

MINUTES

Ordinary Meeting of Council

6.00pm Wednesday 15 July 2020

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

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

VENUE:

www.bendigo.vic.gov.au/councilmeeting

NEXT MEETING:

Wednesday 19 August 2020

www.bendigo.vic.gov.au/councilmeeting

Copies of the City of Greater Bendigo Council's Agendas & Minutes
can be obtained online at www.bendigo.vic.gov.au

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 15 JULY 2020

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CRAIG NIEMANN
CHIEF EXECUTIVE OFFICER

ACKNOWLEDGEMENT OF COUNTRY

PRAYER

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 Fyffe, seconded Cr Flack.

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

PRESENT

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
Mr Craig Niemann (Chief Executive Officer)
Mr Bernie O'Sullivan (Director, Strategy and Growth)
Ms Caroline Grylls (A/Director, Health and Wellbeing)
Mr Andrew Cooney (Director, Corporate Performance)
Mr Peter Hargreaves (Coordinator, Governance and Civic Support)

APOLOGIES/LEAVE OF ABSENCE

Ms Vicky Mason (Director, Health and Wellbeing)
Ms Debbie Wood (Director Presentation and Assets)

SUSPENSION OF STANDING ORDERS

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

MOTION

Moved Cr Fyffe, seconded Cr Flack.

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

CARRIED

COMMUNITY RECOGNITION SECTION

"So much has happened since we last met in regard to our battle against COVID-19, so I hope our community is continuing to look after each other.

As we watch what is happening in Melbourne and we see communities again locked down, it's more important than ever to maintain those connections, particularly as we would be watching the news and feeling helpless.

Despite a small number of cases locally, we are currently in a really fortunate position but we know this can change very quickly.

We've seen community transmission happen locally, so it is critical that we continue to maintain our hand hygiene, remember to keep 1.5m apart when we move around the community and to get tested, even if we are only experiencing very mild symptoms of COVID-19.

I had the test myself a week or so ago. It wasn't pleasant but it's a small amount of discomfort for peace of mind. My test was negative but we all have a responsibility to monitor our health and protect others from possible illness.

As we move through the coming weeks and months, keep reaching out to people to see how they are. People best deal with challenges when they know there is an end in sight, but in a situation like this that's already gone on for several months and no end date, our wellbeing can be really tested and it's not uncommon to some days be feeling really optimistic and other days really challenged.

To help get yourself and others through this time, make sure you stay connected to doing what you love and the people you love. Find a way to do the things that bring you joy in a way you most feel comfortable. Make time for phone calls, a cuppa over Zoom or send a care parcel to friends you can't see right now.

Caring for people and knowing we're cared for will help to provide great reassurance at this time, particularly as we work through lockdown 2.0 which will keep us from seeing friends and family or has cancelled plans we had been looking forward to.

Showing kindness and patience to each other, friends, strangers, everyone, is essential.

I do ask that we all continue to do the right thing and we need everyone right across Victoria to be doing this. If we do, we can all say that we're saving lives!

The Victorian Government is acting on the advice of the Chief Health Officer and Victoria Police will fine those people doing the wrong thing.

We know what our responsibilities are and keeping ourselves and others healthy is critical to helping our community and economy recover.

As part of Council's measures to support businesses recover from the impacts of COVID-19, the CEO, senior staff and I have recently been meeting with key groups that represent very important sectors of our economy and who have been greatly impacted by the restrictions in place.

These meetings have included the accommodation sector, in particular the moteliers, who have seen their overnight stays collapse, and also local hoteliers who are facing great difficulties in operating viably while they can only serve a limited number of patrons.

"We are working closely with the moteliers on how we can work together to package up unique Bendigo tourism offers and market our city to visitors across regional Victoria and encourage them to plan a future stay. Although we are relying on everyone doing the right thing, we must also remember at this time that people in regional Victoria can move around, which includes visitation between regions. Via Bendigo Tourism we are also making sure appropriate and timely mental health support is available to tourism businesses.

We have also met with the hoteliers and I acknowledge a petition that the hoteliers have sent through to Premier Daniel Andrews and provided a copy to Council. When it is safe to do so, and I must stress that we are all aware relaxation must be done at the right time, the hoteliers are asking that the number of people per room be increased and the square metre rule progressively.

We are continuing to see just how infections this virus is, particularly when groups of people come together, so any possible change must be carefully managed and think all our business owners understand this. No one wants their business to be at the centre of an outbreak.

I would like to commend groups such as the moteliers and hoteliers for how constructive and forward thinking they are being in spite of the considerable impact on their businesses. We will continue to work closely with these and many other groups while working to the restrictions of the day and advocating for change when it is safe and appropriate".

PUBLIC QUESTION TIME

RESUMPTION OF STANDING ORDERS

That Standing Orders be resumed.

MOTION

Moved Cr Fyffe, seconded Cr Flack.

That Standing Orders be resumed.

CARRIED

CR FYFFE'S REPORT

Cr Fyffe reported on his virtual attendance at a number of meetings via the Zoom platform, with the latest being the Farming Advisory Committee meeting last evening, chaired by Cr Metcalf; such community committees are important to continue and be supported. Cr Fyffe also conveyed appreciation to the staff who are continuing to work, whether it be from home or within distancing restrictions at various locations and recognises that the effort of staff has not diminished during these difficult times. Cr Fyffe highlighted the need to support local businesses, support each other and look forward to a bit of normality soon, and in the meantime, will wait for the next Zoom meeting!

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.

Cr Susie Hawke stated in relation to the Wellbeing and Fairness Report No. 4.1 (Golden Square Recreation Reserve Master Plan) that, "I declare no direct or indirect conflict of interest that would prevent me from participating in the debate or voting. I am, however, mindful that some might believe I have a personal interest in this matter (as a member of the Bendigo East Swimming Pool) and that this will predetermine the issue in my mind independent of the debate and not because of it. Let me assure you that, as a sworn councillor, my duty is to the community as a whole and I will put aside all personal interests and bias and determine the matter with responsible objectivity".

Cr Rod Fyffe OAM stated in relation to the Wellbeing and Fairness Report No. 4.1 (Golden Square Recreation Reserve Master Plan) that, "I declare no direct or indirect conflict of interest that would prevent me from participating in the debate or voting. I am, however, mindful that some might believe I have a personal interest in this matter (as a member of the Golden Square Football Netball Club) and that this will predetermine the issue in my mind independent of the debate and not because of it. Let me assure you that, as a sworn councillor, my duty is to the community as a whole and I will put aside all personal interests and bias and determine the matter with responsible objectivity".

The Chief Executive Officer, Mr Craig Niemann declared a conflict of interest (indirect interest as a result of impact on residential amenity) in the Wellbeing and Fairness Report No. 4.1 (Golden Square Recreation Reserve Master Plan), as he has an interest in a property in Booth Street, Golden Square, but as Chief Executive Officer, does not vote on the item.

CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting of Wednesday 17 June 2020.

The following items were considered at the Ordinary Council meeting held on Wednesday 17 June 2020 at 6:00pm.

NO.	TITLE	RECOMMENDATION
1.1	Petition: Brougham Street Median Plantings	<u>RECOMMENDATION</u> That Council receive the petition and response be prepared within two (2) meetings.
2.1	Planning Scheme Amendment C243 - Implement the Heathcote Flood study 2016 - Consider Submissions and Refer to Panel	<u>RECOMMENDATION</u> 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.
3.1	Food System Strategy	<u>RECOMMENDATION</u> That Council adopt the Greater Bendigo Food System Strategy 2020-2030.
3.2	Golden Square Recreation Reserve Master Plan - Community Engagement Update	<u>RECOMMENDATION</u> 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.
3.3	Bendigo Botanic Gardens - White Hills - Central Hub Project	<u>RECOMMENDATION</u> That Council <ol style="list-style-type: none"> 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.
4.1	Bendigo Airport Lease Policy	

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.

- | | |
|-----|---|
| 4.2 | Adoption of the Greater Bendigo Industrial Land Development Strategy and Background Paper |
|-----|---|

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.

- | | |
|-----|---------------------------|
| 5.1 | Reimagining Bendigo Creek |
|-----|---------------------------|

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.

- | | |
|-----|--------------------------|
| 5.2 | Greening Greater Bendigo |
|-----|--------------------------|

RECOMMENDATION

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

- | | |
|-----|--|
| 5.3 | Local Government Power Purchasing Agreement Update |
|-----|--|

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.

7.1	Compliance Policy
<u>RECOMMENDATION</u>	
That Council adopt the Compliance Policy with a review date of 2025.	
7.2	City of Greater Bendigo Encroachment Policy
<u>RECOMMENDATION</u>	
That Council adopt the Encroachment Policy.	
7.3	Contracts Awarded Under Delegation
<u>RECOMMENDATION</u>	
That the contracts awarded under delegation, as outlined in this report, be acknowledged by Council.	
7.4	Record of Assemblies
<u>RECOMMENDATION</u>	
That Council note the record of assemblies of Councillors as outlined in this report.	

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

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on Wednesday 17 June 2020, as circulated, be taken as read and confirmed.

RESOLUTION

Moved Cr Flack, seconded Cr Metcalf.

That the recommendation be adopted.

CARRIED

1. BUDGET 2020/2021

1.1 ADOPTION OF 2020/2021 BUDGET

Document Information

Author Kate Fox, Coordinator Management Accounting

Responsible Director Andrew Cooney, Director Corporate Performance

Summary/Purpose

The purpose of this report is to present Council with the 2020/21 Budget for consideration.

RECOMMENDATION

That the Greater Bendigo City Council, having considered the submissions to the 2020/2021 Proposed Budget:

1. Adopt the Budget, annexed to this resolution, being the Budget prepared for the 2020/2021 financial year for the purposes of Section 127 of the *Local Government Act 1989*, including adjustments made as a result of the exhibition period noted in the Report following.
2. Gives public notice of the adoption of the 2020/2021 Budget, in accordance with Section 129 of the *Local Government Act 1989*, and makes available for public inspection the information required by the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*, to display the Budget at the City of Greater Bendigo offices (or make available by request) and on the City of Greater Bendigo website.
3. Acknowledges the contribution of submitters to the budget process, and thanks them for their contribution.
4. Authorises officers to provide a formal response to each submitter.
5. Notes that at the time the general valuation was supplied for the annual proposed budget in May 2020, it was comprised of preliminary valuations by the contractor, which were submitted to the Valuer-General for review. Final valuations have now been received. The variance between the preliminary and final valuations were assessed. As a result, minor adjustments have been made to the differential rates from the proposed budget.
6. Implements differential rates as detailed in the Report following.

7. Declares the following, in accordance with the Cultural and Recreation Lands Act 1963:

Classes 1 to 5:	0.0% of Capital Improved Value
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8. Adopts service charges as detailed within the Report following.
9. Grants an early full rate payment discount of 1.5% on current year rates and charges, if full payment (including any arrears and interest) is received on or before 30 September 2020.
10. Notes that the Annual Plan; Budget and Strategic Resource Plan be the Budget prepared for the 2020/2021 financial year for the purposes of Section 126 and 127 of the Local Government Act 1989.
11. Note that the Community Plan has been reviewed and no changes are required. Annual Actions for 2020/2021 are included in the Budget.

RESOLUTION

Moved Cr O'Rourke, Seconded Cr Fyffe.

That the recommendation be adopted.

CARRIED

Cr Fyffe called for a Division on the voting for the motion:

Those voting in favour of the motion:

Cr Alden, Cr Emond, Cr Fyffe, Cr Hawke, Cr O'Rourke (Mayor), Cr Pethybridge, Cr Williams

Those opposed to the motion:

Cr Flack, Cr Metcalf

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## **Policy Context**

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

Strategic Goal

Lead and govern for all

Objective:

Be innovative and financially responsible

## **Legislative Requirements**

In accordance with the *Local Government Act 1989*, Council must:

- Prepare a budget for each financial year commencing 1 July (Section 127).
- Declare the amount it intends to raise by general rates (Section 158).
- Comply with guidelines established under Sec 161; *Ministerial Guidelines for Differential Rating*.

- Give notice of the proposed budget and consider any submissions prior to adopting the budget.
- Adopt a Strategic Resource Plan not later than 30 June (Section 126) (an extension to 31 August 2020 was granted by the Minister for Local Government due to the pandemic)

The *Local Government Act 2020* provisions will be implemented in the coming months, and will be operative for future budgets.

## **Background Information**

The draft Community Plan 2017-2021 includes a Strategic Resource Plan (SRP). The key objective of the SRP is to achieve the Council's strategic objectives, while ensuring financial sustainability in the medium to long term.

The 2020/2021 Budget has been developed based on the SRP, to facilitate the achievement of the Annual Actions to deliver the Community Plan. This year Council has also considered the impacts of the COVID-19 pandemic on businesses and communities as well as its own operations.

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

6 May 2020 – Ordinary Meeting

Council resolved to delay the release of the draft budget for 2020/21 to enable further assessment to be undertaken of the impact of COVID-19 and develop initiatives to provide further support for our community and businesses.

20 May 2020 – Ordinary Meeting.

Council resolved to advertise the 2020/2021 Proposed Budget and to invite submissions from the community.

## **Report**

The 2020/2021 Budget is a balanced and optimistic budget that seeks to support the Greater Bendigo community and help residents and businesses to recover and thrive in light of the COVID-19 pandemic.

A key consideration in preparing this budget has been responding to and planning for recovery from the COVID-19 pandemic which has caused significant disruption to the Greater Bendigo economy and put financial strain on many households and businesses. The budget is focused on identifying a range of initiatives to support our community and businesses that are impacted, these include deferral of payments and charges, freezing a number of fees and charges at 2019/2020 rates (Refer Appendix A of the Budget) and waiving various fees for businesses applicable under Local Law.

Council's operating initiatives supporting the community total \$7.8M and include fee waivers for business, community support, funding to stimulate the local economy and 6 months of employment for 115 people who are currently out of work.

Funding has been allocated for infrastructure projects and additional events to boost the economy and create local jobs. The budget features a range of initiatives across different sectors including sport and recreation, tourism and events, business, economic development, the arts and creative industries. Alongside investment in new and existing infrastructure, the City seeks to provide assurance for our businesses and residents that they can have confidence in the direction of our community and our economy.

Prior to the pandemic Council was aiming to deliver a near breakeven Budget. Accounting for the impacts of the COVID-19 pandemic on the City's operations and supporting the community in the various ways outlined above the City is forecasting a cash deficit for the financial year. This is the responsible approach in the circumstances, as we continue to deliver services to the community.

Council considered the 2020/2021 Proposed Budget at its meeting on 20 May 2020 and resolved to advertise the budget. This occurred on 21 May 2020.

At the conclusion of the 28 day statutory period for public exhibition, 46 submissions were received. A Committee of the Council heard 15 verbal submissions on 18 June 2020. A summary of submissions received is provided (Attachment 2).

#### Consideration of submissions and adjustments to the 2020/2021 Proposed Budget (Recommendation 1)

As a result of stimulus, or changed circumstances since the Proposed Budget was exhibited, a range of adjustments have been made. These include adjustments subsequent to the consideration of the 46 public submissions received:

##### **Adjustments identified during advertising period:**

Majority of user fees and charges reduced, refer Appendix A of Budget.

|                                                                                                                         |             |
|-------------------------------------------------------------------------------------------------------------------------|-------------|
| User fees and charges income reinstated as venues have been able to open sooner than first estimated following COVID-19 | 676,000     |
| State Government funding for Working for Victoria initiative-providing 115 unemployed people with jobs                  | 4,800,000   |
| Federal Government commitment of funding toward capital works                                                           | 2,246,000   |
| Employee costs increased to account for the WFV funding                                                                 | (4,800,000) |
| Capital works increased in line with commitment from Federal Government for funding                                     | (2,246,000) |

##### **Budget Submissions**

|                                                                       |          |                   |
|-----------------------------------------------------------------------|----------|-------------------|
| Community Brass and Concert Bands                                     | (18,000) |                   |
| Bendigo Maubisse Friendship Committee                                 | (20,000) |                   |
| Bendigo Rowing Club                                                   | (4,000)  |                   |
| Marong Community Action Group                                         | (16,000) |                   |
| Neangar RC Sailing                                                    | (4,000)  |                   |
| <b>Total of individual project public submissions allocated funds</b> |          | <b>(\$62,000)</b> |

A summary of the Public Budget Submissions is provided at Attachment 2. The submissions received contained valuable contributions to the Budget and feedback on operations of Council. Where additional funds were required, Council have allocated specific additional budget support to a number of the submissions as detailed above.



Some other requests were able to be accommodated as part of existing allocations within the base budget, and did not require budget amendment.

All individuals and organisations who made a submission to the Budget will receive a response to the content of their submission following the adoption of the Budget.

#### Budget Details:

The key features of the 2020/2021 Budget are:

#### **Capital works of \$48M**

During 2020/2021, Council will continue to deliver on commitments to undertake significant capital projects which improve the liveability of the City. These include a new pavilion at Kennington Recreation Reserve (Harry Trott Oval), stage 2 of the Bendigo Town Hall renewal, further work on the Bendigo Botanic Gardens central hub and the implementation of Stage 1 of the Wolstencroft Reserve Masterplan. Other infrastructure categories continue to be renewed and expanded. This includes \$11.4M on roads; \$0.51M on bridges and \$1.5M for drainage works across the municipality. Council will also invest \$3.5M in footpaths and shared paths.

#### **Direct Support for Relief and Recovery**

Council has identified a range of initiatives to assist the Community during the COVID-19 pandemic and support local business and households in recovering from the pandemic. This includes waiving various fees for businesses, deferring payments, amendments to the Financial Hardship Policy, additional funding for events and freezing a significant number of user fees and charges including CBD parking.

Council's operating initiatives related to relief and recovery for the community total \$7.8M and include fee waivers for business, community support, and funding to stimulate the local economy.

Included in this is the provision of 6 months of employment for 115 people currently out of work in partnership with the Victorian State Government's *Working for Victoria* program.

#### **COVID-19 impacts on Council operations**

In addition to providing support for the community and businesses that are impacted by COVID-19, Council has had to also make a number adjustments to account for impacts of the pandemic on its operations. This has included decreased revenue from areas such as ticket sales from venue, car parking and sports venues as well increased costs of cleaning and business support technology. It is estimated these costs will total \$2.3M.

