

COUNCIL MEETING MINUTES



6:00 pm on Monday, April 24 2023

Livestreaming at www.bendigo.vic.gov.au/councilmeeting
Broadcast live on Phoenix FM 106.7

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

NEXT MEETING:

Monday May 22, 2023

COMMUNITY VISION

2021–2031

Greater Bendigo celebrates our diverse community.

We are welcoming, sustainable and prosperous.

Walking hand-in-hand with the Traditional custodians of this land.

Building on our rich heritage for a bright and happy future.

The community vision is underpinned by five values –
Transparency, sustainability, inclusion, innovation and equity.

COUNCIL PLAN (MIR WIMBUL) – OUTCOMES

The [Council Plan](#) (Mir wimbul) is based on seven outcomes, which are the main focus of the Council Plan.

Each outcome has a set of goals, objectives and actions that will help to achieve the community vision, and indicators to measure achievement against each goal:

1. Lead and govern for all
2. Healthy, liveable spaces and places
3. Strong, inclusive and sustainable economy
4. Aboriginal reconciliation
5. A climate-resilient built and natural environment
6. A vibrant, creative community
7. A safe, welcoming and fair community

STAFF VALUES AND BEHAVIOURS

The City of Greater Bendigo's [values and behaviours](#) describe how Councillors and staff will work together to be the best we can for our community.

They are aligned to our strategic documents, such as the Council Plan, which ensure they are meaningful for Council and the organisation.

A shared commitment to living our values and behaviours will help us to build the type of culture we need to be able to work together and support each other to deliver the best possible outcomes for the community.



This Council Meeting is conducted in accordance with the

- Local Government Act 2020
- [Governance Rules](#)

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1. ACKNOWLEDGEMENT OF COUNTRY

We acknowledge that the City of Greater Bendigo is on Dja Dja Wurrung and Taungurung Country.

We would like to acknowledge and extend our appreciation to the Dja Dja Wurrung People, the Traditional Owners of the land that we are standing on today.

Today, we pay our respects to leaders and Elder's past, present and emerging for they hold the memories, the traditions, the culture and the hopes of all Dja Dja Wurrung People.

We express our gratitude in the sharing of this land, our sorrow for the personal, spiritual and cultural costs of that sharing and our hope that we may walk forward together in harmony and in the spirit of healing.

2. TRADITIONAL LANGUAGE STATEMENT

Bangek Knoorarook Bunjil Dja Dja Wurrung
William Talle tallingingorak wirrmbool bunjil

I honour the wisdom of the Dja Dja Wurrung.
We will speak words of truth and listen to your wisdom

3. OPENING STATEMENT

4. MOMENT OF SILENT REFLECTION

5. ATTENDANCE AND APOLOGIES

Attendance

- Mayor Cr Andrea Metcalf
 - Deputy Mayor Cr Dr Jennifer Alden
 - Cr Matthew Evans
 - Cr David Fagg
 - Cr Rod Fyffe OAM
 - Cr Margaret O'Rourke
 - Cr Greg Penna
 - Cr Vaughan Williams
-
- Craig Niemann, Chief Executive Officer
 - Andrew Cooney, Director Commonwealth Games
 - Brian Westley, Director Presentation and Assets
 - Michelle Wyatt, Acting Director Healthy Communities and Environments
 - Jess Howard, Director Corporate Performance
 - Jessica Clarke-Hong, Manager Governance
 - Ross Douglass, Acting Director Strategy and Growth

Apologies

- Cr Julie Sloan

RESOLUTION - Resolution No. 2023-46

Moved: Cr Fagg

Seconded: Cr O'Rourke

That any apologies are accepted.

CARRIED

6. LEAVE OF ABSENCE

Nil

7. SUSPENSION OF STANDING ORDERS

RESOLUTION - Resolution No. 2023-47

Moved: Cr Fyffe

Seconded: Cr Alden

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

CARRIED

8. COMMUNITY RECOGNITION

We now move to tonight's community section and say congratulations to the following people:

- Hundreds of central Victorian firefighters have been recognised for their efforts during the 2019/2020 bushfires, receiving a National Emergency Medal for their 'valiant efforts' which took them to Gippsland and north-east Victoria to help out those communities as the fires raged.
- Girton Grammar student Viran Dhanapala has had his design for an automatic COVID-19 ventilator go on show at the *Top Designs* exhibition for VCE students, leading to Viran being named one of the best engineering students in the state.
- In some sporting news, Bendigo golfer Lucas Herbert has won his fourth tournament since turning pro, taking out the ISPS Handa Championship in Japan over the weekend. Lucas was able to hold his nerve when victory came down to a play-off.
- Harness racing driver Michelle Phillips won the Australian Female Drivers Championship earlier this month in Brisbane, while another Bendigonian Ellen Tormey finished seventh.
- Oliver Boucher has recently won individual national titles at competitions in Australia and New Zealand for clay target shooting, and he won a special title with his father, Terry, when they combined to shoot a perfect 100 targets in the family double barrel competition in the New Zealand event.
- Robert O'Neill from the Bendigo Eaglehawk Badminton Association has been honoured with a Badminton Victoria life membership for his services to the sport, while Gary Warnest has received Table Tennis Victoria's President's Award.
- And Eaglehawk Secondary College teacher John Pearce has retired after 51 years with the school where he was the student welfare officer. It was reported in the *Addy* that he didn't want a gift on retirement, instead he presented the school with a new wellbeing dog, as John felt the introduction of school dogs to help students had been one of the best changes in his time as a teacher. Best wishes in retirement, John.
- Finally tonight, I would like to thank City staff, the Bendigo Easter Fair Society, the many volunteers and our business community for their support of the Bendigo Easter Festival. Despite a bit of wet weather, it was a fantastic weekend of activities loved by residents and visitors alike, and it was simply wonderful to see.
- And that ends tonight's community section.

9. PUBLIC QUESTION TIME

9.1. Public Question Time Guidelines

Council allows up to 30 minutes for question time on any matter except for planning items that are on the agenda tonight or anything that is defamatory, otherwise inappropriate or outside the scope of Council.

If your question is about routine or operational Council requests, you should instead make a request through our [Customer Request system](#).

[Pre registering questions](#) is recommended as this provides more time for a more detailed response to be provided to you at question time. Pre registered questions will be given priority in accordance with the Governance rules. If a question is asked on the night and we don't have the answer immediately available we may need to take it on notice, and provide a response later.

Regardless, any member of the community may ask a question in person. The preferred format is to state your name, suburb and briefly identify your topic (ie parking or Lake Weeroona Playspace, etc). Then ask one question only. If time permits, there may be an opportunity to ask additional questions, at the discretion of the Chair.

Public Question time is only one of many ways the community is able to communicate with Council, other options include:

- [Customer Request system](#)
- [Let's Talk Greater Bendigo](#)
- [Feedback and complaints process](#)
- [Petitions and joint letters](#)
- [Invitations to the Mayor](#) (and other Councillors)
- [Presentations to Councillors](#)
- Councillor Ward Engagements events, generally held monthly
- Councillor attendance at many and varied events across the Municipality and over the year
- [Councillor committee membership](#)
- Various methods of contacting the [City](#) and individual [Councillors](#)

Public Question Time is not a requirement of Council under the Local Government Act. This Council has enabled it under the Governance Rules adopted by the Council to ensure greater public transparency and accountability. The Council asks that the opportunity to ask a question of the Council in this form is treated respectfully and within these rules.

9.2. Pre-Registered Questions

Question:**From:** Steve of Golden Square**Topic:** Bat infestation in Rosiland Park**Question:** Can someone please tell me why the council has allowed the bat colony in Rosiland park to increase numbers and expand to the entire area, causing substantial mess, smell, and noise?**Answer:** The Grey-Headed Flying Fox (GHFF) is listed as vulnerable to extinction under the Commonwealth Environment Protection and Biodiversity Conservation Act. In addition to the species being protected, it is important to note the entire population in Rosalind Park has been identified as nationally significant for the GHFF.

Therefore, the City does not have the authority to remove or relocate the bats. It is also illegal to scare, harm or disturb them without permission or a permit from the relevant government departments.

The City continues to work diligently with appropriate State Government departments to meet our obligations to protect a vulnerable species, whilst juggling community expectations and use of Rosalind Park.

Question:

From:	James of Eaglehawk
Topic:	Defining a woman
Question:	Does this Council have a definition on what is a woman?
Answer:	<p>Society has many definitions for people and Council does not have a specific definition for a woman.</p> <p>However, Council hopes that all community members regardless of how they define themselves feel safe and supported. Council also hopes that if people must be defined by others that it is done in an equitable and inclusive manner.</p>

9.3. Gallery Questions

Question:

From:	Julian of Bendigo
Topic:	Council Land Encumbrance
Question:	Is Council going to sell the rate-payers of Bendigo short if Council allows Council owned land to be encumbered for the benefit of private land developers?
Answer:	No, Council is not going to sell the rate-payers of Bendigo short. With regard to Saade St Epsom public notice has been published as resolved at the last Council Meeting. Submissions must be received in writing by close of business May 1, 2023 to PropertyLandEnquiries@bendigo.vic.gov.au or c/o: Strategic Property Analyst, PO Box 733 Bendigo, VIC, 3552.

Question:

From:	Kaylene of Long Gully
Topic:	Net zero gas emission
Question:	How does the Council justify encouraging Bendigo residents to decrease gas usage whilst moving into a State office building that has gas usage?
Answer:	Council will be a tenant in Galkangu and, therefore, had limited capacity to influence the detailed design which was overseen by the Victorian Government. Council advocated strongly for the removal of gas from the facility.

Question:

From:	Kaylene of Long Gully
Topic:	Net zero gas emission
Question:	How does the Council explain how this gas usage will be attributed, given Council's commitment to net-zero emissions?
Answer:	The allocation of greenhouse gas emissions resulting from the building gas is still to be confirmed.

Question:

From:	James of Eaglehawk
Topic:	Defining a woman
Question:	Is Council unwilling to define "woman" due to the LGBTQIA+ community and/or "agenda"?
Answer:	No, and we are a welcoming and inclusive City.

10. RESUMPTION OF STANDING ORDERS

RESOLUTION - Resolution No. 2023-48

Moved: Cr Fyffe

Seconded: Cr O'Rourke

That Standing Orders be resumed.

CARRIED

11. WARD REPORTS

11.1. Eppalock Ward - Cr O'Rourke

Eppalock Ward - Cr O'Rourke presented a report on various issues and meeting/events, as follows.

Another interesting month to share some highlights, as a Councillor it is always incredible to see firsthand the amazing things happening in our community. Eppalock Ward Councillors have been active in various events:

- Attending the Ramadan dinners at the Strathdale Community Hall 25th March 1st, 8th & 15th April for the Celebration Iftar Ramadan, Dinner and Gathering with the community and various Muslim Groups. They are truly lovely, joyful events where we also experience different cuisines from hosts, Pakistan, Indonesian & Malaysian, Bangladesh, Afghan over 4 weeks. Delicious!
- These events are such an uplifting evening full of lots of talking, singing and appreciation. We are so much richer for the various cultures that call Bendigo home!
- Leading up to Easter we had the Woong Loong Blessing of the dragons at the Golden Dragon Museum along with our Mayor, Dep Mayor, Cr Penna and myself attending. It was wonderful to see the elders of the Bendigo Chinese Association – Russell Jack in attendance and Chair Doug Lougoon, and others. A lovely ceremonial evening.
- Awakening of the dragon an event always well attended and loud to make sure Dai Gum Loong was well and truly awake! After not getting to dance last year – he made up for it.
- Acknowledging all the efforts of everyone involved in the 151st Easter Festival – although the weather wasn't that kind on Good Friday celebrations were able to go ahead. Reported that accommodation bookings were at their maximum again and right down to Kyneton and across to Maryborough to get a bed! It was a FULL HOUSE. Various hospitality venues reported fantastic numbers and a very busy time which is what we want to see for our local businesses. I am sure many residents' houses were full too.....I know ours was with family visiting for the weekend.
- Terry K and his team do an amazing job and staff at CoGB who volunteer to ensure the events over the Easter run smoothly. There are so many volunteers that make these events possible – it is a special time when Bendigo shines so please if the CEO could pass on our thanks back to Terry and his team and a special thank you to the community to all those who volunteer – it is greatly appreciated!

- This year was the added bonus of the fun events and activities by the Easter Festival Committee that were held on the Monday at Lake Weeroona, well done to this initiative also, which was really well attended! Cr Rod Fyffe as Chair of the Easter Festival Committee can you also take back thanks to the Committee for another successful festival!
- A real highlight particularly for Eppalock Ward Councillors was the official opening of the BFNL season first game at Harry Trott oval. The pavilion and works that have been completed for the netballers and footballers is the 'best of the best'. Lovely to be present with Cr Penna, our Mayor, Member for Bendigo East Jacinta Allan and Federal Member Lisa Chesters to be part of the festivities for South Bendigo. I want to acknowledge all who have been involved in that journey over approximately 15 years to get to where we are today (including our CEO Craig Niemann) with South now having their 'home' in Kennington officially. A vision was set by the Club to have their grass roots in a community that will help foster their dream of future generations to join the Club. Not an easy choice as we heard on the day about the blood, sweat and tears of their home at the QEO, but I am sure the majority would now say they made the right decision.
- In partnership with Bendigo United Cricket Club they have something pretty darn special that they will be able to accommodate the growing numbers that are signing up. Some 700 involved in the various football and netball games and club support; as Minister Allan said that is a small country town!!! Thank you to Amy Johnston and her team at the City – these redevelopments are big commitments for Councils and over often successive Councils too – I feel very pleased to have been on this journey as a Councillor committing funds for this redevelopment and we get to see it completed. As we know often you can be there at the start, or at the finish; it is really special to see it through.....onto the ground redevelopment at Harry Trott and then we can tick off the complete package! Unfortunately, on the day the Bloods did not get the chocolates; and Our Mayor was having a sneaky sideways glance to her beloved Borough and yes, they got there!
- Well done again to all involved in this long journey to Harry Trott!
- We also had the excitement of turning on the lights at the Barrack St Reserve in Heathcote last Thursday evening; Mayor Metcalf and Heathcote FNL President Rebecca Dickinson (Bec) had the pleasure of flicking the switch. Incredible difference it makes; again, this has been great to see the next stage of this development with support from the State Govt, Council and the Club in committing the funds to make this happen.
- Since the redevelopment of Barrack Reserve and facility improvements the social committee have been hiring out their services for events, wakes and activities and this money has been collected to enable their commitment to improve the lights. Football and Netball in our communities is the social glue that helps to keep communities engaged and our Heathcote community have played footy at Barrack Reserve since 1869 – such an important backdrop to the amazing community of Heathcote and surrounds.
- This brings me to the point of budgets as we get ready for our next budget that will be delivered by this Council. Every year it gets more difficult as a growing City our wish list is extensive; it may take longer than expected as we continue to prioritise across our community. Often commitments must be done over multiple years and the big commitments like a Harry Trott over several terms. We have challenges like everyone doing your own household budgets and we hope that we have that mix right this year when it comes time to adopt our new budget. Thanks again to the contribution of our community; we had so many presentations and requests which is

fantastic to see how engaged our community are with this change of process for the 2nd year running. It is no easy task; as I know people are aware and hope that we have the balance right.

- We have attended many committees, Councillor briefings and community meetings again this month which has been a delight!

That completes my Councillor update.

11.2. Lockwood Ward - Deputy Mayor Cr Alden

Lockwood Ward - Deputy Mayor Cr Alden presented a report on various issues and meeting/events, including:

- **Celebrations**

- There's always something to learn as a Councillor. I learned about the activities of the Water Industry Operators Association at its national conference dinner, celebrating their 50 years. 1500 attendees in Bendigo over 2 days stayed in town and boosted our economy. They even had awards including best tasting tap water.
- Along with other Councillors I attended 2 Iftar dinner Ramadan celebrations with Pakistani, Indian and Afghani communities catering - the packed hall of over 400 people is a happy event.
- We celebrated the upgrade of the Golden Dragon Museum and note the excellent offerings at the Hawker at the Museum restaurant, developed as part of the upgrade.
- Transgender Day of Visibility Flag Raising - with strong support from City of Greater Bendigo councillors. An international celebration of trans and gender diverse awareness, recognising trans and gender diverse experiences and achievements.
- National Emergency Medal presentation - 1st of four awards ceremonies for CFA firefighters recognising their contribution to the 2019-20 Bushfires, a nationally significant emergency that lasted 98 days (and was quickly followed by the pandemic). When I attended Trevor Strauch, our Citizen of the Year, received another award for his Huntly CFA contribution.
- Bendigo Foodshare 10 year anniversary - Bendigo Community Foodshare when I first joined the board in 2013 - for 5 years - huge growth since then. One of the few enterprises where growth is not necessarily a good thing in some way due to the ever increasing food insecurity in our community - many times among the employed nowadays with cost of living pressures.
- 150 years of tertiary education in Bendigo was celebrated in style with an academic procession of 200 participants. Was great to be able to participate as Adjunct Senior Research fellow - the first chance to participate in such a procession. I mentioned on social media the efforts of the photographers, including Darren Howe in taking the panorama shot of everyone on the steps of the Capital - memorable.

- **Community events**

- Heathcote Story Walk launch - the Gruffalo - kids knew all the words and the intergenerational focus with local senior a plus...now you can walk around Barrack Reserve and read the Gruffalo at your leisure on the story posts.
- Solar Citizens EV ute roadshow launched their report Recharging Bendigo on the benefits of a strong fuel -efficiency standard prior to fed government emissions reduction announcement. The report launched had a focus on

Bendigo and showed how to save \$77 million in fuel costs over 5 years and how to electrify the region's fleet. Benefits for Bendigo include healthier air and healthier people as reduced vehicle emissions will provide higher relative health benefits due to the higher incidence of respirator conditions in the region.

- Easter Wong Loong Blessing of the Dragons - pomelo fruit
- Easter Rotary Art Show with the talented array of artists' works on display.
- Opening of Malamaya Mang the inaugural Dja Dja Wurrung arts festival at Dudley house - featured many talented Djaara artists and creatives. Was an honour to hear Tamani Nicholls-Moore speak about her works and their inspiration. There' were also workshops plus a highly recommended Bendigo city walking tour available.
- Launch of BSG's Giving Power fundraiser at the Discovery Centre saw the latest from Bendigo Sustainability Group in assisting the provision of solar systems for households that can't afford them - a great way to make a meaningful donation that combines action on the transition to cleaner energy sources, climate action, equity and health impacts all in one. Pay it forward: chuffed.org/project/giving-power
- Yesterday the mayor and I attended the program launch Castlemaine Documentary festival coming up in Mid-June - linking the Creative Industry there with the Creative aspects of the City and Region of Gastronomy. Look out for some interesting films.
- Friday saw a treat in attending the first instalment of the Wagner's Ring Cycle - Das Rheingold at Ulumbarra - how lucky Bendigo is to have an opera production of this fame and quality in our city. We even have locals in the choir.
- Bendigo Writers festival is coming up on May 4 - 7 with theme Such is Life.
- Planning ramped up for the big Climate Summit next month - more to come - save the date May 27th at Ulumbarra theatre - more to come next month.
- ANZAC reflection -. This year is the 50th anniversary of the end of the VietNam War with the withdrawal of the last Australian combat troops from South VietNam. Tomorrow's events will once more be pause to reflect on the folly of war. Lest We Forget.

12. DECLARATIONS OF CONFLICT OF INTEREST

No attendee declared a conflict of interest.

Section 130 of the *Local Government Act 2020* (Vic) (**the Act**) provides that a relevant person must disclose a conflict of interest in respect of a matter and exclude themselves from the decision making process in relation to that matter including any discussion or vote on the matter at any Council meeting or delegated committee meeting and any action in relation to that matter.

The procedure for declaring a conflict of interest at a Council Meeting is set out at rule 18.2.4 of the Governance Rules.

Section 126 of the Act sets out that a relevant person (Councillor, member of a delegated Committee or member of Council staff) has a conflict of interest if the relevant person has a **general conflict of interest** or a **material conflict of interest**.

A relevant person has a **general conflict of interest** in a matter if an impartial, fair minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.

A relevant person has a **material conflict of interest** in a matter if an *affected person* would gain a benefit or suffer a loss depending on the outcome of the matter.

13. CONFIRMATION OF PREVIOUS MINUTES

13.1. Confirmation of Previous Minutes

RECOMMENDED MOTION

That the Minutes of the Council Meeting held on March 27, 2023, as circulated, be taken as read and confirmed.

Previous minute location:

<https://www.bendigo.vic.gov.au/About/Council/Council-meetings/Past-Council-meetings>

RESOLUTION - Resolution No. 2023-49

Moved: Cr Penna

Seconded: Cr Fagg

That the recommended motion be adopted.

CARRIED

14. PETITIONS AND JOINT LETTERS

Nil

15. LEAD AND GOVERN FOR ALL

15.1. Contracts Awarded under Delegation

Author:	Greg Painter, Procurement Coordinator
Responsible Director:	Jessica Howard, Director Corporate Performance

Purpose

To inform Council of contracts signed under Delegation.

Recommended Motion

That Council note the contracts awarded under delegation during the previous reporting period.

RESOLUTION - Resolution No. 2023-50

Moved: Cr Fagg

Seconded: Cr O'Rourke

That the recommended motion be adopted.

CARRIED

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025

Outcome 1 - Lead and govern for all

Secondary Council Plan Reference(s)

Goal 1 - Accountable, financially responsible, equitable, transparent decision making

Conflict of Interest

No officer involved in the preparation or approval of this report declared a general or material conflict of interest.

Attachments

1. Contracts Awarded Under Delegation Council Report March 2023 [**15.1.1** - 1 page]

Capital Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price (ex GST)	Practical Completion	Budget
CT000660	Ewing Park Landscape Works	D C Lightburn & G J Lightburn t/as GDL Excavations	Stacy Williams	1/03/2023	\$484,224.65	31/05/2023	\$1,510,664.00
Service Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price (ex GST)	Contract Term & Options	Budget
CT000652	Provision of Service for 2023 Bendigo Easter Festival - Petting Zoo	Daryl's Mobile Animal Farm	Steve Hamilton	2/03/2023	Licence agreement whereby the provider pays the City a licence fee of \$2,600	12 months with options for an additional period of 1 + 1 years	\$0.00
CT000631	Circular Greater Bendigo Stage 2 - Circular Solutions for Textiles	Textile Recyclers Australia Pty Ltd	Brian Westley	19/01/2023 * This award was missed from the January Council Report	Schedule of rates	3 Years with options of an additional period of 2 x 1 years	\$172,500.00
Contracts Awarded at Council							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price (ex GST)	Practical Completion / Contract Term & Options	Budget

15.2. Audit and Risk Committee Meeting Minutes - February 23, 2023

Author:	Anna Connolly, Risk and Assurance Advisor
Responsible Director:	Jessica Howard, Director Corporate Performance

Purpose

The Audit and Risk Committee Charter, as per the Public Transparency principles and Governance principles in the Act, states that the unconfirmed minutes of the Audit and Risk Committee meetings are provided to Council at the first available opportunity after clearance by the Committee Chairperson following each Committee meeting for information and approval.

Recommended Motion

That Council:

1. Approve the unconfirmed minutes of the Audit and Risk Committee held on February 23, 2023;
2. Note that the minutes will be endorsed by the members of the Committee at the next Committee meeting to be held on May 18, 2023, and any substantive changes to the unconfirmed minutes will be reported to the next Council meeting.

RESOLUTION - Resolution No. 2023-51

Moved: Cr O'Rourke

Seconded: Cr Fagg

That the recommended motion be adopted.

CARRIED

Executive Summary

The Audit and Risk Committee's (Committee) Charter requires that the unconfirmed minutes of each Committee meeting will be reported to Council at the first available opportunity after clearance by the Committee Chairperson following each Committee meeting for information and approval.

Background

Council is committed to good governance, public transparency and accountability to the City of Greater Bendigo's community. The Audit and Risk Committee has been established to strengthen Council's governance, risk management, financial management and to drive continuous improvement. Pursuant to section 53(2) of the Local Government Act 2020 (the

Act), the Committee is an advisory committee and does not have any delegated powers, including executive powers, management functions, or delegated financial responsibility.

The Committee comprises of seven members (three Councillors and four independent, external members), appointed by Council and is an advisory committee of the Council established to assist the Council to discharge its responsibilities under the Act to:

- monitor the compliance of Council policies and procedures with:
 - the overarching governance principles
 - the Act and the regulations and any Ministerial directions
 - other relevant laws and regulations
- monitor internal controls
- monitor Council financial and performance reporting
- monitor and provide advice on risk management and fraud prevention systems and controls
- oversee internal audit function
- oversee external audit functions.

The Committee engage with management in discharging its responsibilities and formulating its advice to the Council. The Committee operates to advise the Council on how best to fulfil its responsibilities and facilitate decision making by providing a forum for improving communication between the Council members and senior management, finance, risk and compliance managers, internal auditors and external auditors. The committee meet at least four times per year. In addition to these meetings, one or more special meetings may be held to review the Council's annual financial statements and performance statement, or to meet other responsibilities of the committee.

Previous Council decision dates: The minutes of the meeting held on November 10, 2023 were provided for approval to Council at the meeting held on December 12, 2023.

Report

The Committee Chair has reviewed the draft and unconfirmed minutes of the February 23, 2023 Committee meeting and has approved the release. The unconfirmed minutes of the meeting are attached to this report.

Communications/Engagement

As part of its commitment to good governance, Council's Audit and Risk Committee acts as an independent advisory committee to Council, established under Section 53 of the Local Government Act 2020.

The Audit and Risk Committee Charter requires the Committee meet with Council's Internal and External Auditors in reviewing Council's financial and non-financial reporting

as well as risk management. The Chairperson also prepares a report to Council on the Committee's activities twice per annum including the Committee's findings and recommendations along with agreed actions. The minutes have been circulated in draft format to the attendees of the Committee.

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 1 - Lead and govern for all

Secondary Council Plan Reference(s)

Goal 1 - Accountable, financially responsible, equitable, transparent decision making

Other Reference(s)

Not applicable.

Conflict of Interest

No officer involved in the preparation or approval of this report declared a general or material conflict of interest.

Attachments

1. Audit and Risk Committee - February 23 2023 Minutes [**15.2.1** - 15 pages]

AUDIT AND RISK COMMITTEE MINUTES

1:00 pm THURSDAY FEBRUARY 23, 2023

BENDIGO TOWN HALL

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1. ATTENDANCE AND APOLOGIES

Attendance

- Mayor Cr Andrea Metcalf
- Cr Margaret O'Rourke arrived at 1.32pm
- Cr Julie Sloan
- Jovana Obradovic-Tantra (Chair)
- Robert Stephenson arrived at 1.46pm
- Tony Ridley
- Stephen Brown
- Craig Niemann, Chief Executive Officer
- Andrew Cooney, Director Commonwealth Games- for Agenda item on Commonwealth Games only
- Jessica Clarke-Hong, Acting Director Corporate Performance
- Nathan Morsillo, Manager Financial Strategy
- Geoff Fallon, Acting Manager Governance
- Mark Eeles, Coordinator Financial Reporting and Operations
- Anna Connolly, Risk and Assurance Advisor
- Rosemary Broad, Risk and Assurance Officer
- Brad Ead, Internal Auditor, AFS and Associates Pty Ltd
- Erin Nankivell, Internal Auditor, AFS and Associates Pty Ltd
- Mahesh Silva, External Auditor, RSD and Accountants - for Agenda item on External Audit only

Apologies

Kathie Teasdale, External Auditor, RSD and Accountants

2. DECLARATIONS OF INTEREST, CONFLICT OF INTEREST AND PECUNIARY INTEREST

2.1. Declarations of Interest, Conflict of Interest and Pecuniary Interest

Committee recommendations must be transparent and accountable, to protect the public interest, maintain the integrity of the Committee and Council and enable the public to be confident that the Committee is performing its duties properly. If a conflict of interest exists, it must be declared and managed.

Division 2 of Part 6 of the *Local Government Act 2020* applies to Independent Members, as if the member were a member of a delegated Committee. A member has a **conflict of interest** if they have:

1. a general conflict of interest within the meaning of section 127 of the Act
2. a material conflict of interest within the meaning of section 128 of the Act

Members of the Committee will provide declarations in accordance with statutory requirements.

At the beginning of each committee meeting, members are required to declare any conflict of interest that may apply to matters on the meeting agenda and will then be required to leave the room while those items are considered. Declared conflicts will be appropriately recorded in the minutes.

The declarations of conflict of interest outlined below will be considered standing declarations:

Stephen Brown declared that he is an employee of the Bendigo and Adelaide Bank
Robert Stephenson declared that he is currently Advocacy Lead of Be Bendigo
Craig Niemann declared that his son is an employee of the Bendigo and Adelaide Bank
Cr O'Rourke declared that she is a customer of AFS and Associates Pty Ltd

3. STANDING ITEMS

3.1. Previous Minutes

Presenters: Jovana Obradovic-Tantra, Chairperson

RESOLUTION

The minutes of the Audit and Risk Committee meeting held on 10 November 2022 were previously circulated.

Motion: That the minutes of the Audit and Risk Committee meeting of 10 November 2022 be accepted.

That the recommended motion be adopted.

Moved: Stephen Brown

Seconded: Mayor Cr Metcalf

3.2. Finance Update

Presenters: Nathan Morsillo, Manager Financial Strategy

Feedback/questions:

- An update on the sustainability indicators were presented which identified the following immediate actions across the sector:
 - Deteriorating underlying surplus across local government
 - A significant asset renewal gap
 - The compounding effect of a rate cap which has consistently been set below the cost increases experienced by councils
 - A limited and reducing unrestricted cash position of many councils
- An update on the financial and capital management for the 2022/2023 financial year as at 31 December 2022 was presented with a Year to Date surplus
- Forecast to the end of year is an underlying net deficit with a challenging first draft of a 2023/2024 budget
- Rate Collection is challenging this year - with a 10% follow up for residential properties for arrears
- Rate Cap of 3.5% has been announced for 2023/2024 financial year

Outcomes/Actions:

- Nil

3.3. Finance Policies

Presenters: Nathan Morsillo, Manager Financial Strategy

Feedback/questions:

- Three financial policies were tabled at the Audit and Risk Committee for review and to provide feedback. The policies presented were:
 - Borrowing Policy
 - Investment Policy
 - Pricing Policy

Actions/outcomes:

- Environment and Ethical Considerations on borrowings (Standard term deposits).
- The draft policy factors in 0.15 point weighting (increase from .05 in the current policy). The Audit and Risk Committee discussion on weighting highlighted the loss of revenue predicted by this model and expressed a preference that Council are fiscally conservative and consider the financial implications. I.e. retain the weighting for non-fossil fuel financial Institutions at 0.05 as enough of a 'signal' to the market.

3.4. External Auditor Update

Presenters: Mahesh Silva, External Auditor, RSD and Accountants

Feedback/questions:

- The Audit Strategy Memorandum for year ending 30 June 2023 is currently in draft
- There were no new audit recommendations listed in the report
- Report has been finalised with the Finance Unit with no significant changes

Actions/outcomes:

- Nil

3.5. Internal Auditor Update

Presenters: Brad Ead, AFS and Associates Pty Ltd

Feedback/questions:

- Workforce Planning Internal Audit is scheduled for 27 March 2023 and will focus on the Human Resources Framework
- Payroll Internal Audit is also scheduled for 27 March 2023 and will focus on preventive controls (changes in roles, EBA updates, termination payments etc.)
 - The scope of the internal audit will be expanded to review Domestic Violence Leave
- The completed Community and Stakeholder Engagement Internal Audit highlighted a robust framework in place.

Actions/outcomes:

- To provide a report/ presentation to the Audit and Risk Committee on the Gender Equity Action Plan (GEAP).
- To include Domestic Violence Leave in the Payroll Internal Audit

3.6. Risk and Assurance Report

Presenters: Anna Connolly, Risk and Assurance Advisor

Feedback/questions:

- Updates on the Internal Audit actions are provided in this report. There were three overdue Internal Audit actions where a recommendation was made to extend the due date.

Actions/outcomes:

- To continue to follow up on the overdue Internal Audit actions with Managers

RESOLUTION

- That the Audit and Risk Committee approve the request for extensions for the following overdue Internal Audit Actions:
 - ICT and Cyber Security and Governance Internal Audit - Item 1 – extension requested through until June 30, 2023
 - Fees and Charges Internal Audit Item 5 – extension requested through until November 1, 2023
 - Fees and Charges Internal Audit Item 5 – extension requested through until November 1, 2023

Motion: The extensions for overdue Internal Audit Actions be approved.

Moved: Stephen Brown

Seconded: Robert Stephenson

3.7. Commonwealth Games Update

Presenters: Andrew Cooney, Director Commonwealth Games

Feedback/questions:

- The preparation for Bendigo's role as a Host City for the 2026 Commonwealth Games is progressing
- A key focus of the current work is to progress the design, costing, business case and legacy opportunities for the Community Competition Venues
- Regular reporting will be provided to the Audit and Risk Committee and Council

Actions/outcomes:

- An update on progress will be provided to the Audit and Risk Committee at the next meeting in May

3.8. CEO Report

Presenters: Craig Niemann, CEO

Feedback/questions:

- Rate cap for the 2023/2024 financial year has been set at 3.5%
- Bendigo Airport construction is underway
- The November 2022 meeting of Council resulted in a decision to exit Home Support and Aged Care Service delivery. Approximately seventy staff were informed of the decision and meetings have been held with each of them to discuss their employment options including redundancy
- The 2022 floods is still having an impact across the municipality and region

Actions/outcomes:

- Nil

3.9. ARC Workplan for 2023

Presenters: Anna Connolly, Risk and Assurance Advisor

Feedback/questions:

- For information only

Actions/outcomes:

- Nil

4. GENERAL ITEMS

4.1. Local Government Performance Reporting Framework (LGPRF) Half Yearly Report 2022/2023

Presenters: Jessica Clarke-Hong, A/ Director Corporate Performance

Feedback/questions:

- A question was asked about the increase in 2022 for the Statutory Planning figures.

Actions/outcomes:

- During the meeting the comparisons for previous years and the comments associated with the changes were provided, which are also outlined below.

STATUTORY PLANNING	2019	2020	2021	2022	
Timeliness <i>Time taken to decide planning applications</i> [The median number of days between receipt of a planning application and a decision on the application]	53.60	52.50	58.00	75.00	There is significant demand for planning services, which has been experienced state-wide. Additionally, some longer standing and more complex applications were resolved this year, which has contributed to the increase in the median number of days.
Service standard <i>Planning applications decided within required timeframes</i> [(Number of regular planning application decisions made within 60 days) + (Number of VicSmart planning application decisions made within 10 days) / Number of planning application decisions made] x100	71.23%	66.67%	67.78%	62.32%	
Service cost <i>Cost of statutory planning service</i> [Direct cost of the statutory planning service / Number of planning applications received]	\$2,906.32	\$3,471.04	\$2,190.81	\$2,329.80	
Decision-making <i>Council planning decisions upheld at VCAT</i> [Number of VCAT decisions that did not set aside Council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x100	58.33%	75.00%	87.50%	73.33%	The number of planning decision upheld at VCAT remains broadly consistent with previous years but due to the low numbers, the percentage fluctuates each year.

4.2. Councillor and Delegated Committee Member Expenses Report

Presenters: Geoff Fallon, A/ Manager Governance

Feedback/questions:

- Nil

Actions/outcomes:

- Nil

5. GENERAL BUSINESS

- AFS and Associates Pty Ltd left the meeting at 2.48pm. The contract extension for 2023/24 for the final 12 months of AFS's contract was then discussed. The Committee agreed to the extension.
- The move to Galkangu is progressing with work being undertaken seven days a week with a move in date yet to be announced.

6. CLOSE OF MEETING

There being no further business, the Audit and Risk Committee meeting closed at 2.55pm.

16. HEALTHY, LIVEABLE SPACES AND PLACES

16.1. Greater Bendigo Planning Scheme Review 2022

Author:	Richie Dean, Strategic Planner
Responsible Director:	Anthony Petherbridge, Acting Director Strategy & Growth

Purpose

This report presents the findings and recommendations of the Greater Bendigo Planning Scheme Review 2022 to Council for consideration and seeks adoption of the report and its recommendations to forward on to the Minister for Planning.

Recommended Motion

That Council:

1. Adopt the Greater Bendigo Planning Scheme Review 2022 report pursuant to Section 12B (1) of the *Planning and Environment Act 1987*.
2. Forward the Greater Bendigo Planning Scheme Review 2022 report to the Minister for Planning as required by Section 12B (5) of the *Planning and Environment Act 1987*.

RESOLUTION - Resolution No. 2023-52

Moved: Cr Fyffe

Seconded: Cr O'Rourke

That the recommended motion be adopted.

CARRIED

Executive Summary

In accordance with Section 12B of the *Planning and Environment Act 1987*, Victorian councils are required to undertake a Planning Scheme Review within twelve months of the adoption of a new four-year Council Plan. Therefore, in 2022 the City commenced a new Planning Scheme Review.

The previous Greater Bendigo Planning Scheme Review 2019 was extensive, it included significant community and stakeholder consultation, and it resulted in three Planning Scheme Amendments (C256gben, C261gben and C247gben) to implement. Given the extensive scope of the previous review, the Greater Bendigo Planning Scheme Review 2022 focused on outstanding issues and any relevant changes over the last three years in State and Local policies and strategies. Consultation as part of the review was undertaken

with City staff and Councillors to receive input on current land use and development related issues in Greater Bendigo.

The Greater Bendigo Planning Scheme Review 2022 concludes that although the Greater Bendigo Planning Scheme is operating well overall, there are opportunities to enhance its effectiveness and efficiency. The review identifies the following opportunities for improvement to the Greater Bendigo Planning Scheme:

- Better reflect local objectives in relation to land use and development issues which have emerged since the previous review.
- Respond to changes in State policies.
- Articulate and give effect to policies supported by Council strategies, plans and policies adopted since the previous review.
- Address issues raised by VCAT and Planning Panels.
- Remove ambiguity, duplication and inconsistencies in the format and content of the Planning Scheme.

The extent of new strategic work identified under this review is limited due to the large amount of strategic work outlined in the previous review, and some of its recommendations are already underway as part of existing projects and Planning Scheme Amendments.

Background

The Greater Bendigo Planning Scheme is a tool that contains policies and provisions focused on controlling land use and development. Therefore, it is important that it is reviewed regularly.

Planning Scheme Reviews are undertaken to analyse, audit and evaluate the performance of planning schemes to assess whether they have been effective in achieving relevant planning objectives and strategies.

In accordance with Section 12B of the *Planning and Environment Act 1987*, Victorian councils are required to undertake a Planning Scheme Review within twelve months of the adoption of a new four-year Council Plan. With the adoption of the Council Plan 2021-2025 (Mir wimbul) on 18 October 2021, this review was required by 18 October 2022. Due to some minor delays in the project, the City wrote to the Department of Transport and Planning (DTP, previously the Department of Environment, Land, Water and Planning) on 10 October 2022 to notify them of a delay. No correspondence has been received from the DTP to indicate any issues with this delay.

The previous Greater Bendigo Planning Scheme Review 2019 was extensive, with significant stakeholder, community, Council and internal City consultation. While part of the implementation of this 2019 review is now complete, other changes are still being implemented through Amendment C247gben which proposes to implement a series of

corrections, including removing redundant overlays, rezoning land in accordance with some recently adopted strategies, and ensuring consistency with the *Ministerial Direction on the Form and Content of Planning Schemes*.

The Greater Bendigo Planning Scheme Review 2022 is therefore targeted in its scope to focus only on adopted strategies and policies from the last three years, and recent planning issues identified internally or through VCAT and Panel hearings.

The City commenced the current Greater Bendigo Planning Scheme Review in June 2022, with the final report and recommendations produced in December 2022.

Report

Findings of the Review

The Greater Bendigo Planning Scheme Review 2022 (see Attachment 1) was undertaken by an external planning consultant (PlanV) and has been done in accordance with the requirements of the *Planning and Environment Act 1987* and Planning Practice Note 32: Review of Planning Schemes (June 2015). Several workshops were held with City staff and Councillors to understand some of the current land use and development issues facing the municipality since the previous review. These issues included:

- 2030 targets to reduce emissions (net zero emissions).
- Zero carbon development objectives.
- Improving biodiversity.
- Protecting remnant vegetation.
- Managing bushfire risk.
- Pressure for development of flood prone land.
- Pressure for further development of farming land.
- Prioritising pedestrians/active travel over vehicles.
- Encouragement of densification, especially in central town areas.
- Managing competing objectives in the Planning Scheme.

The Greater Bendigo Planning Scheme Review 2022 concludes that for the most part, the Greater Bendigo Planning Scheme is operating effectively although there are opportunities to enhance its effectiveness and efficiency. Opportunities for improvement are identified as follows:

- Amending the Planning Scheme:
 - To implement recommendations of relevant adopted Council strategies, plans and policies.
 - To better reflect local objectives in relation to land use and development issues which have emerged since the previous review.
 - To respond to changes in State policy.
 - To remove ambiguity, duplication and inconsistencies in the format and content of the Planning Scheme.

- Undertaking additional strategic work to provide the justification for additional or varied local objectives and Planning Scheme provisions in relation to emerging issues.
- Making improvements to the administration of the Planning Scheme, particularly in relation to referral of applications.

The extent of new strategic work outlined as part of the recommendations is minimal due to the large amount of strategic work recommended as part of the Greater Bendigo Planning Scheme Review 2019.

Key Recommendations

The Greater Bendigo Planning Scheme Review 2022 makes the following key (and summarised) recommendations:

1. Adopted Council Strategies and Plans

- Implement relevant recommendations of Council strategies, plans and policies adopted since October 2018.

2. Municipal Planning Strategy

- Review and amend the Municipal Planning Strategy and in particular:
 - Context
 - Vision
 - Strategic directions relating to:
 - Settlement
 - Environment and landscape values
 - Environmental risks and amenity
 - Built environment and heritage
 - Infrastructure
 - Strategic Framework Plans

3. Planning Policy Framework

- Amend or add Planning Policy Framework policies in relation to:
 - Settlement
 - Environment and landscape values
 - Environmental risks and amenity
 - Built environment and heritage
 - Economic development
 - Transport

4. Zones

- Review schedules to the Low Density Residential Zone and Residential Growth Zone.
- Review the application of the Mixed Use Zone.
- Review Rural Living Zone in relation to the Lockwood Road area.

5. Overlays

- Review the application of some overlays having regard to duplication and consistency of application, in particular:
 - Design and Development Overlay (DDO)/Development Plan Overlay (DPO)/Neighborhood Character Overlay (NCO)
 - Environmental Significance Overlay (ESO) /Vegetation Protection Overlay (VPO)/ Significant Landscape Overlay (SLO)
- Review all DDOs and DPOs to reduce number, assess relevance, duplication with overlays and policies, include local objectives.
- Consider including land management objectives and statements of risk in relation to Land Management Overlays (Erosion Management Overlay; Salinity Management Overlay; Land Subject to Inundation Overlay; Special Building Overlay).
- Consider potential use of the new Buffer Area Overlay.

6. General Provisions

- Ensure that all referral requirements and notice requirements are included in the schedules to relevant clauses.
- Review and update the list of incorporated documents, background documents and further strategic work.

7. Operational Issues

- Undertake a review of internal and external referral of applications for planning permits.
- Review the references to Background and Incorporated Documents having regard to their currency and Planning Scheme drafting requirements.
- Prioritise and undertake identified strategic work.
- Review information made available to applicants at the time of making an application.
- Undertake a review of factors which may contribute to the increase in processing time of applications for planning permits.

Of the suite of recommendations outlined, some of the actions were picked up previously under particular strategic planning projects and planning scheme amendments currently being undertaken by the City. For the outstanding strategic work, given the nature of the recommendations, unlike the previous review, it is not proposed that there will be a planning scheme amendment at this stage to implement the findings of the review. Instead, it is expected the outstanding work will be picked up in future amendments for other projects.

Priority/Importance

It is important that the Greater Bendigo Planning Scheme Review 2022 report and its recommendations are finalised in order to address the requirements of Section 12B of the *Planning and Environment Act 1987*.

Options Considered

Council has the option of adopting the Greater Bendigo Planning Scheme Review 2022 report and recommendations as presented, or with any changes or clarifications that it determines are required.

Council also has the option of not adopting the Greater Bendigo Planning Scheme Review 2022.

Timelines

If adopted by Council, the City will proceed to report the findings of the Greater Bendigo Planning Scheme Review 2022 to the Minister for Planning.

Communications/Engagement

Consultation as part of the Greater Bendigo Planning Scheme Review 2022 was undertaken with City staff and Councillors. Community feedback in relation to recent land use and development planning related issues was received through Council's extensive stakeholder and community consultation pertaining to the preparation of the Greater Bendigo Council Plan (Mir Wimbul) 2021-2025 and Healthy Greater Bendigo 2021-2025.

Financial Sustainability

Costs incurred through the engagement of an external planning consultant to undertake the Greater Bendigo Planning Scheme Review 2022 were covered within the Strategic Planning operational budget.

There will be no additional funds required to complete this project.

Risk Assessment

The Greater Bendigo Planning Scheme Review 2022 Report and Recommendations presents a low risk to the City.

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 2 - Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 - Sustainable population growth is planned for

Conflict of Interest

No officer involved in the preparation or approval of this report declared a general or material conflict of interest.

Attachments

1. GBPS Review Report - Final [**16.1.1** - 113 pages]

Greater Bendigo Planning Scheme Review

December 2022



Prepared by Vivien Williamson
PlanV Planning Services
ABN 30 260 910 264
for Greater Bendigo City Council

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EXECUTIVE SUMMARY

Why is the Review required?

Section 12B of the *Planning and Environment Act 1987* (the Act) requires a planning authority to review the provisions of its planning scheme every four years, that is, within a year of the date that it is required to approve a Council Plan under the *Local Government Act 2020*.

The purpose of the review of the Planning Scheme (the Review) is to enhance the effectiveness and efficiency of the planning scheme in achieving the objectives of planning in Victoria, as well as the objectives of the planning framework, which includes State and local provisions.

How has the Review been undertaken?

The Review has been undertaken *in accordance with the requirements of the Planning and Environment Act 1987 and Planning Practice Note 32: Review of Planning Schemes (June 2015)*.

Feedback from Council officers and Councillors, as well as feedback from the community relating to land use and development issues, that has been received through Council's extensive stakeholder and community consultation pertaining to the development of its two strategic documents – the *Greater Bendigo Council Plan (Mir Wimbul) 2021-2025* and *Healthy Greater Bendigo 2021-2025*, has been used to inform the Review.

In addition, a comprehensive analysis has been undertaken to assess current land use and development issues facing the municipality and the performance of the Scheme, including consideration of:

- Planning permit activity;
- VCAT and Planning Panel decisions;
- Ministerial directions and planning practice notes;
- Amendments to the Planning Scheme, including changes to State policies and provisions; and
- Changes within the municipality or new Council strategies, plans and policies which have implications for land use and development and the Planning Scheme.

Findings and Recommendations of the Review

Current issues

Some of the land use and development issues facing the municipality since the previous review of the Scheme that are not currently being effectively managed in the Planning Scheme relate to:

- 2030 targets to reduce emissions (net zero emissions);
- Zero carbon development objectives;
- Improving biodiversity;
- Protecting remnant vegetation;
- Managing bushfire risk;
- Pressure for development of flood prone land;
- Pressure for further development of farming land;

- Prioritising pedestrians/active travel over vehicles;
- Encouragement of densification, especially in central town areas; and
- Managing competing objectives in the Planning Scheme.

