tender process to commence July 2020

PPA start date for rolling in energy of 1 July 2021

## **Consultation/Communication**

EMT was briefed in October 2018 on the proposed project and a Letter of Intent was signed to participate in the buyer's group for PPA business case development.

The Stage 1 business case was prepared and delivered by Energetics on the 10 May 2019. Landell Consultants were then engaged by the Darebin City Council to undertake a governance review before proceeding to tender. This report recommended the MAV be appointed as the tendering agent.

MAV was briefed on the Landell report and business case from Energetics' and agreed to the proposal in June 2019 to become the Tendering Agent.

Council approved participation in the PPA tender at its 17 July 2019 Council meeting with MAV appointed as Tendering Agent.

An update was provided to the Buyers Group and participating Councils CEO's by the CEO of Darebin City Council in Feb 2020 on the delays to the project and advice that Maddocks Lawyers had been appointed to review the project thus far and provide a recommendation for moving forward. This was also flagged at the Councillor briefing in February when discussing the outcomes of the climate change workshop.

EMT was updated on 25 February on the delay to the project and requirement to roll in the expiring small markets sites into the State Purchase Contract.

The background information and interim recommendations from the Maddocks review were tabled at PPA briefing for the Buyers Group on 4 March 2020. The release of the final report and recommendation was provided to the Buyers Group and CEO's by Darebin on 12 March 2020.

An update was provided at the 18 May 2020 Councillor briefing on the recommendations to move forward with Darebin City Council as the Lead Agency and terminate the Agency agreement with the MAV. It was agreed to progress the recommendations to authorise the CEO to sign the termination letter with the MAV and to sign the participation deed to appoint Darebin City Council as the Lead Organisation at the June 2020 Council Meeting.

## **Resource Implications**

Electricity costs are currently incorporated into the operation budget. The small sites roll in to the State Purchase Contract on 30 June 2020, should see a marginal reduction in tariff/costs for these sites with estimated savings of <\$20k a year.

\$12k has been allocated from the Regional Sustainable Development Units' budget to fund the costs of tender development and evaluation, through to contract award.

There may be additional costs associated with the tender development due to the change in governance structure. These costs cannot be determined at the time of writing the report. It is a requirement in the final Participation Deed for the Lead Council to prepare and provide a draft budget report for the conduct and completion of the project which will include any additional costs to be borne by the Buyer's Group.

The Coordinator Procurement will continue to participate in the Buyer's Group and the Central Victorian Greenhouse Alliance's nominated representative on the Project Steering Committee is the Director of Corporate Services at Macedon Ranges.

It's expected that there will be no further ongoing costs with the project as the intent is to deliver an outcome that ensures the net present cost, is no more than the current business as usual contract models for electricity.

**6. EMBRACING OUR CULTURE AND HERITAGE**

Nil.

**7. LEAD AND GOVERN FOR ALL**

**7.1 COMPLIANCE POLICY**

**Document Information**

**Author** Caroline Grylls, Manager Safe and Healthy Environments

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

**Purpose**

This report presents the reviewed compliance policy for Council to consider.

**Summary**

The compliance policy provides a framework for how compliance and enforcement activities will be approached by the City of Greater Bendigo (City). The compliance policy was first adopted by Council in 2011 and since then the policy approach has been embedded in all compliance and enforcement activities.

The policy has been reviewed every four years and the current review was completed in 2019. The revised version before Council maintains the policy approach of the previous versions, however the policy format has been updated to the new corporate policy template. The policy has the support of the internal units consulted during the review.

**RECOMMENDATION**

That Council adopt the Compliance Policy with a review date of 2025.

**RESOLUTION**

Moved Cr Hawke, Seconded Cr Metcalf.

That the recommendation be adopted.

**CARRIED**

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## Policy Context

### Community Plan Reference:

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

Goal #1 Lead and Govern for all.

Objective #1.2 Explain the reason for its decision.

Goal #2 Wellness and Fairness

Objective 2.5 Create Safe and Resilient Communities

## Background Information

Compliance activities are a legislated and necessary function of Local Government. In the absence of policy, compliance activities may be seen to be inconsistent and open to influence.

The City's previous planning and development directorate first developed a compliance policy in 2011 and that policy was subsequently adopted by Council. The policy documented and formalised existing enforcement approaches and provided assurance to the community that the City would approach compliance and enforcement activities in an equitable, transparent and consistent way.

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

18 March 2011 - Council adopted the original Compliance Policy.

1 October 2014 – Council adopted the current Compliance Policy.

## Report

Regulation and associated compliance and enforcement activities play a critical role in maintaining minimum standards of civic behaviour particularly at the points where the behaviour and actions of individuals intersects with and impacts with others and the environment.

To be able to achieve minimum standards of civic behaviour, ensure public health and safety and provide for the protection of the environment, compliance activities are a legislated and necessary function of local government. Frequently local governments are required by legislation to enforce acts and regulations established by State Government. The City's own local laws form a minor proportion of the total requirement of assurance and enforcement activities.

To satisfy the City's regulatory compliance requirements, this policy has been developed to assist all employees involved in compliance and enforcement activities.