## Rates and Charges

An amount of \$126.5M to be raised by general rates and service charges as follows:

|                      |                                                  |
|----------------------|--------------------------------------------------|
| General Rates        | \$104.6M                                         |
| Service Charges      | \$20.3M                                          |
| Supplementary Rates* | \$1.61M (estimated to be raised during the year) |

\* *Supplementary rates are a result of Supplementary Valuations. A Supplementary Valuation occurs when there is a change to a property that will affect the Valuation such as construction of a dwelling or shed, installation of a swimming pool or a demolition*

An increase in budgeted income from Rates and Charges of \$4.7M from 2019/2020 adopted budget. This is attributable to an overall increase of 2 per cent in line with the rate Fair Go Rates System cap.

The Budget includes a General Rate and nine (9) differential rates to be declared as detailed in the following table:

### Rates detail (Recommendation 6)

|                                                                                          |           |
|------------------------------------------------------------------------------------------|-----------|
| General Rate                                                                             | 0.392841% |
| Commercial/Industrial A (Urban/non-CBD)<br>(185% of General)                             | 0.726761% |
| Commercial/Industrial B (Rural areas)<br>(180% of General)                               | 0.707114% |
| Commercial/Industrial C (CBD)<br>(190% of General)                                       | 0.746397% |
| Farm Land<br>(85% of General)                                                            | 0.333914% |
| Vacant Land (residential and rural residential)<br>(125% of General)                     | 0.491051% |
| Other Land<br>(185% of General)                                                          | 0.726761% |
| Vacant Land - Forest Edge Estate Maiden Gully properties.<br>(125% of General)           | 0.491051% |
| Residential - Forest Edge Estate Maiden Gully properties.<br>(100% of General)           | 0.392841% |
| Commercial/Industrial - Forest Edge Estate Maiden Gully properties.<br>(185% of General) | 0.726761% |

The Budget includes service charges to be declared as detailed in the following table:

### Service charges detail (Recommendation 8)

|                                                                    |          |
|--------------------------------------------------------------------|----------|
| Garbage Charge 120/140 Litre Bin (Within Organic collection area)  | \$151.30 |
| Garbage Charge 240 Litre Bin (Within Organic collection area)      | \$278.00 |
| Garbage Charge 120/140 Litre Bin (Outside Organic collection area) | \$174.60 |
| Garbage Charge 240 Litre Bin (Outside Organic collection area)     | \$301.40 |
| Garbage Charge 120/140 Litre Bin (other Commercial)                | \$174.60 |
| Garbage Charge 240 Litre Bin (other Commercial)                    | \$301.40 |
| Recycling Charge                                                   | \$96.30  |
| Organics Charge                                                    | \$92.60  |
| Garbage Charge (Business Areas) One Day per Week                   | \$301.40 |
| Garbage Charge (Business Areas) Two Days per Week                  | \$603.00 |
| Garbage Charge (Business Areas) Three Days per Week                | \$904.00 |

|                                                     |            |
|-----------------------------------------------------|------------|
| Garbage Charge (Business Areas) Five Days per Week  | \$1,507.00 |
| Garbage Charge (Business Areas) Seven Days per Week | \$2,110.00 |

## Other Items

A full year's funding of the financial assistance commonwealth grant is included in the 2020/2021 Budget.

Repayment of debt of approximately \$4.2M resulting in a balance of a total debt of \$40M as at 30 June 2020.

## Timelines

The Council must adopt its Budget by the end of August 2020 and forward a copy to the Minister for Local Government within 28 days of adoption.

## Consultation/Communication

### Internal Consultation:

The Budget has been prepared with extensive input from Councillors, the Executive Management Team and Managers.

### External Consultation:

Following consideration of the Proposed Budget by Council at its meeting on 20 May 2020 the 28 day statutory period for public exhibition was undertaken, commencing on 21 May 2020. Information regarding the Proposed Budget was made available on the City of Greater Bendigo's website and through local print media. As outlined above, 46 submissions were made in response to the Proposed Budget, and all were considered by Councillors.

## Resource Implications

The formal budget documentation details the resources required and applied to deliver services, programs and capital works during 2020/2021.

## Conclusion

Council has spent considerable time preparing the Budget for 2020/2021, in particular including revisions which consider the impacts of COVID-19 to include a range of funding initiatives to support businesses and community and stimulate the local economy.

The exhibition of the Proposed Budget generated a significant number of submissions which have now been considered.

The final version of the budget is now recommended for Council adoption.

## Attachments

1. City of Greater Bendigo Budget 2020/2021 (separate document)
2. Public Budget submissions summary

All submitters are written to with an individual response to their submission.

| Ref. | Name of Organisation/<br>Committee (if applicable)                            | Summary of Public Submission Details for 2020/2021 Budget                                                                                                                                                                                                                                                                 |
|------|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1    | Alliance for Gambling Reform                                                  | The Alliance is seeking \$25,000 from City of Greater Bendigo. In requesting these funds, they invite Council to commence a partnership with the Alliance as part of the strong group of Leadership Councils.                                                                                                             |
| 2    | <i>Individual submission</i>                                                  | Positive comment on allocated funding in the budget for the Wolstencroft Reserve Masterplan.                                                                                                                                                                                                                              |
| 3    | <i>Individual submission</i>                                                  | Request for a playground in Barnett Drive Kangaroo Flat.                                                                                                                                                                                                                                                                  |
| 4    | Crusoe College - Department of Education and Training, North Western Victoria | Crusoe College, Department of Education & Training seeking 50% contribution to upgrade seating and tables around Crusoe College.                                                                                                                                                                                          |
| 5    | <i>Individual submission</i>                                                  | Request for the construction of kerbing and drainage in Crusoe Road, submission sets out history of request.                                                                                                                                                                                                              |
| 6    | Bendigo East Swimming Pool                                                    | Seeking an additional \$80,000 toward running costs of Bendigo East Swimming Pool.                                                                                                                                                                                                                                        |
| 7    | <i>Individual submission</i>                                                  | Requesting the reinstatement of Council direct funding for Community Brass and Concert Bands.                                                                                                                                                                                                                             |
| 8    | St Matthew's Church and Long Gully Neighbourhood Centre                       | 1. Seeking a new Long Gully Community Plan to guide development in the area.<br>2. Requesting Safe Road Crossings to Link Up Linear Trail from Bendigo Stadium to Lake Weeroona.                                                                                                                                          |
| 9    | Marong Community Action Group                                                 | Marong Community Action Group seeking funding for fencing panels and landscaping in Marong.                                                                                                                                                                                                                               |
| 10   | Friends of the Bendigo-Kilmore Rail Trail                                     | Friends of the Bendigo-Kilmore Rail Trail - Construction of the Heathcote to Tooborac section of the Wallan to Heathcote Rail Trail.                                                                                                                                                                                      |
| 11   | Bendigo Maubisse Friendship Committee                                         | Bendigo Maubisse Friendship Committee request that the Community Partnerships budget of which includes a staffing allocation \$20,000 be extended for a further one-year period.                                                                                                                                          |
| 12   | <i>Individual submission</i>                                                  | Various comments on the budget including budget engagement; capital works levels; Council's strategies; the Annual Plan process; efficiencies and rates.                                                                                                                                                                  |
| 13   | Bendigo Rowing Club                                                           | Bendigo Rowing Club seeking funding of \$85,750 for the installation of an additional boat launching pontoon at Lake Weeroona to improve the safe conduct of regattas and other major water sports events.                                                                                                                |
| 14   | <i>Individual submission</i>                                                  | Comment on Ken Wust Oval.                                                                                                                                                                                                                                                                                                 |
| 15   | VRI Incorporated - Mitchell St Bendigo                                        | VRI Incorporated seeking funding to perform maintenance and repairs of the Hall in Mitchell Street Bendigo                                                                                                                                                                                                                |
| 16   | Woodvale recreation reserve Committee of Management Inc                       | Woodvale recreation reserve Committee of Management Inc request for the construction of a multipurpose pavilion at the Woodvale Recreation reserve                                                                                                                                                                        |
| 17   | Neangar RC Sailing                                                            | Neangar RC Sailing request funding to establish a floating pontoon extension to the existing jetty at Lake                                                                                                                                                                                                                |
| 18   | <i>Individual submission</i>                                                  | 2 key pieces of feedback:<br>1. Council could demonstrate its commitment to small towns like Elmore by adopting a more transparent way of confirming the activities it has planned through the Budget and Annual Plan.<br>2. Encouraging Council to include the Elmore public toilet upgrade in the budget for 2020/2021. |
| 19   | <i>Individual submission</i>                                                  | General commentary regarding the Hargreaves Mall shade structure and comments against the increase in rates.                                                                                                                                                                                                              |
| 20   | <i>Individual submission</i>                                                  | General comments against increased rates.<br>Request for the renewal of the footpath on Ellis St between Somerville St and Neale St on the Nth side                                                                                                                                                                       |
| 21   | <i>Individual submission</i>                                                  | General comments against increased rates.                                                                                                                                                                                                                                                                                 |
| 22   | <i>Individual submission</i>                                                  | Requesting finalisation of sealed road on O'Briens Lane Axedale, noting that it is a very high use road and is only sealed for a short section from McIvor Hwy.                                                                                                                                                           |
| 23   | <i>Individual submission</i>                                                  | General comments against increased rates.                                                                                                                                                                                                                                                                                 |
| 24   | Bendigo Historical Society                                                    | Bendigo Historical Society request that Council enact recommendations set out in the Cardamone Report                                                                                                                                                                                                                     |

| Ref. | Name of Organisation/<br>Committee (if applicable)      | Summary of Public Submission Details for 2020/2021 Budget                                                                                                                                                                                                                      |
|------|---------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 25   | Golden Square Football Netball Club - Juniors           | General comment supporting the allocation of funding toward improvements at Ken Wust Oval.                                                                                                                                                                                     |
| 26   | Quarry Hill Primary School                              | General comment supporting the allocation of funding toward improvements at Ken Wust Oval.                                                                                                                                                                                     |
| 27   | Quarry Hill Community Hall Committee of Management Inc. | General comment supporting the allocation of funding toward improvements at Ken Wust Oval.                                                                                                                                                                                     |
| 28   | West Bendigo Cricket Club                               | General comment supporting the allocation of funding toward improvements at Ken Wust Oval.                                                                                                                                                                                     |
| 29   | Bendigo East Baseball Club                              | General comment supporting the allocation of funding toward improvements at Ken Wust Oval.                                                                                                                                                                                     |
| 30   | Bendigo District Cricket Association                    | General comment supporting the allocation of funding toward improvements at Ken Wust Oval.                                                                                                                                                                                     |
| 31   | St Josephs Primary School                               | General comment supporting the allocation of funding toward improvements at Ken Wust Oval.                                                                                                                                                                                     |
| 32   | South Bendigo Junior Netball Club                       | General comment supporting the allocation of funding toward improvements at Harry Trott Oval.                                                                                                                                                                                  |
| 33   | South Bendigo Football Netball Club                     | General comment supporting the allocation of funding toward improvements at Harry Trott Oval.                                                                                                                                                                                  |
| 34   | <i>Individual submission</i>                            | Comments and input to the budget including the process for engagement; performance indicators; waste and reuse; and seeking to identify efficiencies to reduce fees for waste, rates and review opportunities to increase fees/revenue in other parts of Council's operations. |
| 35   | <i>Individual submission</i>                            | General comment supporting the allocation of funding to the Wolstencroft Reserve Masterplan.                                                                                                                                                                                   |
| 36   | <i>Individual submission</i>                            | General comment supporting the allocation of funding to the Wolstencroft Reserve Masterplan.                                                                                                                                                                                   |
| 37   | <i>Individual submission</i>                            | General comment supporting the allocation of funding to the Wolstencroft Reserve Masterplan.                                                                                                                                                                                   |
| 38   | <i>Individual submission</i>                            | General comment supporting the allocation of funding to the Wolstencroft Reserve Masterplan.                                                                                                                                                                                   |
| 39   | <i>Individual submission</i>                            | General comment supporting the allocation of funding to the Wolstencroft Reserve Masterplan.                                                                                                                                                                                   |
| 40   | <i>Individual submission</i>                            | General comments against increased rates.                                                                                                                                                                                                                                      |
| 41   | <i>Individual submission</i>                            | Positive comment on the Hargreaves Mall Shade Structure.                                                                                                                                                                                                                       |
| 42   | <i>Individual submission</i>                            | Positive comment on the Hargreaves Mall Shade Structure.                                                                                                                                                                                                                       |
| 43   | <i>Individual submission</i>                            | Positive comment on the Hargreaves Mall Shade Structure.                                                                                                                                                                                                                       |
| 44   | <i>Individual submission</i>                            | Positive comment on the Hargreaves Mall Shade Structure.                                                                                                                                                                                                                       |
| 45   | <i>Individual submission</i>                            | Large number of comments on the budget, including request for additional footpath/capital funding; specific questions on initiatives and waste fees and charges.                                                                                                               |
| 46   | <i>Individual submission</i>                            | Individual submission, seeking for the budget to add funds for Art Grants and opportunities for local artists.                                                                                                                                                                 |

## **2. PETITIONS AND JOINT LETTERS**

Nil.

### 3. PRESENTATION AND MANAGING GROWTH

#### 3.1 PLANNING SCHEME AMENDMENT C242 - EAGLEHAWK LANDFILL BUFFER PROJECT CONSIDER AUTHORISATION REQUEST

##### Document Information

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

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

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##### Summary/Purpose

**Amendment details:** This amendment proposes to apply a buffer in the form of a Design and Development Overlay to land within 500m of the boundary of the Eaglehawk Landfill to protect new sensitive uses from potential off-site impacts from the Landfill. These potential impacts have been identified through the preparation of technical reports on landfill gas, odour, noise and dust and confirmed through an audit prepared under Section 53V of the *Environment Protection Act 1970*.

The amendment also proposes changes to the Local Planning Policy Framework to identify the Landfill as a constraint to future residential development and for the need for any future rezoning proposals to a sensitive use to be supported by a Section 53V audit.

**Proponent:** City of Greater Bendigo

**Key issues:**

- Need to protect existing and future residents from impacts from the Landfill.
- Uncommon situation of existing residential and industrial land uses within the Landfill buffer.
- Future use and management of the Landfill site to protect adjoining residents.
- The City's responsibility as the polluter in remediating the Landfill and managing the off-site impacts.

**RECOMMENDATION**

That Council resolve to:

1. Request the Minister for Planning to authorise Council to prepare Amendment C242 to the Greater Bendigo Planning Scheme.
2. When Authorised by the Minister, publicly exhibit Amendment C242 to the Greater Bendigo Planning Scheme as required under the Planning and Environment Act but extending the period from the minimum of one month to six weeks.
3. Support the inclusion of conditions on planning permits to implement the recommendations of the 53V Audit while the planning scheme amendment process is undertaken.

**RESOLUTION**

Moved Cr Metcalf, Seconded Cr Pethybridge.

That the recommendation be adopted.

**CARRIED UNANIMOUSLY**

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Policy Context

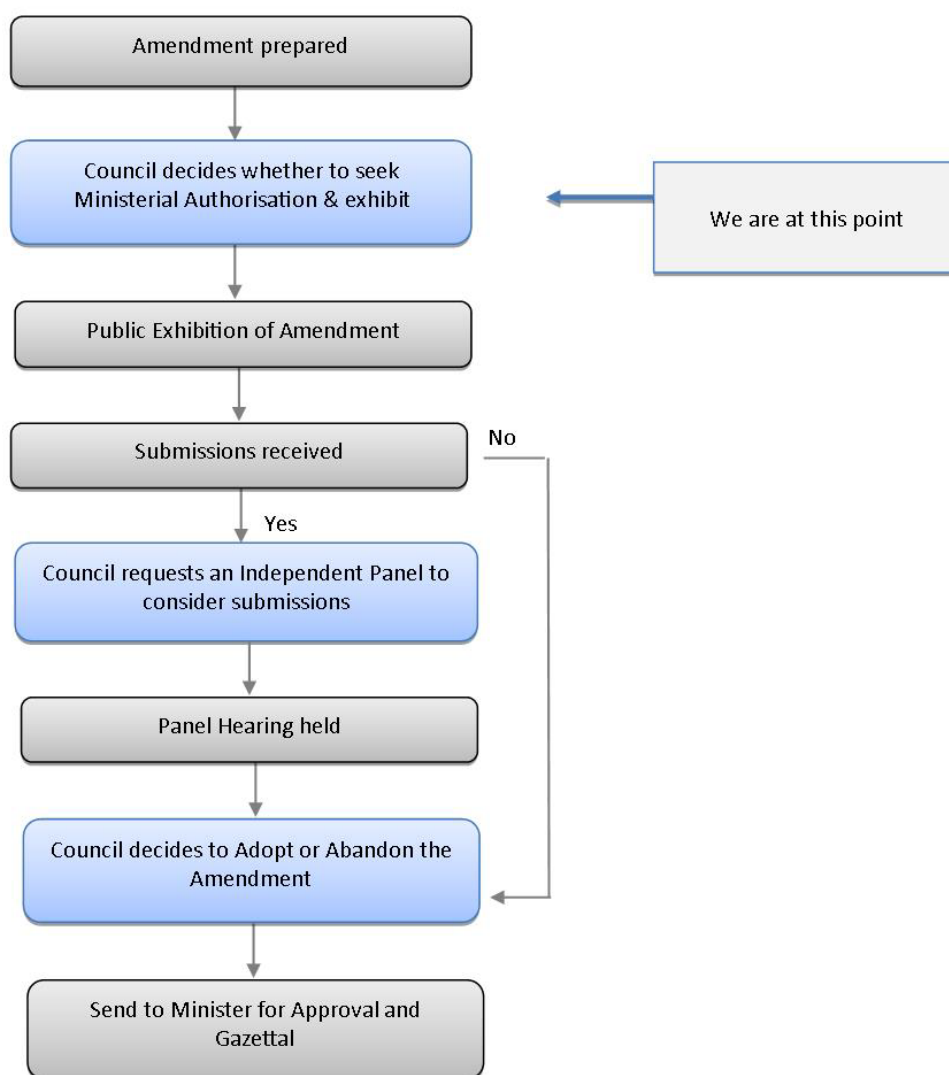
City of Greater Bendigo Community Plan 2017 – 2021

Goal 4: Presentation and managing growth

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

Background Information

The key steps in the Amendment process are summarised below:



The Eaglehawk Landfill at 191-193 Upper California Gully Road, Eaglehawk, has operated as a licensed landfill since 1975. Prior to this, the site and area had been used for the disposal of mine waste and general waste disposal since the 1860s. The site also contains a transfer station that receives green and household waste.