While the majority of the recommendations of the previous reviews have been implemented, there are still a number which still warrant implementation. In addition, implementation of most of the changes to the Planning Scheme recommended in the most recent review has only taken place in amendments approved in 2022, so their impacts have only recently started to take effect in decision making.

In addition, since the previous review, Council has adopted several strategies, plans and policies which identify new or revised objectives relevant to land use and development planning and sometimes specific Planning Scheme provisions which are not yet reflected in the Greater Bendigo Planning Scheme.

Changes to the Planning Scheme

The Review has identified the need for further changes to be made to the Planning Scheme for several reasons:

- to respond to changes to State Government policies and Planning Scheme provisions;
- to articulate and give effect to policies supported by Council strategies, plans and policies adopted since the previous review;
- to address issues raised by VCAT and Planning Panels;
- for improved compliance with Ministerial Directions and Practice Notes; and
- to remove duplication, ambiguity and other issues which are compromising the effectiveness and efficiency of the Scheme.

Further strategic work

The Planning Scheme already identifies (in the Schedule to Clause 74.02) the strategic work required to support its Planning Scheme policies and provisions. Some of that work has been completed and therefore can be deleted from the Schedule, however the Review also identifies changes or additional strategic work that would improve the performance of the Planning Scheme.

Operational issues

While a brief analysis of planning permit activity has confirmed that only a small percentage of Council decisions are contested at VCAT, the number of applications requiring advertising or referral is increasing and, coupled with the decrease in applications being determined within 60 days, suggests opportunities for changes to internal and external referrals and/or associated procedures or changes to advertising requirements to increase operational efficiency.

An increase in the number of applications where further information is required also suggests the need for improvements for better education of applicants.

Summary of recommendations

The review makes a series of recommendations in relation to the following matters. Detailed recommendations are included in Appendix M:

Issue	Summary of Recommendations
1. ADOPTED COUNCIL STRATEGIES, PLANS AND POLICIES	<ul style="list-style-type: none"> Implement relevant recommendations of Council strategies, plans and policies adopted since October 2018.
2. MUNICIPAL PLANNING STRATEGY	<ul style="list-style-type: none"> Review and amend the MPS in particular: <ul style="list-style-type: none"> Context Vision Strategic directions relating to: <ul style="list-style-type: none"> Settlement Environment and landscape values Environmental risks and amenity Built environment and heritage Infrastructure Strategic Framework Plans
3. PLANNING POLICY FRAMEWORK	<ul style="list-style-type: none"> Amend or add policies in relation to: <ul style="list-style-type: none"> Settlement Environment and landscape values Environmental risks and amenity Built environment and heritage Economic development Transport
4. ZONES	<ul style="list-style-type: none"> Review schedules to the Low Density Residential Zone and Residential Growth Zone Review the application of the Mixed Use Zone Review Rural Living Zone in relation to the Lockwood Road area
5. OVERLAYS	<ul style="list-style-type: none"> Review the application of some overlays having regard to duplication, consistency of application in particular: <ul style="list-style-type: none"> DDO/DPO/NCO ESO/VPO/SLO Review all DDOs and DPOs to reduce number, assess relevance, duplication with overlays and policies, include local objectives Consider including land management objectives and statements of risk in relation to Land Management Overlays (EMO; SMO; LSIO; SBO) Consider potential use of new Buffer Area Overlay
6. GENERAL PROVISIONS	<ul style="list-style-type: none"> Ensure that all referral requirements and notice requirements are include in the schedules to relevant clauses Review and update list of incorporated documents, background documents and further strategic work

Issue	Summary of Recommendations
7. OPERATIONAL ISSUES	<ul style="list-style-type: none"> • Undertake a review of internal and external referral of applications for planning permits • Review the references to Background and Incorporated Documents having regard to their currency and Planning Scheme drafting requirements • Prioritise and undertake identified strategic work • Review information made available to applicants at time of making an application • Undertake a review of factors which may contribute to the increase in processing time of applications for planning permits.

1. INTRODUCTION

1.1. Greater Bendigo Planning Scheme

The Greater Bendigo Planning Scheme was first gazetted in June 2000. It was prepared in accordance with the provisions of the *Planning and Environment Act 1987* (the Act) and replaced all or part of the former Bendigo, Eaglehawk, Huntly, Marong, Mclvor and Strathfieldsaye Planning Schemes.

1.2. Requirement for the Review

Section 12B of the *Planning and Environment Act 1987* (the Act) requires a planning authority to review the provisions of its planning scheme every four years, that is, within a year of the date that it is required to approve a Council Plan under the *Local Government Act 2020*.

Section 12B of the Act states that the objective of the Review is to enhance the effectiveness and efficiency of the planning scheme in achieving:

- the objectives of planning in Victoria; and
- the objectives of the planning framework established under the Act which includes State and local provisions.

The Act requires that the Review must evaluate the planning scheme to ensure that it:

- is consistent in form and content with any directions or guidelines issued by the Minister under the Act, some of which may have changed since the previous review;
- sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies which are likely to have changed at both a State and local level since the previous review; and
- makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives, which includes consideration of the Scheme's policies, zones, overlays and scheduling, including redundant provisions, inconsistencies or anomalies. This also includes consideration of the need for any further strategic work to support local planning policy objectives.

On completion of a review, the planning authority must report the findings of the review to the Minister for Planning.

1.3. Methodology for the review

This review has been undertaken in accordance with section 12B of the *Planning and Environment Act 1987* and *Planning Practice Note 32: Review of Planning Schemes (June 2015)*, as shown in **Appendix A**.

Engagement in relation to the 2018 review of the Greater Bendigo Planning Scheme was extensive. As well as internal stakeholder engagement, there was a variety of stakeholder and community engagement opportunities.

Since then, the Council has undertaken extensive stakeholder and community consultation through the *Imagine Greater Bendigo* public process which was used to develop its key strategic documents – the *Greater Bendigo Council Plan (Mir Wimbul) 2021-2025* and *Healthy Greater Bendigo 2021-2025*. That consultation identified a range of issues related to land use and development in the municipality which have been incorporated into this review.

2. BACKGROUND

2.1. Previous Planning Scheme reviews

There have been two formal reviews of the Greater Bendigo Planning Scheme since the commencement of new format Planning Schemes in 2000. There has also been one efficiency review specifically targeted at reducing permit triggers within the Planning Scheme.

2.1.1. 2003 Planning Scheme Review (Amendment C60)

The 2003 Planning Scheme Review examined the first 3 years of operation of the new format Planning Scheme since its introduction in 2000. It also made the necessary strategic and policy changes to implement the recommendations of the *Bendigo Residential Development Strategy (2004)* and *Commercial Land Strategy (2004)*.

The recommendations of that review were implemented into the Greater Bendigo Planning Scheme by Planning Scheme Amendment C60 which included:

- a replacement Municipal Strategic Statement (MSS);
- introduction of one new local planning policy;
- deletion of two local planning policies;
- revision of nine local planning policies;
- strengthening the role and function of the Urban Growth Boundary (UGB);
- identification of the "New Development Areas" identified in the Bendigo Residential Development Strategy;
- introduction of a retail hierarchy and the requirement for structure plans for the major centres; and
- introduction of an "Urban Forest Interface" policy to manage residential development that abuts forested land.

Amendment C60 was approved by the Minister for Planning on 2 March 2006.

2.1.2. 2008 Efficiency Review of the Greater Bendigo Planning Scheme (Amendment C109)

While not a formal Planning Scheme review, in 2008 the City of Greater Bendigo commissioned the first thorough efficiency review of its Planning Scheme.

The efficiency review sought to remove unnecessary planning permit triggers, to reduce the procedural workload, or to signal further work to achieve further efficiencies.

The review was supported by the State Government through the *Cutting Red Tape in Planning* report released in August 2006. However, it principally arose in response to a local need.

A benchmarking exercise with the City of Ballarat (as a similar sized municipality with common issues and growth rates) was undertaken and revealed that compared to Ballarat, Greater Bendigo issued:

- 26% more permits in the 2005-2006 period;
- 27% more permits for residential alterations and additions;
- 42% more permits for single dwellings;
- 57% more permits for building works; and
- 55% more permits for the other category.

This efficiency review resulted in:

- rationalisation of the use of the Development Plan Overlay;
- reduction of permit triggers in the Environmental Significance Overlay;
- increased permit exemptions for building and works in Zone Schedules; and
- removal of mapping and Schedule anomalies.

Amendment C109 was Gazetted in March 2012.

2.1.3. 2010 Planning Scheme Review (Planning Scheme Amendment C170)

The 2010 Planning Scheme Review was undertaken in two stages:

- audit of the Planning Scheme and report to the Minister for Planning; and
- implementation of the findings of the review and amending the Planning Scheme.

Key issues identified in that review included water security, climate change, vegetation protection, heritage, and a range of statutory planning matters. That review also sought to reduce the length of the Local Planning Policy Framework, to make it accessible, succinct and a more user-friendly document.

The amendment to the Planning Scheme to implement the recommendations of that review (Amendment C170) did not proceed.

2.1.4. 2018 Planning Scheme Review

The most recent review of the Greater Bendigo Planning Scheme was adopted by Council in March 2019.

Given the long period between implementation of reviews, the 2018 review was very comprehensive and involved extensive stakeholder and community engagement.

The 2018 review identified the following policy gaps:

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

In addition, the 2018 review identified the need for a substantial amount of further strategic work. That work has been identified in Council's Strategic Planning Unit work program. While a significant amount of that work has commenced or been completed, some has yet to commence.

Several of the recommendations of the 2018 review in relation to policy and specific Planning Scheme provisions have been, or are being, implemented through amendments to the Planning Scheme which have only recently been approved, or are still in preparation, including:

- Amendment C256gben – Approved 11 March 2022.
- Amendment C261gben – Approved 13 May 2022
- Amendment C247gben – To be exhibited on 15 November 2022.

It should be noted that Amendment C256gben introduced a new Municipal Planning Strategy (MPS) into the Greater Bendigo Planning Scheme. The first MPS was required to be 'policy neutral', which meant that there were likely to be inherent inconsistencies between that strategy and other local provisions within the Scheme. This issue has therefore been a major focus for the current review.

3. CONTEXT

3.1. The City of Greater Bendigo

Some relevant characteristics and qualities of the City of Greater Bendigo are outlined in Figure 1: About Greater Bendigo below.

About Greater Bendigo

Greater Bendigo Population: 121,221 (2021, ABS ERP)	Population identify as Aboriginal or Torres Strait Island: 2.3% (2020 .id community)	9.7% of residents born overseas., top five countries of birth – United Kingdom, India, New Zealand, Myanmar, Thailand (2020 .id community)
Population growth rate 1.23% (2020 .id community)	Rural population 22,070 (2020 .id community)	Population forecast to 2036 155,596 (Forecast ID)
Catchment area/regional population 253,158 (2020 .id community)	Gross Regional Product \$8.244 billion (2021, REMPLAN)	Number of businesses 8,155 (2021, ABS Counts of Australian Businesses by LGA)

3.2. Bendigo Planning Scheme

As shown in Appendix B, in addition to its Municipal Planning Strategy, the Greater Bendigo Planning Scheme includes 54 Local Policies within the Planning Policy Framework.

The Scheme includes 20 zones and 20 overlays drawn from the Victoria Planning Provisions (VPP). It also includes multiple local schedules relating to:

- zones (33);
- overlays (75); and
- provisions (14).

3.3. What has happened since the previous review?

Since the previous review of the Greater Bendigo Planning Scheme, which was finalised in October 2018 and adopted by Council in March 2019, a number of things have occurred which are relevant to the current review of the Scheme, including:

- planning application activity;
- amendments to the Planning Scheme;
- new and revised Council strategies and plans, including the Council Plan, which are relevant to land use and development planning;
- implementation of the recommendations of the previous review which has included both amendments to the Planning Scheme and additional strategic work;

- targeted consultation with Councillors and Council officers in relation to the review of the Planning Scheme.

3.3.1. Planning application activity

A basic analysis of planning permit activity in the 2018/2019, 2019/2020, 2020/2021 and 2021/2022 financial years, as available through the State Government's Planning Permit Activity Reporting System (PPARS), provides some insight into Council's decision making and the performance of the Planning Scheme.

Applications decided

The total number of applications (new and amended) received over the four periods has been fairly consistent over that timeframe, ranging from 1,256 to 1,373. (Figure 2)

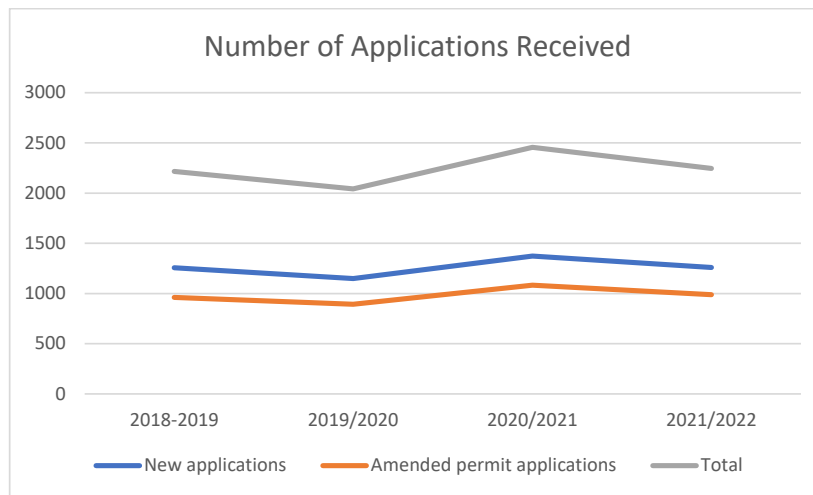


Figure 2: Number of Applications Received

The percentage of permits issued has been high, in the range of 85.8% to 94.4%. (Figure 3)

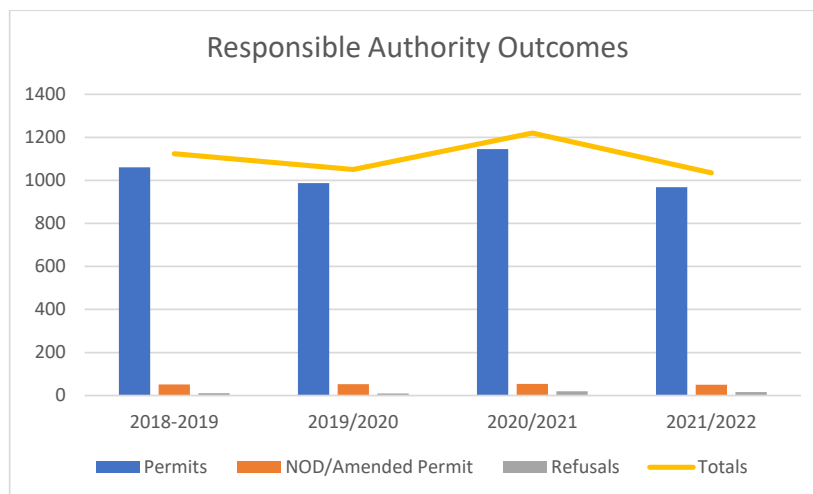


Figure 3: Responsible Authority Outcomes

Application categories

The most common categories of applications since 2018-2019 (Figure 4) have been:

- Single dwellings
- Extensions to buildings
- Subdivision of land
- Alterations to buildings
- Demolition

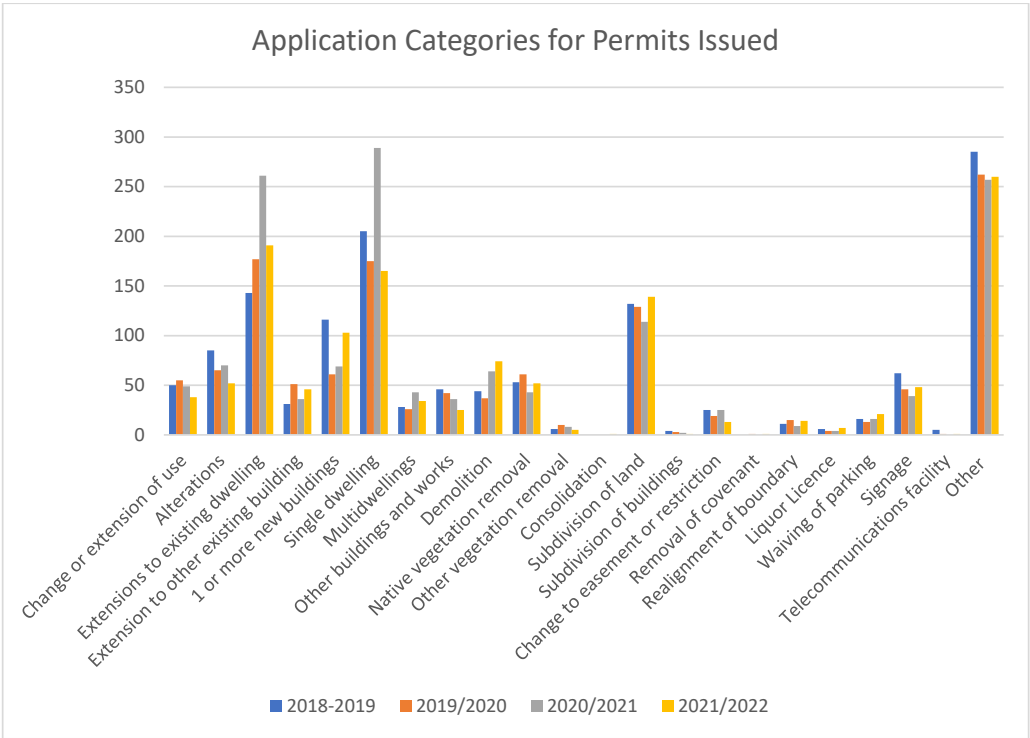


Figure 4: Application Categories for Permits Issued

As shown in Figure 5, since 2018/2019 the net number of additional dwellings approved and the net number of lots created from subdivision approval has been fairly consistent.

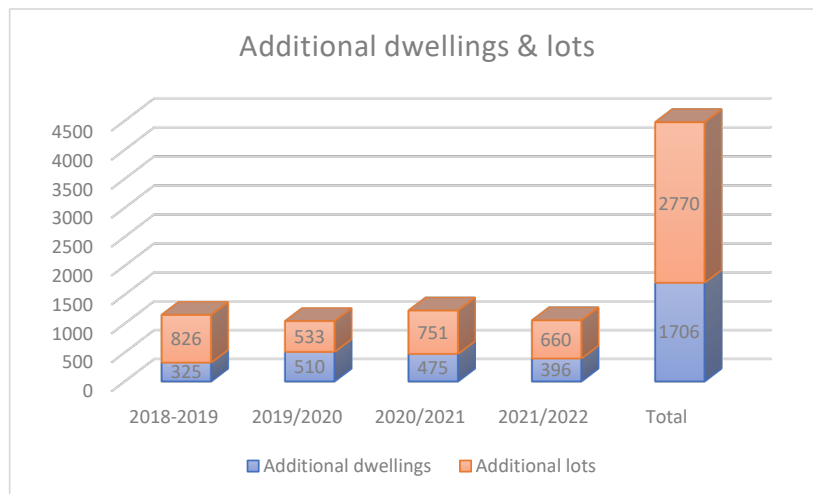


Figure 5: Additional Dwellings & Lots

Applications with notice

Applications with public notice are now at 45.5% of annual applications, which is 7% higher than the State average (38.4%) for the 2021-22 period.

Applications with further information

The number of applications requiring further information has steadily increased across the four periods from 38% to 48.6%. This compares with a State average of close to 50% over that period.

Applications with referrals

Applications requiring referral to a referral authority have declined slightly over the period (from 37.5% in 2018/2019 to 32.9% in 2021/2022) but remain high in comparison to the State which has been steadily declining during that period to 24.3%.

Referrals play an important role in the planning system; however, this number is high compared to the State average and exploration of the need for all the current referral requirements is warranted.

Applications with submissions

The percentage of applications receiving submissions has been no more than 6.5% over the length of the period which suggests that applications are not strongly contested. This compares with up to 11.5% for the State.

Processing Time

There has been a concerning steady decrease in the percentage of applications processed within 60 days (72.5% in 2018-19 to 63.4% in 2021/22) but it is consistent with the 2021/22 State average of 61.4%, which suggests the need for it to be addressed at a State level.

VCAT

The number of applications determined at VCAT is low but has increased considerably since 2018/2019 (5) to 2021/2022 (17) (Figure 6), but is still no more than 1.3% of applications during that period.

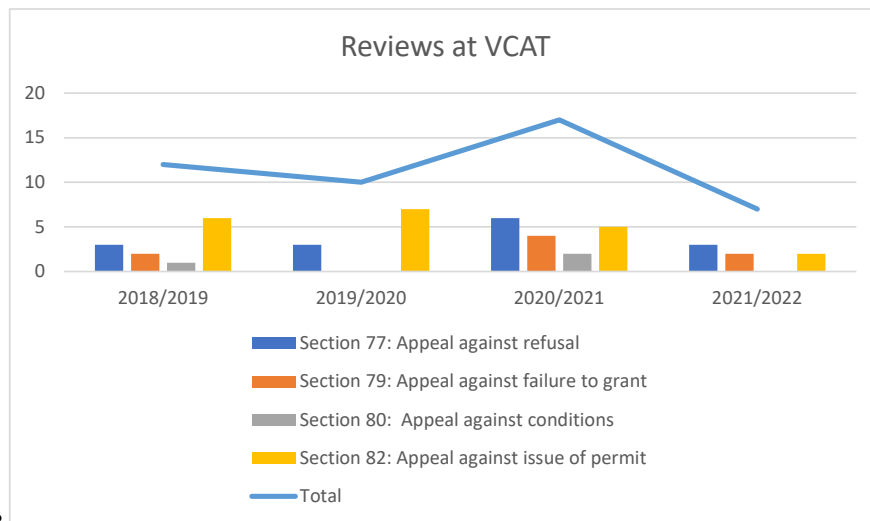


Figure 6: Reviews at VCAT

Fifty two (52) applications for review were lodged during this period. The majority of these were objector appeals against approval (40.4%;21), appeals by permit applicants against refusal (23%;12) or appeals against Council's failure to make a decision within the prescribed timeframe (19.2%;10).

Sixty one percent (32) of the applications for review related to residential development (including subdivision), with the most common applicants being permit applicants or proponents (60%; 31) and third party objectors (40%; 21).

The average of 13 applications for review per annum is considerably less than the average of 26 per year identified in the previous review. This could be attributed to:

- changes to the Planning and Environment Act / VCAT Act to no longer allow expired permits to be extended;
- the introduction of VicSmart and applications which are not subject to notice and review; and
- greater levels of consultation with objectors by planners assessing applications.

The majority of Council's decisions were affirmed or varied by VCAT with 23% (12) set aside by VCAT.

3.3.2. Amendments to the Greater Bendigo Planning Scheme

The structure of a municipal Planning Scheme is significantly constrained by the way it is required to be developed, i.e., using the provisions of the VPPs with some opportunities for 'customising' to address local objectives relating to land use and development by:

- adding a Municipal Planning Strategy;
- adding local policies in relation to State identified policies only; and
- selecting zones, overlays and other provisions from the VPP to deliver on local planning objectives and locally customising them, where permitted by the VPPs.

Since October 2019, as shown in **Appendix C**, there have been 59 amendments approved to the VPP and all planning schemes in Victoria (VC), including the Greater Bendigo PS.

As VC amendments often make changes to the Victoria Planning Provisions, they also provide opportunities for Council to introduce further local policies where a State Policy has been introduced in relation to a specific objective, or to apply any new provisions (zones, overlays etc) which are introduced into the VPP and are available for Councils to use in their Planning Schemes.

For example, Amendment V10 (1 March 2021) introduced into the VPP a Buffer Areas Overlay. Amendment VC216 (10 June 2022) introduced additional State policies in relation to Environmentally Sustainable Development which, subject to the appropriate level of strategic justification, can be augmented by local policy in relation to that issue if needed.

In addition, as shown in **Appendix D**, there have been 28 amendments approved to the GB Planning Scheme only (C) and to Greater Bendigo and other municipalities in the region (GC) and a further five are yet to be finalised. The majority of these amendments have been initiated by Council and relate to the implementation of key strategic planning work that justifies changes to the Planning Scheme (e.g., C243gben – 10 September 2021, which implemented the recommendations of the *Heathcote Flood Study*), as well as implementation of the recommendations of the previous Planning Scheme review (e.g., C261gben – 13 May 2022).

3.3.3. Council Strategies, Plans and Policies

As shown in Table 1, since October 2018, when the previous review was completed, Council has adopted a wide range of strategies, policies and plans which have a relationship with land use and development planning and therefore the Planning Scheme. Several others are in various stages of preparation.

Date of Adoption	Title	Planning Scheme Themes
Municipal-wide Plans and Strategies		
2019	Walk, Cycle Greater Bendigo - Walking and Cycling Strategy*	Transport
June 2019	Greater Bendigo Public Space Plan 2019-2029	Infrastructure
May 2020	Greater Bendigo Industrial Land Development Strategy	Economic development
June 2020	Greening Greater Bendigo Strategy 2020-2070	Environment and landscape
August 2020	A Stronger Greater Bendigo 2030: Economic Development Strategy 2020-2030	Economic development
September 2020	<i>Barpangu</i> Reconciliation Plan 2021 - 2025	Multiple
September 2021	Affordable Housing Action Plan	Housing
October 2021	Council Plan 2021-2025 <i>Mir Wimbul</i>	Multiple
October 2021	Climate Change & Environment Strategy 2021-2026	Environment and landscape Environmental risks and amenity
October 2021	Healthy Greater Bendigo 2021-2025	Multiple
December 2021	Greater Bendigo Reducing Harm from Gambling Policy	Environmental risks and amenity
In progress	Managed Growth Strategy	Settlement
Precinct Based Plans and Strategies		
July 2019	Heathcote Township Plan	Multiple

April 2020	Bendigo City Centre Heritage Study Stage 1	Environment and heritage
April 2020	Bendigo City Centre Parking Futures Action Plan	Transport
April 2020	Bendigo City Centre Plan	Settlement
June 2020	Reimagining Bendigo Creek	Environment and heritage Built form and landscape
September 2020	Maiden Gully Precinct Structure Plan	Settlement
September 2020	Marong Township Structure Plan	Settlement
January 2022	Golden Square Structure Plan	Settlement
January 2022	Golden Square Urban Design Framework	Built environment and landscape
March 2022	Heathcote Community Plan 2021-2025	Multiple

* Implemented but not part of the 2018 Review

Table 1: Council Strategies, Plans and Policies Adopted Since October 2018

As identified in **Appendix E**, many of these strategies, policies and plans have implications for local land use and development planning objectives. They also include specific recommendations relating to land use and development planning, including specific recommendations for further strategic work or changes to the Greater Bendigo Planning Scheme. Those that have yet to be completed will need to be included in the recommendations of current review.

Most of this work was identified as further strategic work in the Schedule to Clause 74.02 in the Greater Bendigo Planning Scheme. As shown in **Appendix F**, a significant amount of that strategic work has either been completed or is in progress.

3.3.4. Implementation of the previous review

As shown in **Appendix G**, most of the recommendations of the previous review have either been completed (48%) or are in progress (32%). Several others will be incorporated in strategic work that is part of a program for future strategic planning work.

3.3.5. Consultation

Feedback from the community in relation to many land use and development planning related issues has been received through Council's extensive stakeholder and community consultation pertaining to the development of its two strategic documents – the *Greater Bendigo Council Plan (Mir Wimbul) 2021-2025* and *Healthy Greater Bendigo 2021-2025* and has been considered as part of this review.

However more specific consultation in relation to this review has been undertaken with Council staff and Councillors.

That consultation considered:

- the major planning issues facing the municipality;
- the strategic performance of the scheme in relation to meeting State and local planning objectives;
- the strategic work that has been completed or carried out since the previous review and any additional work required to strengthen the strategic objectives of the planning scheme;
- any changes which could be required;

- to the Victoria Planning Provisions to achieve the strategies and ensure the objectives and desired outcomes; and/or
- to the Municipal Planning Strategy, local policies and local application of zones, overlays and particular provisions;
- any new strategic work necessary to support future policy development or changes to the provisions of the scheme;
- any operational and process improvements considered to be required to improve the effectiveness and efficiency of the Planning Scheme.

A summary of the issues identified through that consultation is included at **Appendix H**. The consultation also identified the inherent tensions between a range of issues considered as part of Planning Scheme decisions.

4. EVALUATION

In accordance with the Act this review is focussed on:

1. Consistency in form and content with any directions or guidelines issued by the Minister under the Act;
2. Effective setting out of policy objectives for use and development of land in the municipality; and
3. Effective use of State provisions and local provisions to give effect to State and local planning policy objectives.

4.1. Consistency with directions or guidelines

Directions and guidelines issued by the Minister and the Department of Environment Land Water and Planning (DELWP) of particular relevance to any review of the Planning Scheme include Ministerial Directions and Planning Practice Notes.

4.1.1. Ministerial Directions

Section 7(5) of the Act provides that the Minister for Planning may issue Ministerial Directions 'as to the form and content of any planning scheme'.

Current Ministerial Directions are shown in Table 2.

Ministerial Direction	Date Commenced (C) or Amended (A)	Relevance
Ministerial Direction - The Form and Content of Planning Schemes	A - 23 June 2022	Integral to the review
Direction No. 1 Potentially Contaminated Land	C - 27 August 2021	Minimal relevance
Direction No. 9 Metropolitan Planning Strategy	A – 10 February 2020	Minimal relevance
Direction No. 11 Strategic Assessment of Amendments	A - 30 July 2018	Implementation
Direction No. 12 Urban Growth Areas	C – 10 June 2008	Relates to urban development in growth areas
Direction No. 13 Managing coastal hazards and the coastal impacts of climate change	A – 6 September 2021	Not applicable
Direction No. 14 Ports Environs	C – 31 May 2012	Not applicable
Direction No. 15 - The planning scheme amendment process	C – 28 October 2013	Implementation
Direction No. 17 - Localised Planning Statements	C – 22 August 2014	Not applicable
Direction No. 18 - Victorian Planning Authority Advice on Planning Scheme Amendments	C – 28 January 2018	Implementation
Direction No. 19 and information requirement for amendments that may result in impacts on the environment, amenity and human health	C – 10 October 2018	Implementation
Direction No. 20 - Major Hazard Facilities	A – 26 May 2020	Environmental risks and amenity
Direction No. 21 - Golf Course Redevelopment	C – 25 June 2020	Infrastructure

Table 2: Ministerial Directions

For the most part, the Directions relate to matters that must be considered when preparing a planning scheme amendment, however the Ministerial Direction on the Form and Content of Planning Schemes is of particular relevance to this review and is supplemented by the *Practitioner's guide to Victoria's planning schemes (April 2022)*.

In reviewing the Planning Scheme, it has been important to keep in mind the six key principles which underpin the VPP which describe the ideals against which the benefits and implications of any proposed change to planning schemes should be measured:

1. User focused - Provisions are user focused and provide transparent and understandable pathways to navigate the planning approval process.
2. Consistent - Provisions are written and applied in a logical and consistent way, regardless of the content, so that a provision is easily understood and applied.
3. Proportional - Provisions and approval processes only impose a level of regulatory burden proportional to the planning and environmental risk of the proposal.
4. Land use focused - Provisions focus on land use and development and do not conflict with or duplicate other legislation and regulatory instruments.
5. Policy and outcome focused - Provisions ensure requirements have a clear policy basis and are planning outcome driven.
6. Digital ready - Provisions are optimised for efficient access and processing of planning information, including through better technology, digital interfaces and the user experience, to move from document driven to database driven planning.

Source: *Practitioner's guide to Victoria's planning schemes, April 2022*

4.1.2. Planning Practice Notes

Planning Practice Notes issued by the Department of Environment Land Water and Planning (DELWP) provide ongoing advice about the operation of the VPP and planning schemes, as well as a range of planning processes and topics, and are updated from time to time.

There are currently 59 Planning Practice Notes and those which are relevant to the review of the Scheme, which largely relate to key elements of Planning Schemes, are listed in **Appendix I** and are referred to in relation to some of the key issues identified through the review. The *Practitioner's Guide to Victoria's planning schemes (April 2022)* also sets out rules and advice about how the various components of a planning scheme operate and how to select, write and apply various elements of a planning scheme.

A detailed analysis of the Planning Scheme has identified a number of issues with the wording of the Greater Bendigo Planning Scheme. Several provisions are not consistent with specific practice notes which impacts on the efficiency and effectiveness of the Scheme. In particular:

- There is a need for a more consistent approach to precinct planning, particularly in relation to the use of local policies in the Planning Policy Framework vs the use of overlays.
- There is an opportunity to rationalise the way that incorporated and background documents are identified in the Scheme for greater consistency and to improve ability of applicants to have easy access to all documents relevant to decision making. (Planning Practice Note 13 March 2020 and *Practitioner's Guide to Victoria's planning schemes, April 2022*).
- There is an opportunity to rationalise the application of several of the environmental and landscape overlays (Environmental Significance, Vegetation Protection and Significant Landscape) as well as some of the heritage and built form overlays (Design and Development, Development Plan Overlay and Neighbourhood Character Overlay) to improve consistency and potentially reduce duplication.
- There is inconsistency in the management of referral and notice requirements (*Planning Practice Note 54: Managing Referrals and Notice Requirements*). Where referral or advertising is required, particularly for those administering the Scheme, these need to be identified consistently so they can be readily identified.
- There are opportunities to rationalise the application of multiple overlays to the same land, for example in relation to the Bendigo Airport.

- There are opportunities to investigate the application of new provisions which have been introduced into the VPP since the previous review in relation to management of buffers including the use of clause 53.10 Uses and activities with potential adverse impacts and clause 44.08 Buffer Area Overlay.
- There are opportunities to improve the drafting of some schedules to overlays in particular to ensure that they relate appropriately to the 'parent provision'. A schedule can only do the tasks enabled by its 'parent provision' and using a schedule for a function not provided for in the parent provision is beyond the power of the schedule.

4.2. Setting out of policy objectives

In Planning Schemes there are State, regional and local policy objectives in relation to land use and development. The State policy objectives are articulated through amendments to all Planning Schemes, as well as the VPP themselves. Regional and local policy objectives are generally derived from regional or local strategies, plans and policies.

State and regional policy objectives are generally introduced into Planning Schemes more regularly and expeditiously given that they primarily don't go through an amendment exhibition process.

As described in Section 3.3.3 of this report, Council has undertaken a large amount of strategic work which warrants variation to the policy objectives (and in many cases the specific provisions of its Planning Scheme) however not all of these have yet resulted in amendments to the Planning Scheme.

Therefore, it can be concluded that having regard to that work which has been formally adopted by Council, the current Planning Scheme does not yet reflect Council's policy objectives in relation to a number of land use and development planning issues, for example climate change and gambling. In addition, Council is currently undertaking additional work to provide the strategic justification for other local planning objectives in relation to issues such as management of growth and rural land use.

4.3. Use of State and local provisions to give effect to policy objectives

There are a several measures which have provided insights for evaluation of the use of State and local provisions to give effect to policy objectives, including:

- consultation as described in Section 3.3.5;
- panel reports when amendments to the Planning Scheme have been proposed; and
- VCAT decisions in relation to permit applications.

4.3.1. Independent Panel Reports

There have been seven independent Planning Panel Reports in relation to amendments to the Greater Bendigo Planning Scheme since the previous review (i.e., October 2018-August 2022), as shown in **Appendix J**.

Four of these reports have implications for the current review of the Planning Scheme:

- Amendment C232gben Strathfieldsaye Urban Design Framework.
The Panel noted that Council acknowledged that character policies are old and need review and also agreed with Council that any review of the Urban Growth Boundary needed to be done on a municipal wide basis.

- Amendment C222gben – Huntly Development Contributions Plan
The Panel noted that it was unfortunate that there was a lack of structure planning for the wider Huntly precinct and therefore the exclusion of two large precincts, making it difficult to introduce a DCP for those areas at a later time.
- Amendment C242gben – Heathcote Flood Study
The Panel specifically recommended that Council discuss with DELWP the best mechanism to include more transparent reference to the Heathcote Local Floodplain Development Plan 2019 in the Schedules to the Land Subject to Inundation Overlay. It is noted that the Heathcote Local Floodplain Development Plan, May 2021 has since been included as an Incorporated Document in the Planning Scheme and is referenced in LSIO1.
- Amendment C235gben – Bendigo City Centre Heritage Study Stage 1
The Panel also concluded that Council should review the inclusion of 24 Myers Street in HO212.

4.3.2. VCAT Decisions

Decisions of the Victorian Civil and Administrative Tribunal (VCAT) also provide some insights into the current performance of the Greater Bendigo Planning Scheme.

As briefly described in Section 3.3.1, a review of VCAT findings between 2017 and 2022 has been undertaken to identify areas where the Scheme has been effective in guiding decisions and has assisted VCAT in its determinations, as well as areas where policy and/or provisions have been missing or have not been helpful to VCAT.

However, it should be noted that the Metropolitan Planning Strategy and the new way of referring to local policies in the Planning Policy Framework that was introduced into the Planning Scheme following the previous review, through Amendment C256gben, was only recently approved in March 2022 and any effect of those changes will not be reflected in VCAT decisions for some time yet.

A detailed summary of VCAT decisions made since the previous review is included as **Appendix K**.

The key issues identified through a review of the VCAT decisions include:

1. Dwelling diversity and locations for residential growth (2 decisions): There has been some inconsistency in decisions due to the lack of fine-grained identification of areas for significant growth and change within the urban growth boundary. Strategic guidance for residential growth and higher density of development is found in policy statements and imprecise mapping, but not in the application of the full suite of residential zones. It is noted that Council is currently preparing a Managed Growth Strategy in relation to which these issues are pertinent.
2. Heritage Policy (12 decisions): One of the best developed and useable policies to assist and guide in decision making.
3. Farming Zone dwellings and dwelling excisions (3 decisions): Some of the issues which the VCAT members identified in relation to these applications were:
 - Lack of clarity in relation to the value of agricultural land;
 - Lack of clarity in relation to the circumstances applicable to dwelling excisions; and
 - The legacy of large numbers of unconsolidated former Crown allotments.

It is understood that a proposed Rural Area Strategy will consider the application of the full suite of available Rural Zones and the Restructure Overlay, as well as possible gaps relating to rural dwellings and subdivision in the current Protection of agricultural land policy at Clause 14.01-1L.

4. Industrial use in the Farming Zone (1 decision): This decision was supported by the specificity of the local Industrial land supply policy at Clause 17.03-1L which clearly identifies where industrial development should be directed.
5. City Centre/Hospital Precinct (2 decisions): These decisions related to Council refusals of specific development applications and were tests of Council's strategic work and the related Planning Scheme provisions relating to the Bendigo CBD and Hospital Structure Plan. The VCAT decisions affirmed that the Planning Scheme provided a clear and consistent framework of policy and controls within which those decisions could be made. That strategic work has been strengthened even more recently and related Planning Scheme provisions included in recent amendments to the Scheme.
6. Strategic Planning in Strathfieldsaye (1 decision): This decision by VCAT to support commercial development in a Mixed Use Zone, where the Schedule to the zone was seeking to encourage shop-top or medium density housing, questioned the ability for the schedule to a Mixed Use Zone to specify precincts within the zone for specific types of uses (residential, commercial etc) when the purpose of the zone itself is to provide a range of residential, commercial, industrial and other uses. This suggests that Council may need to be cautious as to how it applies the Mixed Use Zone and consider whether another zone or additional overlays may be required to achieve Council's strategic objectives.
7. Electronic advertising signs (2 decisions): The VCAT decisions supporting the grant of a permit for electronic advertising signs within the City Centre suggest that the Council's policy did not distinguish between commercial locations where promotion signs and electronic signs might be reasonably expected and other more sensitive locations. The VCAT decisions also suggested that while Council policy provides guidance to applicants on the type of signs that Council prefers, it cannot override the 'minimum limitation' classification for signs in commercial zones.

4.4. Other Matters

The review has also identified issues associated with the administration of the Planning Scheme which could be affecting its efficiency and effectiveness. These include:

- Delays in the consideration of applications due to advertising or referral requirements which warrant further examination of both external and internal referrals and the timeliness of responses;
- An increase in the number of applications where further information is requested which warrants consideration of how Council communicates the information requirements for applications with permit applicants; and
- The currency and availability of incorporated documents (existing and those documents which are used as part of decision making but are not incorporated).

5. CONCLUSION

A comprehensive review of the Greater Bendigo Planning Scheme has been undertaken as required by the *Planning and Environment Act 1987*.

For the most part the Greater Bendigo Planning Scheme is achieving the objectives of planning in Victoria, as well as the objectives of the planning framework. However, since land use and development planning issues are constantly evolving, there are opportunities to enhance the effectiveness and efficiency of the Planning scheme by:

- amending the Planning Scheme:
 - in response to recommendations of relevant adopted Council strategies, plans and policies;
 - to better reflect local objectives in relation to land use and development issues which have emerged since the previous review;
 - to respond to changes in State policy; and
 - to remove ambiguity, duplication and inconsistencies in the format and content of the Planning Scheme;
- undertaking additional strategic work to provide the justification for additional or varied local objectives and Planning Scheme provisions in relation to emerging issues; and
- making improvements to administration of the Planning Scheme, particularly in relation to referral of applications.

6. RECOMMENDATIONS

Following a comprehensive review of the Greater Bendigo Planning Scheme, a series of recommendations are made in relation to the following matters:

- Adopted Strategies, Plans and Policies
- Municipal Planning Strategy
- Planning Policy Framework
- Zones
- Overlays
- General Provisions
- Operational Issues

The table of recommendations included as **Appendix M** also identifies the source/s of each recommendation, including:

- Audit
- Consultation
- Council decision
- Planning Permit Activity Reporting System (PPARS)
- Victorian Civil and Administrative Tribunal (VCAT)
- Victoria Planning Provisions (VPP)

7. APPENDICES

Appendix A Planning Practice Note No. 32

Review of Planning Schemes

Planning Practice Note | 32

JUNE 2015

The purpose of this practice note is to explain what a planning scheme review is, and to suggest a process for conducting and reporting the review.

What is a planning scheme review?

Section 12B of the *Planning and Environment Act 1987* (the Act) requires a planning authority to regularly review the provisions of the planning scheme.

The purpose of the review is to enhance the effectiveness and efficiency of the planning scheme in achieving:

- the objectives of planning in Victoria
- the objectives and strategies of the planning scheme including the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF).

The review should assess whether the scheme provisions, such as local planning policies, zones, overlays and schedules have been effective and efficient in achieving the objectives and strategies of the planning scheme.

The review also provides the opportunity to evaluate the planning scheme to ensure that it:

- is consistent in form and content with any directions or guidelines issued by the Minister under section 7(5) of the Act
- sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies
- makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives.

The review is an audit of the performance of the planning scheme at a point of time and will inform the continuous improvement of the planning scheme by addressing:

- What has been achieved since the last review?
- Where are we now?
- Where to from here?

The review is also likely to identify changes or additional strategic work that would improve the performance of the planning scheme. Any proposed improvements to the planning scheme that flow from the review should be carried out as planning scheme amendments separate to the review.



The review process

The review cycle

The review cycle starts when the previous review is reported to Council.

What are the aims of the review?

The review is a self-assessment process that aims to:

- maintain the strategic focus of the planning scheme
- ensure Council's continued ownership and commitment to the planning scheme and its continuous improvement
- satisfy the requirements of section 12B of the Act
- establish a framework to efficiently administer and enforce the planning scheme in accordance with section 14 of the Act.

Benefits of a review

Some of the benefits of undertaking the review include:

- improving the performance of the planning scheme and strengthening its strategic objectives to satisfy the requirements of section 12B of the Act
- streamlining planning processes
- reducing the complexity of processes
- identifying unnecessary permit requirements
- complying with Best Value reporting.

How do you undertake a review?

The *Continuous Improvement Review Kit* (2006) published by the Department of Sustainability and Environment and the Municipal Association of Victoria, provides a suggested methodology that will both:

- meet the requirements of section 12B of the Act
- identify operational improvements to council's planning processes.

The kit is a working document. By using the kit, a review of the planning scheme and planning processes can be undertaken in a manner proven to have beneficial outcomes and can be completed in a reasonable period of time.

The kit includes:

- A guide to the review, which describes in detail the following step-by-step process:
 - Step 1 – Scope the review
 - Step 2 – Collect data
 - Step 3 – Consultation
 - Step 4 – Doing the review
 - Step 5 – Analysis
 - Step 6 – Report the review
 - Step 7 – Implement the findings
- Self-audit tools – with useful templates
- A workshop session approach – as a potential model
- Suggested planning practices – to stimulate discussion and information sharing.

An integrated approach

The kit complements other corporate and statutory reporting obligations, including the Council Plan, Business Planning, Council's annual risk insurance audit, Best Value and other strategic council documents.

Council should ensure that there are clear links between the review of the planning scheme and other local government processes, monitoring, review and organisational requirements to gain maximum value for all systems.

Best Value Principles

The methodology of the guide to the review mentioned above is consistent with the Best Value Principles and can provide a structure for collecting information necessary to apply the Best Value Principles and reporting outcomes and actions to the community.

Councils using the guide can be confident that they are meeting the requirements of the *Local Government Act 1989* for the review of council planning services. Only some additional quality and cost information may be necessary to meet the Best Value Principles.

Further information and details on Best Value can be found at www.delwp.vic.gov.au/local-government under Publications and Research, Planning and reporting.

Reporting the review

Each council will have its own approach to reporting the outcomes of the review to Council and its community. Section 12B (5) of the Act requires that, on the completion of the review, council reports the findings of the review to the Minister.

The review should be presented in a report to Council which:


- identifies the major planning issues facing the municipality
- demonstrates how the planning scheme implements the SPPF
- assesses the strategic performance of the scheme
- documents the strategic work that has been completed or carried out since the previous review and any additional work required to strengthen the strategic direction of the planning scheme
- articulates the monitoring and review that has been carried out
- outlines the consultation process and its outcomes
- makes recommendations arising from the review including:
 - suggested changes to the objectives and strategies of the LPPF

- suggested changes to the Victoria Planning Provisions (VPP) tools to achieve the strategies and ensure the objectives and desired outcomes are being met
- new strategic work necessary to support future policy development or changes to the provisions of the scheme
- suggested changes to improve operational and process practices
- identifying any planning application or other data that may need to be collected to inform the next review.

The report to the Minister should:

- identify the major issues facing the municipality
- outline key matters requiring further strategic work to strengthen the strategic objectives of the planning scheme in terms of its efficiency and effectiveness to satisfy the requirements of Section 12B of the Act and indicate what action is proposed to be taken
- identify any operational and process improvements proposed to be undertaken
- outline issues that require the engagement or assistance of the Department of Environment, Land, Water and Planning.