The compliance policy has been developed to:

- provide the City of Greater Bendigo with a framework for equitable and transparent enforcement and compliance procedures;
- provide guidance for an ethical approach to enforcement and compliance;
- provide a clear policy framework for employees who undertake enforcement and compliance activities;
- ensure all enforcement and compliance activities are approached in a consistent manner across the City of Greater Bendigo

The policy formalises the City's approach to inform, educate, warn and then prosecute/fine with regards to enforcement and compliance activities. All activities will be outcome based rather than punitive and will allow for timely corrective action unless there are compelling reasons otherwise.

The review of the compliance policy validated that the policy continued to meet its purpose and did provide the framework for which all compliance activities were undertaken.

There was support across the organisation for the adoption of the updated version.

#### Priority/Importance:

Low priority.

Despite the review date of the current compliance policy passing, it remains in place until such time that it is updated or revoked.

#### Options/Alternatives:

Is a compliance policy necessary?

Having a council adopted compliance policy is not a legislated requirement. It was originally developed by the then planning and development directorate to formalise the City's approach and to provide assurance to the community that the City would undertake compliance and enforcement activities in a consistent and predictable way.

The adoption of the original compliance policy and subsequent revised version has resulted in the policy approach being embedded into all the City's compliance and enforcement activities. It could be argued that not having a compliance policy would see no change in the City's approach and that the policy has 'done its job' and is not required anymore.

If Council were to form this view, the associated risks are described in the risk analysis section of this report.

#### Timelines:

The City's compliance policy will be updated at such time that Council adopt the revised version. There is no legislated timeline for this to occur.

**Progress:****Risk Analysis:**

Is a compliance policy necessary?

If Council were to form the view that a compliance policy is no longer necessary, there is a risk that over time the City's approach to compliance and enforcement activities could drift away from the current embedded approach.

Often the policy is referenced by staff as the reason why the community might on face value observe a different response from the City for what appears to be the same offence. In the absence of the compliance policy, it is difficult for some to understand why someone might be fined immediately for an offence, and someone else is issued with a warning for the same offence. It provides the rationale for this variation in outcomes, while maintaining consistency, fairness, equity and transparency.

**Consultation/Communication**

**Internal Consultation:** Extensive internal consultation was undertaken to ensure the policy continued to meet the needs of the organisation and that it remained an important policy. The revised compliance policy has been developed in line with the City's policy development procedures with support from the Governance unit.

**External Consultation:** It is not possible to consult with those affected by the compliance policy

**Resource Implications**

N/A

**Attachments**

1. Compliance Policy

**COMPLIANCE POLICY**

|                                        |                                                                                                                                                                                                             |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Approval Level:</b>                 | Council                                                                                                                                                                                                     |
| <b>Policy Type:</b>                    | Council                                                                                                                                                                                                     |
| <b>Approval Date:</b>                  | Click here to enter a date.<br>(If the policy is to become effective at a future date, both the approval date and commencement date should be shown. ie <i>15 March 2016 (Effective from 1 July 2016)</i> ) |
| <b>Review cycle:</b>                   | <i>Frequency of review, generally four years after most recent review unless otherwise required. ie. Annually or Within twelve months after each Council election</i>                                       |
| <b>Review Date:</b>                    | Click here to enter a date.<br>(If the policy is to become effective at a future date, both the approval date and commencement date should be shown. ie <i>15 March 2016 (Effective from 1 July 2016)</i> ) |
| <b>Responsible Officer:</b>            | Caroline Grylls                                                                                                                                                                                             |
| <b>Owner:</b>                          | Safe and Healthy Environments                                                                                                                                                                               |
| <b>Responsible Director:</b>           | Health and Wellbeing                                                                                                                                                                                        |
| <b>Relevant Legislation/Authority:</b> | <i>(for example: Local Government Act 1989, National Employment Standards (NES), Environmental Protection Agency (EPA), WorkSafe Victoria)</i>                                                              |
| <b>DOCSETID:</b>                       | Click here to enter text.                                                                                                                                                                                   |

**1. PURPOSE**

This policy provides a rationale and framework for an equitable, transparent and consistent approach to compliance activities undertaken by the City of Greater Bendigo (**the City**), so the community can be assured that standards are met.

**2. BACKGROUND**

Regulation and associated compliance activities play a critical role in maintaining minimum standards of civic behaviour particularly at the points where the behaviour and actions of individuals intersects with, and impacts with others and the environment.

To be able to achieve minimum standards of civic behaviour, ensure public health and safety and provide for the protection of the environment, compliance activities are a legislated and necessary function of Local Government. Frequently Local Governments are required by legislation to enforce acts and regulations established by State Government. The City's own Local Laws form a minor proportion of the total requirement of assurance and enforcement activities.

In the absence of policy, compliance activities may be seen to be inconsistent and open to influence. To satisfy the City's regulatory compliance requirements in an equitable, transparent and consistent way this policy has been developed to assist all employees

involved in compliance activities; and to advise community members of the approach that will be taken.

The current compliance policy was adopted by Council in October 2014 following a review of the original compliance policy adopted by Council in 2012. Regular review of the policy is essential to ensure that it reflects contemporary views and supports the equitable, transparent and consistent approach to compliance activities that is its purpose.

### 3. SCOPE

This policy applies to all employees undertaking compliance activities on behalf of the City of Greater Bendigo.