The Landfill is a waste and resource recovery hub of State significance under the *State-wide Waste and Resource Recovery Infrastructure Plan* (2018) and the *Loddon Mallee Waste and Resource Recovery Implementation Plan* (2017).

The Landfill is operated by the City under a licence from the Environment Protection Authority, Victoria (EPA). It is licensed to accept general waste (putrescible and solid inert waste, asbestos of domestic origin, shredded tyres) and prescribed waste (asbestos and Category C contaminated soil). There is about 4-6 years of remaining airspace at the Landfill, although the transfer station will continue to operate on the site after the closure of the Landfill.

Operating landfills can have a range of environmental effects on surrounding land uses and activities. The *Best Practice Environmental Management: Siting, Design, Operation and Rehabilitation of Landfills* guidelines (BPEM) provides advice on buffers for operating and closed landfills to achieve adequate separation between landfills and sensitive receptors. A buffer is the area recommended between the activity boundary and the nearest development to protect the amenity, health and safety of people. For landfills that receive putrescible waste, the guidelines recommend a 500 metre buffer distance from buildings and structures to minimise the risk of harm. The Landfill BPEM allows changes to buffers subject to detailed assessment.

Transfer stations can also cause amenity impacts and those that receive putrescible waste have a recommended buffer distance of 250 metres under the *Recommended separation distances for industrial residual air emissions* (EPA 1518, 2013). Various EPA Guidelines recommend that councils take a cautious approach to managing land use and development within buffers, particularly in relation to landfill gas risks, which have the potential to affect human safety and buildings. Landfill gas is a potential issue at Eaglehawk Landfill as the cells filled between 1975 and 2000 were unlined.

Eaglehawk Landfill has an unusual land use context that is a legacy of the mining history and settlement pattern of the area: residential and industrial zoned land is located immediately adjacent to the Landfill including many dwellings. Most of the land has been developed, but some has additional development potential through further subdivision and there are approximately 20 vacant land parcels. The City receives planning permit applications for a range of land uses and developments within 500 metres of the landfill, although some forms of land use and development currently do not require planning permits within the landfill gas buffer due to a lack of planning controls.

Over time, the City and the EPA have experienced difficulties in assessing planning applications without a clear understanding of the environmental risks presented by the Landfill. This has led to significant uncertainty for property owners and permit applicants with a number of applications put on hold while the Audit was completed.

In 2017, the Loddon Mallee Waste and Resource Recovery Group undertook a land use planning project for 55 sites across its region. This work concluded that Eaglehawk Landfill is a high priority for further investigation and intervention from a planning perspective.

In order to resolve the uncertainties for all users of the planning system, and with the recommendation of the EPA, the City undertook technical assessments of gas, odour, noise and dust in order to determine whether the EPA recommended buffer was appropriate and to investigate suitable planning responses. These assessments have been completed, assessed and validated through a Section 53V Audit under the *Environment Protection Act 1970*.

Landfill gas poses the greatest risk to communities as methane in landfill gas is highly combustible and carbon dioxide is an asphyxiant. Determinants of gas include:

- Organic content in waste (putrescible is higher gas generating waste);
- Presence of preferential subsurface pathways (natural geology, mine shafts, tailings, underground services);
- Presence of gas containment barriers (landfill liners in cell or capping);
- Efficacy of landfill gas extraction systems.

Audit findings and recommendations

The findings and recommendations of the Audit, (*Section 53V Audit of Risk of Harm - Landfill Buffer Eaglehawk Landfill 191 – 193 Upper California Gully Road, Eaglehawk, Victoria*, prepared by Environmental Auditor, Paul Fridell, ERM, 16 December, 2019), and the City's response, is provided in Table 1 below. The Amendment is required to implement several of the recommendations. Refer to Attachments for the Audit Executive Summary.

Table 1 City response to Audit findings and recommendations

ISSUE	AUDIT FINDINGS	AUDIT RECOMMENDATIONS	RESPONSE
Landfill Gas	Risk to receptors from landfill gas migration is low within 250 m of the landfill and very low between 250 – 500m.	<p>Risks can be managed through 3 levels of control as shown in Figure 1:</p> <ul style="list-style-type: none"> • Control Area 1 - Residential less than 250m to landfill boundary – building design measures required. • Control Area 2 - Residential 250m to 500m from landfill boundary – gas monitoring and no • Control Area 3 - Industrial less than 250m to landfill boundary – building design measures required. • For control area 2, the City install several new LFG monitoring bores to provide early warning of the 	<p>DDO building control measures for gas protection to meet British standard in Control Areas 1 and 3:</p> <ul style="list-style-type: none"> • Membrane • Slab • Ventilation <p>Local policy to prevent more sensitive uses in Control Area 2.</p> <p>The City is engaging a contractor to undertake biannual monitoring, and update the</p>

ISSUE	AUDIT FINDINGS	AUDIT RECOMMENDATIONS	RESPONSE
		migration of LFG off-site.	Environmental Management Plan and the Landfill Gas Remediation Action Plan to include the new monitoring requirements, and other Audit recommendations
Odour	<p>The main sources of odour emissions are from the landfill tipping face (40%), green/food waste transfer facility (organics shed) (20%) and green waste mulch area (15%). Most odour impacts to the North, East and West of the Landfill.</p>	<ul style="list-style-type: none"> • Appropriate planning controls be implemented for the amenity buffer for the organics transfer station (250 metres) to reduce intensification of sensitive uses until transfer station is moved. See Figure 1. • No change is proposed to the 500 metre landfill amenity buffer but given the imminent closure of the landfill active cell and that it mostly overlaps the transfer station buffer, it is appropriate that the food/green transfer station buffer is adequate to address both sources. • The City to relocate on-site (where practicable) the greenwaste mulching area and the food/green transfer facility to maintain 250 metre separation to 	<p>The transfer station and organics shed will be maintained after the closure of the Landfill therefore requiring a 250m buffer, and this impacts a small residential area to the north of the landfill.</p> <p>EPA and audit strongly recommend no intensification of sensitive uses in this area until odour removed therefore subdivision controls are included in the DDO.</p> <p>The City is proposing to move the organics into the open space beside the shed, which is located further way from the closest residents but not 250m away. With</p>

ISSUE	AUDIT FINDINGS	AUDIT RECOMMENDATIONS	RESPONSE
		<p>existing sensitive receptors and areas zoned residential. Where this is not practicable, City investigate the installation of odour mitigation measures.</p> <ul style="list-style-type: none"> City to undertake odour, noise and dust modelling to demonstrate the ongoing operation of the onsite organic waste operations will not pose an unacceptable risk to sensitive receptors in the aftercare period. 	<p>better air flow and circulation (rather than being confined in a shed), the odour is expected to decrease. All organics will be removed from site at the conclusion of each day to ensure no odour is emitted overnight. If odour is still an issue then the City will investigate alternative odour control measures.</p> <p>The City is investigating relocation of the organics long term, however, if they remain onsite, the City will undertake odour, dust and noise monitoring to ensure they do not impact on sensitive receptors. This will be completed when the initial move of the organics to the area adjacent to the shed is made.</p>
		<ul style="list-style-type: none"> The reassessment of odour is to include revised modelling and a field validation program using a method based on 'European Standard EN16841-2-2016: Determination of odour in ambient air by using field inspection – Part 2: Plume method', adapted for Australian 	<p>The results of all modelling will be subject to Auditor approval.</p>

ISSUE	AUDIT FINDINGS	AUDIT RECOMMENDATIONS	RESPONSE
		conditions, and subject to endorsement by an EPA appointed Environmental Auditor.	
Dust	The risk from dust and particulate matter impacts at the nearest sensitive receptors is negligible under existing and proposed activities.	<ul style="list-style-type: none"> City to undertake odour, noise and dust modelling to demonstrate the ongoing operation of the onsite organic waste operations will not pose an unacceptable risk to sensitive receptors in the aftercare period 	As above.
Noise	<p>Noise emissions have been predicted to comply with daytime and evening noise limits based on existing conditions.</p> <p>Proposed future activities were not assessed, however, they were not predicted to intensify and therefore are unlikely to alter the current noise impact findings.</p>	<ul style="list-style-type: none"> City to undertake odour, noise and dust modelling to demonstrate the ongoing operation of the onsite organic waste operations will not pose an unacceptable risk to sensitive receptors in the aftercare period 	As above.

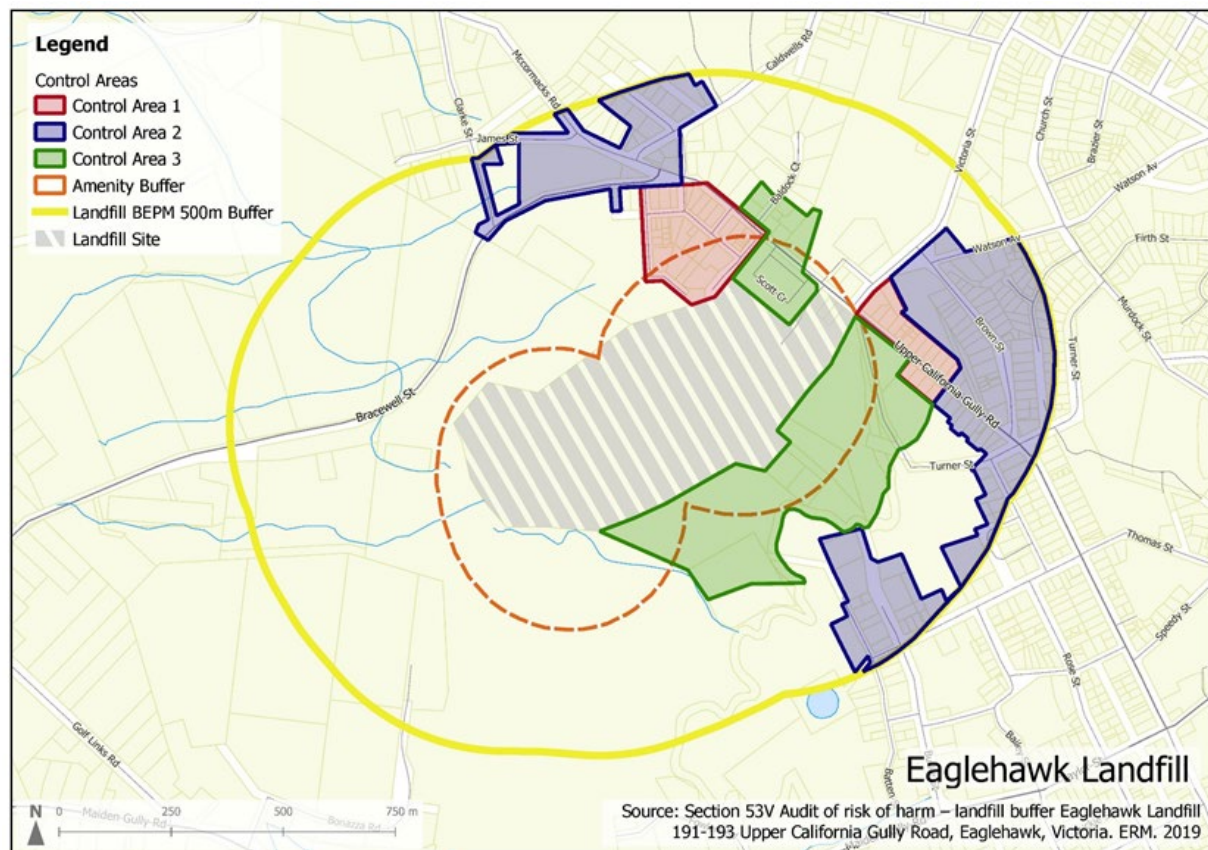


Figure 1: Eaglehawk Landfill Buffer Controls

Report

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

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

Land affected by the Amendment

The Amendment applies to 272 total properties in California Gully, Eaglehawk and Maiden Gully of which approximately 226 are privately owned, as per the details in the attached Explanatory Report. These properties are located within 500 metres of the site boundary of the Eaglehawk Landfill and are shown within the yellow line in Figure 1 above.

Of these, approximately 53 properties are within Gas Control Area 1, 120 are within Gas Control Area 2 and 33 in Gas Control Area 3 and 17 are in the odour amenity buffer (as shown in Figure 1).

The land affected includes several zones including the General Residential Zone, Industrial 1 Zone, Industrial 3 Zone, Farming Zone and Public Conservation and Resource Zone, as shown in Figure 2. There are also several overlays in the area including the Environmental Significance Overlay, Vegetation Protection Overlay, Bushfire Management Overlay and Environmental Audit Overlay.

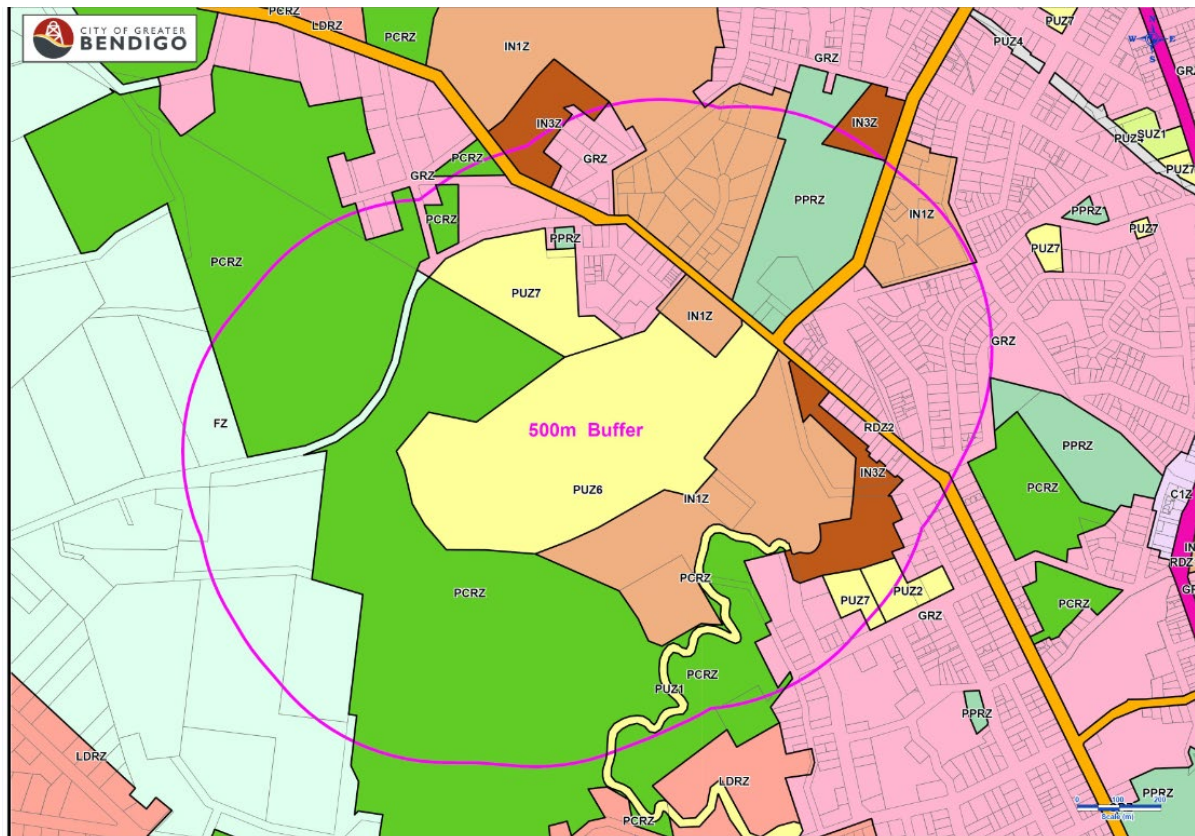


Figure 2: Existing zoning within 500m buffer

What the Amendment does

The Amendment proposes to:

- Insert a new Schedule 30 to Clause 43.02 (Design and Development Overlay - DDO30) in Clause 43.02 and apply it to all land within 500 metres of the site boundary of the Eaglehawk Landfill.
- Amend Clause 21.04 -2 (Strategic Framework Plans) to include the Landfill in the Urban Strategic Framework Plan, with notation 'Eaglehawk Waste and Resource Recovery Hub with offsite impacts'.
- Amend Clause 21.05-9 (Managing risks) to discourage rezoning of land to sensitive uses within the buffer unless supported by an audit prepared under Section 53V of the Environment Protection Act.
- Amend the Schedule to Clause 72.04 to insert the *Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings (British Standard 8485:2015)* as an Incorporated Document.
- Amend the Schedule to Clause 72.08 to insert the *Buffer Risk Assessment for Eaglehawk Landfill prepared by AECOM, 2019* as a Background Document.

The key amendment documents are in the Attachments.

Social, Economic and Environmental Impacts

Environmental Impacts

The amendment will have a positive environmental and social impact by ensuring that the main environmental impacts from the landfill that may affect human health and amenity will be managed. The potential impacts from landfill gas, odour, noise and dust have been discussed above. Generally, buffers around operating facilities are set to manage odour and landfill gas impacts. At the Eaglehawk Landfill it is anticipated that the only potential amenity impacts associated with the landfill component of the facility post-closure will relate to landfill gas.

Landfill gas is primarily generated by the decomposition of waste in a landfill. Landfill gas continues to generate within a landfill for around 30 years, after the landfill stops accepting waste. Landfill gas can be flammable, explosive, toxic, corrosive, odorous and present an asphyxiation (suffocation) hazard. If there is a build-up of landfill gas pressure in a landfill, the gas can move outward and upward. The pathway will be affected by the design of the landfill, treatment systems and landfill caps to reduce the risk of landfill gas migration and the geology of the subsurface between the landfill and the receptor. Service trenches in proximity to landfills can also be preferential pathways for landfill gas. Gas can enter buildings through gaps around pipes and service entries, gaps and cavities in walls, cracks in floors, cracks and gaps in basements and accumulate in these areas.