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Appendix B Structure of Greater Bendigo Planning Scheme



Appendix C V Amendments – October 2018 to July 2022

Amendment Number	Gazettal Date	Summary
VC149	4 OCT 2018	<p>The Amendment changes the Victoria Planning Provisions (VPP) by inserting a new Commercial 3 Zone at Clause 34.03.</p> <p>The Amendment also amends the VPP and all planning schemes to:</p> <ul style="list-style-type: none"> Introduce new requirements for the assessment of residential solar energy facility overshadowing. Implement the wind energy facility recommendations of the Independent Inquiry into the Environment Protection Authority.
VC153	4 OCT 2018	Amends Clause 52.13-7 (2009 Bushfire – Recovery Exemptions) to extend the expiry date to 30 September 2019.
VC152	26 OCT 2018	<p>Amendment VC152 amends the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes to:</p> <ul style="list-style-type: none"> insert new objectives and strategies for major hazard facilities in Clause 13.07 (Amenity) amend Clause 16.01-6S (Crisis accommodation and community care units) to reflect the new land use terminology and policy support for community care accommodation and rooming houses amend the table of uses in all residential zones, Clause 34.01 (Commercial 1 Zone) and Clause 35.03 (Rural Living Zone) to include permit exemptions for 'Community care accommodation' and 'Rooming house' land uses amend Clause 35.08 (Rural Activity Zone) to delete the reference to 'Backpackers' lodge' amend Clause 37.07 and Clause 52.34 (Bicycle facilities) to delete references to 'Nursing home' amend Clause 52.06 (Car parking) to specify a car parking rate for a 'Rooming house' delete Clause 52.22 (Crisis accommodation) and Clause 52.23 (Shared housing) and replace them with a new Clause 52.22 (Community care accommodation) and Clause 52.23 (Rooming house) delete Clause 52.24 (Community care unit) amend Clause 53.06 (Live music and entertainment noise) to include 'Community care accommodation' and 'Rooming house', and delete 'Boarding house' and 'Nursing home', in the definition of noise sensitive residential uses insert a new particular provision at Clause 53.17 (Residential aged care facility) amend Clause 73.03 (Land use terms) and Clause 73.04 (Nesting diagrams) to introduce 'Community care accommodation' and 'Rooming house' land uses, nest 'Residential aged care facility' under 'Accommodation', and delete 'Backpackers' lodge', 'Boarding house', 'Hostel', 'Nurses' home', 'Nursing home' and 'Residential college' land uses.
VC154	26 OCT 2018	<p>Amendment VC154 changes the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> Deleting Clause 14.02-3S (Water conservation) and integrating these policy statements into a new Clause 19.03-3S (Integrated water management). Amending Clause 19.03-3S (Water supply, sewerage and drainage) to update and broaden water, drainage and stormwater policies to integrated water management policies. Deleting Clause 19.03-4S (Stormwater) and integrating this policy into the new Clause 19.03-3S (Integrated water management), with consequential renumbering throughout Clause 19.03. Inserting a new particular provision at Clause 53.18 for 'Stormwater management in urban development'. Amending Clause 55 (Two or more dwellings on a lot and residential buildings) to provide transitional provisions for residential development applications to be assessed against the Clause 55 provisions as they existed before the approval date of Amendment VC154. Amending Clause 55.03-4 (Permeability) to rename the standard 'Permeability and stormwater management' and amend the standard to include a new stormwater purpose, requirements and decision guidelines. Amending Clause 55.07 (Apartment developments), Clause 56.07 (Integrated water management) and Clause 58.03 (Site layout) to generally align with the new particular provision.

Amendment Number	Gazettal Date	Summary
		<ul style="list-style-type: none"> Amending Clause 73.01 (General terms) to insert a new general term and definition for 'stormwater'.
VC155	26 OCT 2018	<p>Amendment VC155 amends the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> Amending Clause 15.03-1S (Heritage conservation) to include an additional strategy and policy guideline. Amending Clauses 54.03-5 (Energy efficiency protection), 55.03-5 (Energy efficiency) and 55.07-1 (Energy efficiency) to replace the word 'capacity' with 'performance' and specify that a rooftop solar energy facility must exist at the time an application is lodged.
VC157	15 MAR 2019	Amendment VC157 introduces changes to the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes to require planning approval for power lines to connect new large-scale electricity generation facilities to the electricity network.
VC156	11 APR 2019	Amendment VC156 introduces changes to the Victoria Planning Provisions and all planning schemes to correct formatting and spelling errors and omissions and to clarify the operation of certain provisions.
VC159	8 AUG 2019	The Amendment introduces changes to the <i>Victoria Planning Provisions</i> (VPP) arising from the Victorian Government's Smart Planning program. Amendment VC159 amends the VPP and all planning schemes to introduce new land use terms, revise the definition of land use terms and change where land use terms are nested.
VC163	16 AUG 2019	Amends the VPP and all planning schemes to correct an error in Clause 73.04 (nesting diagrams) by re-inserting nesting diagrams inadvertently removed through Amendment VC159.
VC161	17 SEP 2019	Amendment VC161 amends the Victoria Planning Provisions and all planning schemes to introduce new requirements for renewable energy facilities and a state planning policy for the protection of declared irrigation districts and makes an administrative correction in relation to Amendment VC157.
VC164	26 SEP 2019	The Amendment changes the Victoria Planning Provisions and all planning schemes by amending Clause 52.13-7 (2009 Bushfire – Recovery Exemptions) to extend the expiry date to 31 March 2020.
VC158	26 NOV 2019	Amendment VC158 introduces a new particular provision to exempt combustible cladding rectification on buildings subject to an emergency order, building notice or building order under Part 8 of the <i>Building Act 1993</i> .
VC165	3 DEC 2019	Amendment VC165 amends the Victoria Planning Provisions and all planning schemes to introduce notice and review exemptions and to amend the responsible authority status for certain planning applications for non-government primary and secondary schools.
VC160	24 JAN 2020	Amendment VC160 amends the Victoria Planning Provisions and all planning schemes to correct errors and omissions, clarify the operation of certain provisions, and implement planning reforms for extractive industries.
VC170	31 JAN 2020	Introduces a new particular provision to facilitate the Level Crossing Removal Project.
VC168	11 FEB 2020	The amendment updates the Planning Policy Framework and Operational Provisions to reference the Plan Melbourne 2017-2050: Addendum 2019 and introduces a new strategy and spatial framework at Clause 11.01-1R Settlement-Metropolitan Melbourne.
VC177	11 MAR 2020	The Amendment changes the VPP and all planning schemes in Victoria by inserting a new particular provision at Clause 52.07 to facilitate and support recovery from bushfire.
VC181	6 APR 2020	The Amendment changes the Victoria Planning Provisions and all planning schemes by replacing Clause 52.18 [No content] with a new Clause 52.18 (State of emergency exemption), to facilitate the delivery of food and other essential goods during and following a state of emergency declared in relation to Novel Coronavirus 2019 (2019- nCoV).

Amendment Number	Gazettal Date	Summary
VC178	9 APR 2020	The Amendment changes the Victoria Planning Provisions (VPP) and all planning schemes by amending Clause 52.13-7 (2009 Bushfire – Recovery Exemptions) to extend the expiry date to 30 June 2020. The Amendment also changes the Victoria Planning Provisions (VPP) and all planning schemes by amending the term 'stone extraction' to 'extractive industry' and the term 'solar energy facility' to 'solar energy system' to align with the intent of VC160
VC179	6 MAY 2020	The Amendment inserts a new provision at Clause 52.10 to facilitate rebuilding following the 2019/20 bushfires and amends the Schedule to Clause 72.01 in all planning schemes to designate the Chief Executive Officer as the responsible authority for Clause 52.10.
VC175	26 MAY 2020	Improves the way the planning system addresses buffers for amenity, human health and safety impacts by updating the Planning Policy Framework (PPF) and Clause 53.10.
VC176	5 AUG 2020	The Amendment changes the VPP and all planning schemes in Victoria by: <ul style="list-style-type: none"> amending Clause 52.12 (Bushfire Protection: Exemptions) to align the 10/30 and fence line vegetation exemptions with the Bushfire Prone Area map across all Victorian councils, making administrative updates and further clarifying the exemptions for dwellings and defensible space under the Bushfire Management Overlay.
VC186	27 AUG 2020	The Amendment inserts a new particular provision at Clause 51.06 (Secondary Dwelling) to facilitate the development of a secondary dwelling in the Greater Bendigo, Kingston, Moreland and Murrindindi Planning Schemes.
VC183	28 SEP 2020	The Amendment introduces a new state planning policy Clause 13.07- 3S (Live Music) and makes changes to Clause 53.06 (Live Music Entertainment Venues) of the Victoria Planning Provisions (VPP) and all planning schemes to encourage, create and protect opportunities for the enjoyment of live music.
VC169	9 OCT 2020	The Amendment changes the VPP and all planning schemes in Victoria by: changing the Planning Policy Framework to help direct balanced outcomes for housing growth and built form, while also clarifying and consolidating housing policy.
VC193	21 OCT 2020	The Amendment amends clause 52.18 (State of emergency exemption) to support Victoria's social and economic recovery from the coronavirus (COVID-19) pandemic through temporary planning scheme and permit condition exemptions that enable outdoor dining and facilitate the reopening and safe operation of restaurants and other food and drink businesses.
VC191	5 NOV 2020	Amendment VC191 clarifies the application of the existing permit, notice and third-party review exemptions for cladding rectification in Clause 52.01 ('Combustible cladding rectification exemptions') so that they explicitly apply to government-owned buildings. The permit exemption applies to all permit requirements in the planning scheme, including the Heritage Overlay and other overlays, and seeks to remove any doubt about whether a permit is required for rectification works on government buildings.
VC192	16 NOV 2020	Amendment VC192 amends clause 72.01-1 to the Victoria Planning Provisions and all schemes to make the Minister for Planning the responsible authority for all large energy generation facilities and electrical utility installations, including large renewable energy facilities and large scale battery facilities that store electricity from any source. This will increase clarity, provide for consistent and faster decision making and better oversight of Victoria's electricity generation, distribution and storage.
VC187	1 DEC 2020	Introduces a new particular provision, Housing by or on behalf of the Director of Housing at Clause 53.20 of the Victoria Planning Provisions and all planning schemes to streamline the planning permit process to construct or extend a dwelling, or to construct or extend a front fence if the application is made by or on behalf of the Director of Housing. It amends Clause 72.01 to specify the Minister for Energy, Environment, and Climate Change to be the responsible authority for the development of 10 or more dwellings and any apartment development.

Amendment Number	Gazettal Date	Summary
VC190	1 DEC 2020	Introduces a new particular provision, Victoria's Big Housing Build at Clause 52.20. Clause 52.20 removes the need for a planning permit to develop a housing project if funded under Victoria's Big Housing Build and supported by the Director of Housing. Clause 72.01 is amended to specify the Minister for Energy, Environment, and Climate Change to be the responsible authority.
VC180	4 DEC 2020	Facilitates the development of new, and the upgrade and expansion of existing, non-government primary and secondary schools.
VC188	14 DEC 2020	Removes Clause 52.13 2009 Bushfire: Recovery Exemptions and references to it from all planning schemes following its expiry.
VC195	11 MAR 2021	The Amendment changes the Victoria Planning Provisions and all planning schemes by modifying the particular provision at clause 52.32 (Wind energy facilities) to streamline the application process for minor changes to approved wind energy facilities, clarify consent requirements and simplify review and panel exemptions.
VC194	25 MAR 2021	The Amendment inserts two new particular provisions at clauses 52.30 and 52.31 to facilitate state projects and local government projects.
VC185	30 APR 2021	The Amendment modifies Clause 72.01-1 to make transitional provisions for an energy generation facility or utility installation to be determined by the council instead of the Minister for Planning if made prior to the approval date of Amendment VC192.
VC198	14 MAY 2021	The Amendment introduces new particular provisions at clauses 52.35 (Major Road Projects) and 52.36 (Rail Projects) and makes other changes related to delivery of projects carried out by or on behalf of Major Road Projects Victoria and Rail Projects Victoria.
VC189	3 JUN 2021	Amends Clause 12.04-1S Sustainable development in alpine areas, to reference the <i>Alpine Resorts Strategic Plan 2020-2025</i> (Victorian Government, Alpine Resorts Co-ordinating Council, 2019). The amendment changes the Alpine Resorts Planning Scheme by replacing the Local Planning Policy Framework with a new Municipal Planning Strategy at Clause 02 and local policies within the Planning Policy Framework at Clauses 11-19, making administrative changes to the Schedules to Clause 44.06 Bushfire Management Overlay and Clause 72.08 Background Documents, and inserting a new Schedule to Clause 74.02 Further Strategic Work.
VC203	1 JUL 2021	Amendment VC203 implements a new environment protection framework in the Victoria Planning Provisions and all planning schemes through: <ul style="list-style-type: none"> updates to the Planning Policy Framework to align with new requirements for contaminated and potentially contaminated land amendments to clause 45.03 (Environmental Audit Overlay) the replacement of references to State Environment Protection Policies with new content references to new and amended guidelines and requirements under the <i>Environment Protection Act 2017</i>.
VC206	3 AUG 2021	The Amendment changes the VPP and all planning schemes in Victoria by aligning planning provisions for a wind energy facility with the requirements of the <i>Environment Protection Act 2017</i> for the regulation of wind turbine noise. The Amendment also updates the licensing references in the Port Zone.
VC196	19 AUG 2021	The Amendment changes the VPP and all planning schemes in Victoria by: providing stronger recognition and protection of existing extractive industries, and to designate land with State-significant earth resources, where extractive industries may be established in the future, as strategic extractive resource areas.
VC171	6 SEP 2021	The Amendment changes the VPP and all planning schemes in Victoria to implement the Marine and Coastal Policy (Department of Environment, Land, Water and Planning, 2020), support coastal hazard planning and sea level rise adaptation, and update policy references.
VC211	14 SEP 2021	The Amendment renames and modifies clause 67.02 to enable the application of exemptions set out in clause 52.31. The amendment updates clauses 66.05 and 67, consolidates clauses 67.02, 67.03 and 67.04 under clause 67.02, and deletes clauses 67.03 and 67.04.

Amendment Number	Gazettal Date	Summary
VC208	5 OCT 2021	Amends Clause 52.10 to apply the use, notice and review exemptions to other types of emergencies.
VC202	12 OCT 2021	The Amendment introduces a land use term and definition for Rural worker accommodation in clauses 73.03 (Land use terms) and 73.04 (Nesting diagrams). The amendment also modifies clause 35.07 (Farming Zone) to introduce a planning permit exemption for use of land for Rural worker accommodation that accommodates no more than 10 persons; and to introduce a permit requirement for use of land for Rural worker accommodation that accommodates more than 10 persons.
VC212	13 OCT 2021	The Amendment makes changes to Clause 35.06 (Farming Zone) and to Clause 66.05 (Notice of permit applications under State standard provisions) to minimise the potential for land use conflict from as-of-right accommodation uses in the Farming Zone, in the vicinity of proposed and approved wind energy facilities.
VC173	26 OCT 2021	Updates the land affected by the Melbourne Airport Environs Overlay in the Brimbank, Hume, Melton, Moreland, Moonee Valley and Whittlesea municipalities consistent with the Melbourne Airport Master Plan 2018, which was approved by the Federal Government in 2019. The Amendment includes limited transition provisions and consequential updates to the VPP and affected planning schemes.
VC214	19 NOV 2021	Amendment VC214 amends the exemptions at clause 52.18 (State of Emergency and Recovery Exemptions) to apply to a broader range of uses.
VC204	9 DEC 2021	The Amendment changes the VPP and all planning schemes in Victoria by: modifying Clause 18 of the Victoria Planning Provisions to implement changes to State planning policy for transport and makes associated changes.
VC174	20 DEC 2021	The Amendment changes the VPP and all planning schemes in Victoria by: implementing the recently announced revised Better Apartment Design Standards, which delivers improved external amenity and design outcomes for all apartment developments. The amendment changes the Victoria Planning Provisions (VPP) and all planning schemes by updating and amending clauses and introducing transitional provisions.
VC207	20 DEC 2021	The Amendment changes the VPP and all planning schemes in Victoria by: implementing the revised Better Apartment Design Standards into clauses 52.20 (Victoria's Big Housing Build) and 53.20 (Housing by or on behalf of the Director of Housing).
VC205	20 JAN 2022	The Amendment introduces a new Transport Zone to replace the Road Zone and Public Use Zone Schedule 4. The amendment also makes consequential changes.
VC199	3 FEB 2022	The Amendment changes the VPP and all planning schemes in Victoria by: aligning existing provisions with current policy, guidelines and legislation, deleting redundant content and correcting clerical errors.
VC200	17 FEB 2022	The Amendment changes the VPP and all planning schemes in Victoria by: introducing planning permit exemptions for specified types of transport projects. The amendment also specifies the Minister for Planning as the responsible authority for transport projects where a planning permit is required.
VC209	8 MAR 2022	The Amendment changes the VPP and all planning schemes in Victoria by removing clause 51.06 (Secondary dwelling) from the VPP and the Greater Bendigo, Kingston, Moreland and Murrindindi planning schemes, and updating clause 52.18 (State of emergency and recovery exemptions) to reflect the new pandemic declaration powers under the <i>Public Health and Wellbeing Act 2008</i> .
VC219	22 MAR 2022	The Amendment changes the VPP and all planning schemes in Victoria to support the ongoing operation of extractive industry across Victoria and increase amenity protections for nearby accommodation.
VC210	4 MAY 2022	Amendment VC210 makes changes to the Victoria Planning Provisions (VPP) and all planning schemes to ensure they are current and correct obvious or technical errors.

Amendment Number	Gazettal Date	Summary
VC218	18 MAY 2022	The Amendment changes the VPP and all planning schemes in Victoria by updating the Planning Policy Framework to further implement the National Airports Safeguarding Framework in Victoria.
VC220	30 MAY 2022	The Amendment changes the VPP and all planning schemes in Victoria by supporting the efficient delivery of neighbourhood batteries into the electricity distribution network by amending clause 73.03 Land use terms.
VC216	10 JUN 2022	The Amendment changes the VPP and all planning schemes in Victoria by making changes to the Planning Policy Framework in the Victoria Planning Provisions and all planning schemes to support Environmentally Sustainable Development.
VC213	14 JUL 2022	Amendment VC213 makes changes to the Victoria Planning Provisions (VPP) and all planning schemes to ensure consistency with existing requirements under the Melbourne Strategic Assessment (MSA) Program to achieve specific biodiversity outcomes within Melbourne's growth corridors.
VC230	14 JUL 2022	The Amendment updates clauses 52.20 (Victoria's Big Housing Build) and 72.01 (Responsible authority for this planning scheme) to replace the Minister for Energy, Environment and Climate Change with the Minister for Planning as the responsible authority for relevant applications under clauses 52.20 (Victoria's Big Housing Build) and 53.20 (Housing by or on behalf of the Director of Housing).
VC221	2 AUG 2022	The Amendment facilitates all-electric developments to support implementation of Victoria's <i>Climate Change Strategy 2021</i> and <i>Gas Substitution Roadmap 2022</i> . The amendment changes the VPP and all planning schemes by amending clauses that require developments to be connected to reticulated gas and amending the referral requirements.
VC223	12 AUG 2022	Amends Clause 73.01 (General terms) to define Minister for Planning to mean a Minister for the time being administering the <i>Planning and Environment Act 1987</i> .
VC225	15 SEP 2022	Amendment VC225 makes changes to the <i>Victoria Planning Provisions</i> and all planning schemes to correct obvious or technical errors and ensure they are current.
VC222	29 SEP 2022	The Amendment makes changes to the <i>Victoria Planning Provisions</i> and all planning schemes to support the co-location of new government primary schools with kindergartens and facilitate projects that support the 2026 Commonwealth Games.
VC224	28 OCT 2022	The amendment makes changes to the <i>Victoria Planning Provisions</i> and all planning schemes that relate to declared irrigation districts and solar energy facilities, delivery exemptions, electorate offices, Future Homes, healthy waterways, land use terms, stormwater management and tree removal under VicSmart.
VC226	4 NOV 2022	The amendment makes changes to the Victoria Planning Provisions and all planning schemes to support emergency recovery, telecommunications, solar energy systems and community care accommodation.
VC227	14 NOV 2022	The amendment makes changes to the <i>Victoria Planning Provisions</i> and all planning schemes to support the facilitation of container deposit scheme (CDS) infrastructure under the <i>Victorian Government's Recycling Victoria: a new economy policy</i> .

Appendix D GC & C Amendments – October 2018 to July 2022

COMPLETED

Amendment Number	Gazettal Date	Summary
GC110	18 OCT 2018	The Amendment introduces a new Environmentally Sustainable Development (ESD) Local Planning Policy into the Brimbank, Greater Bendigo, Greater Dandenong, Hobsons Bay, Kingston, Whittlesea and Wyndham Planning Schemes and makes consequential changes.
GC117	28 FEB 2019	The Amendment makes administrative changes to all local policy and local schedules of each planning scheme by: <ul style="list-style-type: none"> making style, format and technical changes to improve presentation and operation correcting inconsistencies and clerical errors changing the operation of amendment date stamps located next to clause numbers.
GC132	27 JUN 2019	The Amendment implements a consistent expiry clause in local policies for environmentally sustainable development until superseded by a comparable provision in the Victoria Planning Provisions.
C249gben	19 DEC 2019	The Amendment: <ul style="list-style-type: none"> Applies the Specific Controls Overlay (SCO1, SCO2 and SCO3) to land known as the Bendigo Health and Academic Precinct Areas, Barnard Street, Bendigo; the Bendigo Airport, Victoria Road, East Bendigo and the helicopter flight path protection areas for the Bendigo and Heathcote Hospitals. Inserts Clause 45.12 (Specific Controls Overlay - SCO) into the Greater Bendigo Planning Scheme. Inserts a new Schedule to Clause 45.12 (SCO) and applies the SCO to sites that have been mapped as part of the Smart Planning Program. Amends the Schedule to Clause 51.01 (Specific Sites and Exclusions) to delete sites and references to incorporated documents that have expired or have been now specified under the SCO. Amends the Schedule to Clause 72.03 (What Does this Scheme Consist of?) to insert new planning scheme maps 19SCO, 20SCO and 44SCO. Amends the Schedule to Clause 72.04 (Documents incorporated in this Planning Scheme) to delete incorporated documents, which have now expired.
C226gben	16 JAN 2020	The Amendment rezones 1.934 hectares of land at 1A Railway Street, Kangaroo Flat from General Residential Zone to Industrial 3 Zone; deletes the Development Plan Overlay, Schedule 17 (former Rocklea Mill Site 239-249 High Street, Kangaroo Flat) from 1A Railway Street and from 239-249 High Street, Kangaroo Flat and deletes Schedule 17 to Clause 43.03 (DPO17 - former Rocklea Mill Site, 239-249 High Street, Kangaroo Flat) from the planning scheme ordinance.
GC112	20 APR 2020	The Amendment amends the Bass Coast, Baw, Colac Otway, East Gippsland, Glenelg, Greater Bendigo, Greater Geelong, Hepburn, Latrobe, Mitchell, Moorabool, Moyne, South Gippsland, Southern Grampians, Strathbogie, Warrnambool, Wellington and Wodonga Planning Schemes to recognise the <i>Infrastructure Design Manual</i> in the Municipal Strategic Statements, and introduces the <i>Infrastructure Design Manual</i> as a background document in the Schedules to Clause 72.08 of the respective Planning Schemes.
C252gben	28 MAY 2020	The Amendment facilitates the Bendigo GovHub by making the following changes to the Greater Bendigo Planning Scheme: <ul style="list-style-type: none"> Rezones 189-229 Lyttleton Terrace, Bendigo and immediate road reserve along St Andrews Avenue, Bendigo to Commercial 1 Zone. Amends the schedule to Clause 45.12 (Specific Controls Overlay) to insert the <i>Bendigo GovHub Incorporated Document, November 2019</i> (incorporated document) facilitating use and development of land for the Bendigo GovHub.

Amendment Number	Gazettal Date	Summary
		<ul style="list-style-type: none"> Amends the schedule to Clause 72.01 (Responsible authority for this Planning Scheme) to make the Minister for Planning the responsible authority for administering and enforcing the planning scheme as it relates to the incorporated document. Amends the schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to list the incorporated document.
GC160	30 JUN 2020	<p>The Amendment:</p> <ul style="list-style-type: none"> Inserts Clause 45.12 (Specific Controls Overlay) into the Gannawarra, Moira and Swan Hill Planning Schemes. Inserts a new Schedule to Clause 45.12 (Specific Controls Overlay) into the Campaspe, Gannawarra, Greater Bendigo, Greater Shepparton, Loddon, Moira and Swan Hill Planning Schemes. Replaces the Schedule to Clause 51.01 (Specific Sites and Exclusions) with a new Schedule to delete the <i>Goulburn-Murray Water Connections Project</i>, August 2015 from the Schedule. Replaces the Schedule to Clause 72.03 with a new Schedule to update the list of maps forming part of the Campaspe, Gannawarra, Greater Bendigo, Greater Shepparton, Loddon, Moira and Swan Hill Planning Schemes. <p>Replaces the Schedule to Clause 72.04 with a new Schedule to delete reference to the <i>Goulburn-Murray Water Connections Project Incorporated Document</i>, August 2015 and insert reference to the <i>Goulburn-Murray Water Connections Project Incorporated Document</i>, June 2020.</p>
C250gben	13 AUG 2020	The Amendment applies to land in the municipality of Greater Bendigo, which will be used and developed for the Bendigo Signalling Upgrade Project. The project is located on the Bendigo and Echuca railway corridors between Bendigo and Eaglehawk and Bendigo and Epsom.
GC170	20 AUG 2020	The amendment updates the mapping for the Bushfire Management Overlay (BMO) by deleting the BMO from five sites in four planning schemes where the vegetation no longer meets the criteria as set out in <i>Planning Advisory Note 46 - Bushfire Management Overlay Mapping Methodology and Criteria</i> .
C262gben	12 NOV 2020	The Amendment inserts the <i>Bendigo Law Courts Incorporated Document, September 2020</i> into the Schedule to Clause 45.12 and amends the Schedule to Clause 72.04 (Documents incorporated in this planning scheme) of the Greater Bendigo Planning Scheme.
C239gben	4 JUN 2020	The Amendment applies the Environmental Audit Overlay to land at 61-77 Nolan Street & 19-39 Dooley Street, North Bendigo.
C222gben	07 DEC 2020	<p>The Amendment:</p> <ul style="list-style-type: none"> Rezones land known as Lot RES1, PS701835, Sawmill Road, Huntly from part General Residential Zone (GRZ) and part Low Density Residential Zone (LDRZ) to Public Park and Recreation Zone (PPRZ) and land known as Lot RES1, PS645141, 1 Autumn Close, Huntly from GRZ to PPRZ. Rezones land forming part of the road reserves of Sawmill Road and Whirrakee Parade, Huntly and land known as Lot RES2, PS701830, Whirrakee Parade, Huntly and small parts of land known as Lot 324, PS701835, 6 Whirrakee Parade, Huntly; Lot 325, PS701834, 4 Whirrakee Parade, Huntly and Lot 326, PS701834, 2 Whirrakee Parade, Huntly, located on the west side of Whirrakee Parade, from LDRZ to GRZ. Applies the Development Contributions Plan Overlay2 to approximately 247 hectares of land known as the Huntly East growth area located north of the Huntly town centre and east of Midland Highway at Huntly. Amends Clause 21.09 (Integrated Transport and Infrastructure) to the Municipal Strategic Statement to insert a new objective and strategy for development contribution plans (DCPs) to guide decision making. Inserts a new Schedule 2 to Clause 45.06 (DCPO2) into the Greater Bendigo Planning Scheme to identify the area which requires the preparation of a DCP for the purpose of levying contributions for the provision of works, services and facilities.

Amendment Number	Gazettal Date	Summary
		<ul style="list-style-type: none"> Amends the Schedule to Clause 72.03 (What does this planning scheme consist of?) to insert two new Planning Scheme Map Nos. 9DCPO and 12DCPO into the Greater Bendigo Planning Scheme. Amends the Schedule to Clause 72.04 (Documents incorporated in this planning scheme) to insert a new incorporated document titled <i>Huntly Development Contributions Plan</i>, July 2020 into the Greater Bendigo Planning Scheme.
C245gben	18 DEC 2020	<p>The Amendment updates local schedules in zones, overlays, particular provisions, general provisions and operational provisions of the Greater Bendigo Planning Scheme to remove inconsistencies with:</p> <ul style="list-style-type: none"> The <i>Victoria Planning Provisions</i> as a result of Amendment VC142 and Amendment VC148, and The <i>Ministerial Direction – Form and Content of Planning Schemes</i>.
C232gben	23 DEC 2020	<p>The Amendment implements the Strathfieldsaye Urban Design Framework, February 2017, further implements the Strathfieldsaye Township Plan, revised March 2012 and makes several zoning changes to implement the recommendations of the Greater Bendigo Public Space Plan, June 2019.</p> <p>Specifically, the Amendment:</p> <ul style="list-style-type: none"> Rezones land known as 6A Adie Court and 6 Adie Court; 6 Brentwood Boulevard; 50-58 Brentwood Boulevard; Lot RES1 PS806842 Cadella Way; 5 Clydebank Court; 7A Gordon Court; 33 Regent Street; Lot RES1 PS410021 Ryalls Lane; 1-9 Saxby Drive; part of 845 Strathfieldsaye Road; 995 Strathfieldsaye Road; 188 Sullivans Road; Lot RES1 PS712422 Swanson Boulevard; 43 Swanson Boulevard; 420 Tannery Lane; 68 Taylors Lane and 2- 12 Waterford Drive, Strathfieldsaye from General Residential Zone (GRZ) to Public Park and Recreation Zone (PPRZ). Rezones land known as 3 Curnows Way, Strathfieldsaye from part GRZ and part Low Density Residential Zone (LDRZ) to PPRZ. Rezones land known as Allotments 33A and 33B, Township of Strathfieldsaye, Dukes Lane, Strathfieldsaye from PPRZ to GRZ. Rezones land known as 838 Strathfieldsaye Road, Strathfieldsaye from GRZ to Public Use Zone - Other Public Use (PUZ7). Rezones land known as part of 528 Tannery Lane, Strathfieldsaye from Public Use Zone, Service and Utility (PUZ1) to GRZ. Rezones land known as 884 Wellington Street, Strathfieldsaye and part of the adjacent Taylors Lane Road reserve from Special Use Zone, Schedule 1 (SUZ1) to Mixed Use Zone, Schedule 2 (MUZ2). Rezones land at 894, 912, 914, 916, 928, 930, 932, 934, 936A, 938, 940, 942 and 948 Wellington Street and 2 Club Court, Strathfieldsaye and part of the Uxbridge Street Road reserve and Blucher Street Road reserve from Commercial 1 Zone (C1Z) to MUZ2. Rezones land being part of 918-922 Wellington Street, Strathfieldsaye from C1Z to SUZ1. Applies the Mixed Use Zone, Schedule 1 (MUZ1) to land zoned Mixed Use Zone. Applies the Design and Development Overlay, Schedule 6 (DDO6) to land adjoining the Greater Bendigo National Park, along the northern and eastern boundaries of land at 212 Junortoun Road, Strathfieldsaye and along the northern boundaries of land at 18 and 20 Ryalls Lane, Strathfieldsaye and 783 to 797 Strathfieldsaye Road, Strathfieldsaye. Applies the Design and Development Overlay, Schedule 24 (DDO24) to unsewered land zoned GRZ south of Sinclairs Road, east of Junortoun Road and west of Somerset Park Road and including Elizabeth Drive; land in Cooper Grove, Woodlea Close, Morris Place and Watson Drive; and Allotments 33A and 33B, Dukes Lane, Strathfieldsaye. Applies the Development Plan Overlay, Schedule 26 (DPO26) to land known as Allotments 33A and 33B, Township of Strathfieldsaye, Dukes Lane, Strathfieldsaye. Applies the Design and Development Overlay, Schedule 27 (DDO27) to land within the Strathfieldsaye Town Centre Precinct.

Amendment Number	Gazettal Date	Summary
		<ul style="list-style-type: none"> Applies the Design and Development Overlay, Schedule 28 (DDO28) to land within the Strathfieldsaye Transitional Town Centre Precinct. Applies the Design and Development Overlay, Schedule 29 (DDO29) to land within the Strathfieldsaye Town Entrances Precinct. Deletes the Development Plan Overlay, Schedule 26 (DPO26) from land between Taylors Lane, Club Court, Sheepwash Creek, Sommerville Road, Apsley Street, Wellington Street, Blucher Street and north of Bassett Drive within the Strathfieldsaye Town Centre Precinct. Deletes the DPO26 from land bounded by Tannery Lane, Bakers Lane and Guys Hill Road, Strathfieldsaye. Amends Clause 21.10 of the Municipal Strategic Statement to delete the reference documents (now background documents, to be relocated to the Schedule to Clause 72.08) and insert new objectives, strategies and a local area plan for Strathfieldsaye. Deletes Clause 21.11 of the Municipal Strategic Statement to remove the content relating to monitoring and review. Deletes Clause 22.22 (Strathfieldsaye Township Residential Character Policy). Amends the Schedule to Clause 32.04 – Mixed Use Zone (MUZ) to identify it as Schedule 1 and to apply in various parts of the municipality outside of Strathfieldsaye. Inserts a new Schedule 2 to Clause 32.04 (MUZ2) to apply to land in Strathfieldsaye. Amends the Schedule 24 to Clause 43.02 (DDO24) to guide the development of large lots and unsewered residential areas in the municipality. Inserts a new Schedule 27, Schedule 28 and Schedule 29 to Clause 43.02 (DDO27, DDO28 and DDO29) to guide the design and built form of new development of land within the Strathfieldsaye Town Centre Precinct, the Strathfieldsaye Transitional Town Centre Precinct and the Strathfieldsaye Town Entrances Precinct. Amends the Schedule 26 to Clause 43.04 (DPO26) to remove reference to the town centre and make changes to the conditions and requirements for permits and requirements for a development plan. Amends the Schedule to Clause 72.04 to update the title of the <i>Bendigo Residential Growth Plan</i>, which has been amended to correctly align the urban growth boundary with urban land zones and DPO26. Amends the Schedule to Clause 72.08 to insert the reference documents from Clause 21.10 as background documents, amend the date of the Strathfieldsaye Township Plan, and insert a new background document titled the <i>Strathfieldsaye Urban Design Framework, February 2017</i>.
C257gben	11 FEB 2021	<p>The Amendment rezones land at 20 Townsend Street, Flora Hill from Public Park and Recreation Zone (PPRZ) to General Residential Zone (GRZ) and applies the Environmental Audit Overlay (EAO).</p> <p>The Amendment is required to enable the land to be sold by the Department of Treasury & Finance to Young Women's Christian Association.</p>
GC175	18 FEB 2021	<p>The amendment updates the Schedules to Clause 53.06 to change the heading to <i>Schedule to Clause 53.06 Live music entertainment venues</i> and include an additional schedule section to Clause 53.06 enabling areas to be specified where Clause 53.06 applies to make the existing schedules consistent with the <i>Ministerial Direction on the Form and Content of Planning Schemes</i>.</p>
C267gben	04 MAR 2021	<p>The Amendment applies the Heritage Overlay (HO936) to part of the land at 5-7 Shakespeare Street, Spring Gully and amends the Schedule to Clause 43.01 to insert a new heritage place (HO936 - Miner's House) for part of the land at 5-7 Shakespeare Street, Spring Gully on an interim basis.</p>
C265gben	6 MAY 2021	<p>The Amendment alters the planning scheme maps and the Schedule to the Heritage Overlay so that the Greater Bendigo Planning Scheme is consistent with the Victorian Heritage Register.</p>

Amendment Number	Gazettal Date	Summary
C255gben	8 JUL 2021	<p>The Amendment applies to land at 2 Osborne Street, Flora Hill, formally known as Lot 1 on Plan of Subdivision 712432, as well as the road reserve (proposed road) R2 and slivers of road reserves R1 and R3 on Plan of Subdivision 71243.</p> <p>The Amendment proposes to:</p> <ul style="list-style-type: none"> • Rezone the land from Public Use Zone 2 to Residential Growth Zone Schedule 2 • Apply the Development Plan Overlay Schedule 30 • Apply the Heritage Overlay 916 to a portion of the site, being curtilage to the locally significant Eumana house • Amend the schedule to Clause 72.04 to insert a new Incorporated Document, the Eumana Heritage Place Statement of Significance, October 2019.
C243gben	10 SEP 2021	<p>The Amendment implements the findings of the <i>Heathcote Flood Study</i>, March 2016 by updating flooding controls to properties located in active flow paths to ensure that future development proposals consider the associated hazard and risk.</p>
C272gben	17 SEP 2021	<p>The Amendment deletes the Heritage Overlay (HO936) from part of the land at 5-7 Shakespeare Street, Spring Gully as shown on Planning Scheme Map No. 23HO and amends the Schedule to Clause 43.01 (Heritage Overlay) to delete the reference to HO936 (Miner's House) from part of the land at 5-7 Shakespeare Street, Spring Gully, which has been applied on an interim basis until 4 March 2022.</p>
C273gben	17 SEP 2021	<p>The Amendment:</p> <ul style="list-style-type: none"> • Amends the 'Bendigo Health and Academic Precincts, Bendigo, May 2013' incorporated document to update references to the applicable ordinances in the planning scheme, includes updated references to amended project plan drawings, and includes an amended 'Bendigo Health and Academic Precinct Areas' plan showing buildings and works for a new hydrotherapy pool, new outdoor therapy space and demolition of the John Lindell Rehabilitation Unit (including east and north wings) to facilitate new open space. • Amends the Schedule to Clause 45.12 (Specific Controls Overlay) with the amended incorporated document Bendigo Health and Academic Precincts, Bendigo, May 2013 (Amended July 2021). • Amends the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) with the amended incorporated document.
C235gben	22 OCT 2021	<p>The Amendment:</p> <ul style="list-style-type: none"> • Applies the Heritage Overlay to land at 16 properties within the Bendigo City Centre. • Deletes the Neighbourhood Character Overlay, Schedule 1 from land at 56 Mundy Street, Bendigo. • Amends the Schedule to Clause 43.01 (Heritage Overlay) to insert 16 new individual heritage places (HO917-HO933) and to link 1 new statement of significance to the existing HO3 (Bendigo Civic Precinct). • Amends the Schedule to Clause 72.04 (Documents Incorporated into this Planning Scheme) to insert 17 new statements of significance as incorporated documents. • Amends the Schedule to Clause 72.08 (Background Documents) to insert the <i>Bendigo City Centre Heritage Study Stage 1, Volume 2: Individually Significant Places</i>, (GML Heritage Victoria Pty Ltd trading as Context, July 2021) as a new background document.
GC179	11 NOV 2021	<p>The amendment updates the mapping for the Bushfire Management Overlay (BMO) by deleting the BMO from four sites across Ballarat, Greater Bendigo, Nillumbik and South Gippsland and applying the BMO to one site in South Gippsland to reflect the criteria as set out in <i>Planning Advisory Note 46 - Bushfire Management Overlay Mapping Methodology and Criteria</i>. The amendment also deletes the BMO schedules from specified land across Mornington Peninsula to create greater certainty for single dwellings.</p>
GC196	24 DEC 2021	<p>The Amendment facilitates the Goulburn-Murray Water Connections Project and the Goulburn-Murray Water, Water Efficiency Project by making the following changes to the planning schemes:</p>

Amendment Number	Gazettal Date	Summary
		<ul style="list-style-type: none"> Replacing the Schedule to Clause 45.12 (Schedule to Specific Controls Overlay) with a new Schedule to delete reference to the <i>Goulburn-Murray Water Connections Project Incorporated Document, June 2020</i> and insert reference to the <i>Goulburn- Murray Water: Connections Project and Water Efficiency Project – Incorporated Document November 2021</i>. <p>Replacing the Schedule to Clause 72.04 (Documents incorporated in this Planning Scheme) with a new Schedule to delete reference to the <i>Goulburn-Murray Water Connections Project Incorporated Document, June 2020</i> and insert reference to the <i>Goulburn- Murray Water: Connections Project and Water Efficiency Project – Incorporated Document November 2021</i>.</p>
C256gben	11 MAR 2022	The Amendment implements the findings of Greater Bendigo Planning Scheme Review 2019, and the planning policy recommendations contained in new background documents. The amendment replaces the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 of the Greater Bendigo Planning Scheme with a new Municipal Planning Strategy (MPS) at Clause 02 and local policies within the Planning Policy Framework at Clauses 11 to 19 and selected local schedules consistent with the changes to the Victoria Planning Provisions introduced by Amendment VC148.
C261gben	13 MAY 2022	<p>The Amendment:</p> <ul style="list-style-type: none"> Applies the Heritage Overlay (HO935) to land at 147 Kangaroo Gully Road, Kangaroo Flat. Applies the Heritage Overlay (HO51) to part of the land at 66 Taylor Street, Ascot to extend the extent of existing HO51 to include all of the land at 66 Taylor Street, Ascot. Amends Heritage Overlay mapping to correct errors. Amends the Schedule to Clause 43.01 (Heritage Overlay) to insert one new heritage place, update the date of the incorporated plan, correct heritage place names and address errors and to clarify heritage controls. Inserts new sub-sections in the Schedule to Clause 43.01 (Heritage Overlay) to split the existing table into sections based on localities to improve the operation and legibility of the Schedule. Amends Clause 15.01-1L-03 (Signs) to update the name and date of a policy document. Amends Clause 15.03-1L (Post contact heritage conservation) to update the general policy guideline and the name and date of the policy document.
C254gben	8 SEPT 2022	<p>The Amendment:</p> <ul style="list-style-type: none"> Rezones approximately 1.9 hectares of land known as part of 244 Edwards Road, Maiden Gully, from General Residential Zone to Commercial 1 Zone to allow the site to be developed for the Maiden Gully South-West Neighbourhood Activity Centre. Amends the Schedule to Clause 34.01 Commercial 1 Zone to insert a maximum leasable floor area of 4,200 square metres for retail and a maximum floor area of 1,500 square metres for each individual shop at the Maiden Gully South-West Neighbourhood Activity Centre.

INCOMPLETE

Amendment Number	Status	Summary
C266gben	Approval under consideration	Amendment to the Schedule to Clause 53.01 – Public Open Space Contributions and Subdivisions. Implements a recommendation from the Greater Bendigo Public Space Plan 2019 (GBPSP) and findings from the Public Open Space Contributions Policy – Background Report to Amendment C266gben (City of Greater Bendigo, May 2022) by amending the Schedule to Clause 53.01 to introduce a specified public open space contribution rate for Bendigo and all other residential subdivisions.
C269gben	Under exhibition	Combined Amendment (including rezoning from to General Residential Zone of land and application for planning permit relating to 21 Pratts Park Road.

C271gben	Panel report received. Approval under consideration	Application of a Heritage Overlay to part of land at 55 Condon Street, Kennington.
C276gben	Authorisation requested	Stage 2 of Elevating ESD targets in conjunction with 24 other Councils and CASBE. Will later become a GC amendment.

Appendix E Relevant Recommendations from Strategies and Plans Adopted Since October 2018

STRATEGIC DOCUMENT	RELEVANT OBJECTIVES AND/OR ACTIONS	IMPLEMENTATION STATUS		
		In progress?	Included in Schedule to Clause 74.02? ¹	Action required?
11. Settlement				
Council Plan 2021-2025	O2:6 Direct growth to 10-minute neighbourhoods.	Amendment C256gben 11/03/3022		
	O2:7 Complete the Greater Bendigo Managed Growth Strategy.	✓	✓	
	O2:7 Progress the Maiden Gully and Marong Structure Plans and Development Contributions Plans.	Adopted September 2020		
	O2:7 Progress the strategic planning for Huntly South East (Urban Growth Zone land) Precinct Structure Plan.	✓	✓	
	O3:3 Implement the City Centre Plan.	Adopted April 2020		
	O3:3 Develop a planning scheme amendment to implement the City Centre Plan.	Amendment C256gben 11/03/3022		
Bendigo City Centre Plan 2020	A2 Utilise the Commercial and Activity Centre Strategy and more recent commercial floor space demand assessments when considering changes to the planning controls.	✓	N/A	
	A3 Investigate planning controls that would facilitate the transition of land south of Short Street to Myrtle Street to a residential focus.	✓	N/A	

¹ N/A in relation to whether an objective or action is included in the Schedule to Clause 74.02 means that the objective or action does not involved further strategic work but in most cases is the implementation of work already undertaken.