### 4. DEFINITIONS

|             |                                                                                                                                                 |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| Compliance  | <u>Action in accordance with a law, regulation, order, notice or direction.</u>                                                                 |
| Educate     | <u>To give clear, plain English and easily interpreted specific information to develop the knowledge and understanding of the issue.</u>        |
| Enforcement | <u>To make a person comply with a particular law, regulation, order, notice, direction or situation.</u>                                        |
| Inform      | <u>To provide clear, plain English facts and information needed for there to be a broad, general and reasonable understanding of the issue.</u> |
| Risk        | A combination of two elements: the likelihood or chance of an event or harm occurring, and the consequence of that event or harm.               |
| Warn        | <u>To give clear, plain English cautionary instruction about a specific issue, the risks and the potential consequences.</u>                    |

### 5. PRINCIPLES

5.1 All compliance activities undertaken by the City will:

- 5.1.1 be outcome based rather than punitive; i.e. fix the problem rather than issue a fine;
- 5.1.2 where appropriate, provide opportunity for timely and appropriate corrective action to be taken;
- 5.1.3 be proportional to the risk i.e. balance the restriction imposed and the severity of the nature of the prohibited act;
- 5.1.4 allocate resources to the management of the biggest risk of harm to the community, the environment and the organisation.

5.2 The City of Greater Bendigo will act in the following order:

- 5.2.1 Inform
- 5.2.2 Educate
- 5.2.3 Warn
- 5.2.4 Enforce

## 6. POLICY

### 6.1 Compliance priorities.

6.1.1 Compliance activities can be classified as either proactive or reactive.

- a) Proactive compliance is usually a consequence of programmed inspections, scheduled audits or experience.
- b) Reactive compliance is usually a consequence of a complaint raised by a resident, employee observation, or a Councillor on behalf of a resident.

6.1.2 While the origins of compliance priorities may vary, it is intended that the risk assessment process will be applied consistently, without regard of the source.

6.1.3 Where possible, the City is committed to a proactive approach (focusing on education and advice) rather than a reactive (complaint driven) approach.

### 6.2 Compliance responses.

6.2.1 All compliance enforcement activities (i.e. fine or prosecution) initiated by the City must be appropriately considered, based on the key principles and proportional to the offence. Only where it can be demonstrated that insufficient or untimely corrective action has been taken by an offender will the City initiate compliance enforcement activities.

6.2.2 Compliance enforcement activities will generally not be initiated unless:

- a) all other means of achieving the desired outcome have been exhausted.
- b) there is insufficient evidence available to achieve successful prosecution.
- c) legislation, regulation or risk requires enforcement activities be initiated.
- d) the City will follow up or monitor the outcome.

### 6.3 Compliance enforcement.

There are two distinct aspects of enforcement: remedy and sanction.

#### 6.3.1 Remedy

The primary intention of all enforcement activities is to bring about the cessation of the non-compliance and limit harm i.e. fix the problem.

#### 6.3.2 Sanction

Sanctions or punishment such as fines or prosecutions may be applied where there is:

- a) a need to deter lawbreakers, or potential lawbreakers from future non-compliance.
- b) a reasonable general understanding of a law (e.g. parking fine)
- c) financial gain by a non-compliance, disadvantaging law abiders
- d) an established history on con-compliance.

### 6.4 Compliance exemptions.

A number of exemptions to the policy have been provided that allow for the City to initiate the most serious of compliance enforcement activities immediately.

- 6.4.1 immediate or likely life threatening situations;
- 6.4.2 permanent or irreversible damage to the natural or built environment;
- 6.4.3 immediate risk to public health, safety or wellbeing;
- 6.4.4 persons where a pattern/repeated instances of behaviour and failure to adequately fix the problem, has been established;
- 6.4.5 parking infringements (which has its own policy for appeal and review)
- 6.4.6 debt collection (which has its own policy for appeal and review);

#### 6.5 Compliance appeal options.

In all instances where compliance enforcement action is taken, the City will provide clear written advice about the review and/or appeal options available and the applicable timelines.

## 7. ROLES AND RESPONSIBILITIES

### 7.1 Council

It is the role of Council to adopt the City's compliance policy.

### 7.2 City of Greater Bendigo employees.

The Manager Safe Healthy Environments is responsible for the administrative review of this policy and all associated reporting to Council. All staff have a responsibility to ensure that they adhere to this policy and report any breaches of this policy. The consequence of not complying with this policy could mean a potential breach of the City's Code of Conduct.

## 8. RELATED DOCUMENTS

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

These include:

- Instruments of Delegation – Council members to staff (insert ECM Docset ID.....)
- Instrument of Delegation – CEO to members of Staff (insert ECM Docset ID.....)
- Fraud and Corruption Prevention Policy (ECM Docset ID 2514232)
- EPA Risk framework (include link)

Further information or advice on this policy should be directed to Safe and Healthy Environments

## 9. HUMAN RIGHTS COMPATIBILITY

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

## 10. ADMINISTRATIVE UPDATES

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

## 11. DOCUMENT HISTORY

| <b>Date Approved</b> | <b>Responsible Officer</b> | <b>Unit</b>                            | <b>Change Type</b>                                                       | <b>Version</b>                                                       | <b>Next Review Date</b> |
|----------------------|----------------------------|----------------------------------------|--------------------------------------------------------------------------|----------------------------------------------------------------------|-------------------------|
| <i>Month, year</i>   | <i>CG</i>                  | <i>Safe &amp; Healthy Environments</i> | <i>Eg. Develop, Review (significant) Review (administrative), Update</i> | <i>Increase version number each time document is updated/changed</i> | <i>Month, year</i>      |
| <i>Month, year</i>   | <i>Insert initials</i>     | <i>Business Unit</i>                   | <i>Eg. Develop, Review (significant) Review (administrative), Update</i> | <i>Increase version number each time document is updated/changed</i> | <i>Month, year</i>      |

## 7.2 CITY OF GREATER BENDIGO ENCROACHMENT POLICY

### Document Information

**Author** Caroline Grylls, Manager Safe and Healthy Environments

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

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### Purpose

The encroachment policy was developed by the Safe and Healthy Environments unit with cross-directorate collaboration, to provide a framework for managing encroachments onto land owned or managed by the City of Greater Bendigo.