The Amendment will ensure that future development in areas that are subject to risk of potential harm from landfill gas contain protection measures that will reduce the risk of impacts to human safety and property. The proposed Design and Development Overlay (Schedule 30) will require that the design and construction of new buildings and works is carried out by suitably qualified professionals in accordance with appropriate standards. There are no Australian Standards for landfill gas protection measures so the British Standard BS8485:2015 has been used as these are referred to in relevant EPA guidelines for *Assessing planning proposals within the buffer of a landfill (EPA 1642, 2017)*.

Social and Economic Impacts

Landfill gas can have significant social and economic impacts on human safety and property. In extreme cases, evacuation of buildings may be required to minimise safety risks. These impacts and the uncertainties surrounding the risks, can have negative effects on people's lifestyle, relationships, property values and mental health.

Landfill gas risk has emerged as a significant environmental issue since a major landfill gas incident in the Brookland Green residential estate in the City of Casey in 2008. The need for councils and the EPA to address these issues was raised in the Victorian Auditor General's Report into *Managing Landfills (2014)* and the *Independent Inquiry into the Environment Protection Authority (2016)*.

The amendment seeks to protect life and property by proposing development controls in areas that are potentially affected by landfill gas. The new provisions will therefore create a safer living and working environment for new residents of the buffer areas. The increased landfill gas testing regime and awareness of landfill gas issues will assist in creating a safer living and working environment for all residents. There will be a cost to applicants in designing and constructing their developments in accordance with the relevant standards, however, these costs are considered acceptable when considered against the potential safety and other risks. Also, the City is proposing to prepare guidelines with the assistance of a suitable engineer, to make the process easier and more streamlined for applicants.

The amendment will minimise amenity impacts by reducing the number of new dwellings within the transfer station 250 metre odour amenity buffer. This restriction will have a social and economic impact as it will reduce people's ability to subdivide and develop. However, the initial position of the EPA was to not allow any new dwellings in this area. The City then negotiated a compromise of allowing development on existing titles to reduce the social and economic impacts. Only 3 landowners are affected by this impact and each will be able to construct at least one dwelling per vacant allotment.

While the Audit has been undertaken, all planning permit applications in the buffer area have been put on hold. The City now recommends that these planning applications be decided using conditions commensurate with the Audit while the amendment is undertaken, otherwise these landowners would suffer further delays and hardship.

Strategic Justification – Planning Context

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

State Planning Policy Framework

- Clause 11 (Settlement) by attempting to manage environmental and amenity problems that have resulted from the historical siting of incompatible uses in close proximity to one another in the vicinity of Eaglehawk landfill.
- Clause 11.01-1R (Settlement – Loddon Mallee South), by supporting Bendigo as the regional city and major population and economic hub in the region.
- Clause 13 (Environmental Risks and Amenity) by strengthening the resilience and safety of communities by adopting a best practice environmental management and risk management approach to the human-made hazard of landfill gas.
- Clause 13.05-1S (Noise abatement) and Clause 13.06-1S (Air quality management) by limiting the density of new dwellings and lots within the transfer station amenity buffer.
- Clause 13.07-1S (Land use compatibility) by safeguarding community amenity using building design measures to mitigate against the effects of landfill gas.
- Clause 17.03-2S (Industrial development siting) by providing adequate separation and buffer areas between sensitive uses and the Eaglehawk Landfill to ensure that residents are not affected by adverse environmental effects or exposure to hazards.
- Clause 19 (Infrastructure) by minimising the impact of land use and development on the operation of major a major waste and resource recovery hub of state significance.

- Clause 19.03-5S (Waste and resource recovery) by protecting the Eaglehawk Landfill, which is of State significance, from the encroachment of inappropriate levels of incompatible land uses through the formal identification of buffers for the purposes of landfill gas and amenity protection.

Local Planning Policy Framework

- Clause 21.07-6 (Industrial) by ensuring that existing and future industrial land is adequately protected from non-industrial uses.
- Clause 21.09-7 (Infrastructure) by identifying and protecting the Eaglehawk Landfill, which is recognised as a waste and resource recovery hub that is important for the municipality
- Clause 21.09-7 (Infrastructure) by giving effect to the strategy that seeks to “ensure that offsite impacts from the Eaglehawk Landfill, including gas migration, are considered in land use planning decisions”.
- Clause 21.09-7 (Infrastructure) by completing the item of further strategic work that seeks to further investigate the “potential for gas migration from the existing Eaglehawk landfill site and implementing planning controls as appropriate.”

Waste and Resource Recovery Plan

The Eaglehawk Landfill is identified as a high priority site requiring buffer protection in the *State-wide Waste and Resource Recovery Infrastructure Plan 2015-44*, Sustainability Victoria, 2015 and the *Loddon Mallee Waste and Resource Recovery Implementation Plan 2016-26*. A key recommendation of the Implementation Plan is to work with councils to identify risks to land use and development and support councils to introduce new Planning Scheme tools for a buffer.

Consultation/Communication

Extensive consultation has been undertaken in the preparation of this amendment and the accompanying audit and technical documents, with the affected landowners, and the EPA. Internally the Statutory Planning Unit has worked closely with the Resource Recovery and Education Unit.

All landowners have received two letters about the project and were invited to a community information drop in session in February this year that was attended by the landfill gas consultant and the auditor. There have also been regular communications with planning permit applicants and the most affected landowners through the Statutory Planning team.

Amendment documents must be publicly exhibited for a minimum of one month as required under the *Planning and Environment Act 1987*. Because of the complexity of this amendment, it is recommended that the exhibition period be extended to 6 weeks. The City must give notice of amendments to all owners and occupiers who may be materially affected by an amendment, together with prescribed Ministers and public authorities. The amendment will also be exhibited in the Government Gazette and the Bendigo Advertiser newspaper.

Conclusion

It is recommended that Council seek authorisation from the Minister for Planning to prepare and exhibit Amendment C242 to introduce buffer controls around the Eaglehawk Landfill to protect the surrounding community from potential impacts as identified in the Audit.

Options

Council has the option of:

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

Resource Implications

Significant City resources have been spent on this project to undertake the technical assessments and the audit, to install extra gas monitoring bores and to prepare the amendment documentation. Further resources and officer time will be required to manage the amendment through exhibition and a probable panel hearing and liaise with the Minister for Planning. A panel hearing would require expert witnesses and possibly legal representation.

Extra staff resources will be required to assess planning applications and advise on building mitigation measures, although planning applications will be low in number per year. The City is also planning to prepare guidelines to assist planning permit applicants because these planning scheme requirements are not common.

There will be resource implications for some applicants in meeting these new requirements, but most developments in the buffer area would already require a planning permit due to existing overlays and the nature of the developments.

Attachments

1. *Executive Summary Section 53V Audit of Risk of Harm - Landfill Buffer Eaglehawk Landfill 191 – 193 Upper California Gully Road, Eaglehawk, Victoria, prepared by Environmental Auditor, Paul Fridell, ERM, dated 16 December, 2019*
2. Explanatory Report Planning Scheme Amendment C242
3. Proposed key amendment documents

4. WELLBEING AND FAIRNESS

4.1 GOLDEN SQUARE RECREATION RESERVE MASTER PLAN

Document Information

Author **Matthew Kerlin, Coordinator Strategy and Policy**
 Lincoln Fitzgerald, Manager Active and Healthy Lifestyles

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

Purpose

For Council to consider the Golden Square Recreation Reserve Master Plan Report and proposed recommendation to proceed with Development Option 3 - *if the Golden Square Swimming Pool is replaced and the Golden Square Bowls and Croquet Club are relocated.*

Summary

Otium Planning Group are an independent sport and leisure consultancy who 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 have prepared a Golden Square Recreation Reserve Master Plan Report (Attachment 1) following market analysis, background research and two distinct community and key stakeholder engagement processes.

The aim of the master plan project for Golden Square Recreation Reserve was to identify the future use and strategic development of the reserve with the Master Plan incorporating the surrounding facilities including Golden Square Bowling Club and Golden Square Swimming Pool, as well as considering the broader provision of recreation facilities within Golden Square.

There were four key issues identified throughout the Master Planning 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 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 considered 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. It is acknowledged that each of the proposed options has its own challenges either financially, socially or culturally and that there is no simple solution for the reserve.

Building on the initial research, site analysis and community engagement five development options supported by concept master plans were proposed to key stakeholders and the broader community in a Discussion Paper to understand the pros and cons of each option. These were:

- **Development Option 1:** If the Golden Square Swimming Pool is retained and the Golden Square Bowls and Croquet Club is relocated; and acquire Backhaus Oval Reserve for junior sport.
- **Development Option 2:** If the Golden Square Swimming Pool is replaced and acquire Backhaus Oval Reserve for junior sport.
- **Development Option 3:** If the Golden Square Swimming Pool is replaced and the Golden Square Bowls and Croquet Club are relocated and acquire Backhaus Oval Reserve for junior sport.
- **Development Option 4:** Develop Backhaus Oval Reserve as the main senior sports facilities, whilst maintaining current level of service at Golden Square Recreation Reserve.
- **Development Option 5:** Do nothing.

Through the research and engagement process Otium identified Development Option 1 and Development Option 3 as the preferred options for further analysis and applied a quadruple bottom line (QBL) assessment in the Master Plan Report to assess the outcomes of both options across four areas:

- Social impacts
- Cultural impacts
- Economic impacts
- Environmental impacts

To make a decision on the best option Council should consider the assessment of relative merit of the economic, environmental, social and cultural impacts of each option, with both options presenting their own merits and challenges. A summary of the merits and challenges is included in the “Report” section of this report, with the detailed assessment of the QBL included within the Master Plan Report.

Development Option 3 has been recommended by Otium as it is more closely aligned to Council’s agreed levels of service and despite both options delivering high social and cultural impacts, Option 1 has higher long term operational, maintenance and asset renewal costs and represents a higher risk to Council.

RECOMMENDATION

That Council:

1. Adopt the Master Plan Report and recommendation to proceed with Development Option 3, which includes:
 - a. relocating the Golden Square Bowls and Croquet Club; and
 - b. decommissioning the Golden Square Swimming Pool at the end of the 22/23 season.
2. Acknowledge the great work undertaken by the Golden Square Swimming Pool Committee and work with them to identify opportunities to ensure the reserve continues to deliver on the aims of the vision and provide a space that provides for not only formal sport, but also social and family gathering, unstructured play and activity, and community events.

RESOLUTION

Moved Cr Emond, Seconded Cr Hawke.

That the recommendation be adopted.

THE MOTION WAS LOST

Cr Metcalf called for a Division on the voting for the motion:

Those in favour of the motion:

Cr Emond, Cr Hawke, Cr O'Rourke (Mayor), Cr Williams

Those opposed to the motion:

Cr Alden, Cr Flack, Cr Fyffe, Cr Metcalf, Cr Pethybridge

ALTERNATE MOTION

Moved Cr Alden, seconded Cr Metcalf.

That Council:

1. Adopt a position in line with Option 1 of the Golden Square Recreation Reserve Master Plan, whereby the Golden Square Pool is retained and existing arrangements between Council and Golden Square Pool Committee be maintained;
2. Progress priority plans of all user groups with a solution developed that creates certainty;
3. Utilise this information to provide a fully costed plan to put in place for the purposes of advocacy to all potential funding avenues; and
4. Acknowledge the engagement, effort and input of all of the Golden Square Recreation Reserve user groups under constraints of COVID-19 to contribute to this outcome.

CARRIED

Cr Emond called for a Division on the voting for the alternate motion:

Those in favour of the alternate motion:

Cr Alden, Cr Flack, Cr Fyffe, Cr Metcalf, Cr Pethybridge, Cr Williams

Those opposed to the alternate motion:

Cr Emond, Cr Hawke, Cr O'Rourke (Mayor)

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**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 in mid-2019 in order for Council to obtain further detail regarding swimming pool condition and strategic role as part of developing an Aquatic Strategy. The master plan process recommenced following the 18 March 2020 Ordinary Council Meeting with the second stage of community engagement seeking to re-engage the community and key stakeholders on the master plan process using a discussion paper informed by the previous work.

The discussion paper (Attachment 2) highlighted 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 workshoped the key challenges at the site and recognise that any decision will be hard.

#### 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.

At the Ordinary Council meeting of **17 June 2020** Council acknowledged “the community engagement process being undertaken and agree to receive a final Golden Square Recreation Reserve Master Plan at the July Ordinary Meeting.”

## Report

Five development options supported by concept master plans were proposed to key stakeholders and the broader community in a Discussion Paper to understand the pros and cons of each option. These were:

- **Development Option 1:** If the Golden Square Swimming Pool is retained and the Golden Square Bowls and Croquet Club is relocated; and acquire Backhaus Oval Reserve for junior sport.
- **Development Option 2:** If the Golden Square Swimming Pool is replaced and acquire Backhaus Oval Reserve for junior sport.
- **Development Option 3:** If the Golden Square Swimming Pool is replaced and the Golden Square Bowls and Croquet Club are relocated and acquire Backhaus Oval Reserve for junior sport.
- **Development Option 4:** Develop Backhaus Oval Reserve as the main senior sports facilities, whilst maintaining current level of service at Golden Square Recreation Reserve.
- **Development Option 5:** Do nothing.

Otium undertook a series of interviews with key stakeholders on the discussion paper options in addition to seeking updated data and receiving any further submissions the stakeholders wanted to provide. A community survey was also used to understand the pros and cons of each option, along with further understanding the broader communities preferred options and a strong response was received with 1502 surveys completed. A summary of each of the key stakeholder’s comments and preferences and the community survey results is included within the Golden Square Recreation Reserve Master Plan Report (the Master Plan Report). The full interview notes and submissions from each of the stakeholders is also attached as a confidential attachment for Council’s consideration (Attachment 4).

Development Option 1 and Development Option 3 were identified through the research and engagement process as the preferred options for further analysis and Otium have applied a quadruple bottom line (QBL) assessment in the Master Plan Report to assess the outcomes of both options across four areas:

- **Social impacts:** These relate to non-monetary impacts on human health and subjective wellbeing. For instance, an increase in active recreation participation that reduced the burden of diseases like obesity and diabetes would have a positive social impact.
- **Cultural impacts:** These relate to non-monetary impacts on people’s sense of place and cultural identity. For instance, a facility design that recognised its users’ cultural identity and hence increased their sense of belonging would have a positive cultural impact.
- **Economic impacts:** These largely relate to monetary impacts, including construction, land, operating, and maintenance costs borne by facility providers, as well as impacts on economic productivity and labour force participation.

- **Environmental impacts:** These relate to non-monetary impacts on air, soil, water, biodiversity, and the natural environment in general. For instance, a facility that required the paving of a wetland area that provides a habitat for native species would have a negative environmental impact.

Outcomes in each area can be either positive or negative and, in some cases, there may be a mix of positive and negative impacts.

It is important to note that a QBL is a decision support tool, rather than a process that algorithmically determines the 'right' outcome. The aim of a QBL assessment is not to provide a 'yes/no' assessment of projects, but to provide a mix of information to understand the various impacts of alternative options and hence to inform the selection of an option that optimises benefits relative to alternative options.

To make a decision on the best option Council should consider the assessment of relative merit of the economic, environmental, social and cultural impacts of each option, with both options presenting their own merits and challenges. A summary of the merits and challenges is below, with the detailed assessment of the QBL included within the Master Plan Report.

Option 3 will deliver lower capital, operational and maintenance costs. This option presents a larger proportion of the site available for informal social and family recreation spaces for the community all year round and is aligned with Council's agreed strategic levels of service. However, this option may lead to reputational risks with the community, as evidenced by the strong support for the Golden Square Swimming Pool and the current Pool Committee.

This impact needs to be weighed against the impacts of Option 1. This option will create a greater sense of place and mitigate the potential reputational risks with community. However, this option will deliver higher capital, operational and maintenance costs and is not aligned with Council's agreed strategic levels of service.

Option 1 also carries a higher risk to Council due to the Pool Committee being run by volunteers and despite being well led, the obligations of operators managing, maintaining and renewing pools is very high and this volunteer energy and commitment will need to be maintained in the long term to meet operator obligations. The success of the Pool Committee is reliant on the leaderships and success of the volunteer group and Otium's research trends indicate that volunteers become tired and then decline over time. This presents a risk to Council for at these times the obligations to run the pool often falls to Council.

Otium Planning Group recommends Option 3 as it is more closely aligned to Council's agreed levels of service and despite both options delivering high social and cultural impacts, Option 1 has higher long term operational, maintenance and asset renewal costs and represents a higher risk to Council, for the reasons outlined above.

If either Option 1 or Option 3 are adopted by Council then conversations with the Golden Square Bowls and Croquet Club to discuss relocation can commence following the decision.

If Option 3 is adopted by Council then the Golden Square Swimming Pool lease can be extended until the end of the 2022/2023 season to allow time to undertake the required design works for the facilities that will replace the pool. This time will also give the Pool Committee the opportunity to celebrate their achievements and the history of the pool before it is decommissioned.

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:

Council have the option to endorse Development Option 1, which although not the recommended option still provides for a number of positive impacts as outlined in the QBL assessment.

Timelines:

Funding was included within the 17/18 budget to undertake master planning for the Golden Square Recreation Reserve in Wade Street, Golden Square, with the purpose of this project being the undertaking of a strategic review of use and assets at the reserve and surrounding suburb to determine a future development and management strategy.

Work on this master planning process was withheld until a Council resolution could be made on the future of the Golden Square Swimming Pool. At the February 2018 Ordinary Meeting Council resolved to defer a decision on the Golden Square Swimming Pool for two years and continue to undertake Master Planning for the Reserve including options that include retention of the pool and/or replacement with other recreation opportunities.

Consultants Otium were engaged to undertake the master planning work and they commenced work on the project 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.

At Council's request, further work on the master plan process was deferred to allow investigation of asset condition and strategic context of this site to be considered as part of developing an Aquatic Strategy. The master plan process then recommenced following Council's resolution at the 18 March 2020 Ordinary Council Meeting.