STRATEGIC DOCUMENT	RELEVANT OBJECTIVES AND/OR ACTIONS	IMPLEMENTATION STATUS		
		In progress?	Included in Schedule to Clause 74.02? ¹	Action required?
12. Environment and landscape values				
Council Plan 2021-2025	O5:3 Develop a significant tree register.	✓	✓	
Climate Change & Environment Strategy 2021-2026	1.3 Investigate and develop stronger planning controls to protect native vegetation under the Planning Scheme.	✓	✓	
	1.9.1 Develop a local planning policy to increase tree canopy and vegetation cover in subdivision design.		N/A	Add to Local Policy
Greening Greater Bendigo 2020-2070	1.6 Develop a local planning policy to provide a local response for subdivision design to increase tree canopy and vegetation cover in urban areas, consider WSUD treatments as standard practice, minimise the effects of urban heat and to create healthy and sustainable neighbourhoods.		N/A	Add to Local Policy
	3.2vii Develop a local planning policy and advocate for changes to clause 52.06 Car Parking and Particular Provisions of the planning scheme to ensure climate responsive urban design in new car parks to reduce the impact of urban heat island, incorporate WSUD and support the provision of canopy trees.		N/A	Add to Local Policy
	4.2 Protect significant indigenous and non-indigenous vegetation on private land in urban areas and townships of Greater Bendigo. i. Undertake the strategic work required to define and identify significant indigenous and non-indigenous vegetation on private land in urban areas and townships and recommend the best statutory mechanism by which to protect it. ii Implement the statutory tool recommended in 4.2i.	✓	✓	

STRATEGIC DOCUMENT	RELEVANT OBJECTIVES AND/OR ACTIONS	IMPLEMENTATION STATUS		
		In progress?	Included in Schedule to Clause 74.02? ¹	Action required?
Reimagining Bendigo Creek 2020	A8 Develop guidelines to ensure that future development is setback an appropriate distance from the Creek edge and its tributaries.		N/A	Consider appropriate planning controls
	A9 Amend the <i>Greater Bendigo Planning Scheme</i> to include policy and controls to improve the relationship of the built environment along urban waterways.		N/A	Consider appropriate planning controls
13. Environmental risks and amenity				
Council Plan 2021-2025	O5:1 Implement Climate Change and Environment Strategy 2021-2026.	✓	N/A	
	O5:1 Utilise the planning system to advance zero carbon developments as part of a planning scheme amendment.	Objective being addressed under C276gben		
	O2:1 Adopt and implement the Reducing Harm from Gambling Policy.	Policy adopted December 2021		
Climate Change & Environment Strategy 2021-2026	1.4 Implement the Sustainability and Environment recommendations of the 2019 Planning Scheme Review.	✓	N/A	
Greater Bendigo Reducing Harm from Gambling Policy 2021	3.4 Seek to limit possible EGM operating locations in low socio-economic areas or locations in which children are commonly present, by updating prohibited and discouraged gaming areas spatially represented in Clause 52.28, 22.28 and the Discouraged Gaming Areas incorporated document in the Greater Bendigo Planning Scheme to account for recent development, updated SEIFA data, and changes to land zoning.		N/A	Update schedule to Clause 52.28

STRATEGIC DOCUMENT	RELEVANT OBJECTIVES AND/OR ACTIONS	IMPLEMENTATION STATUS		
		In progress?	Included in Schedule to Clause 74.02? ¹	Action required?
	3.5 Seek to limit operating hours of EGM venues through permit conditions in the Greater Bendigo Planning Scheme.	Operational	N/A	
14. Natural resource management				
Council Plan 2021-2025	O2:2 Conduct a rural and environmental study to protect productive agricultural land (as part of the Managed Growth Strategy).	✓	✓	
	O5:3 Develop a biodiversity policy.	✓	✓	
15. Built environment and heritage				
Council Plan 2021-2025	O6:3 Develop a Heritage Strategy.	✓	✓	
	O6:3 Develop a priority list for future heritage studies.	✓	N/A	
	O6:3 Complete the Bendigo City Centre Heritage Study Stage 2 – Precincts.	✓	To be added	
Bendigo City Centre Plan 2020	A7 Implement the City Centre Heritage Study Stage 1 by applying the Heritage Overlay where recommended.	Completed. Amendment C235gben 22/10/2021		
	A9 Complete the Bendigo City Centre Heritage Study – Stage 2, to investigate changes to heritage precincts in the study area.	✓	To be added	
	A11 Investigate whether appropriate planning controls could be implemented to facilitate mid-block linkages or work with relevant landowners to form an agreed approach to delivering an expanded network of lanes and arcades.		N/A	Consider appropriate planning controls

STRATEGIC DOCUMENT	RELEVANT OBJECTIVES AND/OR ACTIONS	IMPLEMENTATION STATUS		
		In progress?	Included in Schedule to Clause 74.02? ¹	Action required?
	A18 Compile the background strategic work, including Urban Design Guidelines needed to support an amendment to the Greater Bendigo Planning Scheme to implement the Bendigo City Centre Plan.	✓	N/A	
Bendigo City Centre Heritage Study Stage 1 2020	5.2 Implementation of the Heritage Study:	Completed. Amendment C235gben 22/10/2021		
	<ul style="list-style-type: none"> • Prepare and exhibit an amendment to the Greater Bendigo Planning Scheme to implement the findings of the Bendigo City Centre Heritage Study Stage 1. 	Completed. Amendment C235gben 22/10/2021		
	<ul style="list-style-type: none"> • Update the references in the Local Planning Policy Framework (LPPF) of the Greater Bendigo Planning Scheme to include specific reference to the Bendigo City Centre Heritage Study, 2020, where applicable. 	Completed. Amendment C235gben 22/10/2021		
	<ul style="list-style-type: none"> • Replace the existing HO schedule in the Greater Bendigo Planning Scheme to include the new individually significant places. 	Completed. Amendment C235gben 22/10/2021		
	<ul style="list-style-type: none"> • Amend the relevant Greater Bendigo Planning Scheme HO mapping to include places. 	Completed. Amendment C235gben 22/10/2021		
	<ul style="list-style-type: none"> • Add the places recommended for statutory protection in the Bendigo City Centre Heritage Study Stage 1 (2020) to the Greater Bendigo Heritage Incorporated Plan. 	Completed. Amendment C235gben 22/10/2021		
	<ul style="list-style-type: none"> • Consider the amendment of HO212 (St Andrew's Church, 28 Myers Street, Bendigo). 	Completed. Amendment C235gben 22/10/2021		
	<ul style="list-style-type: none"> • Consider the application of a Design and Development Overlay (DDO) that explicitly recognises the city centre's heritage setting as a key design consideration. 	Completed. Amendment C235gben 22/10/2021		

STRATEGIC DOCUMENT	RELEVANT OBJECTIVES AND/OR ACTIONS	IMPLEMENTATION STATUS		
		In progress?	Included in Schedule to Clause 74.02? ¹	Action required?
Barpangu 'Build Together' - Reconciliation Plan 2021–2025	7.6 Develop specific Strategic Planning Tools within the planning system to protect places of significant Aboriginal cultural heritage.		N/A	Consider appropriate planning controls
16. Housing				
Council Plan 2021-2025	O2:4 Implement the Affordable Housing Action Plan	✓	N/A	
Affordable Housing Action Plan 2021	2.1.5 Advocate to State Government to mandate inclusionary zoning in the Planning Scheme to ensure a proportion of housing in a development is set aside for affordable housing.	✓	N/A	
	2.2.1 Advocate for and implement changes to the Planning and Environment Act 1987 and Planning Scheme to allow and encourage small secondary/accessory dwellings.	✓	N/A	
	2.2.3 Investigate advocacy for universal design requirements to be implemented through the Planning Scheme and/or National Construction Code.	✓	N/A	
	2.3.1 Through the Council Alliance for a Sustainable Built Environment (CASBE), advocate to State Government to create mandatory ESD requirements and implement State-wide through the Particular Provisions in the Planning Scheme.	✓	N/A	
	3.1.2 Advocate to State Government for exemption of notice and review requirements in the Planning Scheme for social housing developments.	✓	N/A	

STRATEGIC DOCUMENT	RELEVANT OBJECTIVES AND/OR ACTIONS	IMPLEMENTATION STATUS		
		In progress?	Included in Schedule to Clause 74.02? ¹	Action required?
	3.2.1 Implement affordable housing data and relevant objectives, strategies and actions in the Greater Bendigo Planning Scheme.	✓	N/A	
17. Economic development				
Council Plan 2021-2025	O3:1 Implement economic development strategy, A Stronger Greater Bendigo 2030.	✓	N/A	
	O3:4 Implement the Industrial Land Strategy.	✓	N/A	
	O3:4 Complete the background planning studies to inform the delivery of the employment precinct.	✓	✓	
A Stronger Greater Bendigo 2030: Economic Development Strategy	1. Implement Council's City Centre Plan.	✓	N/A	
	3. Prepare a 30-year Managed Growth Strategy which: <ul style="list-style-type: none"> • Unlocks underutilised land in the city centre, suburbs and in greenfield sites to support jobs growth, residential development and investment. • Develops leading-edge business parks for the expansion of businesses in strategic locations. • Better links employment areas with key transport links and residential areas. • Plans and build a new outer western transport connector to support investment and jobs in the city and region. • Expands the airport terminal and develop an airport business park. • Rationalises land uses and infrastructure in the Bendigo East industrial and business area to maximise opportunities for jobs and growth. 	✓	✓	

STRATEGIC DOCUMENT	RELEVANT OBJECTIVES AND/OR ACTIONS	IMPLEMENTATION STATUS		
		In progress?	Included in Schedule to Clause 74.02? ¹	Action required?
	<ul style="list-style-type: none"> Integrates land use, transport and infrastructure provision for Greater Bendigo to accommodate an expected urban population of 200,000 that minimises urban sprawl. 			
	7. Support increased affordable and available housing options that are relevant to households' needs.	Operational	N/A	
	12. Prevent urban sprawl through planned and targeted, well-located, new housing options that match household needs and that are better connected by low energy use transport services and networks.	✓	✓	
Greater Bendigo Industrial Land Development Strategy 2020	1. <ul style="list-style-type: none"> Rezone any determined site/s for a future business park to Industrial 1 Zone, apply a Development Plan Overlay and update local policy to include objectives for the site(s). For the existing Marong Business Park (Calder Employment Zone) review planning controls to ensure longer term industrial land potential only once the land is developed. 	✓	N/A	
	2B Amend local planning policy to direct non-industrial uses to less viable industrial precincts and protect core industrial precincts.	✓	N/A	
	4. Review and update the <i>Good Design Guide for Industry</i> to incrementally improve existing industrial areas.	✓	N/A	
	4. Introduce the new <i>Good Design Guide for Industry</i> into the Planning Scheme as a background document.	✓	N/A	

STRATEGIC DOCUMENT	RELEVANT OBJECTIVES AND/OR ACTIONS	IMPLEMENTATION STATUS		
		In progress?	Included in Schedule to Clause 74.02? ¹	Action required?
	5. Introduce area-specific design guidelines and/or planning controls in new industrial areas with a focus on energy efficiency, water cycle management, increased tree canopy coverage and waste minimisation.	✓	N/A	
	P3. Goornong - Ensure review of local planning policy continues to support the Precinct as a location for rural industries.		N/A	Review local policy
	P3. Epsom North - Set a clearer vision for the broader Precinct through the Settlement Strategy.	✓	✓	
	P4. Epsom – Support rezoning to Commercial 2 Zone within 40 metres of immediate interface with the Midland Highway.		N/A	Review local policy
	P5. Epsom South – Integrate into Epsom Activity Centre and review zoning over time.		N/A	Review zoning
	P7. Bendigo East – Update the existing Precinct Plan.		✓	
	P7. Bendigo East – Amend local planning policy to support the establishment of a business park at Bendigo Airport.		✓	
	P7. Bendigo East – Amend local planning policy to support planning controls to create a 'core' industrial precinct.		N/A	Review local policy
	P7. Bendigo East – Prepare and apply planning controls to create a core industrial precinct following preparation of a precinct plan.		N/A	Review planning controls

STRATEGIC DOCUMENT	RELEVANT OBJECTIVES AND/OR ACTIONS	IMPLEMENTATION STATUS		
		In progress?	Included in Schedule to Clause 74.02? ¹	Action required?
	P8. Charleston Road, East Bendigo – Amend local planning policy to discourage intensification or subdivision for industrial purposes.		N/A	Review local policy
	P9. Junortoun – Consider as part of the precinct plan for East Bendigo.		✓	
	P10. Heathcote – Rezone 31 Ayres Street from IN3 to GRZ.		N/A	Rezoning
	P11. Golden Square/Golden Gully – Rezone 60 Hattam Street to an appropriate industrial zone.		N/A	Review zoning
	P11. Golden Square/Golden Gully – Rezone 5 Godfrey Street to an industrial zone consistent with the recommendations of the Golden Square Framework Plan.		N/A	Rezoning
	P11. Golden Square/Golden Gully – Consider rezoning of 11 GRZ properties in the southwest of the precinct to the Industrial 3 Zone.		N/A	Rezoning
	P11. Golden Square/Golden Gully – Rezone specific residential properties in MacDougall Road and Hattam Street to Industrial 3 Zone.		N/A	Rezoning
	P11. Golden Square/Golden Gully – Investigate potential zoning changes and planning controls to reduce land use conflicts.		N/A	Review zoning
	P12. Bendigo North – Investigate potential zoning changes and planning controls to reduce land use conflicts.		N/A	Review zoning
	P14. California Gully – Investigate potential zoning changes and planning controls to reduce land use conflicts.		N/A	Review zoning

STRATEGIC DOCUMENT	RELEVANT OBJECTIVES AND/OR ACTIONS	IMPLEMENTATION STATUS		
		In progress?	Included in Schedule to Clause 74.02? ¹	Action required?
	P15. Eaglehawk - Investigate potential zoning changes and planning controls to reduce land use conflicts.		N/A	Review planning controls
	P17. Rowe Lane, Maiden Gully – Undertake further strategic work on the future of the precinct.	✓	N/A	
	P18. Kangaroo Flat East – Amend local planning policy to provide policy support for rezoning of the precinct from Industrial to Commercial 2 Zone.		N/A	Review local policy
	P19. Kangaroo Flat West – Investigate rezoning of properties adjacent to residential zones from Industrial 1 Zone to Industrial 3 Zone.		N/A	Review zoning
	P20. Big Hill – Amend local planning policy to support rezoning of adjacent Farming Zone land.		N/A	Review local policy
	P21. Marong – Undertake a planning scheme amendment to implement the Marong Township Structure Plan.	✓	N/A	
	P22. Marong West – Review and update planning controls to ensure longer term industrial land potential only once other land is developed.	✓	N/A	
18. Transport				
Council Plan 2021-2025	O2: 5 Implement relevant priorities from the Integrated Transport and Land Use Strategy, Walk, Cycle Greater Bendigo and the Climate Change and Environment Strategy.	✓	N/A	

STRATEGIC DOCUMENT	RELEVANT OBJECTIVES AND/OR ACTIONS	IMPLEMENTATION STATUS		
		In progress?	Included in Schedule to Clause 74.02? ¹	Action required?
	O3:3 Develop a planning scheme amendment for the removal of minimum car parking rates for the Greater Bendigo Planning Scheme.	✓	N/A	
Bendigo City Centre Parking Futures Action Plan 2020	7. Remove minimum car parking rates from the City of Greater Bendigo Planning Scheme.	✓	N/A	
	8. Remove the cash-in-lieu scheme from the Greater Bendigo Planning Scheme.	✓	N/A	
19. Infrastructure				
Council Plan 2021-2025	O5:3 Implement relevant priorities from the Greater Bendigo Public Space Plan.	✓	N/A	
Greater Bendigo Public Space Plan 2019-2029	3.3 Secure the two major corridors of vegetation within the city's urban area with appropriate zoning.	✓	N/A	
	3.4 Complete a review to ensure that significant heritage public spaces are identified and protected under the City of Greater Bendigo Planning Scheme.	✓	✓	
	3.7 Formalise and apply recommended open space contributions rates.	Completed. Included in Amendment C266gben – Approval under consideration		
	3.8 Review the zoning of all public spaces to ensure that an appropriate zone is applied.	✓ C247gben going on exhibition	N/A	
	3.8 Apply the Heritage Overlay to appropriate public spaces subject to completion of heritage studies.	✓	N/A	

STRATEGIC DOCUMENT	RELEVANT OBJECTIVES AND/OR ACTIONS	IMPLEMENTATION STATUS		
		In progress?	Included in Schedule to Clause 74.02? ¹	Action required?
	3.8 Consider applying the Design and Development Overlay to sites immediately abutting and/or encroaching into areas of key public space to manage aspects of development proposals that may impact the space, including building setbacks, height and massing, as well as to encourage a positive interface and address.		N/A	Consider appropriate planning controls
	3.8 Complete a Planning Scheme Amendment to the Greater Bendigo Planning Scheme which: <ul style="list-style-type: none"> • Modifies the Municipal Strategic Statement (MSS) to reflect the strategic directions of the Public Space Plan. • Introduces the rezoning of identified land for existing or proposed public space. • Applies proposed overlays. • Modifies Clause 52.01 to reflect the recommended open space contributions framework. • Includes the Greater Bendigo Public Space Plan as a reference document. 	Completed. Included in Amendment C266gben – exhibited and submissions being considered.		

Appendix F Further Strategic Work – Schedule to Clause 74.02

Name	Status?	Retain, delete or update	Notes
The Industrial Land Strategy and Good Design Guide for Industry.	<ul style="list-style-type: none"> - Greater Bendigo Industrial Land Development Strategy (GBILDS) – adopted 2020 - Good Design Guide for Industry – complete (minor revision in progress) - Work now progressing towards implementing recommendations from GBILDS. 	Update	Good Design Guide for Industry still to be revised and adopted.
The City Centre Plan and Parking Strategy.	<ul style="list-style-type: none"> - City Centre Plan adopted 2020 - Parking Futures Action Plan adopted 2020 	Delete	
A municipal settlement strategy – urban settlement plan including: <ul style="list-style-type: none"> – A bushfire risk assessment – A review of residential and mixed use zones – An investigation of future growth areas 	<ul style="list-style-type: none"> - In progress - In progress - In progress 	Update	Change to Managed Growth Strategy
A municipal settlement strategy – rural settlement plan including: <ul style="list-style-type: none"> – A review of the Rural Areas Study 2009 – Protection for productive farmland and activities including intensive animal industries – Identifying the role of rural townships, small townships and rural living areas – Providing policy guidance for rural industry 	<ul style="list-style-type: none"> – In progress – High level agricultural land use assessment complete. We may still need to do more work around intensive animal industries but this may be picked up as part of state government reviews. – Will be picked up through rural areas strategy – Further work required 	Update	Change to Rural Areas Strategy

Name	Status?	Retain, delete or update	Notes
– Identifying and protecting significant landscapes	– Early work underway towards significant landscape analysis of Big Hill & Mandurang Valley		
An environmental significance study including: <ul style="list-style-type: none"> – A review of existing provisions – A native vegetation protection strategy – Urban forest interface and bio link protections 	<ul style="list-style-type: none"> - Further work required - Biodiversity Strategy has commenced - Urban Forest Interface policy and design guidelines in progress 	Retain	
A Greater Bendigo greening strategy including: <ul style="list-style-type: none"> – Identification of significant urban trees. – An analysis of heat island effect – Landscape and subdivision design guidelines – An urban forest strategy 	Greening Greater Bendigo 2020-2070 endorsed <ul style="list-style-type: none"> – Looking to commence this work in 2022/23 – Incorporated in GGB 2020-2070 – Future work – Incorporated in GGB 2020-2070 	Update	Change to: Significant Tree Study Landscape and Subdivision Guidelines
A climate change adaptation strategy.	Climate Change & Environment Strategy 2021-2026 adopted	Delete	
Structure plans and development contributions plans for major new greenfield areas:			
– Marong Township	Structure plan (with DCP) adopted 2020	Delete	
– Maiden Gully Northeast	Structure plan (with DCP) adopted 2020	Delete	
A development contributions plan for Huntly West growth area.	DCP adopted 2020	Delete	
A future growth plan and development contributions plan for Huntly.		Retain	
Public open space projects including:			
– Open Space Contributions policy and schedule	Amendment in progress	Delete	
– Streetscape protection policy	Future work	Retain	

Name	Status?	Retain, delete or update	Notes
– Zoning and overlay review	Future work	Retain	
A Bendigo Creek plan.	Reimagining Bendigo Creek plan completed and staged works in progress (long term)	Delete	
A review of neighbourhood character overlays and policies and design and development overlays.	- NCO overlays and policy review in progress –addressed under MGS	Delete	
	- DDOs not yet reviewed	Retain	
Implement flood studies for:			
– Marong	Picked up through the Structure Plan work	Delete	
– Redesdale	Further work	Retain	
– Lockwood	Further work	Retain	
– Flood mitigation for urban Bendigo	Bendigo Urban Flood Study completed	Delete	
A review of the Highway Entrances & Boulevards Study 1994.	To investigate	Retain	
A municipal wide heritage strategy.	In progress	Retain	
Heritage studies for:			
– The Bendigo City Centre	In progress	Retain	
– Golden Square		Retain	
– The former Huntly Shire	In progress	Retain	
– Significant trees	To investigate	Retain	
– Bendigo/Quarry Hill		Retain	
– The urban area that was formerly in Strathfieldsaye Shire		Retain	
– Post War		Retain	
– Eaglehawk/Sailors Gully		Retain	

Name	Status?	Retain, delete or update	Notes
– Marong	Completed	Delete	
Buffers controls for:			
– Eaglehawk Landfill	In progress	Retain	
– Bendigo Water Reclamation Plant	In progress	Retain	
A review to identify contaminated land including closed landfills.	To investigate	Retain	
Commercial design guidelines	To investigate	Update	
Residential infill urban design guidelines.	Considered as part of the Housing Strategy and Neighbourhood Character Strategy	Delete	
Urban design frameworks for:			
– Ironbark	Future work	Retain	
– Marong	Future work	Delete	
– Maiden Gully	Future work	Retain	
– Epsom	Future work	Retain	
– Kangaroo Flat	Future work	Retain	
– Golden Square	In progress	Retain	
– Heathcote	Future work	Retain	
– Elmore	In progress	Retain	
– The University Precinct (including Kennington)	Should be picked up as part of the Structure Planning process for this precinct	Retain	
Structure plans for 10 minute neighbourhoods, in order to apply appropriate residential zones and schedules and overlays and schedules:			
– Golden Square	Completed	Delete	
– Epsom	Future work	Retain	
– Kangaroo Flat	Future work	Retain	

Name	Status?	Retain, delete or update	Notes
– Strathdale and Kennington	Future work	Retain	
– Kangaroo Flat South	Future work	Retain	
– Eaglehawk	Review of the Eaglehawk Structure Plan	Retain	
– Huntly	In progress	Retain	
– Maiden Gully	In progress	Retain	
– Bendigo	In progress	Delete	
– Strathfieldsaye	Completed	Delete	
A structure plan for East Bendigo and Junortoun.	Future work	Retain	
Structure plans for rural townships:			
– Heathcote	Township plan adopted 2019	Delete	
– Elmore	In progress	Retain	
– Goornong	In progress	Retain	
– Redesdale	Future work – will depend on what comes out of the Rural Areas Strategy	Retain	
Structure plan for Lake Eppalock.	Future work – will depend on what comes out of the Rural Areas Strategy	Retain	
Residential rezonings, as appropriate, in accordance with the housing strategy.	In progress	Retain	
An affordable housing plan.	Affordable Housing Action Plan adopted 2021	Delete	
Freight corridor and precinct plans to protect key freight routes, identify heavy vehicle and trailer exchange facilities, and a freight terminal hub.		Retain	
Water sensitive urban design guidelines.	Completed	Delete	
A review of planning controls for the Bendigo Airport.	In progress	Retain	

Name	Status?	Retain, delete or update	Notes
A Greater Bendigo development contributions plan framework.	In progress	Retain	
Prepare a design and development overlay to replace Clause 18.03-2L Calder Freeway and Calder Highway environs.	Future work	Retain	

Appendix G Status of recommendations of 2019 Planning Scheme Review

Action	Status	Details
1. Action outstanding items from the 2010 Planning Scheme Review (7 in total)		
<ul style="list-style-type: none"> Undertake future strategic work to review/update the following documents and then implement into the Planning Scheme: <ul style="list-style-type: none"> <i>Rural Areas Strategy, 2009</i> <i>North Central Biolinks Report, 2009</i> <i>Urban Salinity Guidelines</i> <i>Roadside Management Plan, 2011-2015</i> Include a policy response to climate change, renewable energy etc. in the MSS Include a policy response to the North Central Regional Catchment Strategy in the Planning Scheme 		
○ <i>Rural Areas Strategy, 2009</i>	In progress	New Rural Areas Strategy in development.
○ <i>North Central Biolinks Report, 2009</i>	In progress	Will be considered as part of scheduled work by the Strategic Planning Unit in relation to environmental significance and protection of native vegetation.
○ <i>Urban Salinity Guidelines</i>	No longer relevant	
○ <i>Roadside Management Plan, 2011-2015</i>	Completed	Assessed. Current plan is still relevant and does not include any implications for the Planning Scheme.
• Include a policy response to climate change, renewable energy etc. in the MSS	Completed	C256gben – CI 02.02, CI 02.03-3
• Include a policy response to the North Central Regional Catchment Strategy in the Planning Scheme	Completed	C256gben – CI 02.01, CI 12.01-1L
<ul style="list-style-type: none"> Undertake further strategic work to investigate a planning policy response to the following matters: <ul style="list-style-type: none"> Housing affordability Intergenerational equity Urban-forest interface tensions Management of residential character Intensive animal industries 		
○ Housing affordability	Completed	Affordable Housing Action Plan 09/21)
○ Intergenerational equity	Completed	Reviewed and considered to have very limited relevance to land use and development planning.
○ Urban-forest interface tensions	In progress	
○ Management of residential character	In progress	
○ Intensive animal industries	Completed	C256gben – CI 14.01-2L-01

Action	Status	Details
<ul style="list-style-type: none"> ○ Use of the Rural Activity Zone (RAZ) 	In progress	Will be considered as part of a new Rural Areas Strategy.
<ul style="list-style-type: none"> • Work with DELWP to address Crown land zoning anomalies 	In progress	
<ul style="list-style-type: none"> • Identify the following as further strategic work required: 		
<ul style="list-style-type: none"> ○ Huntly heritage study 	In progress	
<ul style="list-style-type: none"> ○ Review and expansion of Vegetation Protection Overlay (VPO) mapping 	In progress	Will be considered as part of scheduled work by the Strategic Planning Unit in relation to environmental significance and protection of native vegetation.
<ul style="list-style-type: none"> ○ A municipal wide Significant Landscape Overlay (SLO) study 	In progress	Will be considered as part of a review of significant landscapes and the most appropriate planning scheme tool.
<ul style="list-style-type: none"> • Establish a program to educate the community on the role and function of the Greater Bendigo Planning Scheme, and the services offered by the Statutory Planning Department. 	Ongoing	The program includes the City of Greater Bendigo Biannual Developers Planning Industry forum, Planning newsletters and regular website updates in relation to planning.
2. Integrate the vision and goals of the following into the Greater Bendigo Planning Scheme:		
<ul style="list-style-type: none"> • Community Plan 2017-2021 	Superseded	Superseded by Greater Bendigo Council Plan 2021-2025. Document reference in the Planning Scheme will need to be updated.
<ul style="list-style-type: none"> • Municipal Public Health and Wellbeing Plan 2017-2021 	Superseded	Superseded by Healthy Greater Bendigo 2021-2025. Document reference in the Planning Scheme will need to be updated.
<ul style="list-style-type: none"> • One Planet Living 	Completed	This is a principle based document which is used for reporting actions from the Community Plan and Environment Strategy. A new annual environment report is being developed.

Action	Status	Details
3. Include a local policy response to the following State Government reforms:		
• Melbourne Metropolitan Plan ('Plan Melbourne')	Completed	There is no scope to include a local policy response to this plan.
• Loddon Mallee South Regional Growth Plan	Completed	C256gben – CI 02.01
• Planning policy for Healthy Neighbourhoods	Completed	C256gben - CI 11.01-1L-02 - 10 minute neighbourhoods includes the key elements of this policy direction, in addition to the State Policy CI 15.01-4S.
• Planning requirements for racing dog keeping and training facilities	Completed	C256gben – CI 14.01-2L-02
• Protecting Victoria's environment – Biodiversity 2037 and the new native vegetation management framework	Completed	C256gben – CI 12.01-1L, 12.01-2S
• VC140 and settlement planning for bushfire	In progress	
4. Undertake future strategic work recommended in the review of Planning Panel reports:		
• Consider consistent application of DDO6 Urban – forest interface	In progress	
•		
• Review the non-urban breaks around Bendigo	Still outstanding	
• Consider heritage values of character policies	In progress	
• Review old airport controls	Still outstanding	
• Review Strathfieldsaye density and character controls	Completed	C232gben
• Review zoning of 91 Howard Street following buffer work	In progress	
• Prepare an overall strategic framework plan and review the UGB.	In progress	

Action	Status	Details
<ul style="list-style-type: none"> Review the Significant Landscape Overlays for Big Hill and Mandurang 	In progress	
<ul style="list-style-type: none"> Review the flooding overlays as more information becomes available and mitigation is undertaken. 	In progress	
5. Review planning permit referral and notice requirements following the planning permit benchmarking exercise to determine if any requirements are unnecessary and could be removed.	Superseded	Superseded by consideration of referrals in the current review.
6. Undertake the following actions to address the issues identified in the VCAT cases review:		
<ul style="list-style-type: none"> Undertake further strategic work to better manage residential character and residential growth. Specifically: <ul style="list-style-type: none"> A review of the Residential Character Study, 2001 is required as the policies are very dated Strategic work should investigate the use of the full suite of residential zones and schedules 	In progress	Part of a current Housing and Neighbourhood Character Strategy project.
<ul style="list-style-type: none"> Undertake a review of the Eaglehawk and Bendigo Heritage Study, 1993, which covers much of urban Bendigo and provides insufficient information 	In progress	Partially completed. Golden Square and City Centre have been reviewed to date.
<ul style="list-style-type: none"> Undertake a review of the Rural Areas Strategy, 2009 or similar rural land use strategy 	In progress	In preparation.
<ul style="list-style-type: none"> Review the Gaming Policy (currently underway through a separate project) 	Still outstanding	Referred to in current review.
<ul style="list-style-type: none"> Review the Highway Entrances and Boulevards Study, 1994 and ensure there is sufficient policy translation into the Planning Scheme 	Still outstanding	
<ul style="list-style-type: none"> Ensure appropriate translation of reference documents into the Planning Scheme. Specifically: <ul style="list-style-type: none"> Northern Corridor and Huntly Local Structure Plan, 2005 		
	Huntly completed	C245gben – CI 43.04 -Schedule 25

Action	Status	Details
		New Huntly Structure Plan currently being prepared
<ul style="list-style-type: none"> ○ Strathfieldsaye Township Plan, 2012 (currently underway through a separate project) 	Completed	C256gben - 11.03-6L-03
<ul style="list-style-type: none"> • Develop urban design guidelines to ensure the appropriate design of commercial developments (such as shopping centres) 	In progress	
<ul style="list-style-type: none"> • Delete the “Cultural Heritage Report, August 2010” from the list of reference documents as it is no longer relied upon 	Completed	C256gben
7. Adopt the ‘Policy Neutral review of the Greater Bendigo Planning Scheme LPPF, April 2018’ as the base version for the MSS re-write. To which new policy will be added and redundant policy deleted in the subsequent Planning Scheme Amendment.	Completed	C256gben
8. Adopt the recommendations of the audit of the Greater Bendigo Planning Scheme as identified in Section 5 of this report, including those relating to: <ul style="list-style-type: none"> • Formatting and language • Planning policy audit • Recommended further strategic work • Maps and plans • Incorporated and reference documents • Local planning policies • Zones, Overlay and Schedules • Schedules to the particular provisions • Referral and notice requirements 	Completed	C256gben

Action	Status	Details
<p>9. Develop comprehensive strategic framework plans for both urban and rural Greater Bendigo to provide the 'big picture' or vision of the municipality and should show:</p> <ul style="list-style-type: none"> • Main features and land uses • Areas that are of significant environmental value • Areas where environmental risk are to be managed • Growth opportunities or constraints • Strategic redevelopment sites • Transport connections • Existing and future infrastructure • Heritage features 	In progress	
<p>10. Adopt the recommendations for further strategic work listed at section 5.2.12 (<i>listed below</i>) and prioritise the recommendations using the proposed strategic work matrix, which assists in identifying need, risk, benefits, costs, and timeframes to complete each piece of work and enable an overall prioritisation of work.</p> <ul style="list-style-type: none"> • Council's adopted strategic work program should be reviewed in light of the recommendations of this review and included in the strategic matrix assessment to ensure all work is prioritised 	Completed	
<p>11. Identify further strategic work to be included in the MSS using the following principles:</p> <ul style="list-style-type: none"> • It will aid a user in making a decision or recommendation • It demonstrates a link to achieving the objectives of planning • It has been clearly scoped and identifies the issue or issues to be addressed • It responds to a relevant local planning need 	Completed	Part of the new MPS under C256gben

Action	Status	Details
12. Include a policy response to the issues identified by stakeholders in the LPPF re-write where appropriate or identify further strategic work to be undertaken.	Completed	Part of the new PPF C256gben
13. Integrate the community survey responses received to the following questions as part of the high level planning vision of the Planning Scheme (the municipal strategic statement): <ul style="list-style-type: none"> • What three words come to mind when you think about Greater Bendigo in 10 to 20 years' time? • What do you value about where you live? • What do you see as the major planning issues and/or pressures facing Greater Bendigo? • How do you want your neighbourhood to develop into the future? 	Completed	Part of the new MPS under C256gben
14. Implement the identified new strategic work into the Planning Scheme as recommended. This includes:		
• Community Plan 2017-2021	Completed	C256gben - CI 02.02, CI 02.03-9, CI 19.02-4L but now superseded by Council Plan (Mir Wimbul) 2021-2025
• Greater Bendigo Municipal Public Health and Wellbeing Plan (2017-2021)	Completed	C256gben - CI 02.03-9, CI 11.03-1L, CI 19.02-4L but now superseded by Healthy Greater Bendigo 2021-2025
• Plan Greater Bendigo (2018)	Completed	C256gben - CI 02.02
• City of Greater Bendigo Rural Communities Strategy (2016)	Completed	C256gben - CI 02.03-2, CI 02.03-4
• City of Greater Bendigo Environment Strategy (2016-2021)	Completed	GC110 – CI 15.02-1L
• City of Greater Bendigo Waste & Resource Management Strategy (2014–2019)	In progress	Relevant actions to be incorporated into Contaminated land review currently underway

Action	Status	Details
• Loddon Campaspe Integrated Transport Strategy (2015)	Completed	C256gben – Cl 18
• Bendigo Freight Study (2017)	Still outstanding	
• Greater Bendigo Public Space Plan (2018)	Completed	C256gben (refer Cl 72.08)
• City of Greater Bendigo Rural Areas Strategy (2009)	Completed	C256gben - Clause 14.01-1L, Clause 16.01-3L
15. That Council: <ul style="list-style-type: none"> • Adopt this report as the review required pursuant to section 12B (1) of the Planning and Environment Act 1987 • Forward the report to the Minister for Planning as required by section 12B (5) of the Planning & Environment Act 1987 • Prepare and implement an Amendment to the Greater Bendigo Planning Scheme to implement the recommendations of the Planning Scheme Review 	Completed	Adopted March 2019 Forwarded to the Minister Amendments being progressively prepared
Recommended further strategic work		
Undertake a Bushfire risk to settlement study	In progress	
Undertake a Municipal Settlement strategy	In progress	
Audit of contaminated land	In progress	
Environmental Significance Study	In progress	
Urban vegetation management strategy	In progress	To be picked up in Env Significance study
Update the Industrial Strategy	In progress	Greater Bendigo Industrial Land Strategy 2020 C256gben Cl 17.03-1L. Further amendment required.

Action	Status	Details
Urban Design program	In progress	
Open Space Contributions Strategy	Completed	C266
Implementing the Municipal Public Health and Wellbeing Plan into the Planning Scheme (MPHWP)	Completed	C256gben - CI 02.03-9, CI 11.03-1L, CI 19.02-4L Since superseded by Healthy Greater Bendigo 2021-2025
Buffers/protection for freight corridors	Still outstanding	
Climate change adaptation and Integrated water management study	Completed	Climate change and Env strategy
Heritage management	In progress	
Review of public zones	In progress	
Review of historic planning controls	In progress	
Junortoun Structure Plan	Still outstanding	

Appendix H Issues identified through consultation with Councillors and Council Officers

Summary of Issue	Details	Source
MAJOR LAND USE & DEVELOPMENT ISSUES FOR GREATER BENDIGO		
<ul style="list-style-type: none"> • 2030 targets to reduce emissions (net zero emissions) • Zero carbon development objectives • Improving biodiversity • Protecting remnant vegetation • Pressure for development of flood prone land • Pressure for further development of farming land • Prioritising pedestrians/active travel over vehicles • Encouragement of densification, especially in central town areas • Environmentally sustainable design • Encouraging energy efficiency in existing development • Managing the requirement for permits for the ongoing vegetation management associated with the Bendigo airport • Managing competing objectives in the Planning Scheme 		Officers Management Councillors
1. POLICY & PROVISIONS ISSUES		
1.1. Settlement		
1.1.1. Operation of the Urban Growth boundary	<ul style="list-style-type: none"> • Pressure for development of land outside the Urban Growth boundary • Evidence of land banking around Huntly Station and other areas outside the UGB 	Officers Management Councillors
Supply of land for various forms of residential development	<ul style="list-style-type: none"> • Oversupply of Rural Living Zoned and Low Density Residential Zoned land 	Officers Management
How to encourage inner city development	<ul style="list-style-type: none"> • Existing policy objectives relating to higher residential densities in the city centre but low-density non-residential uses (in former single dwellings) in these areas are inhibiting these objectives 	Management
Greenfield development infill development	<ul style="list-style-type: none"> • Suggested by developers that development in greenfield locations is 'easier' from an approval point of view than infill development 	Officers Management

Summary of Issue	Details	Source
Land banking and developer driven development		Councillors
Environment and landscape values		
<ul style="list-style-type: none"> Biodiversity 	<ul style="list-style-type: none"> New Biodiversity strategy (12 months away) will assist 	Officers
<ul style="list-style-type: none"> Significant landscapes 	<ul style="list-style-type: none"> Question relevance of some SLOs having regard to extensive removal of vegetation Impact of piecemeal development on some landscapes 	Officers Councillors
<ul style="list-style-type: none"> Vegetation loss 	<ul style="list-style-type: none"> Need for review of vegetation protection Value of <u>all</u> trees Should be considering wildlife protection in conjunction with vegetation protection 	Officers Councillors
Environmental risks and amenity		
<ul style="list-style-type: none"> Adequacy of response to climate change 	<ul style="list-style-type: none"> Incorporation of 2050 targets; Climate Change Bill 2022; Council's new Climate Change and Environment Strategy 	Officers Management
<ul style="list-style-type: none"> Effect of alterations of the landscape on flood risk 		Councillors
<ul style="list-style-type: none"> Contaminated land, e.g., former mining areas 	<ul style="list-style-type: none"> Proximity to existing residential areas 	Officers Management
<ul style="list-style-type: none"> Adequacy of land use buffers 	<ul style="list-style-type: none"> Landfill sites Water treatment plants Airport Historically industrial uses have been embedded within residential areas, e.g., mining creating land use conflict issues 	Officers Management
<ul style="list-style-type: none"> Gambling 	<ul style="list-style-type: none"> <i>Reducing Harm from Gambling Policy</i>, adopted in December 2021 Includes recommendations re changes to the Planning Scheme 	Officers
<ul style="list-style-type: none"> Woodfire heaters in residential areas? 	<ul style="list-style-type: none"> Whether any ability to restrict woodfire heaters in new buildings in General Residential and Township Zone based on complaints and impacts on the community. 	Officers

Summary of Issue	Details	Source
Natural resource management		
<ul style="list-style-type: none"> Potential loss of agricultural land 	<ul style="list-style-type: none"> Dwellings in the Farming Zone Viability of agriculture on some smaller lots Land capability information fragmented and out of date, work currently being undertaken Prime agricultural land being rezoned and developed for housing vs utilizing areas of poorer land 	Officers Management Councillors
<ul style="list-style-type: none"> Trends in alternative use of land in farming zone which policies and specific provisions are not keeping pace with 	<ul style="list-style-type: none"> Other possible uses in the Farming Zone, e.g., intensive animal husbandry, cellar doors, bed and breakfasts Newer local food economy 	Officers Management Councillors
<ul style="list-style-type: none"> Alternative use of poor agricultural land 	<ul style="list-style-type: none"> Carbon farming – revegetation, planting of offsets 	Councillors
Built environment and heritage		
<ul style="list-style-type: none"> Impact of neighbourhood character and heritage on urban form 		Officers Management
<ul style="list-style-type: none"> Heritage protection 	<ul style="list-style-type: none"> Should be focused on protection of better examples Should include tree controls in some precincts 	Councillors Officers
<ul style="list-style-type: none"> Electronic signage 	<ul style="list-style-type: none"> How to manage within the context of objectives re enlivening the City Centre 	Officers Management Councillors
Housing		
<ul style="list-style-type: none"> Lack of social housing 		Officers
<ul style="list-style-type: none"> General lack of supply of housing 		Officers
<ul style="list-style-type: none"> Lack of diversity of housing 		Officers Councillors

Summary of Issue	Details	Source
<ul style="list-style-type: none"> Secondary dwelling opportunities 	<ul style="list-style-type: none"> What was the outcome of a DELWP pilot done about 2 years ago? 	Councillors
Economy		
<ul style="list-style-type: none"> Lack of industrial land supply 	<ul style="list-style-type: none"> INZ1 suited uses ending up in INZ3 zones Industries are occupying any Industrial zoned land regardless of suitability/zoning due to shortage of available industrial land 	Officers Management
<ul style="list-style-type: none"> Need for a range of locations for industrial development 	<ul style="list-style-type: none"> Can better support the local economy and local jobs 	Management
Transport		
<ul style="list-style-type: none"> Encouraging active transport modes and challenges around mode shift 	<ul style="list-style-type: none"> Ways to preference active transport modes over car parking and car travel? 	Officers
<ul style="list-style-type: none"> Requirement for car parking 	<ul style="list-style-type: none"> Use of prime land for car parking due to the expectation of parking close to everything 	Officers
Infrastructure		
<ul style="list-style-type: none"> Resource recovery sites 	<ul style="list-style-type: none"> Need to plan for future requirements of existing resource recovery sites or future needs having regard to residential development and expansion 	Officers
<ul style="list-style-type: none"> Lack of infrastructure in some areas 	<ul style="list-style-type: none"> How to address the legacy of poor planning outcomes Need to retrofit infrastructure, e.g., footpaths into developments due to resident pressure 	Councillors
Local Policies generally		
<ul style="list-style-type: none"> Relationship between Policies and other Scheme provisions 	<ul style="list-style-type: none"> Confusion and potentially conflict between Local Policies in the PPS and specific zones and overlays 	Officers
<ul style="list-style-type: none"> Local policies vs zone/overlays provisions 	<ul style="list-style-type: none"> Local policies still include very specific provisions? Disconnect when looking at specific land on a map and having to drill down to relevant local policy Inconsistent use of local policies vs zones and overlays to deal with the similar issues e.g., Planning for Places 	Officers

Summary of Issue	Details	Source
Clause 18.02-4L-02 Calder Freeway and Calder Highway Environs – Greater Bendigo		
<ul style="list-style-type: none"> Duplication of DDO3? 	<ul style="list-style-type: none"> Broaden DDO3 to cover all areas covered by the policy and then delete policy (Consultant Comment: The policy sets up the policy behind DDO3 so would not support deleting it). 	Officers
Other Policy Matters		
<ul style="list-style-type: none"> Future redevelopment of Council assets 	<ul style="list-style-type: none"> How Planning Scheme could signal future use and development of Council land (e.g., community facilities deemed in excess of requirements) 	Officers
<ul style="list-style-type: none"> Effectiveness of current signage policy 	<ul style="list-style-type: none"> Do not support electronic signage where it impacts heritage character and amenity 	Councillors
<ul style="list-style-type: none"> Health impacts of some land uses 	<ul style="list-style-type: none"> Fast food outlets in lower socio-economic areas 	Councillors
SPECIFIC ZONES & OVERLAYS		
Farming Zone		
<ul style="list-style-type: none"> Possible uses too narrow 	<ul style="list-style-type: none"> Zone provisions don't reflect current niche uses of farming land e.g., Carbon farming 	Councillors
Vegetation Protection Overlay		
<ul style="list-style-type: none"> Need review 	<ul style="list-style-type: none"> Not clear why the polygons are shaped the way they are 	Officers
<ul style="list-style-type: none"> Utility installations 	<ul style="list-style-type: none"> Does not include an exemption for utility installations as found in Clause 52.17 	Officers
Development Plan Overlay		
<ul style="list-style-type: none"> Redundant DPOs 	<ul style="list-style-type: none"> Some no longer required DPOs and DDOs currently being reviewed 	Officers
<ul style="list-style-type: none"> Questionable application of the DPO as the correct tool 	<ul style="list-style-type: none"> DPOs referencing an external document (DELWP has raised as an issue) Questionable application at a site vs precinct level 	Officers

Summary of Issue	Details	Source
	<ul style="list-style-type: none"> Question as to whether DDO would be a better tool 	
<ul style="list-style-type: none"> Advertising of new development plans 	<ul style="list-style-type: none"> Planning Scheme does not always require but Council requires 	Officers
Design and Development Overlay		
<ul style="list-style-type: none"> Duplication and overlap 	<ul style="list-style-type: none"> DDO16 and DDO17 duplicate DDO1 Opportunity to put DDO1 subdivision requirements into DDO16 and DDO17 and then remove DDO1? 	Officers
<ul style="list-style-type: none"> DDO6 Urban Forest – Interface 	<ul style="list-style-type: none"> DDO6 partially duplicates Clause 12.02-2L Urban Forest Interface – Greater Bendigo Clause 12.05-2L applies to land that abuts forested areas in the GRZ, LDRZ, IN1, and IN3 zones DDO6 applies to limited areas within Sailors Gully, Eaglehawk, Jackass Flat and Strathfieldsaye with unknown justification. 	Officer
<ul style="list-style-type: none"> DDO8 – 579 Napier Street and 20 Priest Street, White Hills 	<ul style="list-style-type: none"> Review and potentially remove? Covered in the decision guidelines for the Commercial 1 Zone (Consultant Comment: If Council is seeking a specific design outcome for this precinct that is distinct from the more general built form related decision guidelines in the Commercial 1 Zone, the overlay should be retained) 	Officer
Parking Overlay		
Car parking requirements associated with heritage building	<ul style="list-style-type: none"> Potential for removal of requirement for car parking for changes of use associated with older buildings to encourage reuse of heritage buildings. 	Officer
Zoning corrections/anomalies		
<ul style="list-style-type: none"> ESO3 (Eppalock Declared Water Supply Catchment) 	<ul style="list-style-type: none"> Does not fully align with the actual boundaries of the Eppalock Water Supply Catchment Area 	Officers
<ul style="list-style-type: none"> Lack of rationale for some boundaries 	<ul style="list-style-type: none"> For example, between Farming Zone and Low Density Residential Zone when the land appears to have the same characteristics, e.g., Lockwood area with rural lifestyles adjacent to farms 	Councillors

Summary of Issue	Details	Source
PARTICULAR PROVISIONS		
<ul style="list-style-type: none"> Clause 52.17 – Native Vegetation as it applies to Bendigo Airport 	<ul style="list-style-type: none"> Requirement for ongoing permits for vegetation removal (lopping and pruning related to the Obstacle Limitation Surfaces) which impact the airport's compliance requirements Potential for exemptions? 	Officers
OPERATIONAL ISSUES		
<ul style="list-style-type: none"> Multiplicity of layers of zones and overlays 	<ul style="list-style-type: none"> Duplication of a local provision and a DDO or DPO Potential conflict between layers 	Officers
Referral of applications		
<ul style="list-style-type: none"> Internal referrals 	<ul style="list-style-type: none"> Inconsistent referral of applications for permits, e.g., applications for development adjacent to Council owned or Crown land Volume of ESD referrals, suggestion for planners to assess simpler, straighter forward ESD assessments 	Officers
<ul style="list-style-type: none"> External referrals 	<ul style="list-style-type: none"> Lack of clarity around some requirements for referrals, e.g., Native vegetation Excessive layers of referrals slow down the approval process Referrals authorities placing unreasonable or unexplained requirements on permits Lack of clear direction from DELWP and CFA Delays in receipt of response Expectations of a referral under s55 of the Act rather than s52 as specified in the Planning Scheme Referral authorities applying excessive conditions rather than objecting to grant of permit 	Officers
Monitoring and Compliance		
<ul style="list-style-type: none"> ESD outcomes and compliance 	<ul style="list-style-type: none"> If standards are successfully elevated, will need improve ESD outcomes and compliance 	Officers

Summary of Issue	Details	Source
References to other documents		
<ul style="list-style-type: none"> Confusion between types of documents 	<ul style="list-style-type: none"> Background documents vs policy documents vs incorporated documents Inconsistently referred to Opportunity for hyperlinking? 	Officers
<ul style="list-style-type: none"> Access to the documents 	<ul style="list-style-type: none"> Varies, particularly for public 	Officers
INHERENT TENSIONS		
<ul style="list-style-type: none"> Bushfire protection vs protecting native vegetation 		Officers Management
<ul style="list-style-type: none"> Bushfire risk vs settlement 		Officers Management
<ul style="list-style-type: none"> Expanding settlement areas vs loss of native vegetation and biodiversity 		Officers Management
<ul style="list-style-type: none"> Growth/development vs sustainability 		Officers Management
<ul style="list-style-type: none"> Financial viability vs protection of agricultural land 	<ul style="list-style-type: none"> Restrictions on housing Restrictions on alternative uses, e.g., solar farms, intensive agricultural activities 	Officers Management
<ul style="list-style-type: none"> Building controls vs development controls 		Officers Management
<ul style="list-style-type: none"> Rural lifestyle vs farming 		Councillors
<ul style="list-style-type: none"> Vibrancy vs protection of heritage character in inner city 		Councillors

Appendix I Planning Practice Notes introduced or amended since October 2018

No.	Title	Date	Implications?
PPN01	Applying the Heritage Overlay	August 2018	
PPN03	Applying the Special Use Zone	May 2022	
PPN07	Vegetation Protection in Urban Areas	August 1999	
PPN12	Applying the flood provisions in Planning Schemes	June 2015	
PPN13	Incorporated and Background Documents	March 2020	Inconsistent identification of some incorporated and background documents and issues re the availability of some documents
PPN18	Planning Considerations for Horticultural Structures	April 2017	
PPN22	Using the Car Parking Provisions	June 2015	
PPN23	Applying the Incorporated Plan and Development Plan Overlays	Nov 2018	Some Development Plan Overlays potentially applied in a manner inconsistent with the Practice Note.
PPN30	Potentially Contaminated Land	July 2021	
PPN37	Rural Residential Development	June 2015	
PPN42	Applying the Rural Zones	June 2015	
PPN46	Strategic Assessment Guidelines	August 2018	
PPN54	Managing Referrals and Notice Requirements	June 2015	
PPN55	Planning in open drinking water catchments	February 2018	
PPN56	Activity Centre Zone	June 2015	
PPN57	The Parking Overlay	April 2013	
PPN59	The Role of Mandatory Provisions in Planning Schemes	September 2018	

No.	Title	Date	Implications?
PPN60	Height and Setback Controls for Activity Centres	September 2018	
PPN64	Local planning for bushfire protection	September 2015	
PPN85	Applying the Commercial 3 Zone	September 2018	
PPN89	Extractive industry and resources	February 2020	
PPN90	Planning for housing	December 2019	
PPN91	Using the residential zones	December 2019	
PPN92	Managing buffers for land use compatibility	March 2021	
PPN94	Land use and transport integration	December 2021	
PPN95	Local heritage protection provisions	May 2022	

Appendix J Assessment of Panel decisions – October 2018-August 2022

	Date of Panel Report	Amendment No.	Title	Summary of Amendment	Panel Conclusions and Recommendation	Implications for Planning Scheme Review?
1.	12 June 2018	C234	40 Harley Street, Strathdale	Application of Heritage Overlay.	<ul style="list-style-type: none"> Satisfied that the Amendment is supported by and implements the relevant sections of the PPF and is consistent with relevant Ministerial directions and Practice Notes. Recommended that the Amendment be adopted as exhibited with changes to the area covered by the Overlay. 	None.
2.	8 July 2019	C226gben	Planning permit application and Industrial 3 rezoning Kangaroo Flat	Rezoning of 1.9ha at 1A Railway Street, Kangaroo Flat from General Residential Zone to Industrial 3 Zone and removal of DPO17 as well as an application for subdivision, use and development for service industry and warehousing, native vegetation removal, car parking reduction and creation of common property.	<ul style="list-style-type: none"> Panel recommended adoption as exhibited and following adoption issue of planning permit subject to minor changes. 	None.