### Summary

This report outlines the draft City of Greater Bendigo encroachment policy.

The policy was developed as a framework for staff at the City of Greater Bendigo (City) to apply a risk-based approach to managing encroachment on land owned or managed by the City across the municipality.

### **RECOMMENDATION**

That Council adopt the Encroachment Policy.

### **RESOLUTION**

Moved Cr Metcalf, Seconded Cr Pethybridge.

That the recommendation be adopted.

**CARRIED**

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### Policy Context

Community Plan Reference:

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

Goal #1 Lead and Govern for all.

Objective #1.2 Explain the reason for its decision.

## Goal #2 Wellness and Fairness

### Objective 2.5 Create Safe and Resilient Communities

#### **Background Information**

Encroachment onto land owned and managed by the City of Greater Bendigo (City) is not a new issue, however the City to date has not had a policy to guide staff and set a framework for how the community can expect the organisation will respond to known and proposed encroachments.

There are many examples of encroachment that exist across the municipality, and encroachments can extend onto private land, road reserves, crown land reserves, national parks, and freehold reserves and it is not always clear what role the City has in resolving an encroachment. With respect to this policy, encroachment means '*unlawful interference, use of, or intrusion on, another's land*' – specifically land owned or managed by the City.

Examples of encroachment can range from building encroachment where historic buildings protrude beyond the title boundary, to vegetation encroachment where introduced species are planted in nature reserves and maintained by the community in good faith.

Given the rich mining history of Bendigo and the persistence of many long standing historic buildings, it is estimated that there could be as many as 100 examples of buildings that extend beyond the property title boundaries. If the City were to undertake an audit across the municipality there would be many hundreds of examples of encroachment where the community are using, maintaining, enclosing and segregating public land for their private purposes and/or exclusive use to some extent.

Further examples include the subtle extension of a rear fence into a creek reserve or the more overt fencing of large areas of public land for exclusive private use. At first glance these activities seem quite harmless; however they may restrict where public walking tracks can be constructed, or stop emergency access for firefighting or maintenance purposes. Children's play structures and cubby houses can be great fun beside the creek, but can pose serious risks to the community's health and safety when built on public land without the appropriate permissions.

Government departments can struggle with responding to this issue as there is no one clear pathway to resolution, and there are many examples of favourable encroachment where there is minimal risk, and many benefits. There are however some examples where the risk to individuals safety, the organisation and the public demand a response.

Where buildings extend over the title boundary there may be serious implications when road works or utility upgrades are proposed. Property owners may not be aware of any issue until they are well into planning a renovation or other works that require a permit. There are examples of the access to properties being restricted or blocked as a result of long standing fences that extend beyond a title boundary which can have impacts on proposed developments and neighbour relationships.

The examples given highlight the complex issues that encroachment present and in the absence of policy, staff and the community can feel uncertain, targeted and vulnerable. In instances where the City has to respond quickly to high risk situations, there can be a costs incurred to the City making the situation safe when others lack the desire or ability to do so.

The development of a formal encroachment policy endorsed by Council will assist all stakeholders in dealing with encroachment across the City.

The scope of this policy does not extend to include all of the procedural mechanisms and tools used to respond to encroachment; rather it sets out a risk based framework for prioritising and decision making.

Previous Council Decision(s) Date(s):

N/A

## **Report**

The encroachment policy has been developed to provide a functional framework for managing and removing encroachments from the public realm to ensure compliance with the relevant legislation and to facilitate consistent decision making.

The policy seeks to:

- (1) ensure all Roads, Road Reserves and land within the City and under the City's control is free from any impediments to the unrestricted and safe passage of people and goods;
- (2) provide a fair and balanced approach to the use of public space;
- (3) ensure encroachments do not create risks to public safety;
- (4) facilitate effective risk management;
- (5) ensure the City satisfies its legal obligations;
- (6) ensure consistency with legislative requirements, City and other governmental policies;
- (7) preserve public spaces in the public domain for the public benefit; and
- (8) retain Bendigo's identity, character and form.

The City currently uses a risk based approach to managing encroachment, responding quickly to dangerous and unsafe situations, working with the community to resolve medium risk encroachments, and monitoring low risk and favourable encroachments.

In essence the policy formalises a risk based approach.

Priority/Importance:

During the development of the policy, it was clear that staff at the City placed a high priority on formalising a risk based approach to managing encroachment.

Options/Alternatives:

N/A

Timelines:

The encroachment policy would come into effect once adopted by Council.

Progress:

N/A

Risk Analysis:

Risks associated with staff at the City responding to encroachment in the absence of policy are that:

- an inconsistent approach could result across the municipality.
- staff at the City feel unsupported.
- the response is disproportionate to the risk.
- prioritising resources is difficult.