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.

### Risk Analysis:

There are reputational risks associated with both proposed options that will require a sensitive decision to relocate the bowls and croquet clubs and/or close the pool.

There is a risk with both Development Options 1 and 3 that the Golden Square Bowls and Croquet Club does not agree to a move that would allow development of that part of the site. A vote of 75% of the Clubs members would be required to approve it, in line with their constitution.

There is a financial risk that the preferred option results in a significant financial burden for Council given the current resource constrained environment.

The risks in not developing a Master Plan for the site include:

- Projects being completed based on merit of a single project, rather than the broader community priorities and benefit.
- Council resolve to close Golden Square Swimming Pool, but there is no direction for the future of community facilities on that part of the site.
- Golden Square Bowling Club continues to decline in condition, not meeting the needs of its members.
- Cricket facilities no longer cater for demand.
- Netball facilities no longer cater for demand
- Accessibility of existing pavilions is not improved.

### **Consultation/Communication**

#### Internal Consultation:

Meetings/workshops have been undertaken previously with the internal Project Control Group (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:

The first stage of the 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. A detailed report on the findings of this first stage of engagement is included within Section 5 of Otium's Issues and Options Report (Attachment 3).



For the second stage of the engagement process Otium sought feedback on the five potential developments options for the site as highlighted in the discussion paper to inform the preparation of a final master plan. Due to social distancing requirements associated with COVID-19 engagement was conducted via Zoom meetings with key stakeholders, an online community survey and other electronic methods. Several hard copy submissions were also received by the City, allowing those who were unable to complete an online survey the opportunity to still put forward their position. Promotion of the engagement was through traditional media, social media, a mailout to surrounding residents and via existing networks of stakeholders.

The response to engagement was very strong with over 1,500 surveys completed providing feedback on each option and helping to inform the direction of the master plan. From responses to the survey the following demographics were captured:

- 53% were Golden Square residents followed by Bendigo 17.8% and Kangaroo Flat 8.4%;
- 30 identified as Aboriginal or Torres Strait Islander
- 12 respondents indicated English is not their first language;
- 80.13% of responses were aged between 20 to 59 years;
- 11.1% were aged over 59 years;
- 60.50% were female, 35.89% male and 3.36% preferred not to specify.

A petition was also received, with 665 signatures, requesting Council make a decision on the future of the Golden Square Swimming Pool.

## **Resource Implications**

The below costs are high-level cost plans for the highest priority actions only and are based on the concept master plans prepared and benchmark costs for similar projects. Any additional works in line with the concept master plans would require additional funding and a detailed cost plan will be required at the detailed design stage for any individual projects.

### Capital Cost Estimate for Development Option 1

The estimated capital cost of priority recommendations is \$15,625,281.

The independent Quantity Surveyor has provided a high-level cost plan based on the concept master plan and benchmark costs for similar projects. A detailed design and cost plan will be required for proposed improvements.

| Item                                                                                                          | Cost                |
|---------------------------------------------------------------------------------------------------------------|---------------------|
| Develop swimming pool / netball change rooms                                                                  | \$2,179,160         |
| Relocate the Golden Square Bowls and Croquet Club and build a new club house, grass green and synthetic green | \$2,470,187         |
| Renewal of Golden Square Swimming Pool including 50m pool, toddler pool, plant and services                   | \$6,275,000         |
| New netball courts and cricket nets                                                                           | \$595,100           |
| New playspace                                                                                                 | \$500,000           |
| Design and construction contingency (20%)                                                                     | \$2,403,889         |
| Professional fees and charges (10%)                                                                           | \$1,201,945         |
| <b>Total – Option 1</b>                                                                                       | <b>\$15,625,281</b> |

*\*The renewal of the pools, plant and services will be required in the medium term (within 10 years) due to their current age and condition.*

Development Option 1 also provides a higher risk to Council from an asset renewal costs perspective with the Pool Committee continuing managing the pool. The Pool Committee is run by volunteers and well led, however the obligations of operators managing, maintaining and renewing pools is very high. The success of the Pool Committee is reliant on the leaderships and success of the volunteer group and Otium's research trends indicate that volunteers become tired and then decline. This presents a risk to Council for at these times the obligations to run the pool often falls to Council.

#### Capital Cost Estimate for Development Option 3

The estimated capital cost of priority recommendations is \$10,968,677.

The independent Quantity Surveyor has provided a high-level cost plan based on the concept master plan and benchmark costs for similar projects. A detailed design and cost plan will be required for proposed improvements.

| Item                                                                                                          | Cost                |
|---------------------------------------------------------------------------------------------------------------|---------------------|
| Provide community building with café and open space area                                                      | \$1,030,599         |
| New netball change rooms and cricket storage facilities                                                       | \$1,844,750         |
| Relocate the Golden Square Bowls and Croquet Club and build a new club house, grass green and synthetic green | \$2,470,187         |
| New netball courts and cricket nets                                                                           | \$686,500           |
| Community space includes decommissioning pool                                                                 | \$905,400           |
| New water play                                                                                                | \$1,000,000         |
| New playspace                                                                                                 | \$500,000           |
| Design and construction contingency (20%)                                                                     | \$1,687,487         |
| Professional fees and charges (10%)                                                                           | \$843,744           |
| <b>Total – Option 3</b>                                                                                       | <b>\$10,968,667</b> |

#### **Attachments**

1. Golden Square Recreation Reserve Master Plan Report
2. Golden Square Recreation Reserve Master Plan Discussion Paper
3. Golden Square Recreation Reserve Master Plan Issues and Options Report
4. Confidential Attachment – Full submissions and interview notes from key stakeholders

## **4.2 DRAFT COMMUNITY AQUATIC FACILITIES STRATEGY**

### **Document Information**

**Author** Lincoln Fitzgerald, Manager Active & Healthy Lifestyles

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

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### **Purpose**

For Council to consider the draft Greater Bendigo Community Aquatic Facilities Strategy 2021-2031 (CAFS) and endorse release for community feedback.

### **Summary**

The Greater Bendigo Community Aquatic Facilities Strategy 2021 – 2031 DRAFT will provide guidance for decision making and investment to ensure future provision:

- Aligns with and progresses goals in Council's strategic planning and policy framework;
- Responds to local and national aquatic recreation/swimming participation trends;
- Offers contemporary and appropriate recreational activities which meet the needs of target groups and are accessible to/inclusive of all residents;
- Improves the health and wellbeing of residents and enhances the liveability of the region;
- Is equitable, environmentally responsible and financially sustainable.

This report presents key information and analysis which informs the proposed direction. The strategy is community needs focussed and includes the following components:

- Participation data;
- Direction from Council's strategic and policy framework;
- Contemporary aquatic programming;
- Current facility provision;
- The challenges and opportunities for community aquatic facility provision;
- Strategic recommendations for the service.

## **RECOMMENDATION**

That Council:

1. Endorse the release of the DRAFT Greater Bendigo Community Aquatic Facilities Strategy for community feedback;
2. Seek community feedback for a minimum of 4 weeks; and
3. Receive a further report and recommendations following community feedback.

## **RESOLUTION**

Moved Cr Fyffe, Seconded Cr Hawke.

That the recommendation be adopted.

**CARRIED**

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Policy Context

Community Plan Reference:

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

Strategy Reference (include weblink as applicable):

Victorian State Health and Wellbeing Plan 2019-23

Active Victoria Strategy 2017-21

Council Policy Reference (include weblink as applicable):

Draft Community Buildings Policy;

Asset Management Policy;

Sustainable Buildings Policy;

One Planet Framework;

Greater Bendigo Public Spaces Plan;

Walk, Cycle Greater Bendigo;

Background Information

Greater Bendigo's 116,000+ residents enjoy access to a diverse range of natural and built recreational opportunities. Along with a variety of sporting and recreational facilities, beautiful parks, gardens, open spaces and reserves, access to aquatic facilities is an important factor in Greater Bendigo's liveability.

A lack of natural water bodies (ocean or rivers) and hot-dry summers increases the demand for access to aquatic facilities for recreational purposes.

This draft Community Aquatic Facilities Strategy (CAFS) aims to guide sustainable, equitable and contemporary provision of community aquatic facilities to maximise wellbeing and liveability outcomes as Greater Bendigo's population demands a more inclusive and accessible range of aquatic facilities.

In Australia, using public aquatic facilities for sport, recreation, rehabilitation and recovery, social connection, play and education is part of our way of life. Australians have a strong connection to swimming due to our climate and natural environment. It is widely acknowledged as part of our cultural identity.

Contemporary aquatic facilities offer a wide range of activities and generally include both wet and dry program areas. Common elements include pools suited to a variety of ages and abilities, water play areas as well as multi-purpose spaces for other activities such as exercise classes, group programs, childcare and gymnasiums. Many higher order facilities across Victoria are co-located with other community facilities and services such as schools, libraries, health services etc.

Some facilities are used for sporting competitions such as swimming, diving or water polo, while others are used for non-competitive, community recreation.

Used by a wide variety of people, community aquatic facilities are particularly important for children learning to swim, people recovering and rehabilitating following injury or illness and older adults who wish to participate in gentle water exercises to maintain health. Contemporary aquatic facilities are suitable for people with access or mobility issues, as water can offer opportunities for exercise and enjoyment for everyone.

Council's previous Aquatic Strategy was adopted in 2010. The strategy was effectively an asset management plan for the maintenance, renewal and improvements to existing aquatic facilities, along with recommendations for upgrades and new facilities. Most of the recommendations have been implemented or are now superseded.

Implementation of the 2010 Aquatic Facilities Strategy is as follows:

Action	Status
Short term (1-3 years)	
1. Provide a high quality Indoor Leisure Aquatic Centre to be located in Browning Street Kangaroo Flat. This pool will service the Kangaroo Flat, Golden Square and Big Hill communities allowing for the closure of existing pools which are both within a 3km proximity of the new facility.	<p>Partially complete.</p> <p>Facility constructed and opened 26 October 2018. Due to community advocacy a 50m pool was developed rather than a 25m pool. Kangaroo Flat Swimming Pool demolished, under separate Council direction Golden Square Pool remains open and is managed by a volunteer community committee.</p> <p>Council has formally considered reports relating to Golden Square Swimming Pool on 7 occasions: 1 December 2010, 14 November 2012, 19 December 2012, 13 February 2013, 6 March 2013, 21 February 2018, and 18 March 2020.</p>
2. Work with a proposed Long Gully Community Recreation Taskforce to determine opportunities to improve recreation and leisure opportunities for the community. 3. Due to its limited ability to meet community needs and poor condition close the Long Gully Swimming Pool.	<p>Complete.</p> <p>Task force agreed to develop a splash park at Long Gully Recreation Reserve and close Long Gully Pool. Splash Park opened 19 December 2014 and swimming pool demolished.</p>
4. Explore opportunities to partner with La Trobe University to redevelop and expand the University Sports Centre to create a facility for education, training, rehabilitation and supporting high-level sport.	<p>Not progressed.</p> <p>University has developed on-campus sports facilities to align with their needs.</p>
5. Possible linkage with Brennan Park outdoor pool and the University Sports Centre with the possibility of joint management.	<p>Not progressed.</p>
Medium/Long term (5-7 years)	
6. Replace White Hills Swimming Pool with a modern water play facility elsewhere within the	<p>Not progressed.</p> <p>Early stages of White Hills Botanic Gardens Master Plan</p>

Action	Status
Botanical Gardens in accordance with the adopted Botanical Gardens Master Plan.	delivered. Swimming Pool forms a later stage of the Master Plan. Only essential safety works have occurred at this site since 2010.
7. Reassess the need for additional aquatic leisure facilities to support the eastern parts of Bendigo, particularly Strathfieldsaye.	Not progressed.
8. Develop a plan for the future of Peter Krenz Leisure Centre in view of Bendigo's population growth.	In progress. Site and asset assessments underway. Business and facility review undertaken. Review indicates that Peter Krenz Leisure Centre has a role as a smaller scale, higher quality facility but requires significant investment and modernisation.
9. Possible additional aquatic leisure facilities to support the northern growth corridor of Epsom, Ascot, Huntly, White Hills and Jackass Flat.	Not progressed.

Due to the changed context of aquatic facilities in Bendigo and surrounds, including the opening of Gurri Wanyarra Wellbeing Centre in October 2018, a growing and more diverse regional population, and an increase in the number of domestic/private pools, a new strategy is needed to guide investment in provision of public aquatic facilities to sustainably meet the needs of existing and future residents.

Previous Council Decision(s) Date(s):

Council adopted the previous Aquatic Facilities Strategy at the Ordinary Council meeting of December 2010. In addition Council reports relating to implementation of the strategy were considered at the following meetings.

- 14 November 2012;
- 19 December 2012;
- 13 February 2013;
- 6 March 2013;
- 15 June 2015;
- 21 February 2018;
- 18 March 2020.

Report

While the importance of community aquatic facilities to Greater Bendigo's liveability and wellbeing is indisputable, the current provision (which offers the highest number of public aquatic facilities of all 79 local government areas in Victoria) is not sustainable (financially or environmentally), contemporary, fit for purpose and does not adequately deliver on the community's goal to maximise liveability and wellbeing in the community.

The majority of aquatic facilities in Greater Bendigo were built in the post-war decades, a time when there were fewer competing recreation activities, limited air conditioning, less sun awareness and significantly fewer backyard pools. The use and culture of pools has changed immeasurably since this time.

Most existing facilities across the municipality include a traditional swimming pool experience with a main pool of water (50m, 33m or 25m), intermediate pool and a toddler pool. As many of these facilities are outdoor and unheated, they are generally only open seasonally from mid-November or December to mid-March.

With limited investment in this older infrastructure over time significant investment will be needed to continue to operate these facilities into the future. In many cases, significant investment is could be required within the next five years.

The recent investment in Gurri Wanyarra Wellbeing Centre (GWWC) and the strong growth in patronage shows there is a strong appetite for newer facilities, which incorporates indoor aquatic facilities with a range of other services including a gymnasium, community programs and allied health services. Notably, the strong performance of GWWC appears to be at the expense of other older facilities, most noticeably the Peter Krenz Leisure Centre.

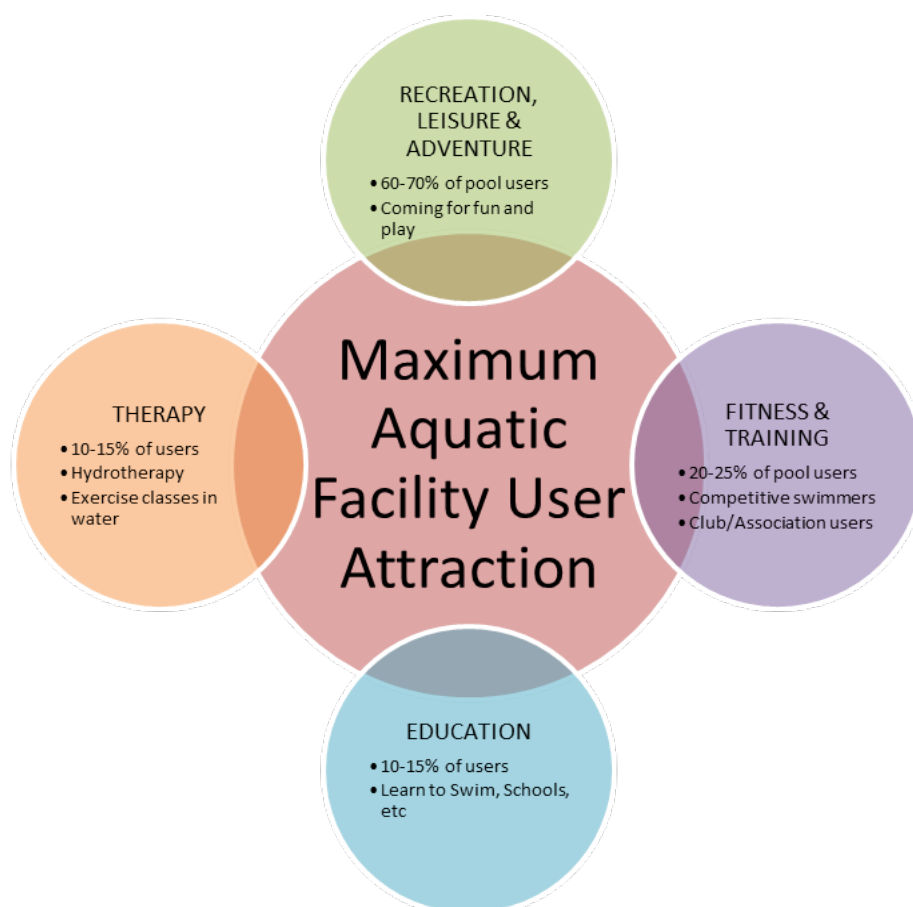
Most of the facilities across the municipality provide a traditional municipal swimming pool experience. There are 13 aquatic facilities (12 pools and a splash park) with the following features:

- 2 indoor aquatic centres operating all year;
- 1 outdoor heated pool operating all year;
- 1 outdoor heated pool operating 9 months;
- 8 facilities operating between late Nov/early Dec and mid-March;
- 6 x 50m pools;
- 2 x warm water exercise pools;
- 1 splash park and 1 aquatic playground;
- 2 solar heated pools;
- Two facilities with aligned services such as gym, program rooms, etc;
- One dive tower and water slide;
- 2 facilities with diving boards;
- 2 facilities with creche
- 1 allied health service
- 5 swimming clubrooms providing for 3 swimming clubs

The close clustering of swimming pools and provision of pools in most small towns is a legacy of pre-amalgamation provision in the 1990s; the significant construction of community swimming pools post-war and associated with the 1956 Olympic Games; and to reduce drownings in unsupervised waterways (lakes and rivers). This has resulted in swimming pools being located within overlapping primary population catchments. There are six aquatic facilities clustered within 5km of Bendigo's city centre and eight within 10 kilometres. Five swimming pools are located in rural towns and there is a splash park at Long Gully.

Private pool ownership is growing in Australia and is most prevalent in households with children and in warmer climates, especially inland areas with hot-dry summers. From the Active Living Census we can estimate around 50% of all participation in swimming activities occurs at a private home. This data is supported by domestic building permit data and real estate sales data which highlights the prevalence of domestic swimming pools in Greater Bendigo.