	Date of Panel Report	Amendment No.	Title	Summary of Amendment	Panel Conclusions and Recommendation	Implications for Planning Scheme Review?
3.	16 January 2020	C232gben	Strathfieldsaye Urban Design Framework	Implements the Strathfieldsaye Urban Design Framework 2017 and Strathfieldsaye Township Plan (amended 2021). Changes to zones and overlays, planning tools to better manage on-site effluent disposal and urban forest interface issues. Also corrects some zoning and overlay errors.	<ul style="list-style-type: none"> The Amendment is supported by and implements the relevant sections of the PPF and is consistent with relevant Ministerial directions and Practice Notes. Recommended the Amendment be adopted as exhibited with minor changes. 	Panel report notes that: <i>"Council acknowledged that character policies are old and need review."</i> . Panel agreed with Council that: <i>"any review of the UGB (Urban Growth Boundary) needs to be done on a municipal wide basis"</i>
4.	30 June 2020	C222gben	Huntly Development Contributions Plan	Introduction of Huntly DCP into the Planning Scheme and related mapping and other minor changes and associated rezoning.	<ul style="list-style-type: none"> Panel supported adoption of the Amendment as exhibited with some wording changes. 	Panel noted that it was unfortunate that there was a lack of structure planning for the wider precinct and therefore exclusion of two large precincts, thereby making it more difficult to introduce a DCP for those areas at a later time.

	Date of Panel Report	Amendment No.	Title	Summary of Amendment	Panel Conclusions and Recommendation	Implications for Planning Scheme Review?
5.	6 October 2020	C242gben	Heathcote Flood Study	Application of Urban Floodway Zone (UFZ) and Land Subject to Inundation Overlay (LSIO) in accordance with the Heathcote Flood Study.	<ul style="list-style-type: none"> • Satisfied that the Amendment is supported by and implements the relevant sections of the PPF and is consistent with relevant Ministerial directions and Practice Notes. • The Amendment is well founded and strategically justified. • Recommended that the amendment be adopted as exhibited with some changes to the extent of the proposed UFZ and LSIO • Panel specifically recommended that: Council discuss with the Department of Land Water and Planning the best mechanism to include more transparent reference to the Heathcote Local Floodplain Development Plan 2019 in the Schedules to the Land Subject to Inundation Overlay. 	How to include reference to the Heathcote Local Floodplain Development Plan 2019 in the schedules to the Land Subject to Inundation. Requires consultation with DELWP as the schedule template does not make provision for it.

	Date of Panel Report	Amendment No.	Title	Summary of Amendment	Panel Conclusions and Recommendation	Implications for Planning Scheme Review?
6.	27 April 2021	C235gben	Bendigo City Centre Heritage Study Stage 1	Implements Bendigo City Centre Heritage Study Stage 1 by applying the Heritage Overlay to 18 individual heritage places.	<ul style="list-style-type: none"> Satisfied that the Amendment is supported by and implements the relevant sections of the PPF and is consistent with relevant Ministerial directions and Practice Notes. The Amendment is well founded and strategically justified. Recommended that the amendment be adopted as exhibited but with some changes to citations and curtilage. 	Although not part of the amendment the Panel also concluded that Council should review the inclusion of 24 Myers Street in HO212.
7.	8 July 2022	C271gben	Heritage Overlay – 55 Condon Street, Kennington	Application of a Heritage Overlay (HO937) to part of the land at 55 Condon Street, Kennington and associated changes to the Schedule to Clause 43.01 (Heritage Overlay) and the Schedule to Clause 72.04 (Documents incorporated in this Planning Scheme).	<ul style="list-style-type: none"> The Panel concluded that the Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes and that the Amendment is well founded and strategically justified. Recommended be adopted as exhibited with some changes to Statement of Significance, HO map, and schedules to Clause 43.01 and 72.4). 	None.

Appendix K Review of VCAT decisions

Greater Bendigo Planning Scheme Review 2022: Victorian Civil and Administrative Decisions 2017-2022

VCAT

victorian civil & administrative tribunal

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
PLANNING AND ENVIRONMENT LIST

CATCHWORDS
 Bendigo TIA List of the Planning and Environment Act 1987, Greater Bendigo Planning Scheme, Planning Scheme, Industry Land Subdivision, Application for retrospective permission, Public, Access, R (residential)

REFERENCE
 APPLICANT: Central Victorian Winding and Fabrication Pty Ltd
 RESPONSIBLE AUTHORITY: Greater Bendigo City Council
 REFERRAL AUTHORITY: Road, Transport of Victoria

REFERENCE
 APPLICANT/RESPONSIBLE AUTHORITY: Greater Bendigo City Council
 RESPONDENTS: Central Victorian Winding and Fabrication Pty Ltd, Benjamin Paul Harris, Melissa Lee Harris

SUBJECT LAND
 Part of 11 Ingham Road, Ascotdale
 Hearing
 DATE OF HEARING: 1, 4, 7 & 8 May 2021
 DATE OF ORDER: 3 June 2021
 CITATION: Central Victorian Winding and Fabrication Pty Ltd v Greater Bendigo CC [2021] VCAT 162

ORDER

APPLICATION P18070019
 Decision affirmed:
 1 The decision of the responsible authority dated 18 July 2019 is affirmed.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
PLANNING AND ENVIRONMENT LIST

CATCHWORDS
 Western RPA, Planning and Environment Act 1987, Planning Scheme, High Density, zoning application, variation of a planning scheme application

APPLICANTS
 Elaine Hord Pickering and Fran Rose Pickering

RESPONSIBLE AUTHORITY
 Greater Bendigo City Council

RESPONDENT
 Greg F Whelan

SUBJECT LAND
 Allot 31A, Sec 18 Parish of Northborough, Northborough-Northborough Road, Northborough VIC 3170

HEARING TYPE
 Hearing (online)

DATE OF HEARING
 23 July 2021

DATE OF ORDER
 15 June 2022

CITATION
 Pickering v Greater Bendigo CC [2022] VCAT 876

ORDER

1 In application for review P187702028, the decision of the responsible authority is affirmed.
 2 In planning application DR226/2020, a permit is granted. The permit allows the use and development of land for a dwelling at CA 31A, Sec 18 Parish of Northborough (Northborough-Northborough Road, Northborough) in accordance with the endorsed plans and subject to the conditions in Appendix A.

Frank Derosse
 Member

The permit conditions are unchanged from the conditions in the notice of decision to grant a permit (except that Greater Bendigo City Council on 15 October 2020, except for an amendment to condition 12 permit expiry)

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
PLANNING AND ENVIRONMENT DIVISION
PLANNING AND ENVIRONMENT LIST

CATCHWORDS
 Section 10 of the Planning and Environment Act 1987, Greater Bendigo Planning Scheme, Heritage, Residential Use, Access and Green Code, Access

APPLICANTS
 Andrew Richter and Elizabeth Scott

RESPONSIBLE AUTHORITY
 Greater Bendigo City Council

REFERRAL AUTHORITIES
 Coliban Region Water Corporation, Perseus Australia Ltd, Glenora 150000 Australia Pty Ltd, Country Fire Authority

RESPONDENT
 Forest & MacKenzie Pty Ltd

SUBJECT LAND
 14 MacKenzie Street, Bendigo

WHERE HELD
 Melbourne

BEFORE
 Tracey Wilton-McGibson, Member

HEARING TYPE
 Hearing

DATE OF HEARING
 31 August & 1, 2, 16 September 2020

DATE OF ORDER
 19 October 2020

CITATION
 Richter v Greater Bendigo CC [2020] VCAT 1149

ORDER

No permit granted
 1 In application P197710119 the decision of the responsible authority is not made.
 2 In planning permit application DR 1/20 2019 no permit is granted.

Tracey Wilton-McGibson
 Member

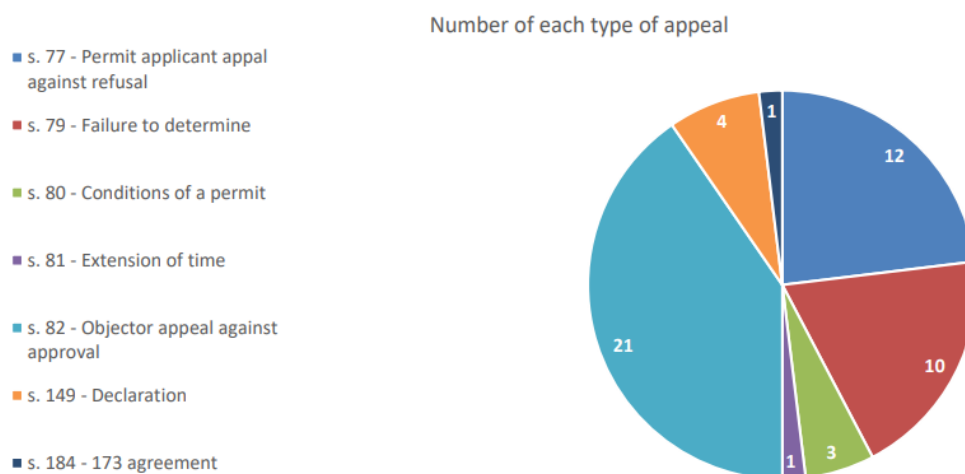
Introduction:

Victorian Civil and Administrative Tribunal (VCAT) findings between 2017 and 2022 have been reviewed to identify areas where the Scheme has been effective in guiding decisions and assisted VCAT in determinations, and areas where policy has been missing or has not been helpful to VCAT.

Most of the decisions of the City during the review period have been supported by VCAT with 12 of the 52 (23 percent) decisions set aside.

As was the case with the previous review the majority of VCAT matters related to residential development (including subdivision) which accounted for 32 of the 52 decisions (61 percent). The most common appellants are permit applicants/proponent (31 of 52) and third party objectors (21 of the 52).

In terms of the nature/ type of appeal the chart below illustrates the range of appeals lodged:



The review has identified that 8 of the 52 (15 percent) matters have been settled at VCAT without the need for merits hearing. This is reflective of VCAT's increasing preference to list major cases and other matters for compulsory conference. It is also reflective of the City and other parties positively approaching alternate dispute resolution offered genuinely and in good faith. It will be interesting to monitor whether this number holds moving forward.

The previous VCAT review (2010 – 2017) covered a longer period and considered 183 decisions (an average of 26 a year) whereas in this review period of four complete years 52 decisions were made (an average of 13 a year) which is a significant reduction in appeals. A more detailed analysis of the types of applications being received and whether they are exempt from third party notice and review would need to seek to understand the reasons; however, some of the reasons could be attributed to:

- Changes to the Planning and Environment Act/ VCAT Act to no longer allow expired permits to be extended (this accounted for 31 decisions in the previous review period);
- The introduction of VicSmart (and its three class extensions/ one modification) since 2014 – note VicSmart applications account for approximately 10% of applications in the City which in a normal year is around 100 applications) which are not subject to notice and review; and
- Greater levels of consultation with objectors by assessing planners. Anecdotally an objector who feels they have been heard or have been able to negotiate some plan changes through our consultation process are less likely to appeal a decision.

The following is a commentary that deals with some themes observed, or decisions of note with respect to various policy or technical considerations.

Review of notable decisions:

Dwelling diversity and locations for residential growth:

- DR/257/2020 - 37 Barrell Street, CALIFORNIA GULLY 3556 Construction of five dwellings, associated outbuildings, and alteration to vehicle crossover; and
- DSD/521/2018 - 50 Mill Street, STRATHDALE Construction of four dwellings on a lot; four lot subdivision; and creation of an easement.

Character policy is a tool that is used to guide decision making for infill residential development. The City has over 84 Character Policy precincts, which the Planning Panel at the time noted was reflective of the City's desire to have a 'fine grain' level of differentiation between precincts. The Panel also noted that having that level of policy was appropriate for the strategic context of the time where population growth was low. Character Policy and its consideration remain key considerations for applications determined by the City and VCAT in the absence of the application of the full suite of residential zones and the related schedules where character matters may be included in a schedule.

With respect to the 37 Barrell Street decision; this site was within a General Residential Zone and proposed five single storey, two bedroom semi-detached dwellings on a lot of 2252 m2. Despite this being a decidedly conservative barely medium density development; the Tribunal in refusing the application noted:

"Ultimately, my reading of the policy framework and supporting strategic documents leads me to conclude that while Bendigo is a regional city that is identified as a place for major growth in the hierarchy of settlements in regional Victoria, at a more granular level and relative to other locations within Bendigo itself, the site is not in a location identified for significant housing growth and change. It is not identified as a place for 'major infill opportunities'. In fact, other than not being earmarked for significant growth, there is very little policy guidance for the degree of growth envisaged for this particular location or indeed the other similarly shaded light grey areas within the UGB in the clause 21.04-2 Framework Plan".

By contrast; in the same zone at 50 Mill Street proposing three two storey and one split level dwelling (all three bedroom) on a lot of 1744 square metres the Tribunal approved and required the modification of one of the dwellings to be two bedroom remarking:

"I do not agree with the submissions of the applicant that the proposal will provide the diversity the scheme is seeking. I also do not agree that the provision of a dwelling with less than 3 bedrooms would be an incorrect application of policy – the scheme seeks diversity in dwelling size noting the oversupply of three plus bedroom dwellings and the lack of smaller dwelling sizes, where this proposal provides only three and four bedroom dwellings, all with two living areas. This strikes me as proposing "more of the same" which is exactly what the scheme seeks to avoid at clause 21.05-4".

Until the City has strategically applied the full suite of residential zones, it is expected that inconsistencies in decision making will remain likely. Strategic guidance for density is only found in policy statements and sometimes imprecise accompanying mapping. A similar theme/ concern about the application of the zones was apparent in the previous review however this is being worked through in the context of the City's Managed Growth Strategy.

Heritage Policy

12 decisions related to sites where the Heritage Overlay applies. None were particularly noteworthy. One decision related to a VicSmart application (2 McLaren Street, BENDIGO 3550 for the Construction of a garage). In the eight years that VicSmart has been in place remains the only application of its type which has been appealed.

The City's rolling program of updating existing and undertaking new heritage studies holds the City in good stead to proactively respond to emerging issues. The result of this is that there is regular opportunity; through the Planning Scheme Amendment Process for policy and other tools such as the Heritage Overlay Incorporated Plan updated accordingly.

From a practitioner standpoint, Heritage Policy is one of the best developed and useable policies to assist and guide in decision making.

Farming Zone dwellings and dwelling excisions

- DS/164/2017 - 330 and 338 Olympic Parade, MAIDEN GULLY 3551 *In accordance with the endorsed plans: - 2 Lot subdivision;*
- DS/266/2021 - 15 Panorama Road, LOCKWOOD SOUTH 3551 *2 lot subdivision of land (dwelling excision); and*
- DR/226/2020 - CA 31A Eaglehawk-Neilborough Road, NEILBOROUGH 3570 *Use and development of land for a dwelling in accordance with the endorsed plans.*

The first two listed decisions involved two lot subdivisions which would not be possible if not for the dwelling excision provision found at clause 35.07-3 of the Farming Zone. Council took a position of opposing both applications; and both were overturned on appeal with permits granted. The position taken by the City in both matters. The 330 and 338 Olympic Parade decisions noted that:

35. In all, I agree with council that there is no overwhelming strategic support for the proposed subdivision, and that uncertainty of farming around urban areas have been a planning challenge. Prevention of land fragmentation and discouragement of speculation are important mechanisms for controlling rural land prices.

36. In this matter, the land does not have a history of agricultural production and the land has not been identified to be of high agricultural value. Its location and surrounding land uses suggest that the area is not an active productive area, and the land is unlikely to benefit or detract from any nearby farm, if one exists in the immediate area. The subdivision of the land does not cause a further erosion of agricultural activity in the area.

37. Given the circumstances that there is no agriculture conducted on the land, the unlikely scenario that the subdivision would prejudice agricultural production of nearby land, and the second house is already existing and lawfully established, I conclude that the proposed subdivision is not contrary to the zoning of the land. On a practical and pragmatic level, it is an acceptable outcome with regard to the policies of the planning scheme.

In the 15 Panorama Road decision the Tribunal noted that:

16. Planning permission is required to subdivide any land in the FZ. Under the planning scheme, each new lot must be at least 40 hectares, however there is discretion to allow smaller lots under specified circumstances. The application proceeds on the basis of one of these specified circumstances, i.e., the subdivision will create a lot for an existing dwelling and the subdivision is a two lot subdivision.

17. The Council contends that the underlying purpose and history to this exception is to provide for a dwelling excision in order to support the transition of retiring farmers to pass on farmland while being able to stay in their homes. More broadly it is suggested that under the exception it is also intended that only a small part of the land be subdivided to provide for the dwelling and the larger remaining portion of the land remain available for ongoing agricultural use. It is put by the Council that this is not the circumstance here.

18. This may well be true and I am aware of the varied history of planning controls over dwelling excisions on farmland in Victoria. However, the wording of clause 35.07-3 does not specify any more than the specific circumstances that are to be applied for exceptions to the minimum lot size. Nor does the two lot-dwelling excision exception establish any limit or requirement for the resulting size for the excised dwelling lot or remaining land.

19. The fact is that the circumstances proposed here meet the specified requirements and the applicant can take the benefit of those circumstances.

Whilst the above two decisions largely turned on what was not in the zone itself (in terms of the exercise of this particular discretion); this is an issue that should be closely considered when the City reviews the Rural Areas Strategy (which is being scoped in the current financial year). The review will be a holistic strategy that considers the application of the full suite of rural zones; but is also an opportunity to address possible gaps in the current Rural Dwelling/Subdivision policies found at clause 14.01-1L.

The CA 31A Eaglehawk-Neilborough Road decision related to a proposal for a dwelling on two former crown allotments in one of City's more fragmented Farming Zone areas. The decision noted that:

- 19. The decision guidelines for accommodation in the FZ1 focus on whether the development of a dwelling will cause a loss of productive agricultural land and whether the dwelling will have an adverse effect on the management of surrounding agriculture. For example, a new dwelling may inhibit the ability to consolidate farmland or constrain agricultural activities on surrounding land due to potential adverse amenity effects.*
- 20. In this case, the lots in the Neilborough area are predominantly long established crown titles of 7~9 hectares as illustrated in Figure 1. In the past, these crown titles may have been aggregated into larger holdings, however, the pattern today is one of individually owned lots.*

and

- 25. Planning policy at Clause 14.01-1L of the planning scheme also refers to farm viability and the necessity for a dwelling to support agricultural activity, with the emphasis on assessing the effect of subdivision on productive agriculture. As an existing crown allotment, the issue of subdivision does not arise. In fact, the opposite is required by the consolidation of two crown allotments, 31A and 31B. Although one of the lots is small, the fact remains that the consolidation required by Condition 3 of the permit increases the size of the subject land and reduces the probability of an additional dwelling in the area.*

The dwelling excision examples largely turned on what was not in the zone itself (in terms of the exercise of this particular discretion); the single dwelling example was a sound decision in a fragmented context (albeit one which also took the opportunity to require consolidation of lots to eliminate the possibility of a future dwelling application on the balance land.

The issue of dwelling excisions is one which should be closely considered when the City reviews the Rural Areas Strategy (which is being scoped in the current financial year).

The City is well aware there is a legacy of areas containing large numbers of unconsolidated former crown allotments and dwelling excisions can of course exacerbate the unplanned loss of agricultural land; which policy discourages. That said, specific local area guidance or the application of suitable controls will help address the current challenges being faced in this policy space – for example the City has three schedules to the Restructure Overlay (in Ravenswood, Kamarooka and Neilborough).

The Rural Areas Strategy will need to be a holistic one which considers the application of the full suite of rural zones and the Restructure Overlay; but is also an opportunity to address possible gaps in the current Rural Dwelling/Subdivision policies found at clause 14.01-1L.

Industrial use in a Farming Zone

- DU/797/2016 - 45 Ingham Road, AXEDALE 3551 *Use of land for industry (steel fabrication)*

This decision related a decision to affirm a decision to refuse an incompatible industrial use refused (use was already operating) relying in part on clause 22.05 (Industrial Policy) which discourages Industrial uses that do not relate to agriculture from locating in such zones. Planning policy is also clear on where such uses should locate. The Tribunal in this case noted:

118. An industry may be permitted in an FZ. The Scheme requires consideration of various matters in deciding whether to grant permission. The most determinative issue in this proceeding is how the application responds to policy, particularly industry policy.

119. Mr Glossop and Mr Milner, both planning experts, have different opinions about whether the application is a satisfactory response to industry policy. The main difference in approach between them is that Mr Glossop gives more weight to broader economic development policy and the changing role of farming areas generally, whereas Mr Milner gives more weight to local industry policy that encourages industry growth in particular areas other than Axedale.

120. Ultimately, I prefer Mr Milner's opinion because the Council has gone to considerable effort to prepare local policy. The policy has been approved and forms part of the Scheme and, impliedly, it is consistent with broader policy.

121. In carrying out the necessary net community benefit analysis, my findings about the response to industry policy carries considerable weight.

Clause 22.05 has been successfully translated to 17.03-1L. This decision underscores the importance of policy getting to a level of locational specificity as to where uses are to be encouraged and discouraged (as a second line of defence for zones such as the Farming Zone which can permit industrial uses).

Having appropriately zoned land for industrial uses is a challenge the City is facing; however, Council has adopted the *Greater Bendigo Industrial Land Development Strategy* and significant work to make new industrial land available is ongoing.

City Centre/Hospital Precinct

- DR/912/2016 - 42-44 Galvin Street, BENDIGO 3550 *Demolition of existing buildings and construction of a four storey building comprising 8 dwellings; and*
- DU/830/2020 - 75 Bridge Street & 79 Arnold Street, BENDIGO 3550 *Use and development of a service station and take away food and drink premises, display of illuminated signage and alterations of access to a road zone category 1*

The above two cases represent 'firsts' for the City in terms of strategy, and the resultant controls being tested. The former being *New visions, new opportunities – Bendigo CBD Plan (2005)* the latter the *Hospital Precinct Structure Plan (2014)*. The City refused both applications for reasons including lack of strategic support and the Tribunal affirmed both decisions.

The Galvin Street decision related to a four storey building in the General Residential Zone; with both a Heritage Overlay and the Design and Development Overlay (Schedule 5). The DDO5 was the tool chosen to implement the CBD Plan. The Tribunal noted for the DDO and this site that:

34. Much of the text of DDO5 is oriented to the CBD's core and periphery, with far less said about the low scale areas. Many of its objectives and requirements demonstrate this. Controlling setbacks, protecting streets from overshadowing, promoting active frontages, and making streets safe and welcoming are typical planning outcomes sought for a CBD and I find that many sit uncomfortably with the site's location.

35. For example, considering the negative impacts of overshadowing a street is warranted in the walkable core of the CBD yet I see few compelling reasons to protect Galvin and Williamson Streets from this impact. Likewise, active frontages are very important for city streets yet seems unwarranted given the suburban character of Galvin Street.

36. *What is sought for the 'low scale' areas regarding building height is found in Table 1 of clause 2 of DDO5. It is to achieve 'development (that is) consistent with the traditional low rise character of the area'. In this context, I find that the 9-metre preferred height is a reasonable expression of the preferred character. It legitimises taller buildings than are currently found on Galvin Street (excepting the Church) by saying that buildings of up to 9 metres in height can be regarded as being 'consistent with the traditional low rise character of the area'.*

The Bridge Street decision related to a '7-Eleven' operated service station comprising a fuel sales kiosk and convenience store with an area of 217 square metres. The service station includes a fuel canopy with fascia signage and six (6) bowsters with areas for vehicle queuing. In this latter that Tribunal noted:

52. *Overall, and having regard to the above, I find the proposal is at odds with the strategic intent of the Greater Bendigo Planning Scheme for the site and for the Bridge Street Activity Area. The site is identified in the Hospital SP as a landmark site. It is a large site available for development and given its location on a prominent corner offers a unique opportunity for development such as what is envisaged in the Greater Bendigo Planning Scheme that can be accommodated.*

53. *I have considered the previous Tribunal decisions and consider that the Greater Bendigo Planning Scheme does provide a clear and consistent framework of policy and controls within which decisions about the proposal can be made.*

Both decisions were pleasing in that considerable weight was given to the place specific strategic planning which the City had undertaken. With respect to the CBD Plan; the City has prepared a refresh of this plan that includes a new Urban Design Framework and proposes to utilise the Activity Centre Zone to consolidate the City's strategic vision which will build on the strong foundation provided by the 2005 plan.

Strategic Planning in Strathfieldsaye

- DC/651/2020 - 2 Club Court, STRATHFIELDSAYE 3551 *Use of the subject land as a medical centre. Use of the subject land as a service station. Construction of a building and the construction or carrying out of works. Construction and putting up for display of signs. Removal of native vegetation. Creation of access to a Road Zone Category 1.*

The previous review touched on a proposal for this site for the Strathfieldsaye Shopping Plaza Development Plan – which the City opposed and VCAT affirmed in 2013. Since that time, new strategic work including an Urban Design Framework and schedules to the Mixed Use Zone were implemented. The schedules were framed in a way that sought to guide land use outcomes. The City's position on the application was that in light of the controls that the proposal lacked strategic support and was contrary the built form outcomes sought by the Design and Development Overlay.

In granting a permit the Tribunal remarked:

36. *On the one hand, I acknowledge that Schedule 2 to the MUZ is overtly encouraging shop-top or medium density housing on the subject land and the UDF features a similar preference. This appears to be consistent with the desire to consolidate the town centre further east on the northern side of the main road. Similarly, the STP shows the subject land as a designated 'suburban' area.*

37. *However this overt preference for residential activity on the subject land needs to be seen on the context of the purposes of the MUZ parent control. In other words, from a 'chicken and egg' point of view, we need to start with the purposes of the 'parent' control and then in that context consider the Schedule objectives, not the other way around.*

38. *Using this approach, it is important that a key purpose of the 'parent' MUZ control is "To provide a range of residential, commercial, industrial and other uses which implement the mixed use function of the locality". This points to a planning preference pursuant to this zone for a variety of potential planning uses in this location, not just residential.*

In light of this decision; caution ought to be exercised in terms of Zones chosen to be applied when the City is seeking a specific land use outcome.

Notable non-residential decisions

- DU/813/2020 - 71 Lily Street, BENDIGO 3550 *The use of the land for an allied health medical centre, alterations and additions to buildings, a reduction in car parking and signage in accordance with the endorsed plans; and*
- DU/879/2019 - 38 Hicks Lane, LADYS PASS 3523 *Use and development of the land for a place of worship, including storage, offices, parking and associated works*

The Lily Street decision in a General Residential and proximate to High Street and the St John of God Hospital was an interesting one; as prima facie medical centres are a supportable and indeed encouraged use in the General Residential Zone. The applicant review contended that the proposal ought to be refused as clause 17.02-1L (Business Greater Bendigo) has strategies to:

Direct higher-order commercial and retail developments to the Bendigo City Centre; and Avoid the encroachment of small scale commercial developments into adjoining residential areas and clause 17.02-2S (Out of centre development) has strategies to: Discourage proposals for expansion of single use retail, commercial and recreational facilities outside activity centres; Give preference to locations in or on the border of an activity centre for expansion of single use retail, commercial and recreational facilities; and Ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

The Tribunal in approving the proposal stated:

62. *I agree with council that clauses 17.02-1L and 17.02-2S of the planning scheme are of marginal relevance. Whilst a medical centre is a commercial development which would attract the provisions of the policy, there is specific policy at clause 19.02-1S of the planning scheme that applies to health facilities. The objective of at clause 19.02-1S of the planning scheme is to integrate health facilities within the community, and to guide the location of large health facilities.*
63. *A large health facility is not defined, and whilst clause 11.03-6L-2S defines a large scale medical centre as providing three or more practitioners, the phrase 'large health facility' is not synonymous with 'large scale medical centre'. This is particularly so when one examines the phrase in its entirety which provides:*
- Locate hospitals and other large health facilities in designated health precincts and areas highly accessible to public and private transport.*
64. *Even, if I was to accept that the proposal was a large scale health facility, the policy does not require the proposal to be located in a designated health precinct that are also highly accessible to public and private transport. Rather, the policy requires the large scale health facility to be in designated health precincts or in areas which are highly accessible to public and private transport.*
65. *Having regard to the totality of the planning scheme, I find that the site is well located, is an appropriate location and that the proposal is not inconsistent with the relevant applicable policy.*

The Hicks Lane decision was in a Rural Living Zone and related to a proposal for a small scale Place of Worship (Buddhist temple) which was proposed to operate between the hours of 9.00 am to 5.00 pm on Saturday and Sunday; and have a maximum patronage of 35 patrons at any one time.

The City refused to grant a permit for the proposal. The Tribunal agreed stating:

20. *The RLZ is one of six rural zones in the suite of zones under the Victorian Planning Provisions. The majority of rural zones have zone purposes that primarily concern agricultural land uses, sustainable land management, conservation, landscape, heritage and rural living. They do not specifically refer to a range of other uses being supported in the zone.*
21. *The RLZ is not a residential zone which include purposes that contemplate a limited range of other non-residential uses, such as Places of Worship.*
22. *As the applicant noted, just because the purpose to the RLZ does not refer to non-residential uses, does not preclude such uses being considered given the number of discretionary uses that are included in the zone.*

and

26. *There are no specific policies within the Planning Policy Framework or the Local Planning Policy Framework of the Greater Bendigo Planning Scheme which specifically seek to either encourage or discourage a land use of this nature in this location.*

27. *Contextually, the locality around the review site is characterised as a rural lifestyle area, with lots (within the RLZ) developed with single dwellings, and a variety of outbuildings. They appear to be used for hobby farming activities such as animal grazing, horse agistment and the like. No party took me to any other non-residential land uses in the immediate area. My inspection of the immediate locality revealed the locality has a quiet, rural living character formed by dwellings positioned on large lots offering a high degree of amenity for its residents and the built form does not dominate the landscape.*

And

29. *I acknowledge that there are benefits to the local Buddhist community in approving a Place of Worship on the review site as the site is currently occupied by resident monks. I also acknowledge that the site is large enough to provide space for the community to gather for worship. However, those benefits would also flow on many other sites as well.*

Both decisions underscore the importance of consideration of land zoning and policy as being starting points to determine whether a use ought to be approved or otherwise.

Findings:

On 11 March 2022, the first of two amendments implementing the *Greater Bendigo Planning Scheme Review 2019* was gazetted. The second amendment will address zone and overlay schedules. The Scheme is now consistent with changes to the Victoria Planning Provisions introduced by Amendment VC148 and the *Ministerial Direction - The Form and Content of Planning Schemes*.

A long held City practice was to include a reference document in the Planning Scheme sometimes as a substitute to embodying or distilling the policy content in the MSS and/or Local Planning Policy Framework. Given the Ministerial Direction in this regard, this practice will no longer be possible which will mean that strategies and objectives arising from background work must now be in the Planning Scheme itself. This will lead to greater certainty in terms of how policy is to be applied for decision makers, proponents and the community alike.

This review identifies some possible gaps with respect to Planning Policy; in particular to do with rural areas and appropriate locations for residential growth. That said, the City's long held emphasis on having strategy/policy led planning outcomes means that work is already underway which will present opportunity for these gaps to be addressed.

The quality and strength of the City's strategic work was instrumental in the City being successful in two appeals in urban Bendigo – both represented the first tests of the respective underpinning strategic work arising from the *New visions, new opportunities – Bendigo CBD Plan (2005)* the latter the *Hospital Precinct Structure Plan (2014)*. Both pieces of strategic work were robust, and the implementation included the correct use of the relevant VPP tools.

VCAT decisions (both from Greater Bendigo and across the state) continue to assist greatly when looking for guidance on common issues, and in the review period there have been a number of instances when findings from VCAT decisions have led to approaches to some issues being adjusted by City planners as part of continuous improvement measures.

In conclusion the review of VCAT decisions identifies, for the most part, that the Greater Bendigo Planning Scheme is operating well and assists in decision making when decisions are reviewed at VCAT. Whilst every matter will be settled on the relevant facts and site context, the provisions of the scheme that are of most use are those that get to a level of specific local guidance.

Appendix L Summary of matters which VCAT determined in the review period

VCAT Lodgments date	Application number	Address	Proposal	Type of appeal (section of Act)	VCAT decision date	VCAT Decision
16-Jan-2017	DR/658/2016	72 Marong Road, WEST BENDIGO 3550	Demolition of dwelling and outbuildings and construction of dwelling	79 Failure to issue a permit within time	20-Jul-2017	Affirmed (Council had not supported)
13-Feb-2017	DS/177/2016	4 Whittington Court and 198 North Harley Street, STRATHDALE	<ul style="list-style-type: none"> - Four lot subdivision in the General Residential Zone. - Variation of drainage easement E-1 on Plan of Subdivision 442616S; - Variation of restrictive covenant (Instrument of Transfer No. AB059693D) to permit the construction of a single dwelling on each lot to be created; and - Subdivision in a Bushfire Management Overlay, in accordance with the endorsed plans 	82 Appeal against decision to grant a permit	04-Apr-2018	Varied
23-Mar-2017	DR/55/2015	2 McLaren Street, BENDIGO 3550	Construction of a garage	77 Appeal against refusal to grant a permit	29-Aug-2017	Set Aside
15-Aug-2017	DS/23/2016	120-150 Sullivans Road, STRATHFIELDSAYE 3551	<p>In accordance with the endorsed plans and permit conditions:</p> <ul style="list-style-type: none"> - Staged subdivision of land (up to 161 lots) in a General Residential Zone; - Construction of dwellings, fences and roads within the Land Subject to Inundation Overlay; 	82 Appeal against decision to grant a permit	16-Oct-2018	Varied

VCAT Lodgments date	Application number	Address	Proposal	Type of appeal (section of Act)	VCAT decision date	VCAT Decision
			<ul style="list-style-type: none"> - Removal of native vegetation (remnant patches and 5 scattered trees); - Removal of easement (E-1 on PS 419383 V); and - Creation of easements. 			
23-Oct-2017	DEV/95/2017	1469 Calder Highway, MARONG 3515	Approval of a development plan for the use and development of land for a utility installation; two lot subdivision; removal of native vegetation from the road reserve and creation of access to Road Zone Category 1	149A Declaration or Determination	13-Feb-2018	No Appeal
28-Nov-2017	DC/790/2013	1161 Calder Alternative Highway, LOCKWOOD 3551	The uses of "Trade Supplies" and "Industry" on land zoned Farming Zone; associated buildings and works on land zoned Farming Zone; removal of a native tree in the Calder Alternative Highway Road reserve; business identification signage pursuant to Clause 52.05, in accordance with the endorsed plans	81 Appeal against refusal to extend a permit	06-Mar-2018	Withdrawn/Struck out
21-Dec-2017	DS/918/2015	194 Upper California Gully Road, CALIFORNIA GULLY 3556	The subdivision of land into 3 lots	79 Failure to issue a permit within time	31-May-2018	Withdrawn/Struck out

VCAT Lodgments date	Application number	Address	Proposal	Type of appeal (section of Act)	VCAT decision date	VCAT Decision
14-Dec-2017	DC/591/2016	247-265 Midland Highway, EPSOM 3551	Use land for trade supplies (semi-trailer & shipping container sales); associated buildings and works; advertising signage (including floodlit signage); and alteration of access to road in a road zone 1	80 Appeal against conditions	07-May-2018	Varied (by consent – no merits hearing)
12-Feb-2018	DS/164/2017	330 and 338 Olympic Parade, MAIDEN GULLY 3551	In accordance with the endorsed plans: - 2 Lot subdivision	77 Appeal against refusal to grant a permit	24-Sep-2018	Set Aside
26-Apr-2018	DU/849/2017	65 Czar Crescent, EPPALOCK 3551	Use and development of the land for animal boarding (cattery), the display of advertising signage, removal of native vegetation and associated car parking	82 Appeal against decision to grant a permit	21-Nov-2018	Affirmed
29-May-2018	DS/514/2017	Lot 1 Midland Highway, BAGSHOT 3551	The staged subdivision of the land in to 134 lots in accordance with the endorsed plans and subject to the following conditions	79 Failure to issue a permit within time	02-Nov-2018	Set Aside (Council had supported)
30-May-2018	DEV/226/2016/ 1	11 & 21 Taylors Lane, STRATHFIELDSAYE	Development plan for subdivision and removal of native vegetation	149A Declaration or Determination	11-Feb-2019	Set Aside
21-May-2018	DR/912/2016	42-44 Galvin Street, BENDIGO 3550	Demolition of existing buildings and construction of a four storey building comprising 8 dwellings	77 Appeal against refusal to grant a permit	04-Feb-2019	Affirmed

VCAT Lodgments date	Application number	Address	Proposal	Type of appeal (section of Act)	VCAT decision date	VCAT Decision
14-Aug-2018	DU/653/2017	38 Bridge Street, BENDIGO 3550	Use and development of land for accommodation (residential hotel), alteration of an access to Road Zone Category 1; Provision of car parking to the satisfaction of the responsible authority.	82 Appeal against decision to grant a permit	10-Oct-2018	Varied (by consent – no merits hearing)
11-Oct-2018	DC/128/2018	14 Myers Street, BENDIGO 3550	Use of land to sell or consume alcohol, buildings and works (exhaust flue) and reduction in car parking requirement.	82 Appeal against decision to grant a permit	10-Dec-2018	Withdrawn/Struck out
10-Oct-2018	AM/610/2015/ B	74 Mundy Street, BENDIGO 3550	Partial demolition of dwelling, construction of extension, garage, pergola, fence, retaining wall, and earthworks. Amended plans (design changes to garage)	82 Appeal against decision to grant a permit	18-Oct-2018	Withdrawn/Struck out
22-Oct-2018	DSD/110/2018	10 Hill Street, BENDIGO 3550	Two lot subdivision of land, construction of two dwellings on a lot, partial demolition, extension to existing dwelling, construction of a vehicle crossover and removal of trees.	77 Appeal against refusal to grant a permit	13-Jun-2019	Affirmed
26-Oct-2018	DR/279/2018	8A Oakes Place, GOLDEN SQUARE 3555	Construction of 2 single storey dwellings	82 Appeal against decision to grant a permit	17-Dec-2018	Withdrawn/Struck out
26-Oct-2018	DSD/432/2018	74 Condon Street, KENNINGTON 3550	In accordance with the endorsed plans: <ul style="list-style-type: none"> Subdivision of land into five lots Construction of five dwellings; 	79 Failure to issue a permit within time	11-Dec-2019	Set Aside (by consent – no merits hearing) (Council had not supported)

VCAT Lodgments date	Application number	Address	Proposal	Type of appeal (section of Act)	VCAT decision date	VCAT Decision
			<ul style="list-style-type: none"> Removal of a drainage reserve; and Alteration of access onto a road in a Road Zone Category 1 			
19-Feb-2019	DR/301/2018	Lot 1 on PC 377846Y, Mud Lane North, REDESDALE	Use and development of land for a dwelling and an outbuilding	87 Amendment of a permit	05-Sep-2019	Varied
12-May-2019	AM/753/2016/ A	8A Echuca Street, QUARRY HILL 3550	Construction of dwelling, removal of side and rear fences and construction of new side and rear fences	82 Appeal against decision to grant a permit	02-Oct-2019	Varied
14-May-2019	DU/752/2018	9 Hall Street, EAGLEHAWK 3556	In accordance with the endorsed plans: <ul style="list-style-type: none"> Use and development of land for a place of assembly (social inclusion programs), external alterations and additions to buildings, construction of a pergola; and display of business identification signage 	82 Appeal against decision to grant a permit	13-Dec-2019	Affirmed
28-May-2019	DSD/562/2018	Lot 2 and CA 7B Peatlins Road, BAGSHOT 3551	2 lot subdivision and construction of 2 dwellings	82 Appeal against decision to grant a permit	02-Jul-2019	Withdrawn/Struck out
29-May-2019	DSD/684/2017	7 Julian Court, EPSOM 3551	Three lot subdivision and construction of dwellings	77 Appeal against refusal to grant a permit	12-Dec-2019	Set Aside
30-Aug-2019	DR/177/2019	7 Peel Street, QUARRY HILL 3550	Partial demolition, extension and alterations to existing dwelling and construction of garage	82 Appeal against decision to grant a permit	30-Jun-2020	Affirmed

VCAT Lodgments date	Application number	Address	Proposal	Type of appeal (section of Act)	VCAT decision date	VCAT Decision
23-Aug-2019	DSD/612/2018	84 Rowan Street, BENDIGO 3550	Two lot subdivision; construction of a second dwelling on a lot; construction of a carport and vehicle crossover; and demolition and construction of a fence	77 Appeal against refusal to grant a permit	07-Apr-2020	Affirmed
13-Sep-2019	DU/797/2016	45 Ingham Road, AXEDALE 3551	Use of land for industry (manufacture and maintenance of mining and agricultural equipment)	77 Appeal against refusal to grant a permit	03-Jun-2021	Affirmed
30-Sep-2019	DC/366/2019	103 Mitchell Street, BENDIGO 3550	Building and works, reduction of car parking requirements (for food drink premises) and liquor licensing	82 Appeal against decision to grant a permit	30-Oct-2019	Withdrawn/Struck out
10-Oct-2019	DR/198/2019	14 MacKenzie Street, BENDIGO 3550	Partial demolition, internal and external alterations of existing buildings, use and development of land for accommodation (apartments and dwellings) and removal of vegetation	82 Appeal against decision to grant a permit	19-Oct-2020	Set Aside
15-Jan-2020	DS/547/2018	Lot 1 Axedale-Crosbie Road, TOOLLEEN 3551	3 lot subdivision	82 Appeal against decision to grant a permit	23-Jun-2020	Withdrawn/Struck out
31-Jan-2020	AM/798/2017/ A	244 Edwards Road and CA 43A Edwards Road, MAIDEN GULLY 3551	Staged subdivision of land and removal of native vegetation. Amendment to permit to delete condition 11	149A Declaration or Determination	06-Aug-2020	Set Aside
22-Mar-2020	DSD/631/2019	5 Caledonia Street, NORTH BENDIGO 3550	Demolition of outbuildings, three lot subdivision and development of two dwellings	82 Appeal against decision to grant a permit	26-Feb-2021	Affirmed

VCAT Lodgments date	Application number	Address	Proposal	Type of appeal (section of Act)	VCAT decision date	VCAT Decision
20-May-2020	DS/582/2018	Lot 1 PS445586H, 212 Guys Hill Road, STRATHFIELDSAYE 3551	Staged subdivision of land into 41 residential lots and a super lot, removal of easement and removal of native vegetation	184 Amendment to proposed Section 173 agreement	17-Jul-2020	Withdrawn/Struck out
24-Jul-2020	DR/758/2019	57 Somerville Street, FLORA HILL 3550	Construction of 8 dwellings and reduction in car parking	82 Appeal against decision to grant a permit	26-Nov-2020	Varied (by consent –no merits hearing)
14-Oct-2020	DSD/150/2020	4 Robshaw Street & 217 Wattle Street, IRONBARK 3550	Demolition of a dwelling, Three lot subdivision, Construction of two dwellings and Construction of two crossovers in accordance with the endorsed plans	82 Appeal against decision to grant a permit	22-Apr-2021	Varied (by consent – no merits hearing)
17-Nov-2020	DR/226/2020	CA 31A Eaglehawk-Neilborough Road, NEILBOROUGH 3570	Use and development of land for a dwelling in accordance with the endorsed plans.	82 Appeal against decision to grant a permit	15-Jun-2022	Affirmed
20-Oct-2020	DR/13/2020	414 Hylands Lane, HEATHCOTE 3523	Use and development of the land for a dwelling, shedding and removal of native vegetation	149A - Declaration or Determination	16-Apr-2021	Withdrawn/Struck out
23-Mar-2021	DR/426/2020	46A Nolan Street, NORTH BENDIGO 3550	Construction of two dwellings on one lot	77 Appeal against refusal to grant a permit	06-Oct-2021	Affirmed
13-Jan-2021	DR/257/2020	37 Barrell Street, CALIFORNIA GULLY 3556	Construction of 5 dwellings, associated outbuildings, and alteration to vehicle crossover	77 Appeal against refusal to grant a permit	21-Feb-2022	Affirmed

VCAT Lodgments date	Application number	Address	Proposal	Type of appeal (section of Act)	VCAT decision date	VCAT Decision
12-Feb-2021	DU/830/2020	75 Bridge Street & 79 Arnold Street, BENDIGO 3550	Use and development of a service station and take away food and drink premises, display of illuminated signage and alterations of access to a road zone category 1	79 Failure to issue a permit within time	06-Oct-2021	Affirmed (Council had not supported)
17-Mar-2021	DU/879/2019	38 Hicks Lane, LADYS PASS 3523	Use and development of the land for a place of worship, including storage, offices, parking and associated works	77 Appeal against refusal to grant a permit	03-Feb-2022	Affirmed
17-Mar-2021	DC/651/2020	2 Club Court, STRATHFIELDSAYE 3551	Use of the subject land as a medical centre. Use of the subject land as a service station. Construction of a building and the construction or carrying out of works. Construction and putting up for display of signs. Removal of native vegetation. Creation of access to a Road Zone Category 1.	79 Failure to issue a permit within time	15-Feb-2022	Set Aside (Council had not supported)