**Consultation/Communication**

The encroachment policy has been developed in line with the City's internal organisation policy framework.

Internal Consultation:

The encroachment policy has been developed with broad internal consultation and collaboration with relevant units and key positions, detailed in the following table:

<b>Unit</b>	<b>Key contributors</b>
Governance	Manager Governance Coordinator Legal Services Policy and Legal Support Officer Integrity Advisor
Parks and Open Space	Manager Parks and Open Space Team Leader Natural Reserves
Engineering	Manager Engineering Compliance Officer – Engineering

Works	Manager Works
Statutory Planning	Manager Statutory Planning Planning Compliance Officer
<b>Unit</b>	<b>Key contributors</b>
Safe and Healthy Environments	Manager Safe and Healthy Environments Municipal Building Surveyor Coordinator Building Services Coordinator Investigations Coordinator Inspections
Property Services	Manager Property Services

External Consultation:

<b>Organisation &amp; Position</b>	<b>Key contributors &amp; Comments</b>
DEWLP - Regional Manager, Land and Built Environment Programs Loddon Mallee Region and Operational representative.	Support for the implementation of a policy to guide staff at the City. Supports the City taking action to resolve encroachment on Crown land managed by the City. Support to work collaboratively in responding to encroachment. Recommended inclusion of a likelihood table. Recommended a short initial review timeline.

### Resource Implications

The Encroachment Policy has been developed and will be implemented using existing resources.

### Attachments

1. Draft City of Greater Bendigo Encroachment Policy.

**ENCROACHMENT POLICY**

<b>Approval Level:</b>	Council
<b>Policy Type:</b>	Council
<b>Approval Date:</b>	Click here to enter a date. (If the policy is to become effective at a future date, both the approval date and commencement date should be shown. ie <i>15 March 2016 (Effective from 1 July 2016)</i> )
<b>Review cycle:</b>	<i>Frequency of review, generally four years after most recent review unless otherwise required. ie. Annually or Within twelve months after each Council election</i>
<b>Review Date:</b>	Click here to enter a date. (If the policy is to become effective at a future date, both the approval date and commencement date should be shown. ie <i>15 March 2016 (Effective from 1 July 2016)</i> )
<b>Responsible Officer:</b>	Manager Safe and Healthy Environments
<b>Owner:</b>	Safe and Healthy Environments
<b>Responsible Director:</b>	Health and Wellbeing
<b>Relevant Legislation/Authority:</b>	<i>Planning and Environment Act 1987 Building Act 1993 Road Management Act 2004 Crown Land (Reserves) Act 1978 Local Government Ac 1989 Land Act 1958  City of Greater Bendigo Compliance Policy Greater Bendigo City Council Community Local Law</i>
<b>PolicyDOCSETID:</b>	Click here to enter text.

**1. PURPOSE**

- 1.1 The purpose of this policy is to provide a functional framework for managing and removing encroachments from the public realm to ensure compliance with the relevant legislation, manage public risk and to facilitate consistent decision making.
- 1.2 This policy seeks to:
- 1.2.1 ensure all Roads, Road Reserves and land within the City and under the City's control is free from any impediments to the unrestricted and safe passage of people and goods;
  - 1.2.2 provide a fair and balanced approach to the use of public space;

- 1.2.3 ensure encroachments do not create risks to public safety;
- 1.2.4 facilitate effective risk management;
- 1.2.5 ensure the City satisfies its legal obligations;
- 1.2.6 ensure consistency with legislative requirements, City and other governmental policies;
- 1.2.7 preserve public spaces in the public domain for the public benefit; and
- 1.2.8 retain Bendigo's identity, character and form.

## **2. BACKGROUND**

- 2.1 Bendigo is renowned for its historic and beautiful parks and colourful plantings on median strips, roundabouts and garden beds. The City has a vision to become the world's most liveable community and is constantly designing, constructing and enhancing a range of facilities to achieve this vision. It is the City's role to maintain and beautify these aspects through effective planning controls.
- 2.2 The City has experienced numerous instances where private land has progressively encroached on City managed land through gradual illegal extensions, placement of structures, storage and extensions of fencing. Some of these encroachments may appear to only have a minor impact on public land, but encroachments have the ability to:
  - 2.2.1 diminish the appearance of public land and facilities;
  - 2.2.2 prevent City employees from carrying out maintenance and works;
  - 2.2.3 cause poor drainage;
  - 2.2.4 isolate land from public access and use;
  - 2.2.5 negatively impact biodiversity;
  - 2.2.6 present a risk to public safety;
  - 2.2.7 impede fire management;
  - 2.2.8 create legal liability issues; and
  - 2.2.9 encumber City resources and assets.
- 2.3 For the reasons set out in clause 2.2, it is imperative that all encroachments are carefully assessed and regulated to mitigate risk and safeguard sustainable development for the future.

## **3. SCOPE**

This policy applies to all Roads, Road Reserves and land under the City's control within the City's boundaries. Encroachments over private land, such as private roads, are not covered by this policy.

#### 4. DEFINITIONS

In this policy:

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

**City** means the Greater Bendigo City Council.

**Encroachment** means unlawful interference, use of, or intrusion on, another's land.

**Occupation** means an approved interference, use of, or intrusion on, another's land.

**Road** means:

- (a) a street;
- (b) a right of way;
- (c) any land reserved or proclaimed as a street or road under the *Crown Land (Reserves) Act 1978* (Vic) or the *Land Act 1958* (Vic);
- (d) a public road under the *Road Management Act 2004* (Vic);
- (e) a passage;
- (f) a by-pass;
- (g) a bridge or ford;
- (h) a footpath, bicycle path or nature strip; and
- (i) any culvert or kerbing or other land or works forming part of the road.