Aquatics & Recreation Victoria has defined the four typical aquatic market segments. These are outlined below. Market research suggests that to be successful, community aquatic facilities must design and plan for the needs of all four distinct groups.



The assessment of existing public swimming pool facilities indicates that the City is not meeting the needs of these markets and needs to modernise the service to respond to community needs. As a result, the draft CAFS recommends the City invest in therapy/health and transform, diversify or limit further expansion of facilities catering mostly for the fitness and training market.

Trends which will continue to impact on the utilisation of Greater Bendigo's community aquatic facilities include:

Challenges:

- Growth in domestic pools which is having an impact on use of community aquatic facilities.

- Access to private providers who offer year-round learn to swim classes in their own pools.
- Expectation of flexibility in accessing recreational facilities anytime users want to, demonstrated by the growth in 24-hour gymnasiums.
- The introduction of (free) splash parks and zero depth water play facilities in playgrounds and parks (also an opportunity).

Opportunities:

- The incorporation of more diverse programming, services and amenities (such as cafes, gyms, group fitness and allied health services) into community aquatic facilities to diversify income streams, improve visits and utilisation, offer convenience and encourage wider community use.
- Effectiveness of 'one-stop' community hub models including other community facilities (eg library, community activity and meeting spaces, educational facilities) to maximise aquatic facility usage and share operational costs.
- The adoption of Universal Design Principles to make facilities accessible for all ages and abilities.
- Increasing referral by health professionals to utilise warm water pools for therapy to address rehabilitation, pain management and injury prevention – especially in an ageing and recovering populations.
- The potential for aquatic facilities to be used more for community and tourism events.

Recommendations in the strategy are made in the context of the principles of equity, accessibility, promoting wellbeing, partnering and wellbeing. In addition, site specific recommendations have been included to define specific actions for each aquatic facility.

Priority/Importance:

Council has a high number of older aquatic facilities when compared to all other local government areas. These facilities have served the community well for many decades but are in need of modernisation to provide for the current and future residents of Greater Bendigo. If Council continues providing the current level of service, it is highly probable that the service will be under utilised, prone to asset failure and ultimately cost rate payers more to subsidise.

Options/Alternatives:

- a) Continue to progress the 2010 Aquatic Facilities Strategy and abandon a new strategy;
- b) Defer release of the draft CAFS;
- c) Seek further information for inclusion within the draft CAFS prior to release; or
- d) Release the Draft CAFS for community consultation.

Timelines:

Councillors were provided with an Issues and Opportunities Paper in December 2019, a draft Community Aquatic Facilities Strategy has been developed since this time but requires community and stakeholder feedback. A 4 week period of community feedback is proposed prior to revision and consideration by Council.

Progress:

A draft Community Aquatic Facilities Strategy has been developed for consideration.



Risk Analysis:

There are reputational and governance risks associated with the draft CAFS. The strategy indicates that the current provision of older facilities will require a sensitive decision to change services and facility provision. These decisions have been demonstrated to be very difficult for Councillors due to community opposition as demonstrated in the 2016 VAGO report *Local Government Service Delivery: Recreation Facilities* which found:

Overall, the audited councils have provided sound advice to councillors relating to ARCs—underpinned by business cases, feasibility studies or briefings that outlined community needs and each council's capacity to meet these needs. However, this advice has not been followed in all instances.

Despite well planned and extensive community engagement around the strategic direction of ARCs, community opposition to proposed pool closures is often vocal and well organised. Our survey asked councils if there were any bids, proposals or suggestions presented to councils in the past four years to permanently close or downgrade investments in ARCs. Of the 12 councils who answered yes, there were only two cases of permanent closures or reduced investment. The councils identified community and council objections as the key reasons for proposals not being accepted

https://www.parliament.vic.gov.au/file_uploads/20160323-Rec-Facilities_8Lpv18Cc.pdf

There is a financial risk that this service continues to experience cost growth for the operation, renewal and expansion of aquatic facilities which is unaffordable to the community. With the scale of investment required to modernise the service alongside the cost of other services and assets, there is a financial risk that Council may not be in a position to continue the current service levels.

Some of the most highly subsidised aquatic facilities are located in rural townships. These facilities provide a key opportunity for these communities to access places to cool off, learn to swim, swim in a safe environment (not dams, channels, rivers or lakes) and to socialise. These communities have less opportunity to access other facilities due to longer travel distances. There is a risk that if decisions are made based on financial implications only, these facilities would be challenged. The draft CAFS indicates that the City should consider the clustering of urban pools which have overlapping catchments and continue to provide a base level of service to rural communities.

Consultation/Communication

It is proposed that the draft CAFS is released for community feedback for a period of 4 weeks. During this time, individual consultations with each of the swimming pool management groups is to be undertaken as part of a broader community engagement plan.

The engagement plan is likely to reflect current COVID-19 restrictions and will be altered to provide on-line engagement through a range of different tools.

Following community engagement, a further report will be presented to Council outlining the feedback received and with a proposed CAFS for adoption.

Resource Implications

In 2019/20 the operating cost (excluding depreciation, renewal, contract management costs, finance costs) of swimming pools was 2.66% of all rates collected.

The following table outlines the subsidy per visit for each pool during 2019/20.

Pool	\$	AQUATIC FACILITY	\$
Gurri Wanyarra Wellbeing Centre	3.69	Elmore	17.29
Faith Leech Aquatic Centre	10.71	Goornong	35.48
Brennan Park	17.17	Raywood	62.85
Heathcote	59.33	White Hills	13.06
Marong	81.64	Golden Square	2.69
Bendigo East	3.08	Peter Krenz Leisure Centre	6.95

Financial modelling indicates that there are financial challenges ahead due to the age and condition of the assets. If the maintenance and renewal gap is not closed there is a strong likelihood that facilities will become unreliable and suffer service interruptions and/or will fail to meet required standards e.g. failing water quality or work health & safety standards.

In addition to not meeting base level standards there is also a need to fund works to enable community aquatic facilities to deliver on the strategic goals of Council and the needs of the community. Investment in new or significant upgrades will diversify the opportunities for participation, improve access and increase utilisation rates which are currently largely catering to fitness and training pool users (lap swimming).

In the next 5 years it is proposed that Council commence a transformation of the network of existing community aquatic facilities by:

- Allocating Council funds for new or refurbished infrastructure to increase liveability, health and wellbeing outcomes
- Seeking State and Federal Government grants
- Review of fees and charges
- Reducing or opting out of services
- Reducing levels of service where there is limited demand or duplication of services
- Reducing the number of facilities provided
- Potential commercial investment/partnership
- Diversification to maximise the use of existing facilities

Attachments

1. Draft Community Aquatic Facilities Strategy.

4.3 COMMUNITY SPORTS INFRASTRUCTURE STIMULUS PROGRAM

Document Information

Author Lincoln Fitzgerald, Manager Active and Healthy Lifestyles

Responsible Director Vicky Mason, Director Health and Wellbeing

Purpose

To seek Council support to progress funding applications for the Community Sports Infrastructure Stimulus Program.

Summary

On 25 May the Victorian Government announced the \$68 million Community Sports Infrastructure Stimulus Program. This program aims to build and upgrade community sports facilities across the state while also creating jobs and boosting Victoria's economic recovery from the Coronavirus (COVID-19) pandemic. The City can submit 3 applications seeking up to \$10 million per application for new projects which can commence works within 6 months.

Applications closed on 19 June and as a result there was insufficient time to obtain formal endorsement for applications at the June Council meeting. Councillors were informally briefed on the funding program and proposed applications on 4 June where in-principle support was provided to submit applications for Ewing Park Redevelopment – Stage 2, Catherine McAuley College – Stage 2, and Ken Wust Pavilion.

RECOMMENDATION

That Council:

1. Endorse the funding applications for Ewing Park Redevelopment, Catherine McAuley College Joint Sporting precinct and Ken Wust Reserve pavilion as part of the Community Sports Infrastructure Stimulus Program; and,
2. If funded, contribute the necessary financial allocations for these project/s; and
3. Authorise the Chief Executive Officer to enter into the necessary contractual arrangements to deliver these projects as soon as practical.
4. Retain as confidential items all the Attachments to this report pursuant to Section 3 (1) (a) of the Local Government Act 2020 as they contain business information that would prejudice Council's position in commercial negotiations if prematurely released.

RESOLUTION

Moved Cr Williams, Seconded Cr Metcalf.

That the recommendation be adopted.

CARRIED UNANIMOUSLY

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**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 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**

On 25 May the Victorian Government announced the \$68 million Community Sports Infrastructure Stimulus Program. This program aims to build and upgrade community sports facilities across the state while also creating jobs and boosting Victoria's economic recovery from the corona virus (COVID-19) pandemic. This funding package is included within the Victorian Government's \$2.7 billion *Building Works* package.

The City is able to submit 3 applications seeking up to \$10 million per application for new projects which can commence works within 6 months. Based on the City's project plans the three applications selected were Ewing Park Redevelopment – Stage 2, Catherine McAuley College – Stage 2, and Ken Wust Pavilion.

Applications closed on 19 June and as a result there was insufficient time to obtain formal endorsement for applications at the June Council meeting. Councillors were informally briefed on the funding program and proposed applications on 4 June where in-principle support was provided to progress applications.

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

Council supported investment and endorsement of a joint development and use agreement with Catherine McAuley College at the Ordinary Council meeting on 18 March 2020.



## Report

### Ewing Park

Stage 1 of Ewing Park is approaching completion including sports lighting, oval reshaping and upgrades, new fencing, drainage, player benches, training lights and a synthetic running track.

In conjunction with delivery of Stage 1, Council also funded design of a district scale skate park to replace the Mclvor Road facility which includes closure of Havlin Street West, construction of a skate park, trail head shelter (main service point for Back Creek Trail, O'Keefe Rail Trail, Goldfields Track), public toilet, learn-to-ride park, outdoor exercise equipment, market ready areas (paths, power, water, etc), paths and landscaping. This project is in the final stages of design and if funding was available would be ready to advertise tenders in August 2020.

### Catherine McAuley College

At the Council meeting on 18 March 2020 Council approved officers to progress the Joint Use and Development Agreement for Catherine McAuley College and financial approval for capital investment up to \$7M. This project includes a junior oval, senior oval, retarding basin to recycle water for use, two outdoor netball courts with lighting, car parking, landscaping, small (junior) pavilion/kitchenette, storage, uni-sex change rooms, umpire change rooms, foyer and reception, administrative space and an indoor cricket training area. The Victorian Government has supported the cricket administration area and indoor training facility with a grant of \$500,000.

In addition to the joint use areas, the College is constructing two indoor multi-purpose courts, storage and administration space. Community access is expected to be provided to the indoor multi-purpose courts and the College has requested this be managed by the City under a fee for service arrangement.

If successful in obtaining funding, Council has the opportunity to expand the scope of this project to include constructing a further two ovals, change rooms, pavilion, storage and landscaping. This expansion would create a reserve with four sporting ovals, two outdoor netball courts, two indoor multi-purpose courts, indoor cricket training facility and a pavilion which includes uni-sex change rooms, umpire change rooms, social space, storage and public amenities.

Expansion of this project to include additional facilities will provide the City with a facility which caters for the growing participation needs of the community and an event ready facility for mass participation events. This capability would have an impact upon economic activity and would continue to enhance Greater Bendigo's sporting event economy.

Both Stages 1 and 2 are in the final stages of detail design and have detailed cost plans (cost plan D) which are included as a confidential attachment. The cost plan is confidential due to the need to ensure market competitiveness during tendering for construction.

### Ken Wust Pavilion

Ken Wust pavilion is a community sporting project aimed at providing core facilities for the tenant clubs of the reserve. Tenant user groups include Quarry Hill Junior Football Club, West Bendigo Cricket Club and Bendigo East Baseball Club. Current facilities do not meet modern expectations of a community building due to the limited social space, inadequate design, quantity and size of change rooms and a lack of storage.

The project would be delivered as a design and construct project utilising a modular construction technique or design and construct in-situ.

### Priority/Importance:

The recommended priority of these projects is as follows:

1. Of these three projects Catherine McAuley College has the strongest potential to provide economic return during construction and as an ongoing event capable facility. It also provides additional ovals which will assist with the current under supply of ovals for community sport and leisure within one of the City's main urban growth corridors. The project also has an existing Council resolution and confirmed financial commitments.
2. Ewing Park is an active recreation project within central Bendigo. This project is highly developed and designed ready for construction following community engagement. The ongoing economic benefit of these facilities includes the market space, walking/cycling trail head for greater Bendigo and avoided health care costs associated with physical activity. It will also provide learn to ride facilities for all abilities as a place to learn and connect.
3. Ken Wust pavilion is a smaller project which will be delivered as design and construct. It provides core facilities but is not highly designed and planned at this stage. If funded, this project would require significant resources in the short term to ensure successful delivery.

### Options/Alternatives:

Withdraw all applications

Withdraw one or two applications.

### Timelines:

This funding program was announced on 25 May and applications closed on 19 June. The funding guidelines indicate that successful applications will be announced late July and must commence within 6 months of having signed a funding agreement.

Council caretaker period commences 22 September and during this time Council is not able to make financial decisions in excess of 1% of budget. Given contracts for these projects will be in excess of existing delegations and the grants require commencement within 6 months of receiving the grant, a recommendation has been made to authorise the CEO to enter into the necessary contractual arrangements for successful delivery.

**Catherine McAuley College:**

This project is designed and could be ready for construction tender within weeks. The project requires a planning permit which can be sought concurrently with the procurement process. If funded, construction would take approximately 18 - 24 months in accordance with the project plan.

**Ewing Park Redevelopment – Stage 2:**

This project is designed and each component design is currently being coordinated for efficiency of delivery. If funded, it is estimated that this project would be ready to advertise for tenders in August. Construction is estimated to take approximately 9 – 12 months.

**Ken Wust Pavilion:**

This project would be conducted as a design and construct contract. Construction of these facilities takes a relatively short amount of time, however investment in up-front functional design and site preparation would take a number of months followed by the commencement of construction. It is estimated that this project would take in the order of 9-12 months.

**Progress:**

Catherine McAuley College – designed, pending planning permit.

Ewing Park – design completed, design coordination underway.

Ken Wust Pavilion – functional scoping underway.

**Risk Analysis:**

A risk management plan is included as part of the Catherine McAuley College project plan. The main risk for this project is the pending planning permit however significant and detailed studies have been undertaken to inform the design and address planning considerations including traffic and parking provision, vegetation impact, environmentally sustainable design, stormwater management, and others to reduce this risk.

Ewing Park includes contaminated soil. This soil has been tested and a management plan is in place and management/disposal is included in the budget.

Ken Wust pavilion is not yet designed and requires further consultation with the user groups to develop a functional design within the sporting guidelines and available budget. If agreement on this design cannot be reached, there would be risk that construction could not commence within 6 months as required by the guidelines.

**Consultation/Communication**

Applications closed on 19 June and as a result there was insufficient time to obtain formal endorsement for applications at the June Council meeting. Councillors were informally briefed on the funding program and proposed applications on 4 June where in-principle support was provided to submit applications for Ewing Park Redevelopment – Stage 2, Catherine McAuley College – Stage 2, and Ken Wust Pavilion.

Development of Catherine McAuley College has been formally considered and endorsed by Council resolution at the Ordinary Council meeting on 18 March 2020. This report includes consultation undertaken in developing this project.

Internal Consultation:

Internal consultation has been extensive during the design process for Catherine McAuley College and Ewing Park through an Internal Project Team (IPT) with representatives of each department who is involved in the design, delivery or ongoing management of these projects.

Due to the stage of design, limited consultation has been undertaken regarding Ken Wust pavilion at this point in time. If funded, this project would be functionally designed in consultation with an IPT.

External Consultation:

Catherine McAuley College – refer to Council report 18 March 2020. Potential impact of Stage 2 expansion has been discussed with AFL Victoria, AFL Central Victoria, Cricket Victoria and Bendigo and District Cricket Association.

Ewing Park has been designed in consultation with the community. This has been undertaken through a master planning process and workshops with individual stakeholder groups.

Ken Wust Pavilion has not yet received adequate consultation. If funded, this project would include a stakeholder reference group to inform the needs in accordance with sporting guidelines and to ensure functional layout was suitable for use and the site operations.

## **Resource Implications**

Council is required to contribute toward any funded project. Given the timelines for delivery of these projects extends into 2021/22 Council's contribution could be considered as part of the 2021/22 budget or as part of considering Council's overall position at mid-year.

If funded by the State Government, Council would need to provide the following financial contributions:

1. Catherine McAuley College: \$7M – as confirmed at the Ordinary Council meeting of 18 March 2020;
2. Ewing Park Redevelopment: \$335,150;
3. Ken Wust Pavilion: \$152,000.

Budget Allocation in the Current Financial Year:

As per Council resolution of 18 March 2020, Council has confirmed up to \$7 million contribution toward Catherine McAuley College.

Stage 1 of Ewing Park Redevelopment is approaching completion. This stage represents an investment of \$1.6 million from Council.

Previous Council Support:

Catherine McAuley College: \$250,000 design

Ewing Park: \$1.6M – Stage 1  
Ken Wust: \$0

External Funding Sources:

Catherine McAuley College: \$500,000 Sport and Recreation Victoria grant toward the regional cricket hub. The project also has a significant funding contribution from Catherine McAuley College.

Current Estimate or Tender Price:

Refer to confidential attachment.

Any known or anticipated variance to budget:

None known.

Projected costs for future financial years:

None known.

Any ongoing recurrent expenditure required:

Each project will require operational budget increases to support maintenance, operation and renewal. Asset management indicates an allocation of between 1.5 - 2% per year.

Operational costs for Catherine McAuley College are outlined in the Council report of 18 March 2020, however given the significantly increased scope, Council would be required to allocate the additional operating and renewal amounts.

## **Attachments**

The cost plan attachments are confidential as they are subject to market competition during tender and will become contractual in nature once awarded.

The attachments in this report are **CONFIDENTIAL** in accordance with Section 66(2)(a) of the Local Government Act 2020, which permits the meeting to be closed to the public for business relating to the following:

- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

**5. STRENGTHENING THE ECONOMY**

Nil.