VCAT Lodgments date	Application number	Address	Proposal	Type of appeal (section of Act)	VCAT decision date	VCAT Decision
18-Mar-2021	DI/451/2019	128 Victoria Street, Eaglehawk and the Road Reserve on the east side of Crowther Street adjoining the frontage of the land at 128 Victoria Street, EAGLEHAWK	Use of the land as a retail premises (comprising the sale and hire of motor vehicles, trailers, machinery, portable buildings and shipping containers); use of the land for industry (comprising the construction and refurbishment of portable buildings0; construction of a fence along a lot boundary; construction and display of advertising signs; in accordance with the endorsed plans	77 Appeal against refusal to grant a permit	17-Dec-2021	Set Aside
13-Apr-2021	DA/699/2020	603 Midland Highway, HUNTLY 3551	Display major promotion sign	77 Appeal against refusal to grant a permit	30-Nov-2021	Affirmed
15-Apr-2021	DU/556/2020	47 Myrtle Street, BENDIGO 3550	Use and development of the land for a Medical Centre (physical therapies) and associated Indoor Recreation Facility (remedial and preventative exercise)	80 Appeal against conditions	17-Jun-2021	Varied (by consent – no merits hearing)
29-Apr-2021	DR/446/2020	5 & 7 Redan Street, BENDIGO 3550	Construction of 7 dwellings and reduction in car parking requirements	79 Failure to issue a permit within time	04-Aug-2021	Withdrawn/Struck out

VCAT Lodgments date	Application number	Address	Proposal	Type of appeal (section of Act)	VCAT decision date	VCAT Decision
18-May-2021	DU/274/2020	98-104 Williamson Street, BENDIGO 3550	Use of the Subject Land for the purpose of Accommodation (Residential hotel) under clause 34.01 1 of the Commercial 1 Zone, construct a building or construct or carry out works under clause 34.01 4 of the Commercial 1 Zone, construct a building or construct or carry out works under clause 43.01 1 of the Heritage Overlay, construct or display a sign under clause 43.01 1 of the Heritage Overlay, construct a building or construct or carry out works under clause 43.02 2 of the Design and Development Overlay, display internally illuminated signs exceeding 1.5sqm in Category 1 areas under clause 52.05 11, and use land to sell or consume liquor under clause 52.27, in accordance with the endorsed plans.	82 Appeal against decision to grant a permit	22-Nov-2021	Varied (by consent – no merits hearing)

VCAT Lodgments date	Application number	Address	Proposal	Type of appeal (section of Act)	VCAT decision date	VCAT Decision
15-Jun-2021	DU/290/2020	113-133 Mollison Street, 106, 108 & 114 Williamson Street, BENDIGO 3550	Use and development of the land for a residential hotel and associated buildings and works, use of the land to sell or consume liquor, reduction in car parking and bicycle facilities	82 Appeal against decision to grant a permit	21-Jan-2022	Varied (by consent – no merits hearing)
17-Aug-2021	DU/813/2020	71 Lily Street, BENDIGO 3550	The use of the land for an allied health medical centre, alterations and additions to buildings, a reduction in car parking and signage in accordance with the endorsed plans	82 Appeal against decision to grant a permit	19-May-2022	Varied
18-Aug-2021	DS/266/2021	15 Panorama Road, LOCKWOOD SOUTH 3551	2 lot subdivision of land (dwelling excision)	79 Failure to issue a permit within time	11-Nov-2021	Set Aside Permit Granted (Council had not supported)
14-Jan-2022	DA/462/2021	54 Mitchell Street, BENDIGO 3550	Erect and display an electronic promotion sign; external alterations to an existing building	79 Failure to issue a permit within time	29-Jul-2022	Set Aside Permit Granted (Council had not supported)

Appendix M Recommendations of the Review

NO.	RECOMMENDATION	SOURCE
1.	ADOPTED COUNCIL STRATEGIES, PLANS AND POLICIES	
	Implement the relevant recommendations of Council strategies, plans and policies adopted since October 2018, as identified in Appendix E	Council decision
2.	MUNICIPAL PLANNING STRATEGY	
	<p>Review and amend the Municipal Planning Strategy as follows:</p> <ul style="list-style-type: none"> - 02.01 Context - Verify currency of demographic information - 02.02 Vision - Review for consistency with current Council Plan <p>Strategic Directions</p> <p><u>02.03-1 Settlement</u></p> <ul style="list-style-type: none"> - Provide more strategic direction in relation to rural residential development - Identify targeted areas for growth e.g. Bendigo Hospital precinct <p><u>02.03-2 Environment and landscape values</u></p> <ul style="list-style-type: none"> - Provide strategic direction in relation to greening of the municipality - Provide strategic direction to support local policy re landscaping (15.01-1L-01) <p><u>02.03-3 Environmental risks and amenity</u></p> <ul style="list-style-type: none"> - Differentiate between environmental risks and amenity (i.e. human health and safety) which this theme should also address - Need description of amenity issues and strategic directions - Include environmental risk associated with on-site sewage disposal or other environmental risks associated with water catchments - include specific reference to industrial land use interface issue and strategic direction <p><u>02.03-5 Built environment and heritage</u></p> <ul style="list-style-type: none"> - Include reference to the issue of landscaping and shade to provide strategic direction for local policy at 15.01-1L-01 <p>Landscaping - Greater Bendigo</p>	Audit

NO.	RECOMMENDATION	SOURCE
	<u>02.03-9 Infrastructure</u> Community infrastructure Open space - Include reference to the Bendigo Creek on the basis of strategic work Development infrastructure - Move reference to non-sewered land issues to Environmental Risks 02.03-3 <u>02.04 Strategic Framework Plans</u> - Identify industrial growth areas in the Urban strategic framework plan? - Check currency of zoning shown on plans	
3.	PLANNING POLICY FRAMEWORK ISSUES	
3.1.	General	
	Review formatting of clauses based on Practice Note and Practitioners Guide - Ensure that all Policy documents are incorporated documents in the schedule to Clause 72.04 - While not mandatory, the local policies would benefit from a policy objective - Review and update all references in local policies to delete or update superseded references	Audit
3.2.	Settlement	
3.2.1.	<u>General</u> - Consider the comments of VCAT (refer to Appendix K) in relation to dwelling density and locations for residential growth in the development of Council's Managed Growth Strategy.	VCAT
3.2.2.	<u>11.01-1L-01 Settlement – Greater Bendigo</u> - More clearly differentiate between strategies and policy guidelines (Refer to Practitioners Guide)	Audit
3.2.3.	<u>11.02-2L Structure planning - Greater Bendigo</u> - Add the consideration of land use compatibility as a strategy	Audit
3.2.4.	<u>11.03-6L-01 - Bendigo City Centre</u> - Include reference to key heritage issues	Audit

NO.	RECOMMENDATION	SOURCE
3.2.5.	<u>11.03-6L-02 - Bendigo Hospital Precinct</u> <u>11.03-6L-03 Strathfieldsaye</u> - Review and simplify the approach to planning for precincts in accordance with the new format Planning Scheme approach. Some precincts have multiple policies, zones and overlays and similar precincts are not treated in the same way.	Audit
3.3.	Environment and Landscape values	
3.3.1.	<u>12.01 - 2S - Native vegetation management</u> - Consider the opportunity for a local policy based on strategic work	Audit
3.3.2.	<u>12.03-1 S - River corridor, waterways, lakes and wetlands</u> - Consider the opportunity for a local policy for the Bendigo Creek based on the adopted strategic work (<i>Reimagining the Bendigo Creek – June 2020</i>).	Audit
3.3.3.	<u>12.05-2L Urban forest interface - Greater Bendigo</u> - Consider the option of putting the detail into overlays.	Audit
3.3.4.	<u>12.05-2L-02 Significant Landscapes</u> Include a Local Policy at 12.05-3L which provides insight into local application of Significant Landscape Overlays and other controls which may relate to significant landscapes in GB	Audit
3.4.	Environmental risks and amenity	
3.4.1.	<u>13.01-1S Natural hazards and climate change</u> - Consider the opportunity for a local policy based on local strategic work if not all covered in the State Policy.	Audit
3.4.2.	<u>13.07-1S Land use compatibility</u> - Potential for an additional policy relating to buffers more generally which could help justify overlays designed to address buffer issues, e.g., water treatment plant, airport	Audit
3.5.	Built environment and heritage	
3.5.1.	<u>15.01-1L-03 Signs</u> - Review having regard to Clause 52.05 - Signs so that the specifically local issues can be more clearly identified	Audit

NO.	RECOMMENDATION	SOURCE
3.6.	Economic development	
3.6.1.	<u>17.03-1L-01 Industrial Land Supply - Greater Bendigo</u> - Update policy document to current Industrial Strategy	Audit
3.7.	Transport	
3.7.1.	<u>18.02-7L Bendigo Airport - Greater Bendigo</u> - Review in the context of all the provisions that currently apply to Bendigo Airport	Audit Consultation
4.	ZONES	
4.1.	Residential	
4.1.1.	<u>32.03 Schedule to Low Density Residential Zone</u> - 1.0 Subdivision requirements – Question provisions relating to Huntly	Audit
4.1.2.	<u>32.04 Mixed Use Zone</u> - Review the application of the Mixed Use Zone having regard to the views of VCAT	VCAT
4.1.3.	<u>32.07 Schedules to Residential Growth Zone</u> - Review the need for two identical schedules if the design objectives are the same.	Audit
4.1.4.	<u>35.03 Rural Living Zone</u> - Review controls (zone and overlay) applying to Lockwood Road area	Audit Consultation
5.	OVERLAYS	
5.1.	General	
5.1.1.	- Review application of overlays having regard to duplication, consistency of application, in particular DDO/DPO/NCO and ESO/VPO/SLO having regard to the specified purpose of each - Review how overlays are applied in relation to planning for specific precincts	Audit Consultation
5.1.2.	<u>Bendigo Airport</u> - Review overlays and policies applying to Bendigo Airport with the objective of simplifying - Consider whether would be valid and useful to apply Clause 52.17 (Native Vegetation) provisions	Audit Consultation

NO.	RECOMMENDATION	SOURCE
5.2.	Environmental and Landscape Overlays (Environmental Significance; Vegetation Protection; Significant Landscape)	
5.2.1.	- Review all schedules (9) with the objective of: <ul style="list-style-type: none"> • Removing duplication with other policies or overlays • Consistent application of overlays 	Audit Consultation
5.3.	Design and Development Overlay	
5.3.1.	- Review all DDOs (29) with the objective of: <ul style="list-style-type: none"> • Reducing the number • Assessing current relevance • Reducing duplication with other overlays and policies where possible • Ensuring that any plans referenced as relevant to decision making are incorporated 	Audit Consultation
5.4.	Development Plan Overlay	
5.4.1.	- Review all DPOs (17) with the objective of: <ul style="list-style-type: none"> • Reducing the number • Assessing current relevance • Reducing duplication with overlays and policies where possible • Including local objectives • Ensuring that all schedules are correctly drafted • Ensuring that any plans referenced as relevant to decision making are incorporated 	Audit Consultation
5.5.	Land Management Overlays (Erosion Management Overlay; Salinity Management Overlay; Land Subject to Inundation Overlay; Special Building Overlay)	
5.5.1.	- Consider including local management objectives and statements of risk.	Audit
5.6.	Buffer Area Overlay	
5.7.	Consider the potential for use of the new Buffer Area Overlay to address land use compatibility and buffer issues	Audit Consultation VPP

NO.	RECOMMENDATION	SOURCE
6.	GENERAL PROVISIONS	
6.1.	<u>Schedule to Clause 66.04 Referral of Permit Applications under Local Provisions</u> - Ensure that all referral requirements are included in the Schedule	Audit
6.2.	<u>Schedule to Clause 66.06 Notice of Permit Applications under Local Provisions</u> - Ensure that all notice requirements are included in the Schedule	Audit
6.3.	<u>Schedule to Clause 72.04 Documents Incorporated in This Planning Scheme</u> - Review and update the list of documents (see also Recommendation 7.2)	Audit
6.4.	<u>Schedule to Clause 72.08 Background Documents</u> - Review and update the list of documents (see also Recommendation 7.2)	Audit
6.5.	<u>Schedule to Clause 74.02 Further Strategic Work</u> - Review and update the list of further strategic work (see Appendix F) including outstanding strategic work identified in the 2018 review (See Appendix G) (see also Recommendation 7.3)	Audit
7.	OPERATIONAL ISSUES	
7.1.	Referrals	
7.1.1.	Undertake a review of <u>internal</u> referral of applications for planning permits having regard to: <ul style="list-style-type: none"> • Reviewing the need for referrals • Formalising internal referrals where necessary through an MoU between the relevant Council business units 	Consultation PPARS
7.1.2.	Undertake a review of <u>external</u> referral of applications for planning permits with particular regard to existing issues relating to: <ul style="list-style-type: none"> • Timeliness of responses • Consistency of responses • Directing to the correct person 	Consultation PPARS
7.2.	Background and Incorporated documents	

NO.	RECOMMENDATION	SOURCE
7.2.1.	Review the references to Background and Incorporated Documents having regard to: <ul style="list-style-type: none"> • Currency of the documents • Compliance with the Practice Guide 	Audit
7.3.	Strategic Work	
7.3.1.	Prioritise and undertake strategic planning work as identified in the Schedule to Clause 74.02 and Planning Scheme related recommendations of adopted Council strategies, plans and policies as identified in Appendix E.	Audit Consultation
7.4.	Further Information	
7.4.1.	Review information made available to applicants in relation to the information required at the time of making an application with the objective of reducing requests for further information under Clause 54 of the Act	PPARS
7.5.	Processing Time of Applications	
7.5.1.	Undertake a review of factors which may be contributing to the increase in the processing time of applications for planning permits including matters such as: <ul style="list-style-type: none"> • Specific Planning Scheme provisions; • Requirements for giving notice • Referrals (requirements, number and time taken); • Staff resources • Technological resources 	PPARS

16.2. 2 Lot Subdivision and Use and Development of the Land for a Dwelling and Outbuilding - 46 Williams Road, Myers Flat

Author:	Corbin Wright, Statutory Planner (Planning Enquiries)
Responsible Director:	Anthony Petherbridge, Acting Director Strategy and Growth

Summary/Purpose

Application No:	DSD/1033/2021
Applicant:	Penno Drafting & Design
Land:	46 Williams Road, MYERS FLAT 3556
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay
No. of objections:	0
Consultation meeting:	N/A
Key considerations:	<ul style="list-style-type: none"> • The history of planning approvals relating to the site. • Whether the proposal would result in an acceptable planning outcome having regard to the purpose and decision guidelines of the Farming Zone and the relevant planning policy that deals with rural dwellings and subdivisions and the protection of agricultural land. • Whether bushfire risk can be reduced to an acceptable level.
Conclusion:	<p>The application is not in accordance with the Greater Bendigo Planning Scheme.</p> <p>It is recommended that Council refuse to grant a permit as the proposal does not present an acceptable planning outcome with regards to the purpose and decision guidelines of the Farming Zone and the relevant planning policy for rural subdivisions and dwellings.</p>

Recommended Motion

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Refuse to Grant a Permit for a 2 lot subdivision and use and development of the land for a dwelling and outbuilding at 46 Williams Road, MYERS FLAT on the following grounds:

1. The proposal is inconsistent with policy relating to rural dwellings and subdivision, and the protection of agricultural land at Clause 14.01-1S, 14.01-1L and the purpose and decision guidelines of the Farming Zone, in the following manner:
 - (a) The proposal does not support or enhance agriculture and would result in the permanent removal of agricultural land.

- (b) The proposal would result in the creation of two undersized lots which are intended to be used and developed for rural residential purposes.
- (c) The proposal would encourage the proliferation of dwellings in the area.
- (d) The proposal would reverse the consolidation of land.

RESOLUTION - Resolution No. 2023-53

Moved: Cr Penna

Seconded: Cr O'Rourke

That pursuant to section 61 of the Planning and Environment Act (1987), Council grants a permit a 2 lot subdivision and use and development of the land for a dwelling and outbuilding at 46 Williams Road, Myers Flat, subject to the following conditions:

1 MODIFIED PLAN REQUIRED

Before the use and/or development start(s), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a. Amended Bushfire Management Plan in accordance with condition 7.

2 No Layout Alteration

The subdivision and development permitted by this permit as shown on the endorsed plans and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the responsible authority.

3 PROVISION OF SERVICES

The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

4 EASEMENTS

All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.

5 REFERRAL OF PLAN

The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with section 8 of that Act.

6 Engineering – Traffic

Prior to the issue of a Statement of Compliance, the applicant/owner must complete the following:

- a. Enter into a Section 173 Agreement under the Planning and Environment Act 1987 with the responsible authority in relation to the section of driveway to be

constructed within the government road reserve between Williams Road and the lot 2 property boundary, which:

- i. Identifies that the owner shall be responsible for all inspection and maintenance activities upon the driveway and associated clear zones.
 - ii. Indemnifies the City of Greater Bendigo from possible claims in connection with construction, maintenance or operation of the driveway.
 - iii. Negates any potential adverse possession claim over the government road reserve.
 - iv. Will be at no cost to the City of Greater Bendigo.
 - v. Shall remain in effect until such time that either the City determines to accept responsibility for all areas of the government road reserve including the driveway, or the government road reserve is discontinued in accordance with relevant legislative procedures.
- b. A "Works Within Road Reserve Permit" must be obtained from Council's Engineering Department prior to commencing any work outside the property boundary on the road reserve including works specified in condition 6(c). (Note: A Planning Permit is not a Works Within Road Reserve Permit and a Land Use Activity Agreement (LUAA) may also be required)
- c. Once the Section 173 Agreement is executed and prior to the occupation of the development, the applicant/owner must construct access from Williams Road to the proposed residence via an all-weather (gravel) driveway with a minimum trafficable width of 3.5 metres, with 500mm horizontal clearance and 4 metre vertical clearance to trees to accommodate emergency vehicles. A table drain is required to be constructed along the high side of the road including any associated culvert crossings. Construction of the access must meet CFA access requirements including provision of passing areas every 200 metres and a turnaround area at the residence as applicable.

7 COUNTRY FIRE AUTHORITY

Before the development starts, an amended Bushfire Management Plan must be prepared to the satisfaction of CFA then submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

The plan must be generally in accordance with the BMP prepared by Keystone Alliance (Appendix 4 BMP (Ref# 3522\4.0), dated 21-Feb-23) but modified to remove the access road from the public road (Williams Road) to the site entry in the diagram.

8 BUSHFIRE MITIGATION MEASURES

The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

9 GARBAGE AND RECYCLING COLLECTION

Garbage and recycling bins must be positioned for collection on Williams Road and not to remain on the roadway for longer than necessary.

10 ELECTRICITY SUPPLY

The dwelling must be connected to a reticulated electricity supply or have an

alternative energy source to the satisfaction of the responsible authority.

11 GENERAL DRAINAGE

The proposed building(s) and works must be drained to the satisfaction of the City of Greater Bendigo as the responsible drainage authority.

12 No Mud on Roads

In the event of mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, appropriate measures must be implemented to minimise the problem to the satisfaction of the responsible authority.

13 General Exterior Treatment

The exterior treatment of the building(s) permitted by this permit including all exterior decoration, materials, finishes and colours must be to the satisfaction of the responsible authority. The exterior treatment of the building(s) must be maintained to the satisfaction of the responsible authority.

14 TELECOMMUNICATIONS

a. The owner of the land must enter into an agreement with:

- A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time.
- A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

b. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time.
- A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

15 EXPIRY OF THE PERMIT - SUBDIVISION AND DEVELOPMENT

This permit will expire if:

- a. The plan of subdivision is not certified within two (2) years from the date of this permit; or
- b. The subdivision is not completed within five (5) years from the date of certification of the plan of subdivision; or

- c. All other development excluding subdivision is not completed within seven (7) years from the date of this permit.

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

Vegetation Removal Note:

- Any native vegetation removal within the road reserve to create access to lot 2 will require separate planning permit approval prior to the commencement of works.

City of Greater Bendigo Environmental Health Unit Note:

- Earthworks, landscape works and the use of vehicles should be restricted to areas outside potential principal and reserve wastewater disposal fields. Compaction and disruption of the soil may compromise operation of the on-site wastewater management system.
- Before a building permit is issued for a dwelling, a permit to install an on-site wastewater management system is required to be issued by the City of Greater Bendigo.
- At the time of the application to install an on-site wastewater management system, reserve wastewater disposal fields of equivalent areas to principal wastewater disposal fields will be required.
- At the time of the application to install an on-site wastewater management system, sewer plans will be required to demonstrate applicable setbacks.

CARRIED

Background Information

Preliminary concerns were raised with the applicant with regards to the proposal not being in accordance with planning policy relating to rural subdivision, dwellings, the protection of agricultural land and the previous planning approval for the site. The applicant was given the opportunity to provide further information in response to these concerns, however the information provided has not been sufficient in addressing the issues. This is discussed in greater detail below.

Planning permit DR/851/2015 was approved for the site on 5 August 2016 for the “*use and development of a dwelling, outbuilding, removal of native vegetation and creation of access*”. At the time of the proposal, the site was comprised of two separate lots. The dwelling was considered to be appropriate only on the basis that the land was consolidated (thus creating one larger lot), and a specific condition was included on the permit to this effect. The landowner consolidated the land and has since benefited from the permit by having constructed the dwelling. The proposal is now seeking to reverse this requirement by subdividing the consolidated land back into 2 lots.

Report

Subject Site and Surrounds

The subject site is located on the eastern side of Williams Road, approximately 530m south of Allies Road in Myers Flat. The site is irregular in shape with an area of 2.429ha.

The site contains a dwelling, outbuilding, swimming pool and two dams which are all located in the northern half of the site. The remainder of the site is undeveloped. Native trees are scattered across the site. Access is via a road which adjoins Williams Road.

The site is located within the Farming Zone and is located on the edge of Farming Zone land. The site adjoins land within the Public Conservation and Resource Zone to the north and north-west, along with the Farming Zone to the south-west, south and east. Properties on the south-western side of Williams Road are within a Low Density Residential Zone. The different land zones in this area means that there are lots varying in size and they are predominantly used for rural living purposes whilst others are used for cropping and grazing.

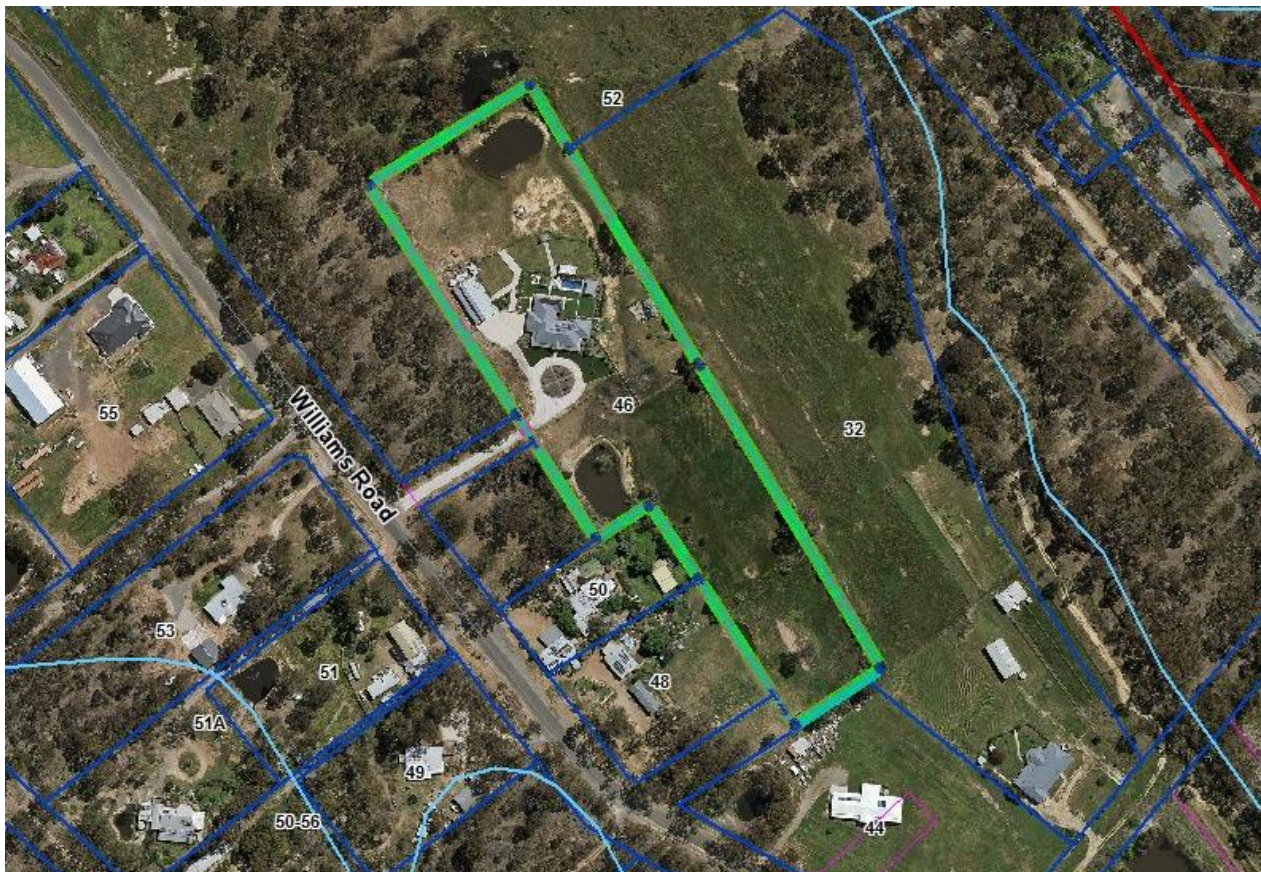


Figure 1: Location map showing the context of the subject site and surrounds.

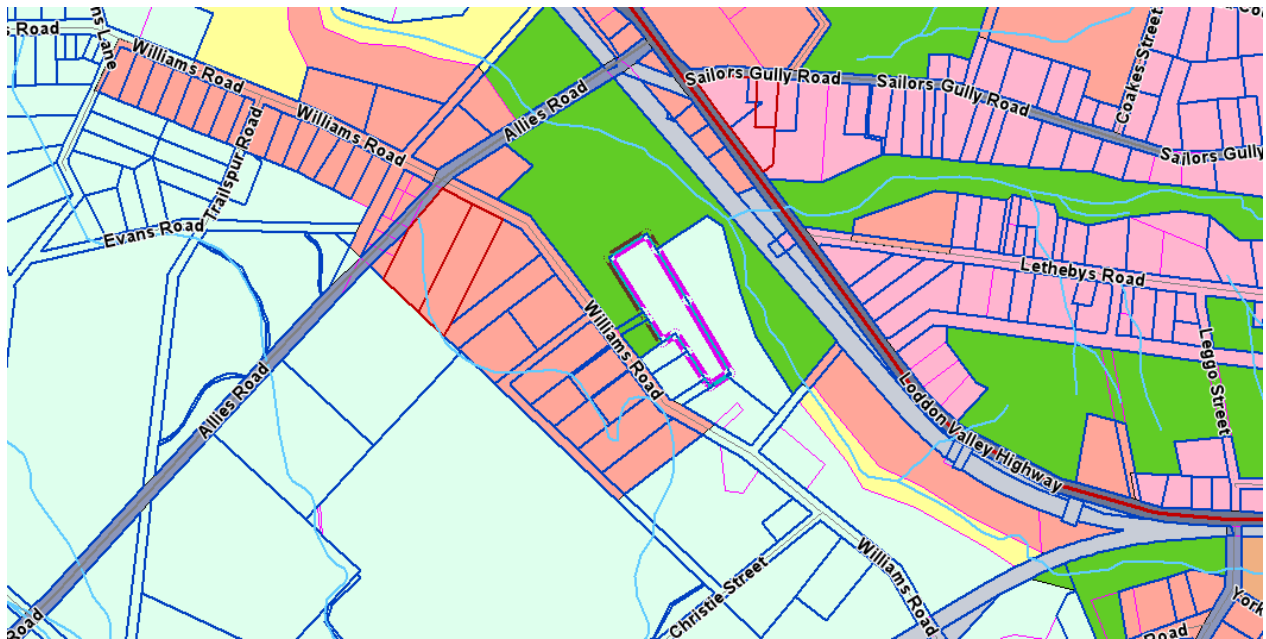


Figure 2: Zoning map showing the subject site and surrounds.

Proposal

The application proposes a 2 lot subdivision and the use and development of land for a dwelling and outbuilding.

Lot 1 would have an area of 17,778sqm and contain the existing dwelling, outbuilding and dams. The existing access would service Lot 1.

Lot 2 would have an area of 6,565sqm and contain the proposed dwelling and outbuilding. The new lot would be connected to the required services. Access to lot 2 is proposed to be via the undeveloped road reserve on the southern boundary and no native vegetation removal is required to formalise this accessway.

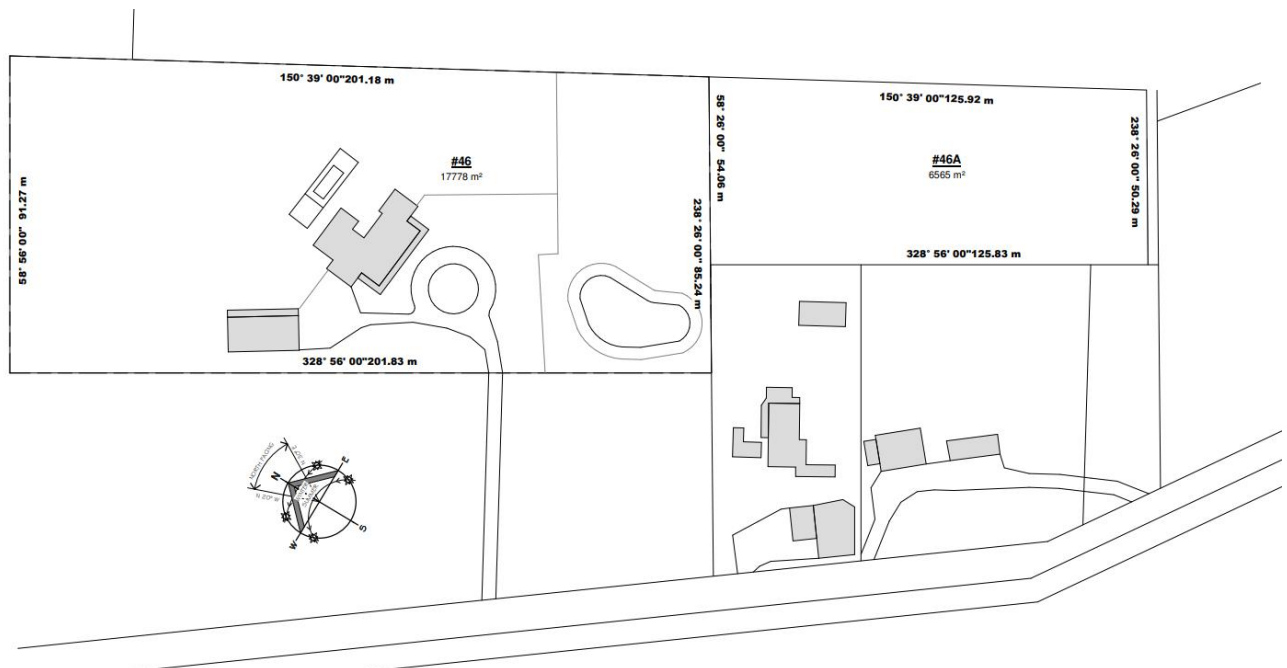


Figure 3: Proposed subdivision plan.

The application proposes the construction of a 321.46sqm dwelling containing 4 bedrooms, a 36.66sqm alfresco area and double garage.

The proposed dwelling would be sited 9.1m from the 48 Williams Road property boundary, 28m from the proposed boundary with lot 1 and 28.2m from 32 Williams Road.

It is proposed to construct a 60sqm (6m x10m) outbuilding in association with the dwelling. The outbuilding would be located 7m from 50 Williams Road and 5m from the lot 1 boundary. The outbuilding would be constructed of vertical sheet wall cladding with a maximum height of 4.6m.

A Bushfire Management Plan was provided as part of the application material.

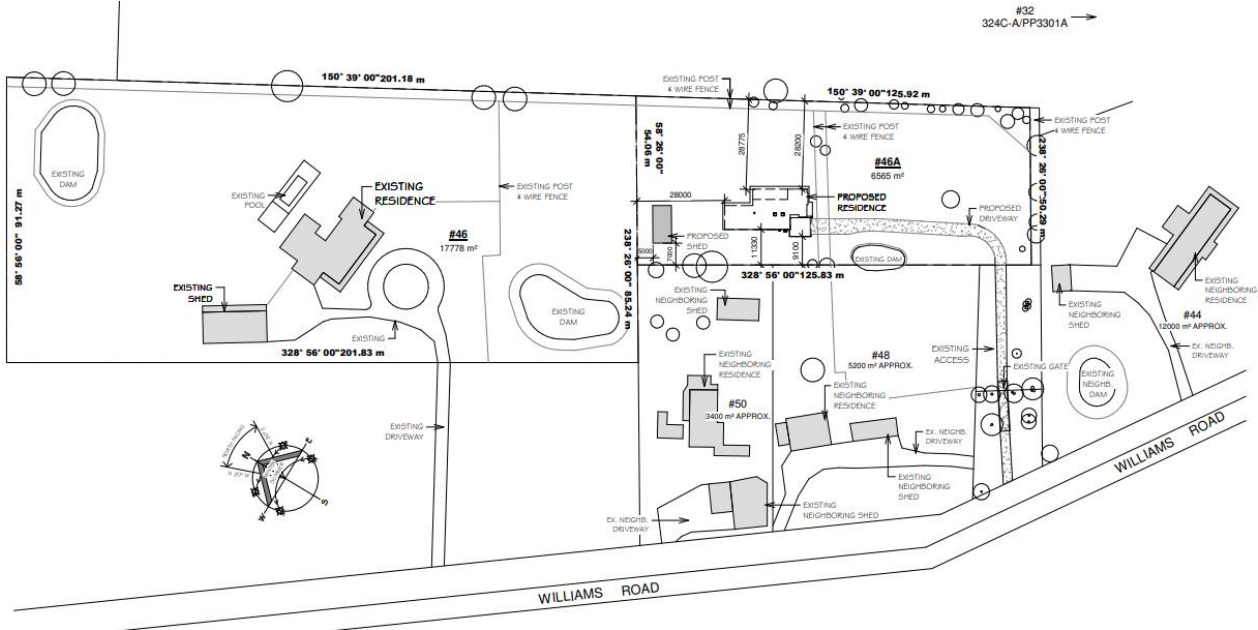


Figure 4: Proposed full site plan.

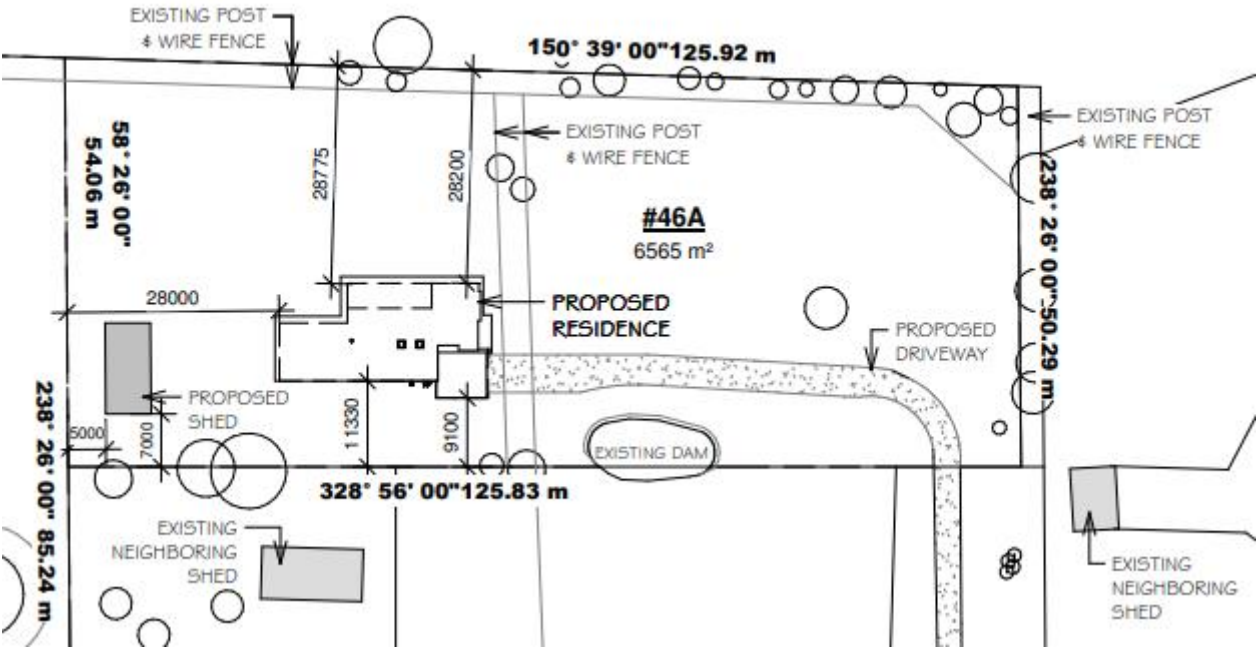


Figure 5: Proposed lot 2 site plan.

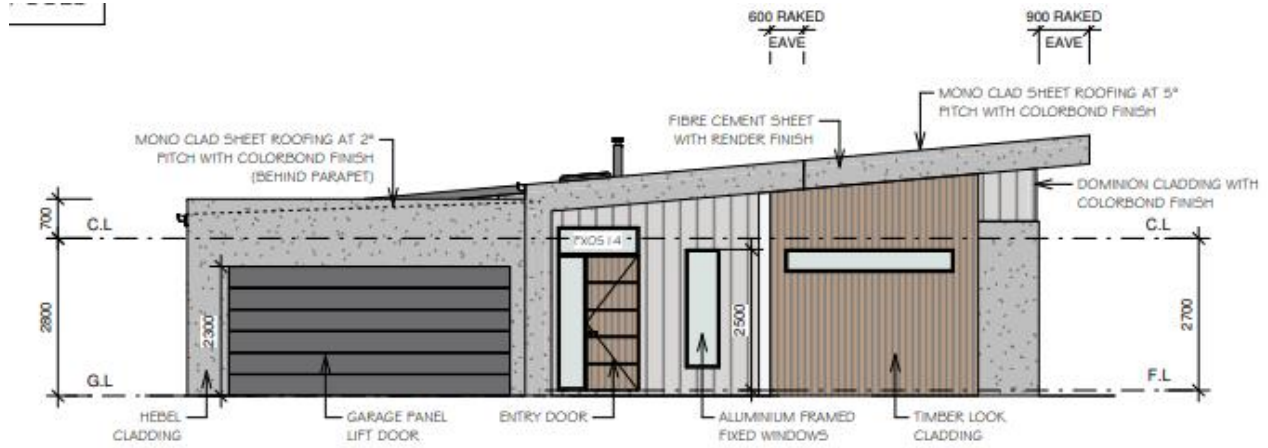


Figure 6: Proposed dwelling frontage (south-east elevation).

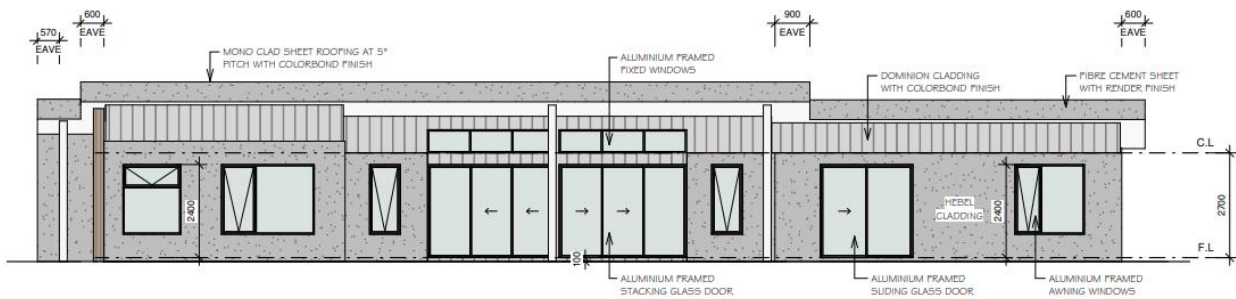


Figure 7: Proposed dwelling (north-east elevation).

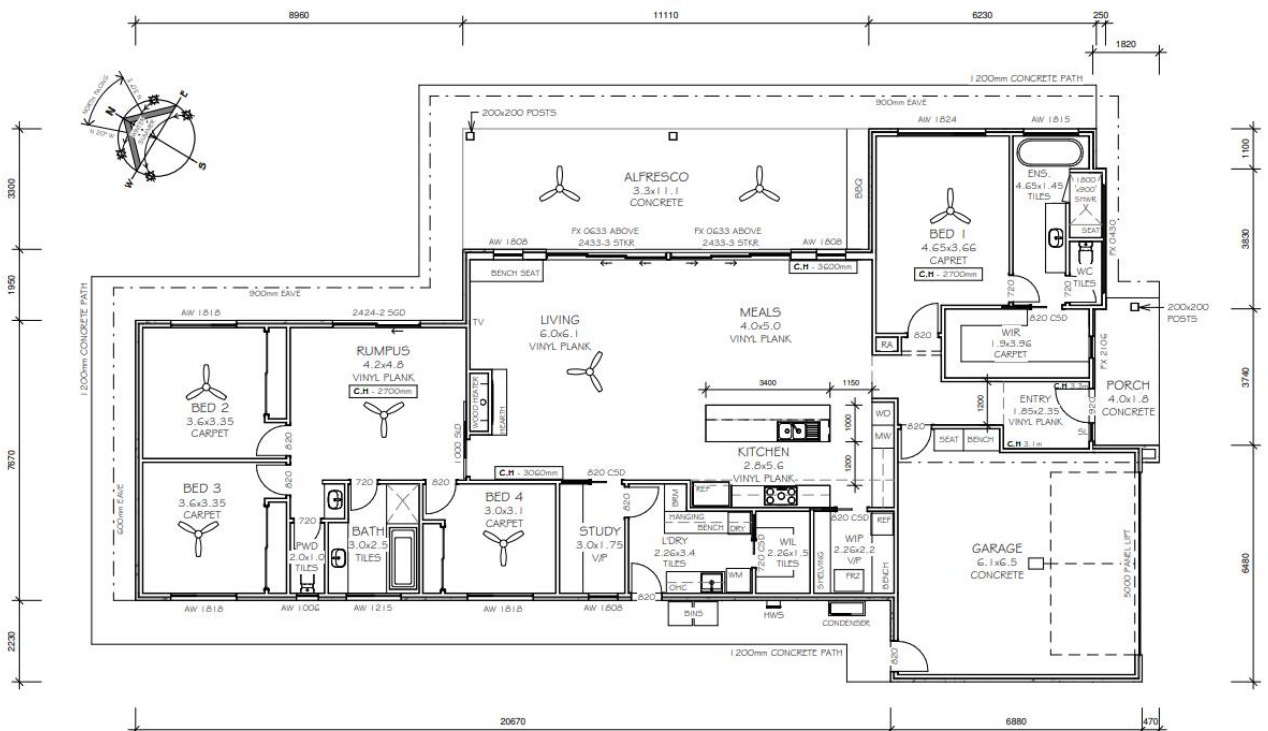


Figure 8: Proposed dwelling floor plan.

Planning Controls - Greater Bendigo Planning Scheme

Why is a permit needed?

Clause	Permit trigger
Clause 35.07-1 Farming Zone	Use of land for a dwelling, as the lot does not meet the minimum area of 40ha.
Clause 35.07-3 Farming Zone	Subdivision of land. A permit may be granted to create smaller lots (less than the minimum lot size of 40ha) if the subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.
Clause 35.07-4 Farming Zone	Construct a building or to construct or carry out works associated with a section 2 use (dwelling). Construct a building within 100m of a dwelling not in the same ownership.
Clause 44.06-2 Bushfire Management Overlay	Construct a building or to construct or carry out works associated with accommodation.

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

Municipal Planning Strategy

- Clause 02.03-1 Settlement
- Clause 02.03-3 Environmental risks and amenity
- Clause 02.03-4 Natural resource management
- Clause 02.03-6 Housing

Planning Policy Framework

- Clause 11.01-1S Settlement
- Clause 11.01-1L-01 Settlement Greater Bendigo
- Clause 13.02-1S Bushfire planning
- Clause 14.01-1S Protection of agricultural land
- Clause 14.01-1L Protection of agricultural land – Greater Bendigo
- Clause 14.01-2S Sustainable agricultural land use
- Clause 15.01-3S Subdivision design

- Clause 15.01-6S Design for rural areas
- Clause 16.01-3S Rural residential development
- Clause 16.01-3L Rural residential development – Greater Bendigo

Other Provisions

- Clause 35.07 Farming Zone
- Clause 44.06 Bushfire Management Overlay
- Clause 53.02 Bushfire Planning
- Clause 65 Decision Guidelines

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Consultation/Communication

Referrals

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

Referral	Comment
Country Fire Authority	No objection, subject to standard conditions.
Environmental Health	No objection, subject to notes on the permit.
Engineering - Traffic	No objection, subject to standard conditions.
Engineering - Drainage	No objection, subject to standard conditions.

Public Notification

The application was advertised by way of notice on the site and letters to adjoining and nearby owners and occupiers. No objections were received.

Planning Assessment

Introduction

Rural lifestyle development poses an ongoing risk to agricultural land and this can be challenging for Farming Zone land given the legacy of decisions made in the past.

Planning schemes in rural municipalities will usually seek to address these challenges through directing 'rural lifestyle' development to appropriately zoned rural land (such as the Rural Living Zone), and through the use of local planning policies to manage the development of dwellings in other rural zones, so as to protect the primacy of agriculture.

The *Rural Areas Strategy, September 2009* notes that the use of discretion to allow new dwellings in rural areas, primarily the Farming Zone, has been and continues to be generously applied, despite an oversupply of zoned Rural Living land (estimated to be an 80 year supply) to cater for such demand. Such decision making poses a significant threat to the viability of the local agricultural sector as it progressively compromises the ability of local businesses to grow and operate relatively unhindered. It should also be noted that the Farming Zone has been facing increasing pressures in more recent years for subdivision and residential development, primarily for rural lifestyle opportunities rather than for farming purposes. Rural residential development should be directed to existing planned areas for this purpose, and not the Farming Zone.

The history of planning approvals relating to the site

Original Crown subdivisions were undertaken at a time when closer-settlement strategies were often pursued by governments. Further subdivisions then occurred over past decades when the concept of hobby farming or lifestyle lots was not as prevalent and the cumulative impacts of subdivision were not as evident. Many farms are now comprised of multiple parcels of land, which are only effective in aggregate. Once the lots are separately developed and disposed ('fragmented'), the productive capacity of the land can be diminished. Once individually developed with dwellings, lots are unlikely to ever be re-aggregated due to the increased costs involved.

It is evident that there are a number of existing small lots within the surrounding area, a number of which are old Crown allotments. Such was the case for this site, which comprised of two old Crown allotments prior to consolidation (which occurred as a result of the previous planning permit). As outlined above, the dwelling that has been constructed on the site was approved on the basis that the two old Crown allotments were consolidated into a single title. Such an approach is consistent with the City's local agricultural policy at Clause 14.01-1L which seeks to consolidate old and inappropriate lots. Having now benefitted from the permit, the applicant is seeking to reverse this by excising the existing dwelling to create an additional lot and dwelling.

A dwelling excision in a Farming Zone is not intended to be for the purposes of rural residential infill development. Clause 14.01-1L seeks to discourage serial excisions and further subdivision after reconfiguration of existing titles. An approval of this proposal would go against this policy, reverse the acceptable outcome of the previous planning permit decision, and result in an undesirable and unordered planning outcome.