**Road Reserve** means all area of the land that is within the boundaries of a road, including but not limited to:

- (a) nature strips;
- (b) roadsides;
- (c) drains;
- (d) verges;
- (e) shoulders; and
- (f) roadways.

#### 5. PRINCIPLES

5.1 The City’s general position regarding compliance activities is that all compliance activities undertaken by the City will be in accordance with the City’s Compliance Policy, and be:

5.1.1 outcome based rather than punitive; and

5.1.2 where appropriate, provide opportunities for timely and appropriate corrective action to be taken.

**6. POLICY**

**6.1 Classification and management of encroachments**

6.1.1 Encroachment Priority Rating Matrix

a) The City will utilise the Encroachment Priority Rating Matrix (**‘Matrix’**) below and the Operational Response Tool set out in 6.3.2 to establish the decision making process and provide criteria for a strategic and consistent approach to managing various forms of encroachments.

<b>Spatial Extent</b>	<b>LARGE</b> ( > 50m <sup>2</sup> )	<b>B</b>	<b>A</b>	<b>A</b>
	<b>MODERATE</b> ( 10m <sup>2</sup> - 50m <sup>2</sup> )	<b>C</b>	<b>B</b>	<b>A</b>
	<b>SMALL</b> ( < 10m <sup>2</sup> )	<b>C</b>	<b>C</b>	<b>B</b>
		<b>LOW</b>	<b>MEDIUM</b>	<b>HIGH</b>

**Level of Risk**

(For definition and examples of level of risk refer to table in 6.1.2)

6.1.2 Operational Response Tool

- a) Based on the letter obtained through the use of the Matrix, the following table sets out the conditions and actions which have been developed to guide the appropriate remedy of an unauthorised encroachment.

Class	Priority	Definition and Examples	Operational Response	Response/Action
<b>A</b>	<b>High Priority</b>	<p>Potential 'Critical' or 'Major' impact on people, non-natural environment, natural environment or reputation.</p> <p>Examples:            Death or significant hospitalisation likely            Irreversible ecosystem contamination            National/State reputation damage</p>	Act or refer as first priority to reduce the risk in accordance with the Compliance Policy.	Complete removal of encroachment or approval of occupation with acceptable risk.
<b>B</b>	<b>Medium Priority</b>	<p>Potential 'Moderate' impact on people, non-natural environment, natural environment or reputation.</p> <p>Examples:            Medical treatment GP/hospital likely            Long term repair of ecosystem            Regional reputation damage            Accessibility limited</p>	Act or refer as second priority to reduce the risk in accordance with the Compliance Policy.	Complete removal of encroachment or approval of occupation with acceptable risk.
<b>C</b>	<b>Low Priority</b>	<p>Potential 'Minor' or 'Insignificant' impact on people, non-natural environment, natural environment or reputation.</p> <p>Examples:            First Aid treatment likely            Limited impact on plants/animals            Local reputation damage            Accessibility not impeded</p>	Act or refer as third priority to reduce the risks in accordance with the compliance policy and monitor situation.	Encroachment noted and recorded for monitoring or approval of occupation with acceptable risk.

## 6.2 Identification of encroachments

6.2.1 Each time an alleged encroachment is reported or identified, the City will undertake the following main steps:

- a) Staff observation, receipt of complaint or advice concerning encroachment
- b) Record the potential encroachment in the customer request system
- c) Establish the ownership details of the land subject to the encroachment
- d) Establish the role of the City with respect to the ownership of the land
- e) Where the City has a role, apply section 6.1 Classification and Management of Encroachments to determine *Priority Rating* and *Operational Response Priority*.
- f) Where an *Operational Response* of High or Medium priority is established, this outcome must be validated through collaboration with other relevant staff
- g) Record *Priority Rating* and *Operational Response Priority* and validation (if relevant) in the customer request system
- h) Implement the policies *Operational Response* and *Response/Action*

## 6.3 Approvals and conditions

### 6.3.1 'Low Priority' encroachments

- a) After thoroughly assessing the encroachment in person and through using the tools in 6.1.1 and 6.1.2 of this policy, if it is in the opinion of the City that a permission can be provided, that permission shall be granted in such a way as to give due regard to the following:
  - (i) The parties to the agreement
  - (ii) Address of parties to the agreement
  - (iii) The land subject to the agreement
  - (iv) Term (timelines)
  - (v) Purpose
  - (vi) Public Liability Insurance
  - (vii) Conditions of permission
- (b) any approval granted must:
  - (i) Indemnify the City of Greater Bendigo from possible claims

(ii) Negate potential adverse possession claims

(iii) Be at no expense to the City of Greater Bendigo

(c) Approvals may be subject to Section 173 agreements on land titles.

#### 6.3.2 'Medium and High Priority' encroachments

a) No permits shall be granted to encroachments classed as Medium or High Priority with unacceptable risks.

6.4 This policy must be read in conjunction with relevant legislation and adopted City policies and guidelines.

## 7. ROLES AND RESPONSIBILITIES

### 7.1 Council

It is the role of Council to adopt the City's Encroachment policy.