**6. ENVIRONMENTAL SUSTAINABILITY**

Nil.

**7. EMBRACING OUR CULTURE AND HERITAGE**

Nil.

## **8. LEAD AND GOVERN FOR ALL**

### **8.1 COMMUNITY SATISFACTION SURVEY 2020**

#### **Document Information**

**Author** Michael Smyth, Manager Business Transformation

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

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#### **Purpose**

To outline the Community Satisfaction Survey 2020 results.

#### **Summary**

The 2020 Community Satisfaction Survey was conducted by JWS Research as coordinated by the Department of Environment, Land, Water and Planning on behalf of Victorian councils. This is the same arrangement City of Greater Bendigo have used for many years now. Interviews were conducted in the period of 30 January-22 March 2020 and results were received on 1 June 2020.

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

Following a period of steady improvement across the board perceptions of Council performance on most service areas evaluated have declined over the past year. JWS Research noted the city performs significantly higher in the area of sealed local roads and is in line with State-wide averages for the remaining service areas.

#### **RECOMMENDATION**

That Council note the report of the 2020 Community Satisfaction Survey and continue to use the results and other data to inform improvements for our community.

#### **MOTION**

Moved Cr Metcalf, Seconded Cr Fyffe.

That Council note the report of the 2020 Community Satisfaction Survey and continue to use the results and other data to inform improvements for our community; and secondly, a report be brought back to a Council meeting with all of the information to show what Council does with its customer service activities.

**CARRIED**

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Policy Context

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

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal #1 Lead and govern for all

Objective #2 Explain the reason for its decisions

Background Information

The 2020 Community Satisfaction Survey was conducted by JWS Research as coordinated by the Department of Environment, Land, Water and Planning on behalf of Victorian councils. Interviews with 400 people were conducted in the period of 30 January-22 March 2020 and results were received on 1 June 2020.

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

The results of the survey add to the performance data gathered by Council from 139,000 contacts (phone, online and face to face) to the city's customer service area resulting in over 43,000 customer requests and compliments/feedback/complaints received from customers when they are using our services each year. These services include the maintenance of 3000kms of sealed and unsealed roads, 881kms of footpaths, 1037kms of underground drains and 46,803 drainage pits, 70+ sporting reserves, 310 passive reserves and 170 natural reserves, 100,000+ street trees, 21,000+ registered animals, 9,000+ immunisations, 14,000+ Maternal and Child health consultations, collecting Waste and Recycling from 48,000+ residential properties and Organics from 39,000+ properties.








There were 347 complaints received in the 12 months ending 31 March 2020.

Report

The 2020 Community Satisfaction Survey provides an insight into the community view of council performance. The City of Greater Bendigo uses the JWS Research Survey as coordinated by the Department of Environment, Land, Water and Planning on behalf of Victorian Councils. This is the same arrangement used for many years now and it is used by the majority of councils. Interviews were conducted in the period of 30 January-22 March 2020 and results were received on 1 June 2020.

Following a period of steady improvement over recent years across the range of measures, Council has seen the perception of its service decline in a number of areas evaluated. JWS Research have indicated this year's results are consistent with State-wide averages.

Council performed significantly higher in the area of sealed local roads.

Services		Greater Bendigo 2020	Greater Bendigo 2019	Regional Centres 2020	State-wide 2020	Highest score	Lowest score
	Overall performance	58	61	56	58	Aged 18-34 years	Aged 65+ years
	Overall council direction	48	53	50	51	Aged 18-34 years	Aged 65+ years
	Customer service	69	78	70	70	Aged 50-64 years	Men, Aged 18-34 years
	Sealed local roads	60	60	55	54	Aged 18-34 years	Rural Bendigo residents
	Consultation & engagement	54	56	51	55	Rural Bendigo residents	Aged 65+ years
	Lobbying	54	55	52	53	Aged 18-34 years	Aged 50+ years
	Community decisions	53	57	50	53	Aged 18-34 years	Aged 65+ years

Consultation/Communication

Internal Consultation: Council have worked through the results with a representative of JWS research.

External Consultation: The annual survey process is undertaken by the Department of Environment, Land, Water and Planning on behalf of Victorian councils.

Resource Implications

The survey costs \$13,000 per year.

Attachment

1. JWS Community Satisfaction Survey Results Report
<https://www.bendigo.vic.gov.au/sites/default/files/2020-06/City-of-Greater-Bendigo-Community-Satisfaction-Survey-2020.pdf>

8.2 RECORD OF ASSEMBLIES

Document Information

Author Jessica Clarke-Hong, Manager Governance

Responsible Director Andrew Cooney, Director Corporate Performance

Purpose

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

RECOMMENDATION

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

RESOLUTION

Moved Cr Fyffe, Seconded Cr Metcalf.

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

| Meeting Information              |                                                                                                                                                                                         |                                 |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Meeting Name/Type                | 'Virtual' Councillors' Briefing                                                                                                                                                         |                                 |
| Meeting Date                     | 18 May 2020                                                                                                                                                                             |                                 |
| Matters Discussed                | 1. Airport fees and charges<br>2. GovHub Commercialisation<br>3. Gurri Wanyarra<br>4. Power Purchasing Agreement<br>5. Greater Bendigo's Food System Strategy                           |                                 |
|                                  |                                                                                                                                                                                         |                                 |
| Attendees/Apologies              |                                                                                                                                                                                         |                                 |
| Councillors                      | Cr Margaret O'Rourke<br>Cr Jennifer Alden<br>Cr Matt Emond<br>Cr George Flack OAM<br>Cr Rod Fyffe OAM<br>Cr Susie Hawke<br>Cr Andrea Metcalf<br>Cr Mal Pethybridge<br>Cr James Williams |                                 |
| Staff/Community Representatives  | Mr Craig Niemann<br>Ms Debbie Wood<br>Mr Andrew Cooney<br>Ms Vicky Mason<br>Mr Bernie O'Sullivan<br>Mr Petr Hargreaves                                                                  |                                 |
|                                  |                                                                                                                                                                                         |                                 |
| Conflict of Interest Disclosures |                                                                                                                                                                                         |                                 |
| Matter No.                       | Councillor/officer making disclosure                                                                                                                                                    | Councillor/officer left meeting |
|                                  | Nil                                                                                                                                                                                     |                                 |

| <b>Meeting Information</b> |                                                                                                       |
|----------------------------|-------------------------------------------------------------------------------------------------------|
| <b>Meeting Name/Type</b>   | Session on New Local Government Act                                                                   |
| <b>Meeting Date</b>        | 25 May 2020                                                                                           |
| <b>Matters Discussed</b>   | Information session on new Local Government Act                                                       |
| <b>Attendees/Apologies</b> |                                                                                                       |
| <b>Councillors</b>         | Cr Margaret O'Rourke<br>Cr Jennifer Alden<br>Cr Matt Emond<br>Cr George Flack OAM<br>Cr Rod Fyffe OAM |

|                                         |                                                                                                                                                                                        |                                        |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
|                                         | Cr Susie Hawke<br>Cr Andrea Metcalf<br>Cr Mal Pethybridge<br>Cr James Williams                                                                                                         |                                        |
| <b>Staff/Community Representatives</b>  | Mr Craig Niemann<br>Ms Debbie Wood<br>Mr Andrew Cooney<br>Ms Vicky Mason<br>Mr Bernie O'Sullivan<br>Mrs Jessica Clarke-Hong<br>Mr Peter Hargreaves<br>Ms Jen Nolan<br>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>                    | 1 June 2020                                                                                                                                                                                                                        |
| <b>Matters Discussed</b>               | 1. Greening Greater Bendigo<br>2. DCP/Structure Plan update<br>3. Industrial Land Strategy<br>4. Reimagining Bendigo Creek<br>5. Community engagement<br>6. Bendigo Botanic Gardens central Hub<br>7. Review of Council Priorities |
| <b>Attendees/Apologies</b>             |                                                                                                                                                                                                                                    |
| <b>Councillors</b>                     | Cr Margaret O'Rourke<br>Cr Jennifer Alden<br>Cr Matt Emond<br>Cr George Flack OAM<br>Cr Rod Fyffe OAM<br>Cr Susie Hawke<br>Cr Andrea Metcalf<br>Cr Mal Pethybridge<br>Cr James Williams                                            |
| <b>Staff/Community Representatives</b> | Mr Craig Niemann<br>Mr Andrew Cooney<br>Ms Vicky Mason<br>Mr Bernie O'Sullivan<br>Mr Brett Martini<br>Mrs Tiffany O'Connell<br><b>Apology:</b><br>Ms Debbie Wood                                                                   |

| <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>   | 'Zoom' Sustainability and Environment Advisory Committee                                                                                                                                                                                                                                                                                                    |
| <b>Meeting Date</b>        | 2 June 2020                                                                                                                                                                                                                                                                                                                                                 |
| <b>Matters Discussed</b>   | 1. Presentation from the City's Circular Economy Coordinator, Scott Bryant<br>2. Climate and Biodiversity Breakdown resolution update<br>3. CoGB Emissions target update/Power Purchase Agreement<br>4. Drawdown Bendigo<br>5. COVID recovery investment<br>6. Regional approach to ESD<br>7. BMX track, Strathfieldsaye<br>8. Gardens for Wildlife booklet |

| <b>Attendees/Apologies</b>             |                                                                                                                                                                                                                                                                                                                                               |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Councillors</b>                     | Cr Jennifer Alden<br>Cr Andrea Metcalf<br>Cr Margaret O'Rourke                                                                                                                                                                                                                                                                                |
| <b>Staff/Community Representatives</b> | Mr Bernie O'Sullivan<br>Mr Anthony Sheehan<br>Mr Glenn Pomeroy<br>Mr Scott Bryant/<br>Mr Rohan Hogan<br>Mr Colin Smith<br>Mr Mal Brown<br>Ms Lillian Maher<br>Ms Karin Harding<br>Ms Lisa Gormley<br>Mr Trevor Smith<br>Ms Jemille McKenzie<br>Mr Geoff Caine<br>Mr Peter Foster<br>Mr Alistair Stewart<br><b>Apology:</b><br>Mr Trevor Budge |

| <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>        | 10 June 2020                    |

|                                                |                                                                                                                                                                                         |                                        |
|------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| <b>Matters Discussed</b>                       | 1. Planning matters<br>2. Budget 2020/2021 Next Steps<br>3. Circular Economy                                                                                                            |                                        |
|                                                |                                                                                                                                                                                         |                                        |
| <b><i>Attendees/Apologies</i></b>              |                                                                                                                                                                                         |                                        |
| <b>Councillors</b>                             | Cr Margaret O'Rourke<br>Cr Jennifer Alden<br>Cr Matt Emond<br>Cr George Flack OAM<br>Cr Rod Fyffe OAM<br>Cr Susie Hawke<br>Cr Andrea Metcalf<br>Cr Mal Pethybridge<br>Cr James Williams |                                        |
| <b>Staff/Community Representatives</b>         | Mr Craig Niemann<br>Mr Andrew Cooney<br>Ms Vicky Mason<br>Mr Bernie O'Sullivan<br>Ms Debbie Wood<br>Ms Kaye Williams                                                                    |                                        |
|                                                |                                                                                                                                                                                         |                                        |
| <b><i>Conflict of Interest Disclosures</i></b> |                                                                                                                                                                                         |                                        |
| <b>Matter No.</b>                              | <b>Councillor/officer making disclosure</b>                                                                                                                                             | <b>Councillor/officer left meeting</b> |
|                                                | Nil                                                                                                                                                                                     |                                        |

| Meeting Information              |                                                                                                                                                                                                            |                                 |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Meeting Name/Type                | 'Virtual' Councillors' Briefing                                                                                                                                                                            |                                 |
| Meeting Date                     | 15 June 2020                                                                                                                                                                                               |                                 |
| Matters Discussed                | 1. Heritage Program update<br>2. Peter Krenz Leisure Centre<br>3. Workshop on Meeting Procedure Rules<br>4. Customer contacts and payments                                                                 |                                 |
|                                  |                                                                                                                                                                                                            |                                 |
| Attendees/Apologies              |                                                                                                                                                                                                            |                                 |
| Councillors                      | Cr Margaret O'Rourke<br>Cr Jennifer Alden<br>Cr George Flack OAM<br>Cr Rod Fyffe OAM<br>Cr Susie Hawke<br>Cr Andrea Metcalf<br>Cr Mal Pethybridge<br>Cr James Williams<br><b>Apology:</b><br>Cr Matt Emond |                                 |
| Staff/Community Representatives  | Mr Craig Niemann<br>Mr Andrew Cooney<br>Ms Vicky Mason<br>Mr Bernie O'Sullivan<br>Ms Debbie Wood<br>Mrs April Hinton                                                                                       |                                 |
|                                  |                                                                                                                                                                                                            |                                 |
| Conflict of Interest Disclosures |                                                                                                                                                                                                            |                                 |
| Matter No.                       | Councillor/officer making disclosure                                                                                                                                                                       | Councillor/officer left meeting |
|                                  | Nil                                                                                                                                                                                                        |                                 |

## **9. URGENT BUSINESS**

### **RECOMMENDATION**

That Council consider, as an item of urgent business, a report on the Draft Itinerant Trading Policy.

### **RESOLUTION**

Moved Cr Fyffe, seconded Cr Metcalf.

That the recommendation be adopted.

**CARRIED**



## 9.1 ITINERANT TRADING POLICY

### Document Information

**Author** Sam Johnston, Acting Manager Safe and Healthy Environments

**Responsible Director** Caroline Grylls, Acting Director Health and Wellbeing

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### Purpose

The purpose of this report is to ask Council to:

- endorse the draft Itinerant Trading Policy; and
- support the release of the draft Itinerant Trading Policy for public consultation for a period of 21 days.

### Summary

The draft Itinerant Trading Policy (Policy) was developed by an internal working group to ensure the City of Greater Bendigo has a policy to help guide and assist the management of itinerant trading in the municipality, for the benefit of all. It provides a transparent, consistent and fair approach, establishes guiding principles and formalises roles and responsibilities.

The key features of the draft Policy include:

- A two-year transition to a public tender process for sites deemed to be highly desirable and sustainable such as Lake Weeroona.
- A place making approach where applications will be considered for their activation and contribution to the public space.
- Clarification of roles and responsibilities.
- Expectations of traders where utilities such as power and water are required.
- Approval processes for applications where the City is the public land manager, not the landowner.
- Formalised appeal processes where applicants can have decisions reviewed.
- Alignment with the City's other strategies and policies such as healthy eating guidelines.
- Increases of the minimum public liability and professional indemnity insurance from the current \$10 million to \$20 million for traders.

Existing itinerant traders will be profoundly impacted by the Policy and will be consulted with individually and encouraged to provide a submission for consideration prior to Council adoption.

This report seeks Council's support to endorse and release the draft Itinerant Trading Policy for public consultation for 21 days, prior to Council adoption.

**RECOMMENDATION**

That Council:

1. Endorse the draft Itinerant Trading Policy; and
2. Support the release of the draft Itinerant Trading Policy for public consultation for a period of 21 days.

**RESOLUTION**

Moved Cr Metcalf, seconded Cr Fyffe.

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 decisions

Goal 2 Wellbeing and fairness

Objective 2.5 Create safe and resilient communities

Goal 3 Strengthening the economy

Objective 3.1 Support our local businesses and industry to be strong, vibrant and to grow and develop

Goal 4 Presentation and managing growth

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

Goal 6: Embracing our culture and heritage

Objective 6.2 Build pride in and shared responsibility for our public spaces

Greater Bendigo Health and Wellbeing Plan 2017-2021

Goal 2 Safe and Secure

Objective Increase community safety

Goal 5 Liveable

Objective Facilitate supportive built and natural environments

Background Information

Itinerant trading is effectively the use of public land for commercial purposes and should always be considered a privilege not a right. It is essential that the City of Greater Bendigo (City) manages itinerant trading in Greater Bendigo in a consistent way, to provide assurance to Council and the Community that the process is fair and transparent and reflects contemporary views.

While the Community Local Law and previous iterations have created the need for a permit for itinerant trading, the Community Local Law does not provide specific means by which an application will be assessed. Historically, the approach has been to consider applications in isolation, based on the *Street Trading and Outdoor Dining Facility Code of Practice* and any other matter considered relevant at the time.

Importantly, the purpose of the Local Laws is to provide a safe public environment by regulating, prohibiting and controlling activities so that they are not dangerous, unsafe or detrimental. To date, applications have been processed using this purpose as the basis for decision making with no guidance on how to consider other important matters.

Previous Council Decision(s) Date(s):

N/A

Report

Contemporary expectations have highlighted that the absence of policy creates uncertainty for staff and the community. A policy gap was identified, resulting in the development of the new draft Itinerant Trading Policy (Policy).

The Policy has been developed to ensure the decision making continues to maintain community safety as a key principle but formalised a more holistic approach to itinerant trading that aligns with other Council policies, approaches and strategies, striking a balance between all stakeholders needs and expectations. It provides a functional framework for managing itinerant trading in the public realm and facilitate consistent decision making.

The policy seeks to:

- (1) Provide a fair and balanced approach to the use of public space;
- (2) Ensure safe, orderly and appropriate activation of public space;
- (3) Provide clarity and certainty for the community;
- (4) Formalise roles and responsibilities; and
- (5) Manage the public risk.

The Policy has been developed by an internal working group with representation from across the organisation as itinerant trading is a complex issue requiring a considered management approach. The Policy provides a functional framework for managing itinerant trading in public spaces to facilitate a consistent approach to decision making while ensuring the safe, orderly and appropriate activation of public spaces.

Using a more contemporary approach, it employs a placemaking mindset and acknowledges the benefits of public space activation and its positive contribution to the liveability of Greater Bendigo. It also seeks to strike a balance between the benefits of public space activation and the need to preserve those spaces for nonexclusive use.

To achieve this, the policy introduces a new tendering process if there are multiple traders interested in what is defined as a “highly desirable and sustainable site”. Transitioning to a tender process for these sites will provide transparency to the process and remove any perceived exclusivity. This approach will provide assurance to the community that the City will manage the process in a fair and transparent manner and does not advantage one ahead of others. It also sets out clear expectations for all applicants, where they may propose to trade from a new location.