It is also important to acknowledge that the character of surrounding land use and development in the nearby Rural Living Zone should not be used as a comparison. The Rural Living Zone is intended to be utilised for rural residential living, whereas the Farming Zone is intended for agriculture. Each zone has very different roles and functions which need to be acknowledged.

Will the proposal result in an acceptable planning outcome having regard to the purposes of the Farming Zone and the relevant planning policy that deals with rural dwellings and subdivisions, and the protection of agricultural land?

At a Statewide planning level, Clauses 14.01-1S and 14.01-1L relating to the protection of agricultural land have the objective to “*protect the State’s agricultural base by preserving productive farmland.*” Some of the main strategies in response to this objective seek to ensure the State’s agricultural base is protected from the unplanned loss of productive land, prevent inappropriately dispersed urban activities in rural areas and to limit new housing in rural areas.

The Farming Zone specifies that all lots created by subdivision should be at least the area specified in the zone, being 40 hectares. A planning permit may be granted to create a smaller lot if the subdivision is to create a lot for an existing dwelling and it is for a two-lot subdivision only. This is applicable in this scenario. However, this discretion does not mean that a permit can be automatically approved to excise an existing dwelling.

The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of the Farming Zone and relevant planning policy.

The purpose of the Farming Zone includes the following relevant matters:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

In addition to the purposes of the Zone, consideration must also be given to a series of decision guidelines. The decision guidelines provide a means by which to assess such applications and include the following matters that are relevant to this application:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *How the use or development relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *How the use and development makes use of existing infrastructure and services.*
- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *Any integrated land management plan prepared for the site.*
- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

The proposal has been assessed against, and found to be contrary to, the relevant planning policy framework as follows.

Subdivision:

The creation of an 'undersized' lot of this nature within the Farming Zone would not be feasible for carrying out agriculture and would rather appeal to the rural lifestyle market which goes against the purpose of the relevant planning policies.

Clauses 14.01-1S and 14.01-1L for the protection of agricultural land include the following strategies for the subdivision of land:

- *Avoid subdivisions that do not support the agricultural use of land in the Farming Zone.*
- *Avoid subdivisions in the Farming Zone that create additional dwelling entitlements that are not required for the agricultural use of the land.*
- *Avoid subdivision that is likely to lead to such a concentration of lots as to change the general use and character of the rural area.*
- *Avoid the excision of existing dwellings unless the excision will:*
 - *Facilitate productive and efficient agricultural outcomes, particularly farm consolidation.*

- *Minimise the loss of productive agricultural land.*
- *Support the viability of agricultural land for agricultural purposes.*
- *Provide for an excised dwelling that will not impact adjoining agricultural activities.*

The submitted documentation has failed to demonstrate a genuine need for an additional lot to support an agricultural activity or a viable agricultural use carried out within the site. The applicant/owner is instead seeking approval for subdivision with the purpose of rural residential infill development which is contrary to the relevant planning policy frameworks. This is not an appropriate planning outcome within the Farming Zone.

The size of the site does not mean it has already been removed from agriculture and could in fact be utilised for a small-scale agricultural land use in association with the existing dwelling. Allowing the creation of a smaller Farming Zone lot for rural residential purposes would permanently remove the land from agriculture and could impact adjoining agricultural activities.

The proposed lot is to be accessed via an unmade road reserve to the south of the site. The applicant has stated that no native vegetation would need to be removed to accommodate the construction of a road, however this is an unknown as full details of the road construction have not been provided in accordance with engineering requirements. It is highly likely that if approved the tree protection zones of some larger trees may be affected and result in the need for them to be removed. Further planning approval would be required for native vegetation removal within the road reserve.

Although there are Low Density Residential Zone lots and smaller Farming Zone lots close to the subject site, this does not mean that the creation of an additional small lot and construction of a dwelling on the subject site would result in an orderly planning outcome and reflect the purpose of the Farming Zone. Clause 65 of all planning schemes in Victoria states:

“Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.”

Further to this, when deciding on planning permit applications, the City should be guided by case law. In *Blackwood v Casey City Council [2003] VCAT 769 (27 June 2003)* the Tribunal stated:

“It would be easy to examine the merits of this proposal as simply being the creation of “just one more lot”. However, all applications for excisions involve “just one more lot”. The excision of any lot must produce an outcome which is consistent with furthering the purpose of the zone and not one which adds to existing pressures which work toward undermining the continued viability of rural land use.”

Such is the case for this application.

In *Basilone v Mornington Peninsula Shire Council [2002] VCAT 804 (27 May 2002)* the Tribunal stated:

"A clear strategic direction of the Scheme is to break the cycle of fragmentation that has proved to be a "key threat to continued agricultural use". In the absence of truly extenuating or exceptional circumstances, the objectives of which are to provide for continued "occupation" by long term farmers, I find no reason, on balance, why this parcel should be of land should be excised in a manner which, in the absence of extenuating or exceptional circumstances, is so clearly discouraged by the provisions of the State and Local Planning Policy Framework"."

Whilst the surrounding context is one element to be considered, considerable weight needs to be given to the policy. Over time, the Planning Policy Framework relating to rural subdivisions and dwellings has been noticeably strengthened given the identified impact that poor decision making is having on agricultural land and production. The proposed subdivision in no way supports or enhances the use of the land for agriculture, with a clear intention to create two rural lifestyle lots. Such an outcome is inconsistent with planning policy and is not recommended.

Construction of a dwelling:

Current Planning Scheme policy seeks to ensure that new dwellings in the Farming Zone are only approved in instances where they are considered to support or enhance agriculture. In making such a determination, consideration should be given to why there is a need to live on site and how that would support or enhance agricultural use/production. The addition of a small Farming Zone lot and further clustering of dwellings is clearly a planning outcome that the weight of State and local planning policy is seeking to avoid.

The City's local agricultural policy at Clause 14.01-1L seeks to protect agricultural land, with relevant identified strategies being to:

- *Avoid the construction of a dwelling unless required to support a genuinely economically viable agricultural use of the land that requires permanent and continuous care, supervision or security.*
- *Ensure that where a dwelling has been deemed necessary to support an agricultural use, that the agricultural use has been established on the land prior to the construction of a dwelling.*

And a Policy guideline, which requires the consideration of:

- *Whether there is a demonstrated need to reside on the site to support the agricultural land use.*

If approved, the construction of a dwelling would create a rural-residential form of infill development which is contrary to both the purpose and decision guidelines of the Farming Zone along with the broader Planning Policy Framework. Consequently, the approval of a dwelling that does not support or enhance agriculture on the site would result in the

fragmentation of agricultural land and could lead to a proliferation of dwellings within the surrounding area.

The *Rural Areas Strategy, September 2009* recognises that:

“Council and the community need to be more realistic about the opportunities for new dwellings to promote agricultural use in farming areas and recognise the risk that new dwellings pose to farming uses. In most cases land can be used for agriculture without a dwelling to support it. Rural living areas offer the opportunity for residents to pursue part time and hobby agricultural enterprises. Such enterprises, that generally do involve the desire to live on site, should be directed away from Farming zoned areas.”

The applicant states that the site is not high quality productive agricultural land and would not adversely impact the use of land for agriculture as it is not presently used for agriculture. This is not a supported planning argument that justifies further infill development for the site, noting the relevant Planning Policy Framework and the decision guidelines of the Farming Zone.

The subject site is an ‘undersized lot’ within the Farming Zone with an area of 2.429ha (lots are typically required to be 40ha in size). Whilst it is acknowledged that there are ‘undersized’ lots (in the wider area that already contain dwellings, in cases such as *Russell Smith Town Planning Services v Mount Alexander SC [2018] VCAT 58 (11 January 2018)*, the Tribunal has determined that the presence of dwellings and smaller lot sizes within the surrounding area does not mean it should become a ‘de-facto’ rural living area.

On this basis, the construction of a dwelling would not result in an orderly planning outcome as it is purely for rural residential living purposes and will not support an agricultural use. For the above reasons, the proposal is contrary to the purpose of the Farming Zone and the relevant policy framework that deals with rural dwellings and the protection of agricultural land.

Does the proposal appropriately respond to bushfire planning policy?

Planning policy through Clause 02.03-1 Settlement outlines a series of strategic directions for settlement in Greater Bendigo including avoiding development in bushfire and flood prone areas unless the risk can be managed.

Planning policy through Clause 13.02-1S Bushfire planning has the objective to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

The entire site is affected by the Bushfire Management Overlay. Given that there is already an existing dwelling on site, the scope of consideration regarding bushfire risk only relates to the new dwelling.

A Bushfire Management Statement and Bushfire Management Plan was provided as part of the application material in accordance with planning scheme requirements.

The Bushfire Management Plan outlines the following bushfire protection measures:

- The dwelling would be constructed to BAL 29.
- Defendable space would be provided around the dwelling to a distance of 50m or to the property boundary (whichever is lesser),
- Access would be provided via a 150m driveway from Williams Road (including the road reserve).
- A 10,000 litre water tank would be provided for fire fighting and property protection purposes.

The City's Engineering Unit has requested that a condition be included on any permit issued requiring the road reserve between Lot 2 and Williams Road to be upgraded (at the full cost of the owner). With the creation of access via the road reserve to Lot 2 the site would allow access to emergency service vehicles.

The proposal was referred to the Country Fire Authority (CFA) who supported the proposal subject to placing a condition on the permit for the endorsement of the Bushfire Management Plan after the diagram is modified to remove the access road from the public road. Access for emergency service vehicles under Clause 53.02 Table 5 is from the entry only and does not include the public roads to the property entry.

Overall, it is considered that bushfire risk to the site can be appropriately mitigated and would not result in unacceptable risk to life and property, in accordance with the purpose and objectives of the bushfire planning policy.

Conclusion

The application proposes a rural subdivision, land use and development that is contrary to planning policies relating to subdivision, rural dwellings and the protection of agricultural land. The proposal would create an undersized lot within the Farming Zone that does not support or enhance agriculture and does not comply with the Planning Policy Framework. If approved, the proposal would likely contribute to the incremental shift towards rural living and this is discouraged by the policies discussed in this report. The proposal would create an undesirable planning outcome, and rural living developments of this nature would result in permanent land use changes that would reduce the amount of agricultural land.

It is recommended that a Notice of Decision to Refuse to Grant a Permit be issued.

Options

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

Conflict of Interest

No officer involved in the preparation or approval of this report declared a general or material conflict of interest.

Attachments

1. Planning Report - DSD 1033 2021 [**16.2.1** - 11 pages]
2. Response to Site Context and Zones - DSD 1033 2021 [**16.2.2** - 2 pages]
3. Plans - DSD 1033 2021 [**16.2.3** - 9 pages]
4. Bushfire Management Plan - DSD 1033 2021 [**16.2.4** - 1 page]
5. Bushfire Management Statement - DSD 1033 2021 [**16.2.5** - 30 pages]

CLAUSE 35 FARMING ZONE ASSESSMENT

46 WILLIAMS ROAD MYERS FLAT

PURPOSE

To Implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To provide for the use of land for agriculture.

To encourage the retention of productive agriculture land.

To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.

To encourage the retention of employment and population to support rural communities.

To encourage use and development of land based on comprehensive and sustainable land and management practices and infrastructure provision.

To protect and enhance natural resources and the biodiversity of the area.

THE SITE AT 46 WILLIAMS ROAD MYERS FLAT

The site is located at 46 Williams Road, Myers Flat. The site is set on approximately 6 acres. Williams Road, Myers Flat is located in a rural area on the out skirts of the Eaglehawk township. The site is subject to a Farming Zone and Bushfire Management Overlay. The site has access to town water, power and telecommunications.

The site currently has a dwelling and outbuildings on the site.

The site is located in a rural community of Myers Flat. Myers Flat is located approximately 10km north of Bendigo.

There are no trees that will be removed by this proposal.

THE SURROUNDING AREA

Myers Flat is a small rural community located approximately 10km from the city of Bendigo and 3km to Eaglehawk township. Bendigo and Eaglehawk has a wide range of services and facilities.

The surrounding and adjoining lots sizes vary from 1 acre to approximately 10 acres. The area is residentially developed with single dwellings. Some of these residential properties are also used for hobby farms in conjunction with the dwellings.

There are no properties over 100 acres in this farming neighbourhood, all properties are under 10 acres and no farming is produced in this neighbourhood.

Neighbouring properties

50 Williams Road – 3552sqm -less than 1-acre allotment with residential dwelling
48 Williams Road – 5212sqm - 1.2 acres allotment with residential dwelling
44 Williams Road – 11639sqm – 2.8 acre allotment with residential dwelling
31 Williams Road - 4000sqm – 1 acre allotment with residential dwelling
52-54 Williams Road – Department of Primary Industries grazing lease by owners of
46 Williams Road

All of these properties are in the same farming zone.

THE PROPOSAL

The proposal includes a two-lot subdivision and construction of a dwelling and shed on the second allotment.

Allotment sizes

46 Williams Road – 17778sqm or 4.4 acres
46A Williams Road – 6565sqm or 1.6 acres

35.07-1 TABLE OF USES

The proposed site is proposed to be used for residential purposes only.

- There will be no more than five animals kept on this site
- There will be no bed and breakfast accommodation
- There will be no cattle feed lot
- There will be no carnival circus on the site
- There will be no dependents person unit on the site
- There will be no mining on the site
- There will be no timber or telecommunications facilities on the site
- There will be no animal boarding on the site
- There will be no car park on the site
- There will be no group accommodation on the site
- There will be no group farm on the site
- There will be no hotel/restaurant on the site
- There will be no saleyard on the site

35.07-2 USE OF LAND FOR A DWELLING

Access – The house site will be accessed by a 5.0m wide gravel driveway from Williams Road. Each site will have a separate access to the sites.

Sewer – It is proposed to install a wastewater treatment system for the proposed dwelling. The wastewater treatment system will be in accordance with the State Environment Protection Policy.

Water Supply – The house is to be supplied with reticulated town water. The site will also accommodate tanks connected to the dwelling and the outbuildings. There is also a small dam located on the site to be used for garden purposes.

This will be sufficient for household use and for fire fighting purposes if required.

Electricity and Telephone – The site is supplied with electricity, water and telephone services, all services will be connected to the site.

35.07-3 SUBDIVISION

A permit is required for a subdivision

The proposal includes a two-lot subdivision on an existing 6-acre allotment.

It is proposed to subdivide the site into two lots of
46 Williams Road – 4.4 acres
46A Williams Road – 1.6 acres

In this farming neighbourhood and there are many smaller size allotments, some as small as 1 acre that are used for residential purposes.

35.07-4 BUILDING WORKS

A permit will be required to construct a new dwelling and outbuildings to the site at 46A Williams Road, Myers Flat, unless stated by the City of Greater Bendigo. A permit is required to carry out any alteration, extension, new dwelling and outbuildings.

All building works carried out on this site will comply with all building regulations.

35.07-5 APPLICATION REQUIREMENTS FOR DWELLINGS

The proposed new dwelling and outbuilding will not affect the site. The site is currently not used for farming purposes. The site was used for residential purposes and will be subdivided from the site at 46 Williams Road. The site will be used for residential purposes and for a hobby farm. No major farming will be performed on the site rather a hobby farm due to the size of 1.6 acres.

Myers Flat has a number of homes on acreage sites that are not used for farming purposes.

35.07-6 DECISION GUIDELINES

General Issues

- The State Planning Policy Framework and Local Policy Framework, including the Municipal Strategic Statement and Local Planning Policies. – The proposed new dwelling, septic and outbuildings has taken into account all planning policies when preparing this project.
-
- Any regional catchments strategy and associated plan applying to the land. – Not applicable.
-
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent. – The land has the capacity to accommodate the proposed new dwelling, septic and outbuilding the site being 1.6 acres will accommodate the proposed works easily.
- The disposal of effluent will be by wastewater treatment. - The treatment water produced will be used to encourage the proposed site vegetation – to encourage flora and fauna to the area.
- How the use or development relate to sustainable land management. – There will be no vegetation, unless dangerous or diseased, removed by this proposal and the owners will continue to encourage regrowth of native vegetation.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses. – There are many established homes in the Myers Flat area that are on small acreage allotments and that are not use for agricultural uses.

Agricultural Issues

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will prementely remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity if the site to sustain the agricultural uses
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

The site does not currently support any agricultural production. The project will not have a negative impact on ongoing use of the land used for agriculture. The siting of the dwelling will not take any significant portion of the site of agriculture uses.

The site is currently cleared and not used for agricultural activities. The surrounding adjoining properties are developed with dwellings and most have no agriculture pursuits. Some of the adjacent properties have residential dwellings with hobby farms. (vegetable gardens, fruit trees and chickens) The proposed development will not affect the capacity of the site to sustain low scale agriculture uses.

Dwelling Issues

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling is reasonably required for the operation of the agricultural activity conducted in the land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odor, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural issues.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and impact of this on the use of the land for agriculture.

-
The site is located in an area where almost all lots have been established with dwellings. The dwelling on the site will not result in loss of agricultural land. The surrounding land is used for rural lifestyle properties and hobby farms. The site is located in an area where there are no large-scale agricultural uses. There are a large number of dwellings in the area creating rural lifestyle properties.

Environmental Issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of onsite effluent disposal areas to minimize the impact of nutrient loads on waterways and native vegetation.

The proposal is not expected to impact on the natural physical features or resources of the area. There is no evidence of erosion or salinity on the site. The dwelling and the proposed wastewater system area has been sited to ensure the required setback is provided between the development and the drainage line, maintain water quality. The site is clear of vegetation, so no vegetation will be removed or damaged. The proposed dwelling and wastewater system is sited to minimize impact on the biodiversity of the area. The wastewater system is located to the north boundary of the property so that it is away from the dwelling and will not affect water quality.

Design and Sitting Issues

- The need to located buildings in one area to avoid any adverse impacts on the surrounding agricultural uses and minimize the loss of productive agricultural land.
- The impact of the sitting, design, height, bulk, colors and materials to be used, on the natural environment, major roads, vistas and water features and measures undertaken to minimize any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific or natural scenic beauty or importance.

- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewer facilities.
- Whether the use and development will require traffic management measures.
-

The proposed dwelling, outbuilding and wastewater system will be sited on an area's free of vegetation. The new dwelling will complement the surrounding neighbourhood and respect the surrounding rural community with the similar style residential homes in the area. The proposed project will not affect any native vegetation. The site will be connected to town water, electricity and telephone services. The site will have a wastewater treatment plant for effluent waste. The property will not affect the road or traffic conditions. The design of the project will complement the surrounding rural lifestyle aspect and will not affect any adjoining properties.

Planning Policy Framework

Protection of biodiversity

Objective

To assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.

Strategies

Use statewide biodiversity information to identify high value biodiversity and consider the impact of land use and development on these values.

Ensure strategic planning:

Avoids and minimises significant impacts, including cumulative impacts, of land use and development on Victoria's biodiversity.

Considers impacts of any change in land-use or development that may affect the biodiversity value of adjoining national parks and conservation reserves or nationally and internationally significant sites including wetlands and wetland wildlife habitat designated under the Convention on Wetlands of International Importance (the Ramsar Convention), and sites utilised by species designated under the Japan-Australia Migratory Birds Agreement (JAMBA) or the China-Australia Migratory Birds.

Assists in the protection and management of sites containing high value biodiversity.

Assists in the re-establishment of links between isolated habitat remnants that contain high value biodiversity.

Ensure that decision making takes into account the impacts of land use and development on Victoria's high value biodiversity Agreement

Native vegetation management

Objective

To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

Strategies

Apply the risk-based approach to managing native vegetation as set out in *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013). These are:

Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.

Minimise impacts on Victoria's biodiversity.

Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.

Bushfire planning strategies and principles

Objective

To assist to strengthen community resilience to bushfire.

Strategies

Overarching strategies

Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire.

Where appropriate, apply the precautionary principle to planning and decision-making when assessing the risk to life, property and community infrastructure from bushfire.

Strategic and settlement planning strategies

Development control strategies

In areas identified in the planning scheme as being affected by the bushfire hazard, require a site-based assessment to be undertaken to identify appropriate bushfire protection measures for development that has the potential to put people, property or community infrastructure at risk from bushfire.

Only permit new development where:

The risk to human life, property and community infrastructure from bushfire can be reduced to an acceptable level.

Bushfire protection measures, including the siting, design and construction of buildings, vegetation management, water supply and access and egress can be readily implemented and managed within the property.

The risk to existing residents, property and community infrastructure from bushfire is not increased.

Sustainable agricultural land use

Objective

To encourage sustainable agricultural land use.

Strategies

Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.

Encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices.

Support effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibly to market changes.

Catchment planning and management

Objective

To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

Strategies

Protect water catchments and water supply facilities to ensure the continued availability of clean, high-quality drinking water.

Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments.

Retain natural drainage corridors with vegetated buffer zones at least 30m wide along each side of a waterway to maintain the natural drainage function, stream habitat and wildlife corridors and landscape values, to minimise erosion of stream banks and verges and to reduce polluted surface runoff from adjacent land uses.

Undertake measures to minimise the quantity and retard the flow of stormwater runoff from developed areas.

Encourage measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.

Ensure that works at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.

Ensure land use and development proposals minimise nutrient contributions to waterways and water bodies and the potential for the development of algal blooms.

Require the use of appropriate measures to restrict sediment discharges from construction sites.

Water quality

Objective

To protect water quality.

Strategies

Protect reservoirs, water mains and local storage facilities from potential contamination.

Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the

quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.

Discourage incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.

Prevent the establishment of incompatible land uses in aquifer recharge or saline discharge areas and in potable water catchments.

Water conservation

Objective

To ensure that water resources are managed in a sustainable way.

Strategies

Encourage the use of alternative water sources such as rainwater tanks, stormwater and

recycled water by governments, developers and households.

Ensure the development of new urban areas and green spaces takes advantage of any opportunities for effluent recycling.

Local Planning Policy Framework

Economic Development – Agriculture

Greater Bendigo is a part of the Murray-Darling basin, Australia's largest and most productive agricultural area. It is also a fragile catchment where, increasingly, a range of environmental pressures impact on social and economic activities. These pressures affect both urban and non-urban areas through impact on water quality, agricultural productivity and the maintenance of remnant vegetation and habitat values. On a regional level, salinity, soil health, bio-diversity and water resources are seen as priority land management issues.

Relevant objectives of the Economic Development Policy with respect to agriculture:

- To protect rural industry from residential encroachment
- To ensure protection of productive rural assets including land and water
- To minimise the fragmentation of productive agricultural land

Environment

Objectives

To protect the environmental assets of the municipality including the national parks, regional park and areas of flora and fauna significance.

To maintain and enhance ground and surface water quality.

To minimise the impact of saline discharge and the contamination of recharge areas.

To reduce the risk of erosion.

To maximise the retention of native vegetation in privately owned forested areas.

To reduce pollution of watercourses.

To promote sustainable water management practices.

RURAL DWELLINGS POLICY

This policy applies to all land in the Farming Zone, Rural Conservation Zone and Rural Living Zone.

Policy basis

The economic significance of rural areas is important to the development of Greater Bendigo. Agricultural production, tourism and recreation potential and the infrastructure of the region are valuable assets worthy of protection. Isolated dwellings in rural areas have the potential to disrupt agricultural activities, and in bushland areas have the potential to fragment areas which contain significant environmental values. Ongoing agricultural production depends, in part, upon maintaining a mass of productive land, which excludes concentrations of residential type uses that have the potential to restrict normal agricultural practices.

Objectives

To discourage the fragmentation of rural land, or land with significant environmental values.

To ensure that existing agricultural enterprises in the Farming Zone are not placed under pressure from the encroachment of residential activities.

To promote effective staging of rural living development linked to the effective supply of infrastructure and services and sound environmental management utilisation of the land as a sustainable agricultural resource.

To ensure that dwellings which are excised do not prejudice agricultural production activities.

To ensure that dwellings which are excised are properly sited and designed.

To discourage the construction of dwellings on existing small lots within the Farming Zone.

Response to State and Local Policy Frameworks

Agricultural Productivity

The site is located in a Farming Zone in Myers Flat where lot sizes range from 1 acre to 10 acres.

The proposed development of a two-lot subdivision and construction of a new dwelling, outbuildings and wastewater system in this area is a suitable use of the land. Most of this area is used for rural lifestyle or hobby farms and the proposal at 46 Williams Road will also be used for residential purposes and a hobby farm. The proposal will not affect the use of other land for agricultural uses.

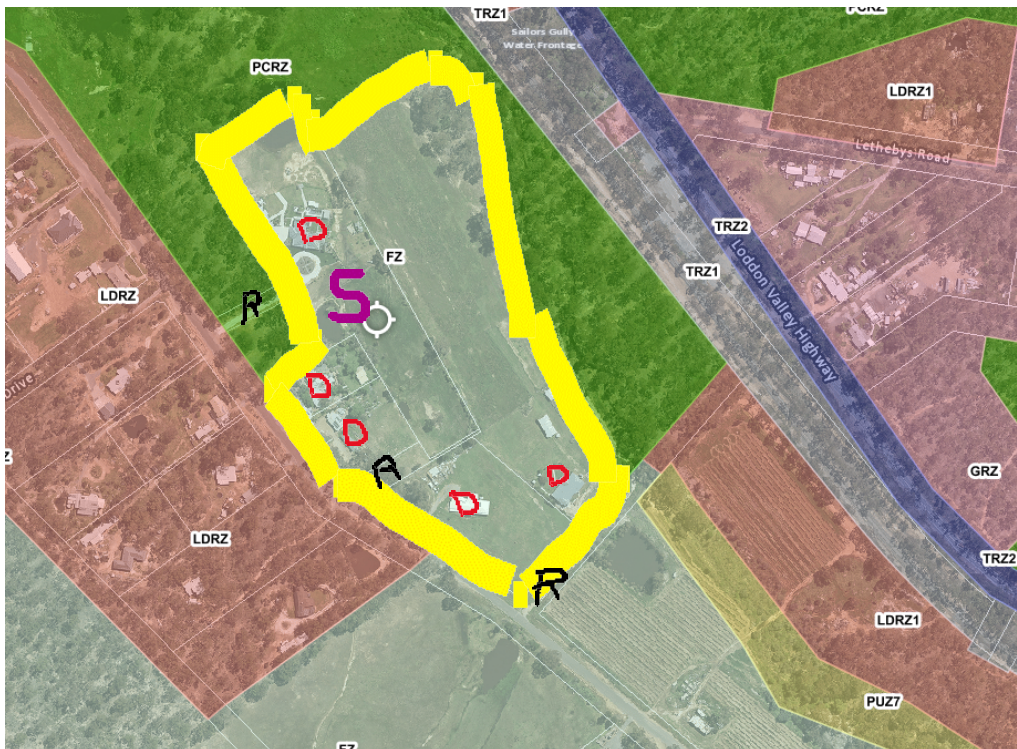
Bushfire planning

A Bushfire Management plan has been completed for this site and is attached.

Bushfire risk has been reduced as the proposed dwelling will be located in an area free of vegetation.

Catchment Planning, Management and Water Quality

As the site will be connected to reticulated town water, water management will not be an issue. The proposed dwelling will have appropriate setback from the wastewater system. There is no evidence of erosion or salinity on the site.



Subject site – S

Existing roads – R

Existing Dwellings – D

The section of Myers Flat although zoned for farming is operating at more of a low density residential or rural living environment. It is currently sandwiched between two areas of low density residential zoned land.

The land is not high quality productive agricultural land and given the close proximity of the existing dwelling at no 46, 50, 52 and 54 Williams road along with the future potential of a dwelling at no 48 Williams Road (noting it is zoned PCRZ and the exact tenure would need to be determined) it is very unlikely that agricultural pursuits would be appropriate given the existing level of residential development which includes on site waste water disposal areas.

It would make more sense in the longer term to rezone the land to at least rural living or alternatively Low Density Residential to the natural boundary being the road to the southeast.

Whilst there is support for the retention of agricultural land there is also a balance of what is possible and or practical given the existing conditions and the tribunal has provided some guidance in these situations where they have considered the fight to retain the land for pure agricultural purposes has been lost. It is considered that in this locality sandwiched between two area of low density residential that are undoing further development that the fight to retain this land for agriculture is lost.

One of the purposes of the farming zone is:

- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

The land is not considered high quality agricultural land nor of a scale or size to support intense agricultural operations due to the close proximity of existing dwellings, some of which are quite new it is considered that a further dwelling at No 46 would not adversely impact the use of the land for agriculture as it is not presently used for agriculture.

Under the decision guidelines for the farming zone the following are relevant:

Accommodation issues

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

The land is not used or considered productive agricultural land

There are no agricultural activities on immediately adjoining or adjacent land, the closest being a vineyard to the southeast.

There are no immediately adjoining agricultural uses as largely residential, or conservation uses adjoin.

There is already a concentration of dwellings some of which are quite new.

REVISIONS		
ISSUE No.	DATE	COMMENTS
REV. 1	09/09/2021	PRELIMINARY PLANS
REV. 2	16/09/2021	TOWN PLANNING PLANS
REV. 3	22/11/2021	TOWN PLANNING PLANS
REV. 4	04/06/2022	TOWN PLANNING PLANS
REV. 5	30/09/2022	TOWN PLANNING PLANS

DRAWING LIST	
SHEET No.	SHEET NAME
01	EXISTING SITE PLAN
02	SUB-DIVISION PLAN
03	PROPOSED SITE PLAN
04	EXISTING ACCESS
05	FLOOR PLAN
06	ELEVATION
07	ELEVATION
08	3D VIEWS



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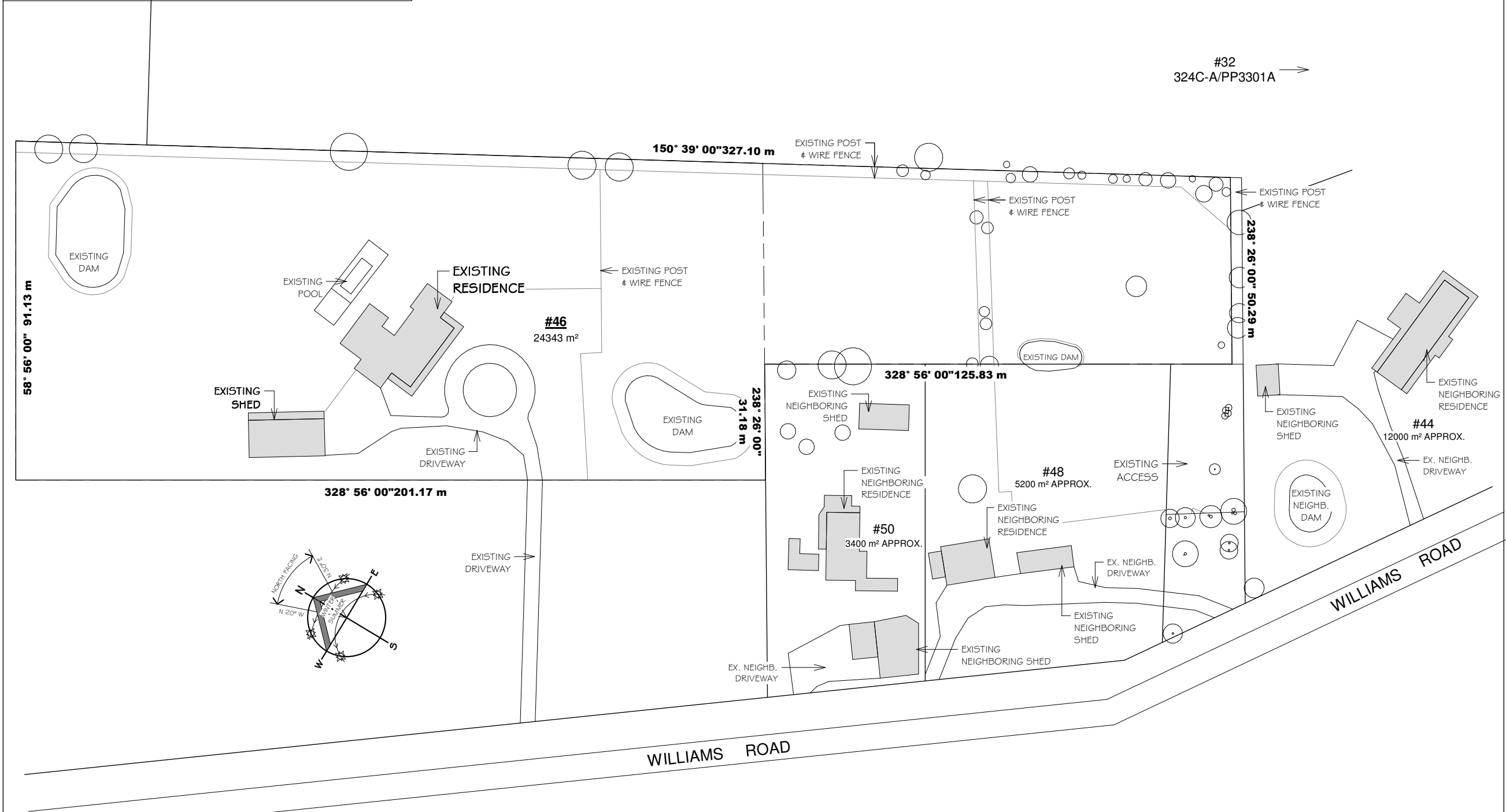


PROJECT INFORMATION

CLIENT: G&K PENNO
ADDRESS: 46 WILLIAMS ROAD, MYERS FLAT
REF No.: R21-176
DATE: 30/09/2022

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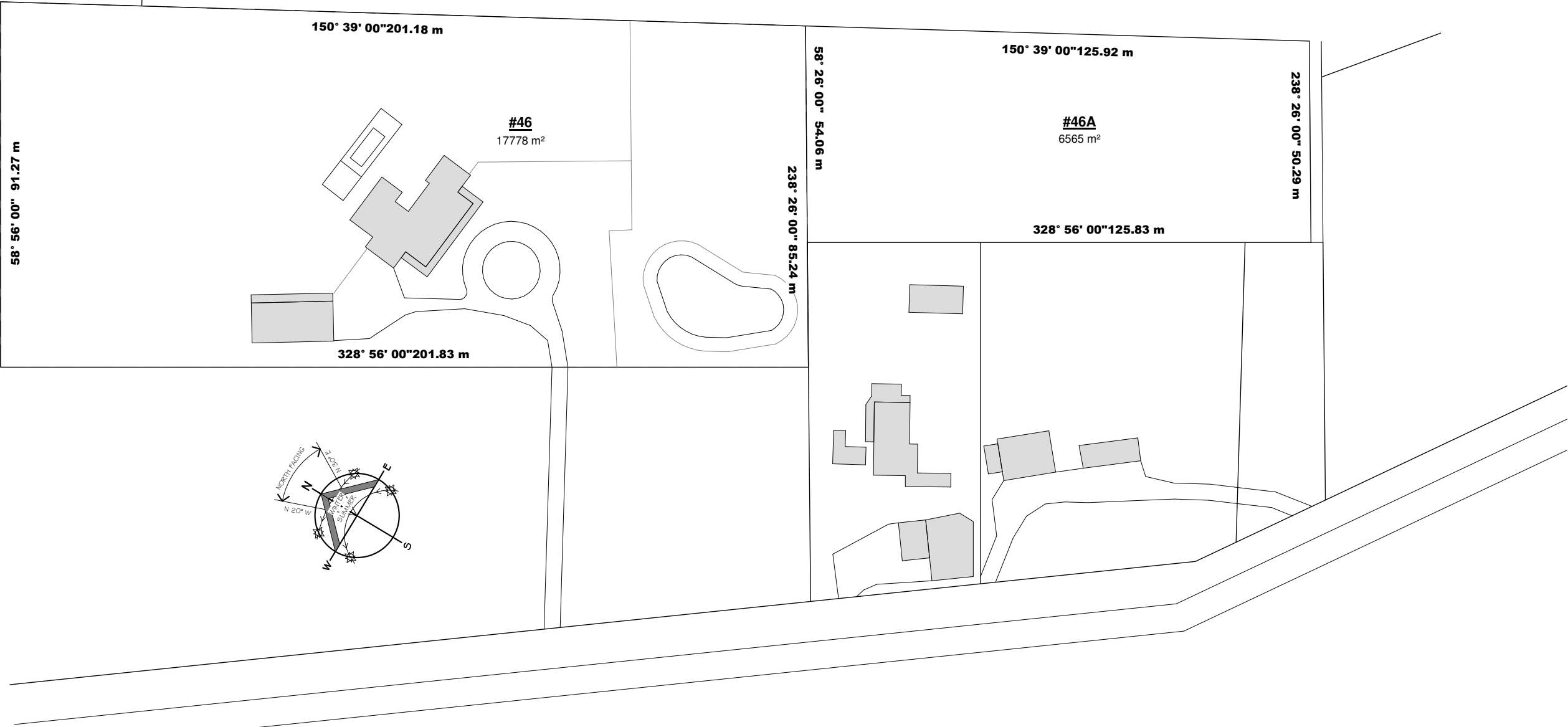
EXISTING SITE PLAN
1 : 1000

<div><div><div><div><div>PENNO</div><div>DRAFTING & DESIGN</div></div><div>33 BREEN STREET BENDIGO, Ph: (03)54443315, CDP-AD 57597</div></div><div><div><div><div><div></div><div>Design Matters</div><div>National</div><div>The peak body for the building design profession</div><div>Member</div></div><div><div>©</div><div>COPYRIGHT</div></div><div><div>DO NOT SCALE DRAWINGS</div></div></div></div></div></div></div>	PROJECT CLIENT: G&K PENNO		REFERENCE No.: R21-176	DRAWING:	
			ISSUE No.: REV. 5	EXISTING SITE PLAN	
	PROJECT ADDRESS: 46 WILLIAMS ROAD, MYERS FLAT		DATE: 30/09/2022		
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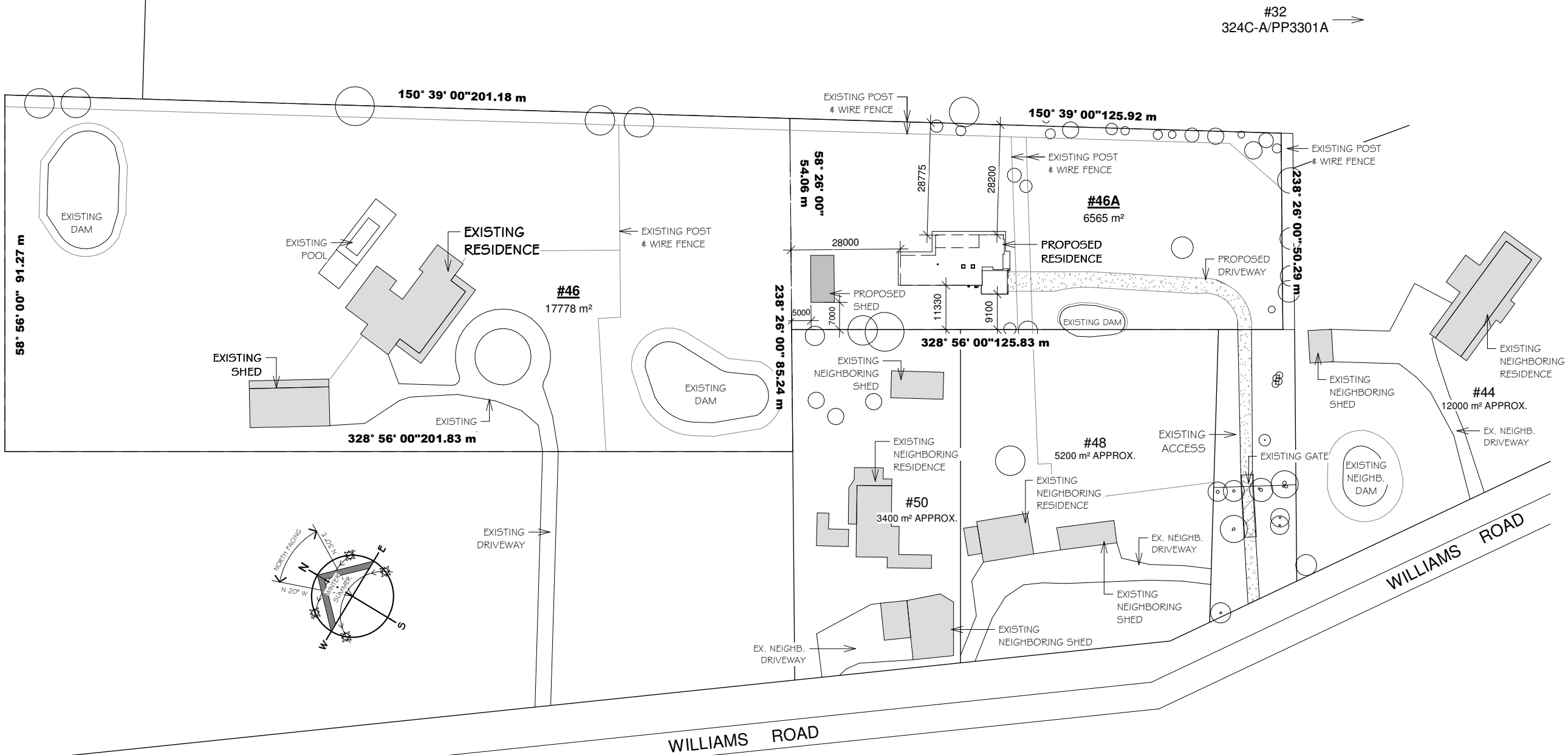
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SUB-DIVISON PLAN

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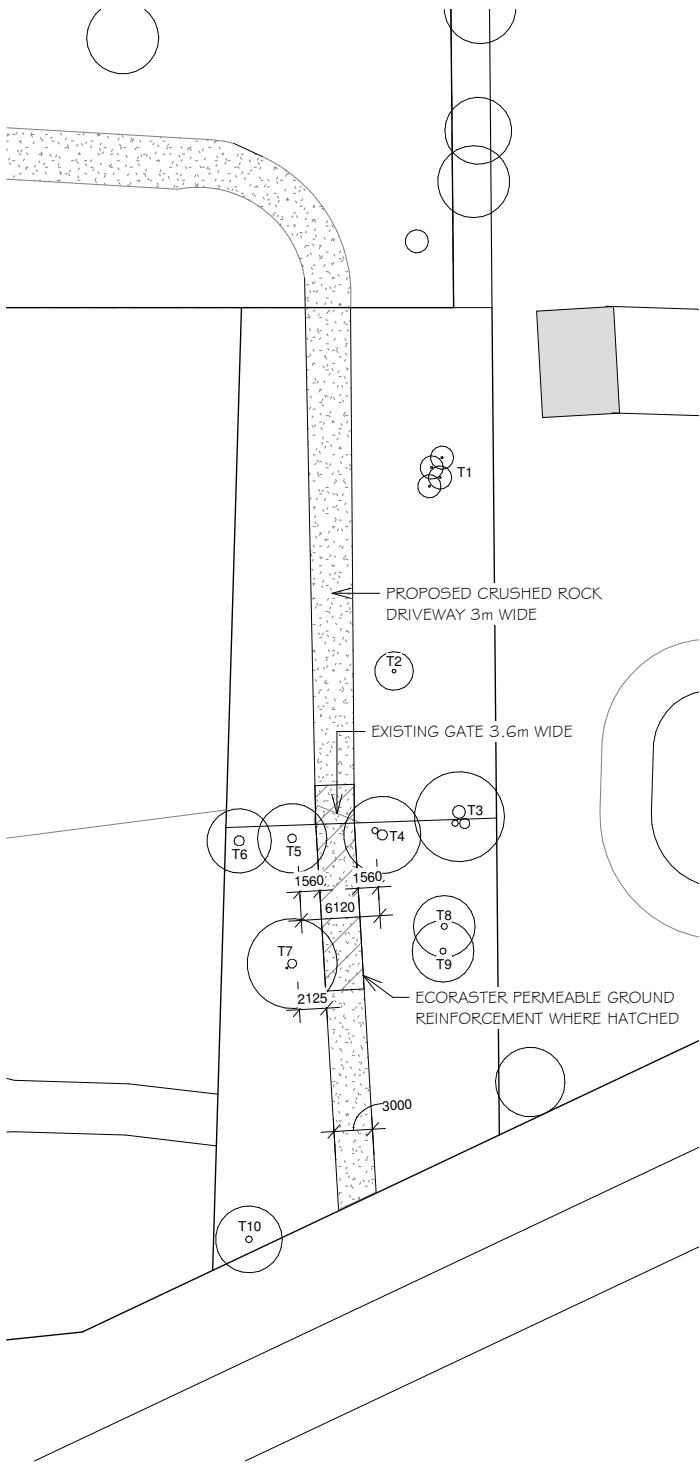
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PROPOSED SITE PLAN
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TREES IN TREE EXISTING ACCESS AREA

- T1 - 4x 160mmø
- T2 - 1x 300mmø
- T3 - 1x 500mmø, 1x 800mmø, 1x 1000mmø
- T4 - 1x 500mmø + 1x 800mmø
- T5 - 1x 680mmø
- T6 - 1x 800mmø
- T7 - 1x 700mmø
- T8 - 1x 480mmø
- T9 - 1x 500mmø
- T10 - 1x 520mmø



EXISTING ACCESS

1 : 500

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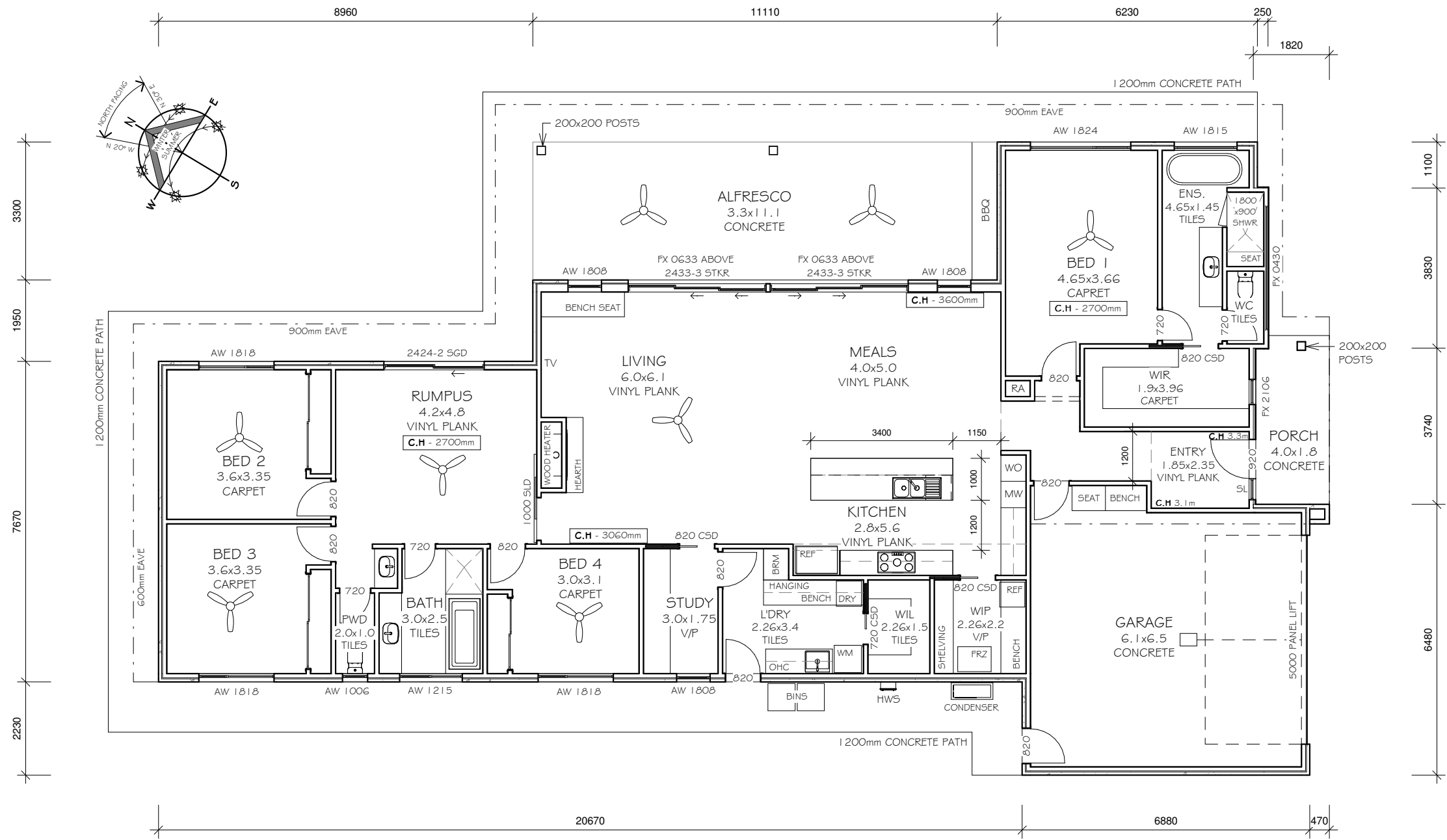
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PROPOSED AREA SCHEDULE		
NAME	AREA	SQUARES
LIVING	232.86 m ²	25.07
GARAGE	44.69 m ²	4.81
PORCH	7.25 m ²	0.78
ALFRESCO	36.66 m ²	3.95
GRAND TOTAL	321.46 m ²	34.60