### 7.2 City of Greater Bendigo employees.

The Manager Safe Healthy Environments is responsible for the administrative review of this policy and all associated reporting to Council. All staff have a responsibility to ensure that they adhere to this policy and report any breaches of this policy. The consequence of not complying with this policy could mean a potential breach of the City's Code of Conduct.

## 8. RELATED DOCUMENTS

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

These include:

*The Planning and Environment Act 1987 (Vic), Building Act 1993 (Vic), Road Management Act 2004 (Vic), Greater Bendigo City Council Local Laws and the City of Greater Bendigo Compliance Policy* are the primary pieces of legislation/documents relevant to encroachment on City owned or managed land.

Further information or advice on this policy should be directed to Safe and Healthy Environments

## 9. HUMAN RIGHTS COMPATIBILITY

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

The key principles of the Charter are to ensure that the policy, plan or procedure does not limit, restrict or interfere with any of the rights contained in the Charter.

There is a human rights trigger regarding “property rights”. However, the Enforcement Policy applies only to land owned or managed by Council and does not allow the acquisition, seizure or forfeiture of land that is not owned or managed by Council.

## 10. ADMINISTRATIVE UPDATES

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

## DOCUMENT HISTORY

<b>Date Approved</b>	<b>Responsible Officer</b>	<b>Unit</b>	<b>Change Type</b>	<b>Version</b>	<b>Next Review Date</b>
<i>July 2019</i>	<i>CG</i>	<i>Safe &amp; Healthy Environments</i>	<i>Develop</i>	<i>1</i>	<i>TBD</i>

### 7.3 CONTRACTS AWARDED UNDER DELEGATED AUTHORITY

#### Document Information

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

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

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#### Purpose/Summary

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

#### RECOMMENDATION

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

#### RESOLUTION

Moved Cr Emond, Seconded Cr Williams.

That the recommendation be adopted.

**CARRIED**

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#### Policy Context

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

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

Goal 1: Lead and govern for all

Objective: 1.2 Be innovative and financially responsible

## Report

| Contract No              | Project                                                                                                   | Successful Contractor                                                                                                                      | Delegated Officer                         | Date Signed   |
|--------------------------|-----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|---------------|
| <b>Capital Contracts</b> |                                                                                                           |                                                                                                                                            |                                           |               |
| CT000498                 | Municipal Baths Rosalind Park – Landscape Architectural Design                                            | Spiire Australia Pty Ltd                                                                                                                   | Debbie Wood                               | 01 April 2020 |
|                          | <b>Price:</b> \$238,000.00                                                                                | <b>Practical Completion:</b> 31 December 2020                                                                                              |                                           |               |
| CT000505                 | Canterbury Park Oval Lighting Upgrade                                                                     | DeAraugo & Lea Electrical Contractors Vic Pty Ltd                                                                                          | Lincoln Fitzgerald _ acting Director      | 09 April 2020 |
|                          | <b>Price:</b> \$437,800.00                                                                                | <b>Practical Completion:</b> 30 June 2020                                                                                                  |                                           |               |
| CT000502                 | <b>Supply &amp; Delivery of One (1) Excavator</b>                                                         | Komatsu Australia                                                                                                                          | Debbie Wood                               | 04 May 2020   |
|                          | <b>Price:</b> \$187,990.00                                                                                | <b>Practical Completion:</b> 1 August 2020                                                                                                 |                                           |               |
| CT000515                 | Camp & Church Streets Kangaroo Flat Roundabout Work                                                       | Avard Civil Pty Ltd                                                                                                                        | Debbie Wood                               | 13 May 2020   |
|                          | <b>Price:</b> \$425,268.51                                                                                | <b>Practical Completion:</b> 30 August 2020                                                                                                |                                           |               |
| <b>Service Contracts</b> |                                                                                                           |                                                                                                                                            |                                           |               |
| Contract Number          | Project:                                                                                                  | Successful Contractor:                                                                                                                     | Delegated Officer:                        | Date Signed   |
| CT000489                 | Supply and Delivery of One (1) Roadable Non-Articulated Footpath Sweeper (Leased)                         | Toyota Finance                                                                                                                             | Debbie Wood                               | 12 March 2020 |
|                          | <b>Price:</b> Lease repayment                                                                             | <b>Initial Term:</b> 4 Years                                                                                                               | <b>Extension Options:</b> 1 Year          |               |
|                          | Current annual Council Budget for the goods/services contracted via this schedule of rates is \$45,000.00 |                                                                                                                                            |                                           |               |
| CT000507                 | Provision of Concrete Grinding Services                                                                   | Panel <ul style="list-style-type: none"> <li>• McDonough Contracting Pty Ltd</li> <li>• The Australian Grinding Company Pty Ltd</li> </ul> | Debbie Wood                               | 14 April 2020 |
|                          | <b>Price:</b> Schedule of Rates                                                                           | <b>Initial Term:</b> 3 Years                                                                                                               | <b>Extension Options:</b> 2 Years (1+2)   |               |
|                          | Current annual Council Budget for the goods/services contracted via this schedule of rates is \$60,000.00 |                                                                                                                                            |                                           |               |
| CT000483                 | Online Booking Solution                                                                                   | Datacom Solutions (au) Pty Ltd                                                                                                             | Lincoln Fitzgerald – acting Director      | 20 April 2020 |
|                          | <b>Price:</b> Schedule of Rates                                                                           | <b>Initial Term:</b> 3 Years                                                                                                               | <b>Extension Options:</b> 2 Years (1 + 1) |               |
|                          | Current annual Council Budget for the goods/services contracted via this schedule of rates is \$35,000.00 |                                                                                                                                            |                                           |               |