Roles and responsibilities have been clarified, ensuring decisions pertaining to itinerant trading are made by those with the authority to do so, and that those decisions demonstrate an integration of the City’s plans and strategies. It also sets very clear expectations about the approval process for land where the City is the land manager, and not the land owner.

The Policy will have profound impacts on the five approved itinerant traders, some of which have enjoyed trading from a single location for many years and could be seen as being somewhat iconic. Those traders will be consulted with individually and encouraged to forward a submission.

Itinerant trading may be considered as a way for businesses to operate coming out of the COVID-19 pandemic restrictions. It is important that this policy provides a transparent, consistent and fair approach to these applications.

The development of the draft policy will provide assurance to Council and the community that the City will manage itinerant trading on public land transparently, fairly and for the benefit of all.

Priority/Importance:

It is a high priority that the City has a Council adopted Itinerant Trading Policy.

Options/Alternatives:

A continuation of the current absence of policy was considered not appropriate as it does not provide the community the reassurance that the City has a framework to make consistent and balanced decisions for itinerant trading within the municipality.

It was determined that a Council adopted policy rather than an organisation policy was the most transparent approach, giving the community the opportunity to submit their views on the proposed approach for the City’s consideration.

Timelines:

15 July 2020 – Council endorse and support the release of the draft Policy for a period of 21 days seeking community feedback.

August 2020 – The City considers submission and finalises the draft Policy.

September 2020 – Council consider the final draft Policy for adoption.

Progress:

N/A

Risk Analysis:

Risks associated with staff at the City managing itinerant trading in the absence of policy are that:

- an inconsistent approach could result across the municipality
- no formalisation of roles and responsibilities

Pursuing the endorsement by Council of a policy will provide the framework for staff to manage itinerant trading in a transparent, consistent and fair manner.

The impact on current traders is acknowledged as some have enjoyed trading from a single location for many years. This impact will be managed through the public consultation period.

Consultation/Communication

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

Internal Consultation:

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

Unit	Key contributors
Health and Wellbeing	Director Health and Wellbeing
Governance	Manager Governance Coordinator Legal Services
Parks and Open Space	Manager Parks and Open Space Team Leader Natural Reserves
Property Services	Manager Property Services Team Leader – Commercial Operations and Project Officer
Regional Sustainable Development	Coordinator Public Space and Place Making
Community Partnerships	Manager Community Partnerships
Safe and Healthy Environments	Manager Safe and Healthy Environments Coordinator Investigations Team Leader Local Laws Administration and Systems Support Officer

External Consultation:

External consultation will be sought following Council support for the release of the draft Policy for public consultation.

Resource Implications

The draft policy has been developed using existing resources.

The budget implications of introducing the Policy are forecast to be minimal as the fees and charges will be based on a full cost recovery model.

Attachments

1. Draft Itinerant Trading Policy

ITINERANT TRADING POLICY

Approval Level:	Council
Policy Type:	Council
Approval Date:	Click here to enter a date. (If the policy is to become effective at a future date, both the approval date and commencement date should be shown. ie <i>15 March 2016 (Effective from 1 July 2016)</i>)
Review cycle:	Within twelve months after each Council election
Review Date:	Click here to enter a date. (If the policy is to become effective at a future date, both the approval date and commencement date should be shown. ie <i>15 March 2016 (Effective from 1 July 2016)</i>)
Responsible Officer:	Manager Safe and Healthy Environments
Owner:	Safe and Healthy Environments
Responsible Director:	Health and Wellbeing
Relevant Legislation/Authority:	<i>Local Government Act 2020</i> <i>Crown Land (Reserves) Act 1978</i> <u><i>Road Safety Act 1986.</i></u> <u><i>Road Management Act 2004 (Vic).</i></u>
DOCSETID:	Click here to enter text.

1. PURPOSE

- 1.1 The purpose of this policy is to provide a functional framework for managing itinerant trading in the public realm and facilitate consistent decision making.
- 1.2 This policy seeks to:
 - (a) Provide a fair and balanced approach to the use of public space;
 - (b) Ensure safe, orderly and appropriate activation of public space;
 - (c) Provide clarity and certainty for the community;
 - (d) Formalise roles and responsibilities; and
 - (e) Manage the public risk.

2. BACKGROUND

- 2.1 Council's vision is for Greater Bendigo to be '*the world's most liveable community*' and this policy has been developed to ensure that itinerant trading can contribute to that vision.
- 2.2 In accordance with the Community Local Law, itinerant trading in Greater Bendigo requires a permit from the City. This policy will help guide and assist the management of itinerant trading in the municipality by providing a transparent, consistent and fair approach, for the benefit of all.

3. SCOPE

- 3.1 This policy applies to all itinerant trading on land owned or managed by the City where that trading is at:
 - (a) Any time or day, regardless of the frequency or duration; and
 - (b) A single location only; or
 - (c) Multiple locations at different times, or simultaneously.
- 3.2 This policy does not apply to itinerant trading, where that itinerant trading is:
 - (a) Conducted on land not owned or managed by the City;
 - (b) Associated with a fixed premise business and captured by an '*outdoor dining and street trading*' permit;
 - (c) Conducted on land owned or managed by the City, but controlled by others under a lease, licence or agreement, and that itinerant trading is sanctioned by the lessee, sub-lease, licensee or other;
 - (d) A home delivery service from a fixed premise business; or
 - (e) Captured as part of a permitted event, where that itinerant trading is:
 - (i) Sanctioned by the event organiser; and
 - (ii) Covered by the event organisers public liability and professional indemnity insurance.

4. DEFINITIONS

In this policy:

Authorised Officer means any person appointed by the Council for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

City means the Greater Bendigo City Council.

Community Local Law means the Greater Bendigo City Council Community Local Law.

Highly desirable and sustainable means a site that has accommodated one or more itinerant trader at least monthly for longer than a twelve-month period.

Itinerant trader means any person or persons who for the purposes of selling or offering for sale any goods and/or services from a vehicle, caravan, table, stall or other similar structure.

Itinerant trading means the sale or offering for sale of any goods and/or services from a vehicle, caravan, trailer, table, stall or similar structure.

CPTED means crime prevention through environmental design.

Outdoor Dining means an area that is used by patrons to sit down and consume beverages/meals from an adjoining fixed premise.

Street Trading means the use of a road or part thereof including a footpath for the sale or display of goods or signs or for an outdoor dining area.

Suitably authorised person means a person in a position with delegated authority to represent an organisation or agency.

5. PRINCIPLES

The City's general position regarding itinerant trading will:

- (a) Employ a placemaking mindset;
- (b) Support activation of public spaces;
- (c) Acknowledge the contribution it makes to creating safer neighbourhoods through its CPTED benefits;
- (d) Ensure community safety is not compromised;
- (e) Minimise the red tape embedded in the process;
- (f) Encourage diversity;
- (g) Facilitate equitable access;
- (h) Balance potential competitive and complementary impacts on other traders;
- (i) Have regard to the social and economic impacts; and
- (j) Facilitate integration of the City's plans and strategies.

6. POLICY

6.1 Policy statement

The use of public land for commercial purposes is a privilege not a right. The City seeks to strike a balance between supporting itinerant trading for the benefits of public space activation and preserving those spaces for use by all. While the City's Community Local Law defines the activities that require a permit, this policy seeks to provide assurance to the community that the City will manage itinerant trading on public land transparently, fairly and for the benefit of all.

6.2 Land owned or managed by the City of Greater Bendigo

- 6.2.1 Applications for itinerant trade must clearly identify the land on which the trading is proposed.
- 6.2.2 The City must be satisfied that it is either the land owner, or land manager prior to considering any application for itinerant trading.
- 6.2.3 Where the City is the land manager, applications for itinerant trading cannot be considered unless the land owner has provided consent for the proposed use in writing, or the land management arrangements authorise the City to do so.
- 6.2.4 Land owner consent must be issued by a suitably authorised person.
- 6.2.5 Permits for itinerant trade will not be issued where the land owner has not, or does not, consent to the proposed use.
- 6.2.6 The City reserves the right to determine whether to grant a permit or not for itinerant trading on land managed by the City, where the land owner has consented to the proposed use.
- 6.2.7 The City reserves the right to refuse a permit for itinerant trading on land owned or managed by the City, where there is evidence that the proposed use would have a detrimental impact on the amenity of the site or general area.

6.3 Appropriate locations

- 6.3.1 The City reserves the right to decide the suitability of any location for itinerant trading. When determining if a location is suitable, the City may consider matters such as (but not limited to):
 - (a) The proximity to land zoned General Residential (GRZ) under the Greater Bendigo City Council Planning Scheme;
 - (b) The proximity to, and nature of, existing traders and businesses;
 - (c) The utility services available at the location;
 - (d) The *Road Safety Act 1986* and the *Road Management Act 2004 (Vic)*; and
 - (e) The proximity of other infrastructure including (but not limited to) waste bins, public toilets, parking, fire plugs and bus stops.
- 6.3.2 The City will not permit itinerant trading:
 - (a) In a public park or reserve, unless the itinerant trading is associated with a temporary event and/or the site is a 'highly desirable and sustainable site' as referred to in section 6.3.3 and 6.3.4 of this policy; or
 - (b) On a footpath, unless that itinerant trading is captured in an '*outdoor dining and street trading*' or '*activity in a public place*' permit; or

- (c) On a road or road reserve, unless that itinerant trading is included in an '*activity in a public place*' and/or the site is supported by the City for itinerant trading; or
- (d) In an 'on-street' formed car parking bay, unless included in an '*outdoor dining and street trading*' or '*activity in a public place*' permit.
- (e) Where utilities such as power and water are necessary but unavailable, and their installation is not practical, viable or desirable for any reason.

6.3.3 At sites identified by the City as 'highly desirable and sustainable' for itinerant trading, for example Lake Weeroona, where those sites have existing approved itinerant trading, the City will transition that annual approval process to a tender based process within two years of adopting this policy.

6.3.4 Where existing itinerant trading has been approved by others at Gateway Park, the City will take over the approval role in line with the current agreements with the land owner, and will transition that annual approval process to a tender based process within two years of adopting this policy

6.3.5 The City will undertake an annual review of the suitability of 'highly desirable and sustainable' sites and ensure that any new and emerging sites are included in the tendering process referred to in section 6.7.2 and 6.7.3 of this policy.

6.4 Exclusive use rights

6.4.1 Any permit issued for itinerant trading at a site does not give the permit holder exclusive use rights to the site. Where that site is nominated in an '*activity in a public place*' application, the City can issue a permit for the activity, to run concurrently with any existing itinerant trading permit.

6.4.2 In limited circumstances such as an event, itinerant trading permit holders may be given no less than 2 weeks' notice, that they will not be able to trade during that event, where that trading is not sanctioned by an event organiser.

6.5 Access to utilities

6.5.1 Where connection to the City's utilities is required to support any application for itinerant trading, all costs associated with the connection and use must be met by the applicant.

6.5.2 Where connection to the City's utilities is required but not available, all costs associated with the provision of those utility services must be met by the applicant and can only be undertaken at such time that a permit has been granted.

6.5.3 Where works are required to provide utilities, the land owner must provide written consent for the works to be undertaken, from a suitably authorised person.

6.5.4 All works will be undertaken to the standards set by the land owner.

6.5.5 All infrastructure installed to support itinerant trading, including utilities, remain the property of the land owner.

6.6 Public liability and professional indemnity insurance

Approvals will only be issued where applicants provide proof of public liability insurance and professional indemnity insurance for an amount not less than twenty million dollars (\$20,000,000) current at time of the itinerant trading.

6.7 Applications for itinerant trading

6.7.1 All applications for itinerant trading must include:

- (a) A completed application form;
- (b) A certificate of currency for public liability insurance and professional indemnity insurance for a minimum of \$20,000 000;
- (c) Copy of current Food Act 1984 registration (for food businesses);
- (d) Application fee;
- (e) Nominated site(s) details including address;
- (f) Proposed day(s) and time(s) of operation;
- (g) Proposed period(s) of operation;
- (h) Diagram(s), photo(s) or illustration(s) representing the proposed design and proximity to existing infrastructure or site features;
- (i) Nature of business and products to be traded;
- (j) Details of waste management (including litter and waste water), utility needs and vehicle registration (if applicable); and
- (k) Details of any proposed signage.

6.7.2 Where there is interest from multiple traders for a site, that site will be considered a 'highly desirable and sustainable' site and included in the City's annual tendering process at the next renewal period.

6.7.3 Where the City seeks tenders for 'highly desirable and sustainable sites', due consideration will be given to applications that align with the City's strategic objectives.

6.8 Assessment of applications for itinerant trading

When assessing applications for itinerant trading, Authorised Officers will:

- (a) Review all information provided by the applicant to ensure that it is a complete application;
- (b) Issue a further information request to the applicant should there be insufficient information provided, or items requiring further clarification;

- (c) Assess the application against the Community Local Law and the '*outdoor dining and street trading code of practice*';
- (d) Assess the application against the relevant sections of the *Road Safety Act 1986* and the *Road Management Act 2004 (Vic)*;
- (e) Refer the application to external authorities as required for comment, e.g. Regional Roads Victoria and Victoria Police;
- (f) Refer the application to internal departments as required for comment;
- (g) Consider any other matter relevant to the application;
- (h) Determine whether to grant or refuse an itinerant trading permit;
- (i) Determine all conditions relevant to approving the application and detail those conditions on any subsequent permit; and
- (j) Notify the applicant of the decision to grant or refuse a permit in writing.

6.9 Revocation of permits

6.9.1 The City reserves the right to revoke an itinerant trading permit in the following circumstances:

- (a) A permit holder did not comply with permit conditions.
- (b) A permit holder did not follow a direction by an Authorised Officer.
- (c) The City decides that the site is no longer suitable for itinerant trading.

6.9.2 At sites where the City decides that a site is no longer suitable for itinerant trading, any impacted permit holder(s) will be given no less than one months' notice in writing of the City's intention to revoke a permit.

6.9.3 Where the City determines that an itinerant trade permit should be revoked; the permit holder will be notified in writing as per section 6.9.2 of this policy and be given two weeks to submit reasons for consideration as to why the permit should not be revoked.

6.9.4 Any submission (written or verbal) relating to section 6.9.3 of this policy will be reviewed in accordance with the *Greater Bendigo City Council Local Law No. 10 – Administration*.

6.9.5 A permit holder is not entitled to any form of compensation should an itinerant trading permit be revoked.

6.10 Appeal of decision to refuse

An applicant may appeal a decision to refuse to issue a permit in accordance with the *Greater Bendigo City Council Local Law No. 10 – Administration*.

6.11 Permit fees and renewals

6.11.1 Itinerant trading permit fees will be determined annually in line with Council's annual budget process.

- 6.11.2 The City's fee structure will provide a financial incentive for applicants that implement the Victorian Government's Healthy Choices Guidelines.
- 6.11.3 Itinerant trading permits will be issued for a maximum of twelve months and will expire on 30 June annually.
- 6.11.4 Itinerant trading permits for 'highly desirable and sustainable' sites will be for the terms of the agreement determined during the tender process.
- 6.11.5 Pro-rata fees based on quarters will apply for new applications.
- 6.11.6 Where an application is refused, the application fee is non-refundable.
- 6.11.7 Renewal notices will be issued by the City prior to 30 June annually and it is the responsibility of the applicant to renew permits for itinerant trading. Failure to do so by the 1 July annually may result in permit cancellation.
- 6.11.8 Other than for agreements at the 'highly desirable and sustainable sites', renewal notices for a site will be issued to the existing permit holder.
- 6.11.9 The City reserves the right to determine not to renew an itinerant trading permit or amend permit conditions.

6.12 Compliance and enforcement

All compliance and enforcement activities undertaken by the City will be in accordance with the City's Compliance Policy.

7. ROLES AND RESPONSIBILITIES

7.1 Council

It is the role of Council to adopt the itinerant trading policy.

7.2 City of Greater Bendigo employees

7.2.1 The Safe and Healthy Environments unit is responsible for:

- (a) Administrative review of this policy and all associated reporting to Council;
- (b) Assessing applications for itinerant trading and making decisions; and
- (c) Applying the itinerant trade policy; and
- (d) Ensuring permit holders comply with all conditions of approval.

7.2.2 The Governance unit is responsible for:

- (a) Providing administrative support and oversight of tender processes.

7.2.3 The Property Services unit is responsible for:

- (a) Providing administrative support and oversight of leases, licences and agreements.

7.2.4 The Regional Sustainable Development unit is responsible for:

- (a) Identifying 'highly desirable and sustainable sites'.

7.3 Permit holders

7.3.1 Permit holders must ensure that the approved itinerant trading is always conducted in accordance with:

- (a) the City's Community Local Law;
- (b) all conditions specified in the approval;
- (c) all requirements in the '*Outdoor Dining and Street Trading Code of Practice*', a reference document incorporated into the City's Community Local Law; and
- (d) any direction given by an Authorised Officer of the City.

7.3.2 Permit holders must ensure that a copy of the permit or agreement is always available at the location the itinerant trading is occurring.

8. RELATED DOCUMENTS

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

These include:

- Greater Bendigo Community Plan 2017–21
- Greater Bendigo Health and Wellbeing Plan 2019-23
- Greater Bendigo Community Local Law
- Greater Bendigo Local Law 10 - Administration
- Greater Bendigo City Council Outdoor Dining and Street Trading Code of Practice
- Greater Bendigo Compliance Policy
- Department of Health and Human Service, Healthy Choices: food and drink classification guide

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 the Executive Management Team or where required, resolution of Council.

11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
<i>Month, year</i>	<i>CG</i>	<i>Safe and Healthy Environments</i>	<i>Develop</i>	<i>1</i>	<i>Month, year</i>

10. NOTICES OF MOTION

Nil.

11. CONFIDENTIAL (SECTION 66) REPORTS

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

RECOMMENDATION

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

RESOLUTION

Moved Cr Fyffe, seconded Cr Emond.

That the recommendation be adopted.

CARRIED

There being no further business, the meeting closed at 8:28 pm.

Confirmed:

19 August 2020

Chair