|          |                                                                                                            |                              |                                           |               |
|----------|------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------------------------|---------------|
| CT000504 | Vegetation Management – Waterways                                                                          | Dja Dja Wurrung Enterprise   | Craig Niemann                             | 23 April 2020 |
|          | <b>Price:</b> Schedule of Rates                                                                            | <b>Initial Term:</b> 3 Years | <b>Extension Options:</b> 2 Years (1 + 1) |               |
|          | Current annual Council Budget for the goods/services contracted via this schedule of rates is \$150,000.00 |                              |                                           |               |

## 7.4 RECORD OF ASSEMBLIES

### Document Information

**Author** Jessica Clarke-Hong, Manager Governance  
**Responsible Director** Andrew Cooney, Director Corporate Performance

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### Purpose

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

### RECOMMENDATION

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

### RESOLUTION

Moved Cr Metcalf, Seconded Cr Flack.

That the recommendation be adopted.

**CARRIED**

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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

<b>Meeting Information</b>		
<b>Meeting Name/Type</b>	"Virtual" Councillors' Briefing	
<b>Meeting Date</b>	27 April 2020	
<b>Matters Discussed</b>	1. Update on meeting with Minister for Local Government, The Hon Adem Somyurek 2. Revised Budget Relief and Recovery Plan 3. GovHub update 4. Potential project ideas for stimulus funding	
<b>Attendees/Apologies</b>		
<b>Councillors</b>	Cr Margaret O'Rourke Cr Jennifer Alden Cr Matt Emond Cr George Flack OAM Cr Rod Fyffe OAM Cr Susie Hawke Cr Andrea Metcalf Cr Mal Pethybridge Cr James Williams	
<b>Staff/Community Representatives</b>	Mr Craig Niemann Ms Debbie Wood Mr Andrew Cooney Ms Vicky Mason Mr Bernie O'Sullivan Mrs Tiffany O'Connell	
<b>Conflict of Interest Disclosures</b>		
<b>Matter No.</b>	<b>Councillor/officer making disclosure</b>	<b>Councillor/officer left meeting</b>
	Nil	

<b>Meeting Information</b>		
<b>Meeting Name/Type</b>	'Virtual' Councillors' Briefing	
<b>Meeting Date</b>	4 May 2020	
<b>Matters Discussed</b>	<ol style="list-style-type: none"> <li>1. Industrial Land Strategy</li> <li>2. Revised Budget 2020/2021 and Capital Program</li> <li>3. Gender Equity Strategy</li> <li>4. Community Buildings Policy</li> <li>5. GovHub</li> <li>6. Review of Council Priorities</li> </ol>	
<b>Attendees/Apologies</b>		
<b>Councillors</b>	Cr Margaret O'Rourke Cr Jennifer Alden Cr Matt Emond Cr George Flack OAM Cr Rod Fyffe OAM Cr Susie Hawke Cr Andrea Metcalf Cr Mal Pethybridge Cr James Williams	
<b>Staff/Community Representatives</b>	Mr Craig Niemann Ms Debbie Wood Mr Andrew Cooney Ms Vicky Mason Mr Bernie O'Sullivan Mrs April Hinton	
<b>Conflict of Interest Disclosures</b>		
<b>Matter No.</b>	<b>Councillor/officer making disclosure</b>	<b>Councillor/officer left meeting</b>
	Nil	

<b>Meeting Information</b>		
<b>Meeting Name/Type</b>	'Virtual' Councillors' Briefing	
<b>Meeting Date</b>	11 May 2020	
<b>Matters Discussed</b>	<ol style="list-style-type: none"> <li>1. Industrial Land Strategy</li> <li>2. Review of Forward Agenda and Semi-Final Ordinary Agenda</li> <li>3. External Draft 2020/2021 Budget and Quarter 3 Financial Report</li> <li>4. GovHub Commercialisation</li> <li>5. Planning reports</li> <li>6. Reconciliation Plan Progress Report</li> </ol>	
<b>Attendees/Apologies</b>		
<b>Councillors</b>	Cr Margaret O'Rourke Cr Jennifer Alden	

	Cr Matt Emond Cr George Flack OAM Cr Rod Fyffe OAM Cr Susie Hawke Cr Andrea Metcalf Cr Mal Pethybridge <b>Apology:</b> Cr James Williams	
<b>Staff/Community Representatives</b>	Mr Craig Niemann Ms Debbie Wood Mr Andrew Cooney Ms Vicky Mason Mr Bernie O'Sullivan Ms Kaye Williams	
<b>Conflict of Interest Disclosures</b>		
<b>Matter No.</b>	<b>Councillor/officer making disclosure</b>	<b>Councillor/officer left meeting</b>
	Nil	

**8. URGENT BUSINESS**

Nil.

**9. NOTICES OF MOTION**

Nil.

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

There is no confidential item as outlined in the agenda as this has been dealt with in the public agenda: Report No. 5.3 (Local Government Power Purchasing Agreement Update).

**There being no further business, the meeting closed at 7:55pm.**

**Confirmed:**

**15 July 2020**

**Chair**

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