FLOOR PLAN

1 : 100

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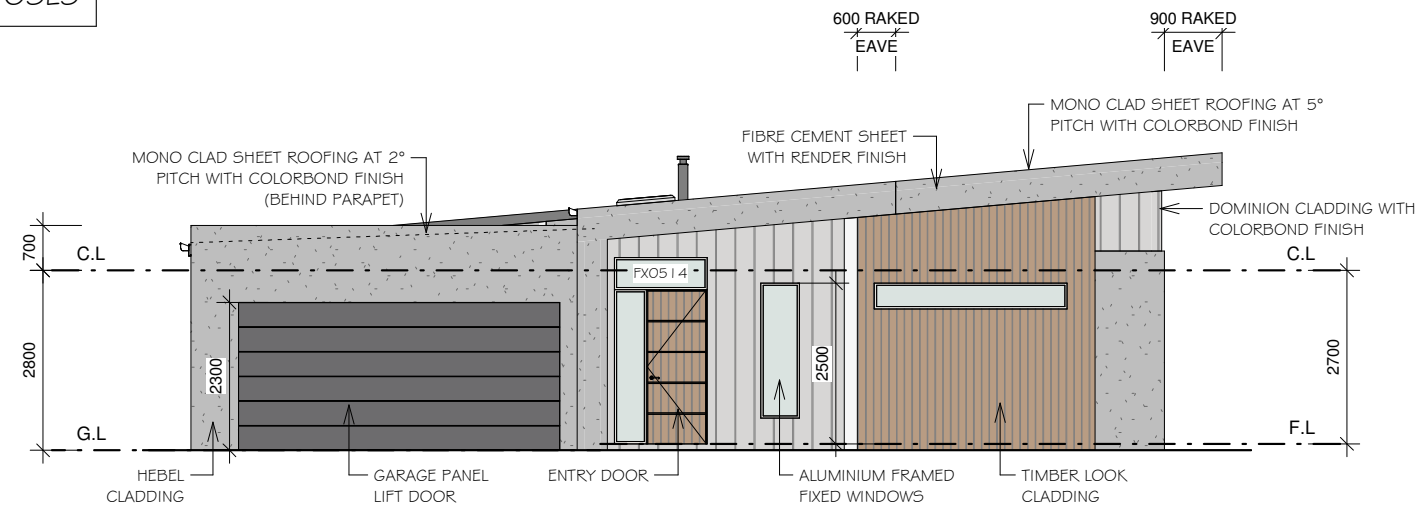
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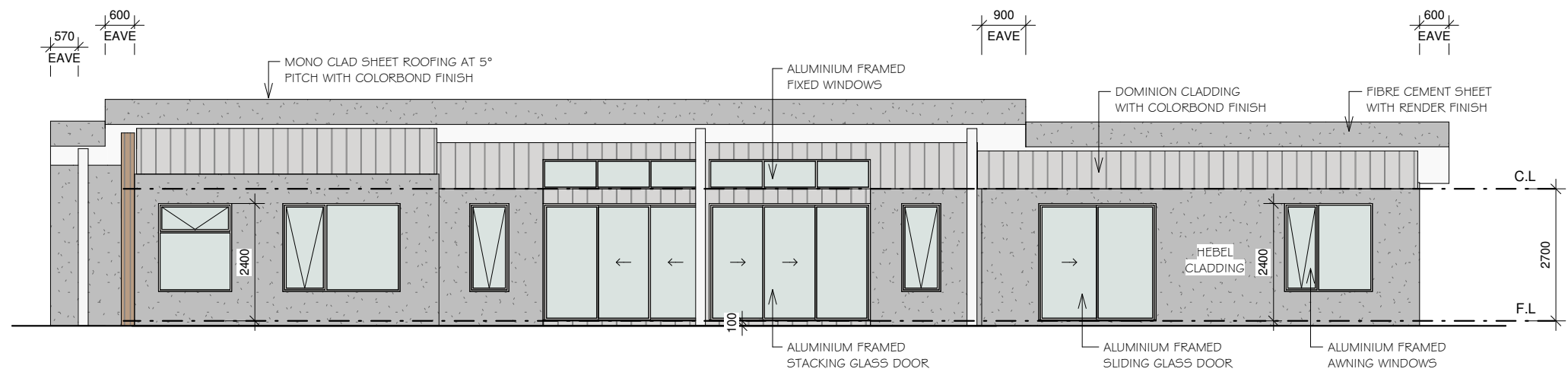
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SOUTH-EAST ELEVATION

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NORTH-EAST ELEVATION

1 : 100



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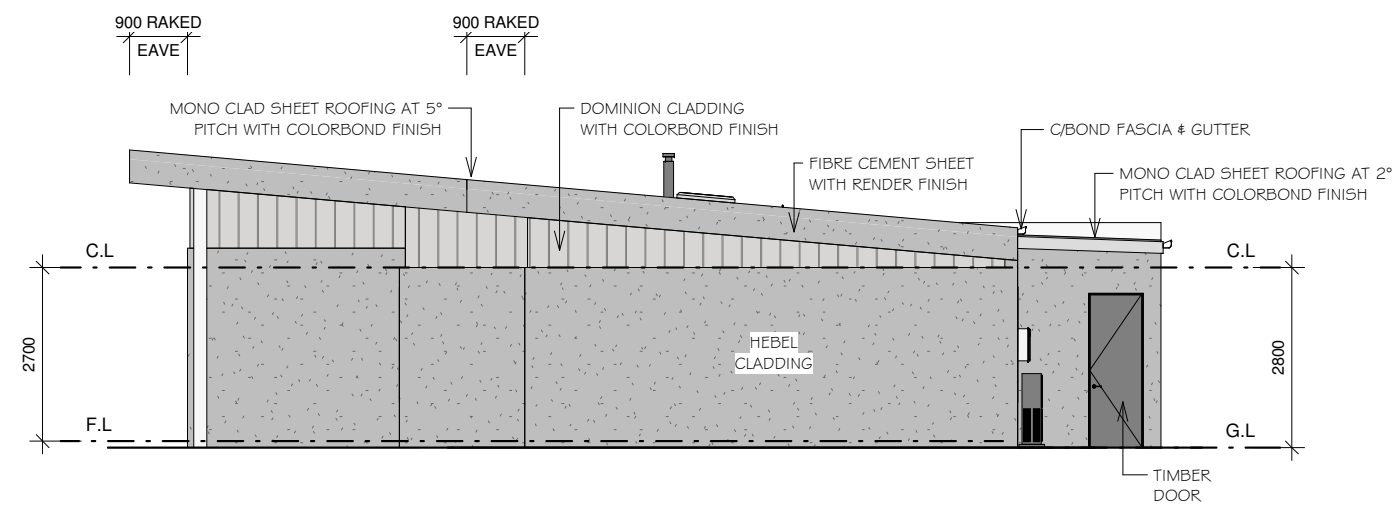
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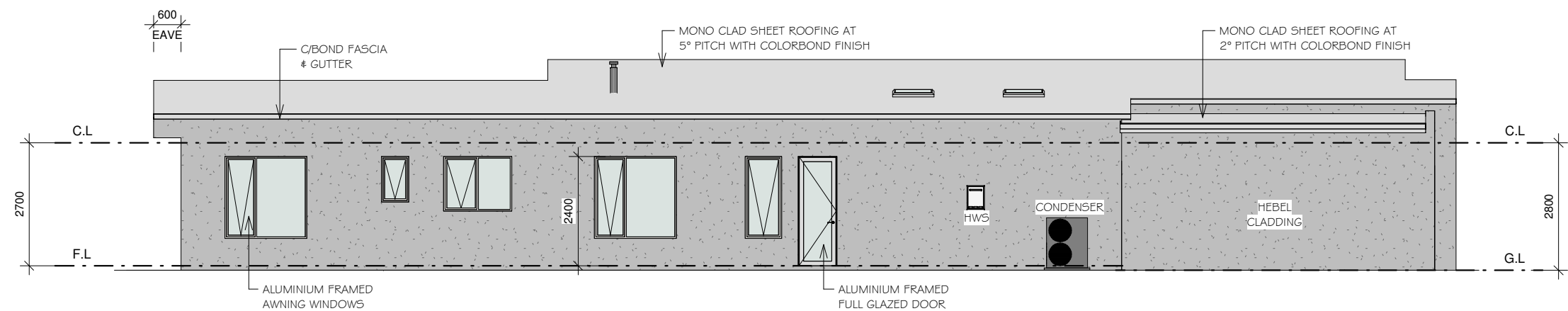
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SOUTH-WEST ELEVATION

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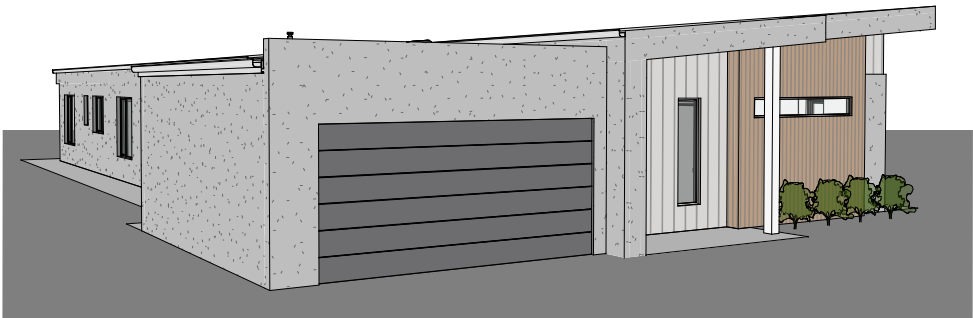
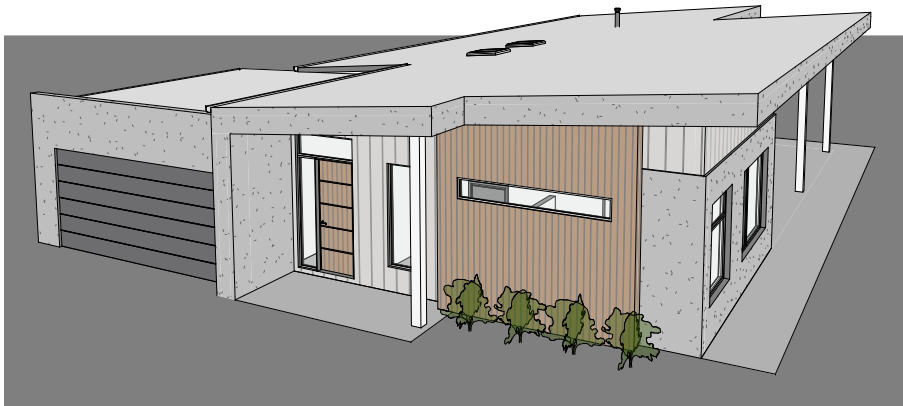
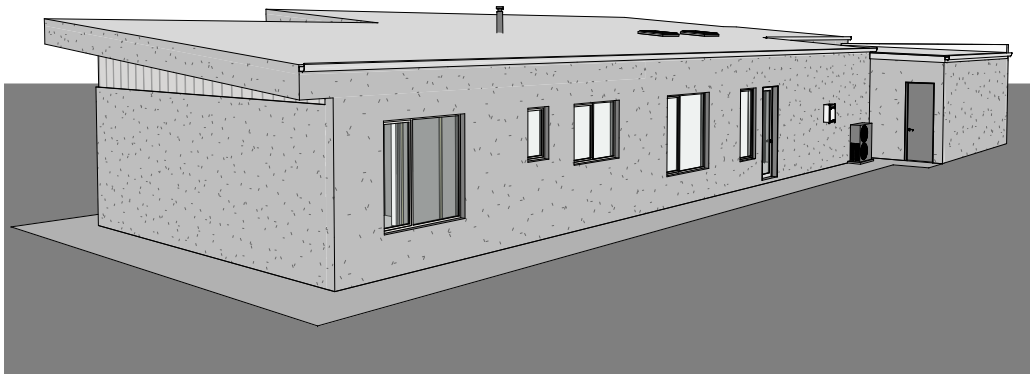
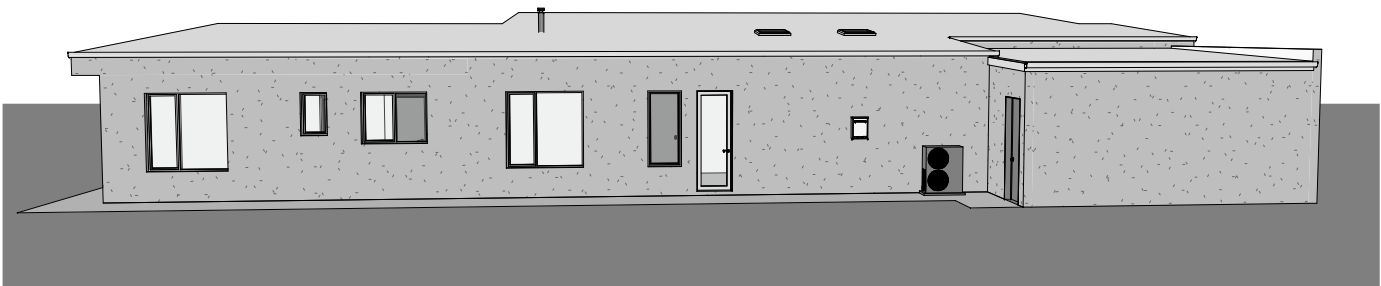
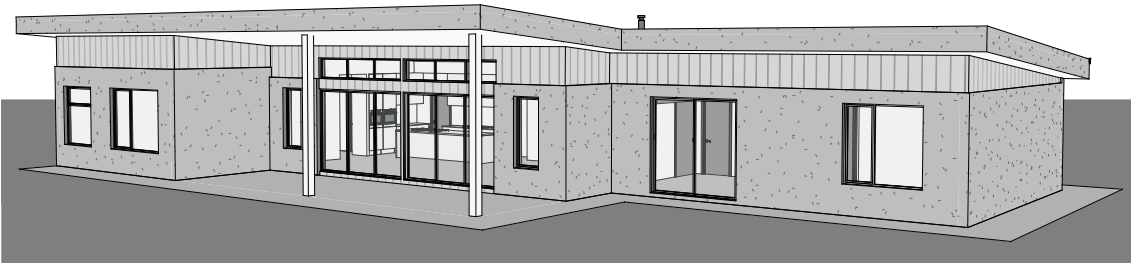
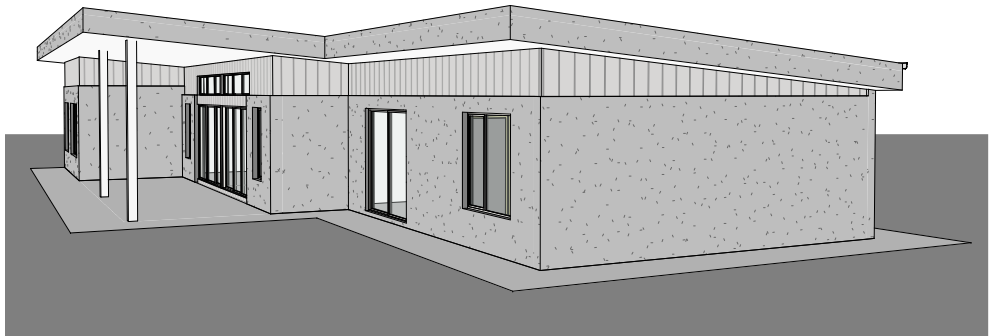
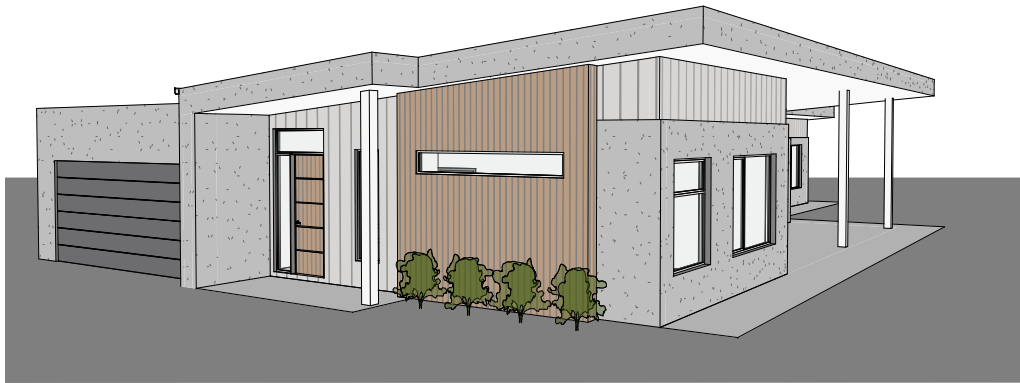
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ELEVATION

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Keystone Alliance Bushfire Assessments



Appendix 4 BMP

21-Feb-23

Bushfire Management Plan

46 Williams Road Myers Flat 3556

Ref# 3522\4.0



Bushfire Protection Measures

Mandatory Condition

The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

a) Defensible Space Lot 2 only

Defensible space is provided around the building envelope for a distance of 50m or to property boundary whichever is lesser and managed in accordance with the following:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

b) Construction Standard Lot 2 only

Building designed and constructed to a minimum Bushfire Attack Level of BAL 29

c) Water Supply

The following requirements apply:

- An effective capacity of 10,000 litres
- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosion resistant metal.
- Include a separate outlet for occupant use.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlets of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP) 65 millimetre) and coupling (64-millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

d) Access

Access Required: Yes

The following design and construction requirements apply:

- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than 1 in 8 (12.5%) (7.1°) entry and exit angle.
- A turning circle with a minimum radius of eight metres, or
- A driveway encircling the building, or
- The provision of other vehicle turning heads – such as a T or Y Head-which meet the specification of Austroads Design for an 8.8 metre service vehicle.

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PLANNING DEPARTMENT

22/02/2023

BPAD
Bushfire Planning & Design
Accredited Practitioner

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Bushfire Management Statement Pathway 3



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22/02/2023

Property Address:

46 Williams Road Myers Flat 3556

Prepared for: Penno Drafting & Design

Date: February 2023

Ref# 3522\4.0





Keystone Alliance Bushfire Assessments



Bushfire Assessments project: 3522\4.0

Cover image: Looking at proposed site.

Bushfire Assessment

ABN 44 103 792 088

713 Plenty Road, Reservoir Vic

M: 0450 770 778

Version Control

Version	Date		Name
1.0	28/09/2021	Analysis, mapping and report compilation	Paul Oikonomidis Manager, Bushfire Planning and Design
1.0	29/09/2021	Peer review	Viky Patsari Admin
1.0	29/09/2021	BMS Bushfire Assessment and BMP reports	To client
2.0	8/11/2021	BMS & BMP revised	To client
3.0	24/06/2022	BMS & BMP revised siting of house	To client
4.0	24/06/2022	BMS & BMP revised to Subdivision	To client

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1



Keystone Alliance Bushfire Assessments



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Keystone Alliance Bushfire Assessments



1 Executive Summary

The property was visited in **February 22** to undertake a bushfire hazard assessment.

The site is a residential lot in a Farming Zone of Greater Bendigo

The parcel to be developed has a total area of approximately 6,565m².

We are seeking development approval to construct a dwelling & a shed.

On-site and surrounding area vegetation within the 150m assessment area is classified as modified.

Classified vegetation grassland on a 0-5° downslope constructing with a BAL 12.5 defensible space around the building is 22m or to property boundary whichever is lesser, corresponding to Clause 53.02-5 Table 2

The area close to the site has no bushfire history, and in the event of a bushfire, the impact to the dwelling will be from ember attack and radiant heat.

There are several designated NSP in Greater Bendigo the Eaglehawk is the closest one.

A 10,000 -litre water tank will be required for firefighting purposes,

Access can meet BMO's access requirements (Appendix 4).

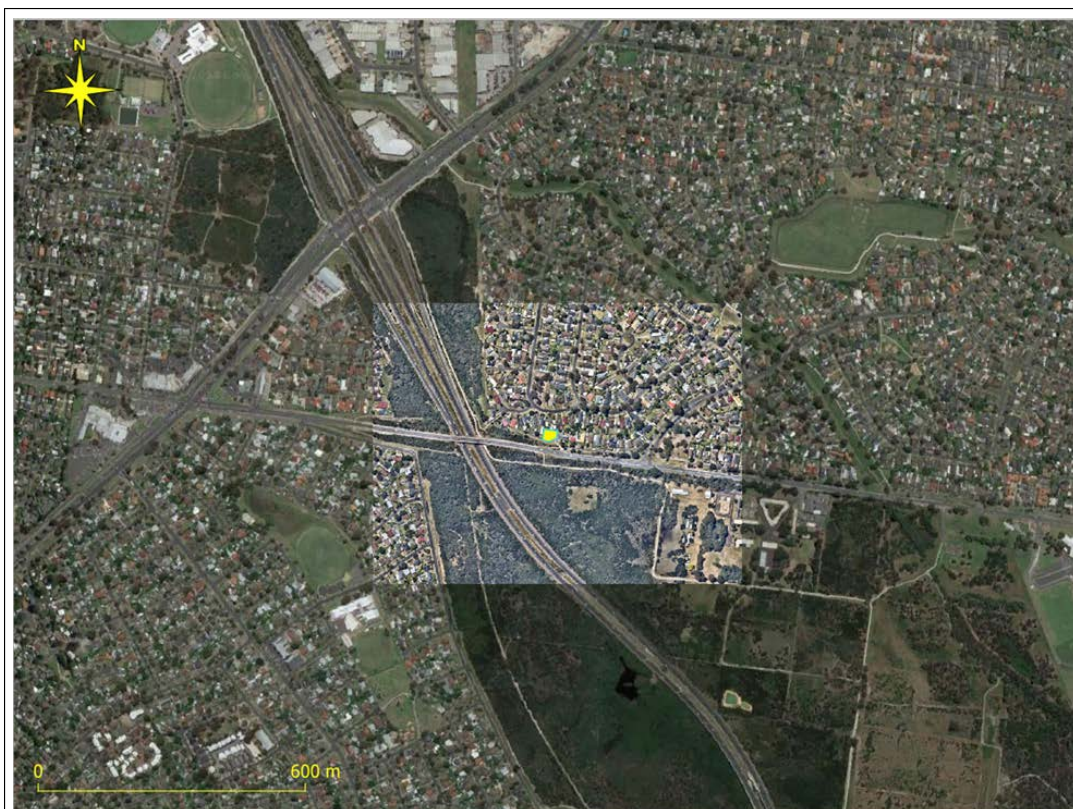


Figure 1 Aerial view of site highlighted parcel to be developed QGIS, data.vic.gov.au, google maps & nearmap



Keystone Alliance Bushfire Assessments



2 Introduction

The proposal seeks development approval to **realign and subdivide land with an existing house into two lots** on the land known as **46 Williams Road Myers Flat 3556**. The property comprises of one parcel as seen in *Figure 2*.

Keystone Alliance Bushfire Assessments has been engaged by; **Penno Drafting & Design** to provide a Bushfire Management Statement in accordance with Clause 44.06 Bushfire Management Overlay and 53.02 Bushfire Planning Requirements at which is to accompany the planning permit application lodged with **Greater Bendigo**.

This assessment describes the subject site and surrounding area in relation to the risk associated with the Bushfire Attack Level (BAL), together with the relevant planning controls, namely, Australian Standard 3959 "Construction of buildings in bushfire-prone areas."

The parcel to be developed has **an rectangular** shape and an area of approx. **24,343m²** it is located approximately **3.5 km** via road, **north-west from Eaglehawk's township** in one of **Greater Bendigo** semi- rural areas. The property's static water supply will be from water tanks, it is provided with telecommunication services, and is connected to the sealed road network. Vehicular access to the land is via **Williams Rd** (*as in Figures 1&2*)

The purpose of the report is to assist in a decision of issuing a planning permit for the construction of the proposed development in a Bushfire Management Overlay.



Keystone Alliance Bushfire Assessments



3 Site Description

3.1 Site shape, dimensions, size and planning controls	
Local government:	Greater Bendigo
Council Property Number:	206707
The shape of the site is:	rectangular
The dimensions of the site are:	Please refer to Image 2 Site area
The site has a total area of:	Approximately 24,343m ²
The zoning of the site is:	FARMING ZONE (FZ) SCHEDULE TO THE FARMING ZONE (FZ)
The overlays that apply to the site are:	BMO Affected: Areas of Aboriginal Cultural Heritage Sensitivity
Assessed by: Paul Apostolos Oikonomidis	



Figure 2 Property's area QGIS data.vic.gov.au, google maps & nearmap



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Keystone Alliance Bushfire Assessments



4 Bushfire hazard site assessment

4.1 Hazard Assessment

The proposed development has been assessed under AS 3959 – 2018 "Construction of buildings in bushfire prone areas." A vegetation hazard assessment was carried out within a 150m radius from each proposed building envelope. Within this area our interest was directed on the type of vegetation surrounding the proposal, distance from the proposal and the effective slope it stood.

The bushfire attack level (BAL) is a means of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact, using increments of radiant heat expressed in kilowatts per meter squared. The BAL is also the basis for establishing the requirements for construction to improve protection of building elements from attack by bushfire.

The highest BAL determines the construction requirements for a habitable building. A reduction of one BAL level may be applied if facades of the building are shielded from the bushfire hazard, however for this site no shielding occurs. The BAL for this site has been calculated using a Forest Fire Danger Index (FFDI) of 100 and a Flame Temperature of 1090K. These parameters are in accordance with the risk parameters set in Clause 53.02.

The vegetation within the 150-metre assessment area was classified according to AS 3959:2018, Technical Guide: Planning Permit Application Bushfire Management Overlay (DELWP, 2017) and the Overall Fuel Hazard Assessment Guide (DSE, 2010).

The AS 3959:2018 approach uses a generalised description of vegetation based on the AUSLIG (Australian Natural Resources Atlas" No.7 Native Vegetation) classification system. According to this method, vegetation can be classified into seven categories. Each category indicates a fire behaviour and these categories or classifications are then used to determine bushfire intensity. Information gained from the Ecological Vegetation Classes Figure 3 Surrounding vegetation as in 2005 EVC's reinforces the vegetation classification chosen and provides an indication of connectivity within the greater landscape.

The BAL assessments of the Lot are detailed in Figure 4 below

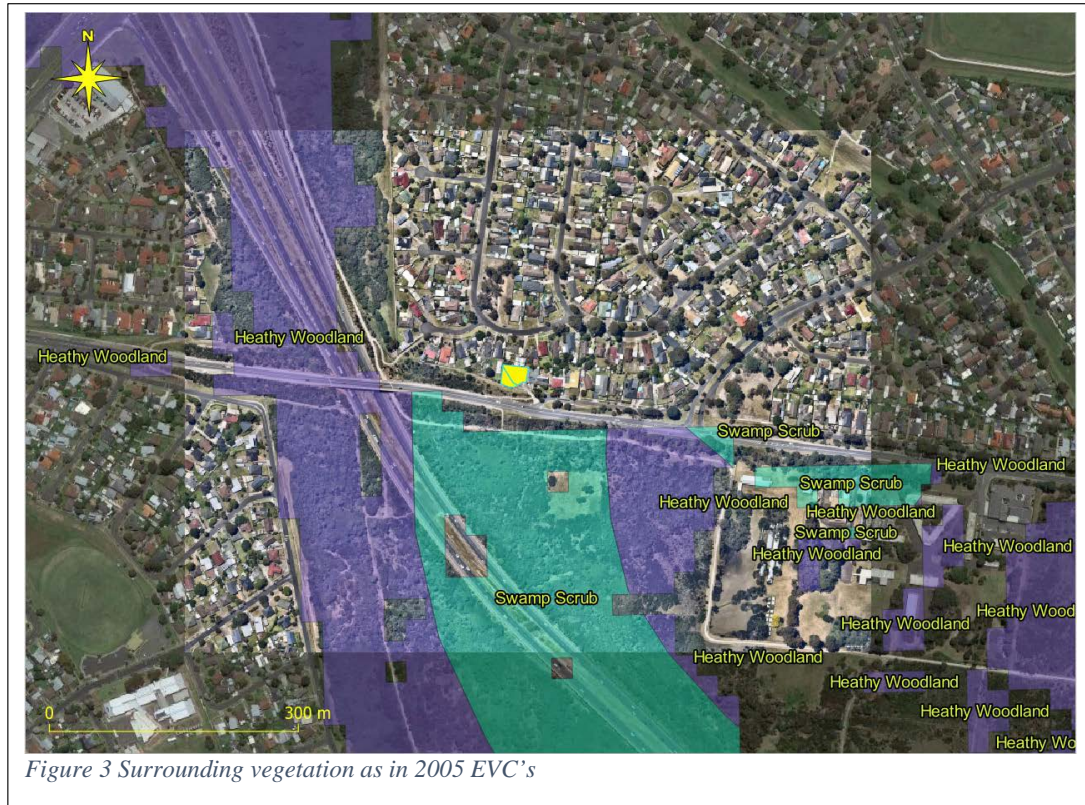


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4.2 Vegetation

Vegetation on and around the site has been classified in accordance with the likely fire behaviour it may generate.



Woodland

Trees 2–30 metres high with foliage cover in the range of 10 to 30 per cent at maturity, predominantly dominated by Eucalypts and Acacias. Woodlands are dominated by trees but generally lack the shrubby middle layer and deep surface litter layer that is characteristic of forests and have a grassier ground layer. Modelled using McArthur fire behaviour, assigned 15t/ha understorey with 25t/ha total fuel load. In accordance with AS 3959, vegetation identified as Class B Open Woodlands should be classified on the basis of the understorey.

Modified Vegetation

Much of the vegetation to the north and east of the site has been identified as 'modified vegetation' (see Map 2). Planning Practice Note 65 notes that modified vegetation can occur where fuel loads are high but the vegetation is modified because of urban development, gardens, the way the vegetation is configured (for example, limited or no understorey), or because the fuel loads are different from the fuel loads assumed by AS3959-2009 but the vegetation cannot be excluded as it is not low-threat or low-risk (DTPLI, 2014).



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Lot 2 Assessment area

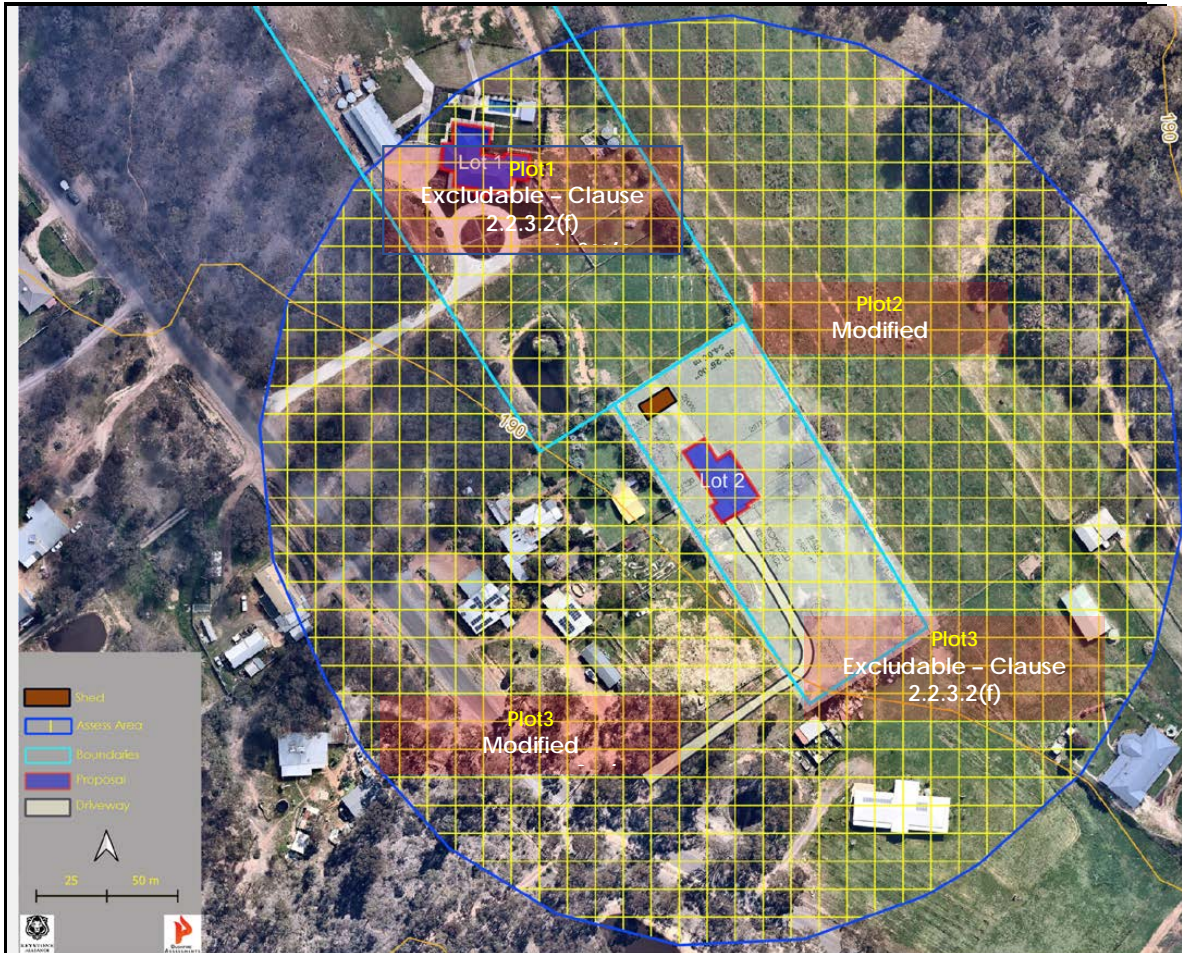


Figure 4 Assessment Area QGIS nearmap, google maps & data.vic.gov.au

Plot	Vegetation Classification	Effective Slope (degrees)		Separation (m)	BAL	Defendable Space (m)
1	Excludable – Clause 2.2.3.2(f)	N/A	N/A	NA	BAL – LOW	50m or PB
2	Modified	N/A	N/A	NA	BAL – 29	50m or PB
3	Excludable – Clause 2.2.3.2(f)	N/A	N/A	NA	BAL – LOW	50m or PB
4	Modified	N/A	N/A	NA	BAL – 29	50m or PB

PB= property boundary

An assessment of the site conditions has categorized this site as **BAL- 29** fire risk and a requirement of defendable space around the building is **50m or to property boundary whichever is lesser**.

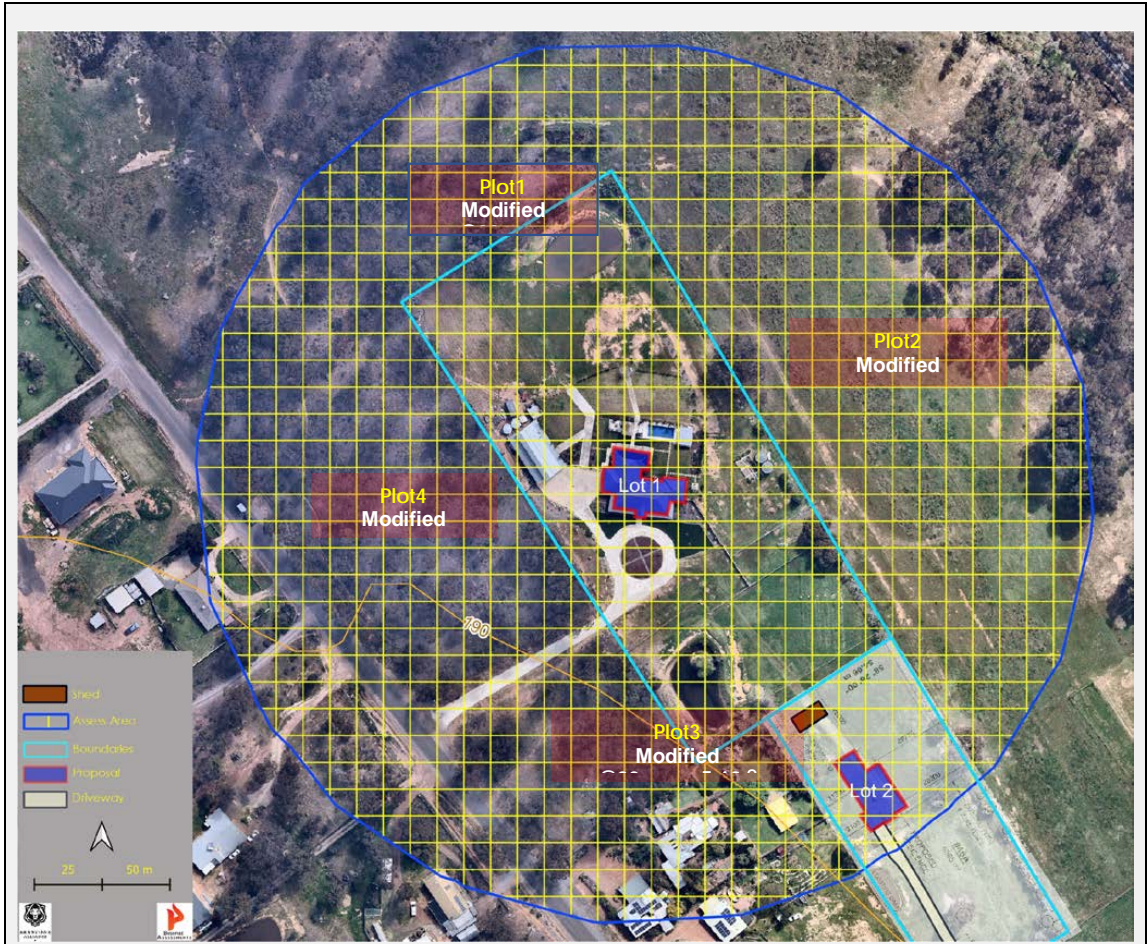




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Lot1 Assessment area



Plot	Vegetation Classification	Effective Slope (degrees)		Separation (m)	BAL	Defendable Space (m)
1	Modified	N/A	N/A	NA	BAL – 29	50 or PB
2	Modified	N/A	N/A	NA	BAL – 29	50 or PB
3	Modified	N/A	N/A	NA	BAL – 29	50 or PB
4	Modified	N/A	N/A	NA	BAL – 29	50 or PB

PB= property boundary
An assessment of the site conditions has categorized this site as **BAL- 29** fire risk and a requirement of defendable space around the building is **50m or to property boundary whichever is lesser**.





Keystone Alliance Bushfire Assessments



4.3 Photos of Assessment Area



PLOT1 Northern from proposal



PLOT2 Eastern adjacent lot.



46 Williams Road Myers Flat 3556
M 0450 770 778 Email paul@keystonealliance.com.au

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PLOT 3 South-eastern area



PLOT4 West from proposal.



46 Williams Road Myers Flat 3556
M 0450 770 778 Email paul@keystonealliance.com.au

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5 Bushfire Hazard Landscape Assessment

5.1 Location description

Land surrounding the proposal at a 500m is mainly residential land within woodland and grazed grassland. Residential land extends around the proposal apart from land to the north where Woodvale Recreation Reserve occupies land for more than 3.0km north bound. Bushfire risk is considered low to moderate since the reserve is at a distance of more than 200m. A landscape bushfire run can take place exceeding 3.0km.

Likelihood of a bushfire event is considered **possible**; signifying the threat could take place sometime in the future. The consequences from a bushfire event are indicated as **moderate**; with no fatalities, localized damage only, a significant financial loss, some medical treatment may be required including hospitalisations.

The Regional Bushfire Planning Assessment – Melbourne Metropolitan Region (DPCD, 2012) identifies “*West Bendigo*” areas as having multiple bushfire matters including:

- Cluster of small lots between Loddon Valley Highway and Allies Road in proximity to bushfire hazard area associated with scattered remnant vegetation and state forest. Includes vegetation of high and very high conservation significance.

Due to the type & extent of vegetation surrounding the proposal a potential landscape fire run can take place in extreme weather conditions approaching from the north but will alter before reaching the proposal due to lack of fuel.

The main driveway access into the site is from **Williams Rd**. This is a dual carriageway, linking to **Eaglehawk’s** closest CFA Fire Station located at **2800m** via road on **29 Peg Leg Road** east of the entrance driveway.



Keystone Alliance Bushfire Assessments



5.1.1 Landscape risk

Clause 13.05 stipulates that new development is only permitted where 'the risk to human life, property and community infrastructure from bushfire can be reduced to an acceptable level'. To assist in defining the risk, four 'broader landscape types', representing different risk levels are described in *"Planning Permit Applications Bushfire Management Overlay Technical Guide Sep. 2017"*.

The four types range from low risk landscapes where there is little hazardous vegetation beyond 150m of the site and extreme bushfire behaviour is not credible, to extreme risk landscapes with limited or no evacuation options.

The Technical Guide outlines four Landscape Types. The local landscape character surrounding the property is most attributable to Landscape **Type 2**:

Table 1- Landscape risk

Broader Landscape Type 1	Broader Landscape Type 2	Broader Landscape Type 3	Broader Landscape Type 4
<ul style="list-style-type: none"> • There is little vegetation beyond 150m of the site (except grasslands and low-threat vegetation). • Extreme bushfire behaviour is not possible. • The type and extent of vegetation is unlikely to result in neighbourhood-scale destruction of property. • Immediate access is available to a place that provides shelter from bushfire. 	<ul style="list-style-type: none"> • The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site. • Bushfire can only approach from one aspect and the site is located in a suburban, township or urban m area managed in a minimum fuel condition. • Access is readily available to a place that provides shelter from bushfire. This will often be the surrounding developed area. 	<ul style="list-style-type: none"> • The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site. • Bushfire can approach from more than one aspect. • The site is in an area that is not managed in a minimum fuel condition. • Access to an appropriate place that provides shelter from bushfire is not certain. 	<ul style="list-style-type: none"> • The broader landscape presents an extreme risk. • Evacuation options are limited or not available.



Keystone Alliance Bushfire Assessments



5.2 Bushfire History

Greater Bendigo areas are prone to bushfires, the area has been impacted by bushfires in the recent history, bushfires have been recorded in the wider area and in the immediate area surrounding the subject site.

Controlled burns have taken place, and a wildfire history has been recorded in the areas surrounding the proposal as you can see in *Figure 7* below. The immediate area has a fire history, and the publicly available database indicates that the site itself hasn't experienced bushfire.

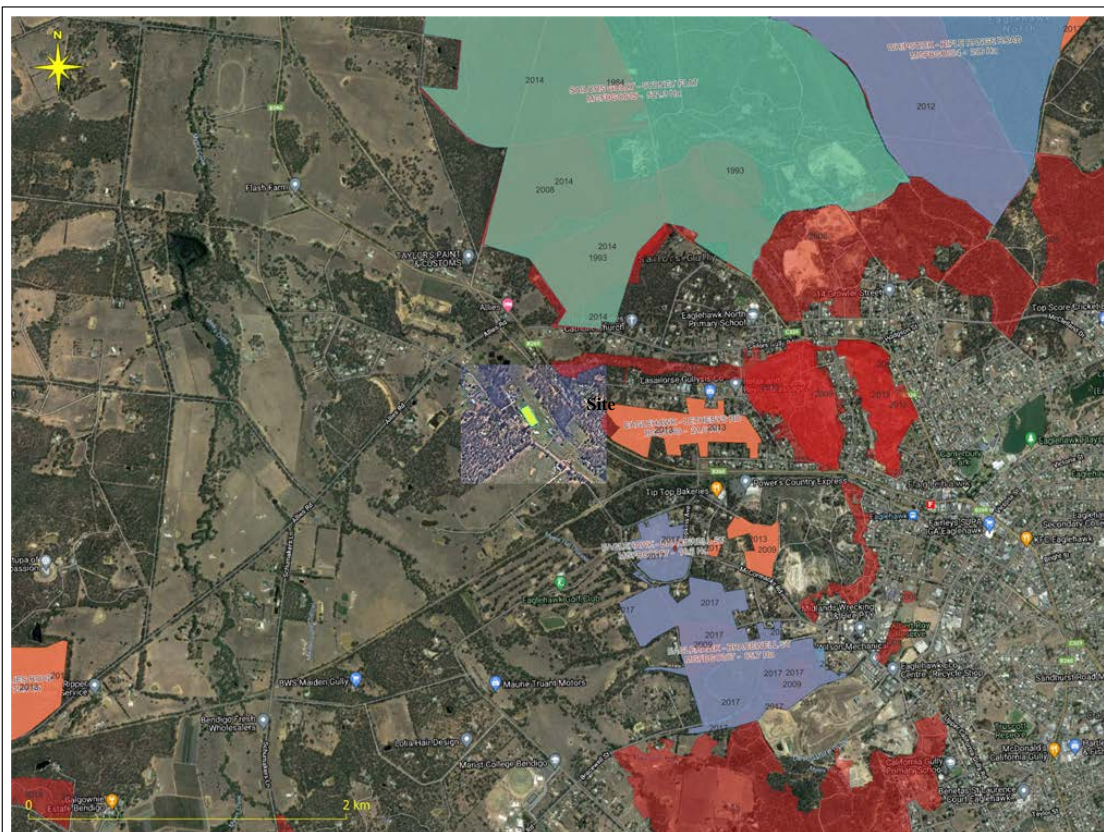
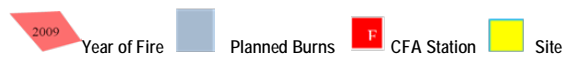


Figure 8 Bushfire history & planned burns around the proposal QGIS data.vic.gov.au, google maps & nearmap





Keystone Alliance Bushfire Assessments



5.3 Bushfire Scenario

The most likely bushfire scenarios are those typically associated with the direction of the wind on severe or higher, fire danger days i.e. approach of bushfire from the north, northwest, west or southwest.

Hazard vegetation in this occasion is located east from the proposal and in Victoria no bushfires have been recorded approaching from the east, even though in a case it happens the development site will be impacted upon by a low-moderate, landscape scale fire approaching from the **north**. A fire from these directions would approach through the **forested** areas of driven by hot, dry **north, north-western** winds commonly experienced during summer.

Whilst the **northern forested** areas may intemperately the speed and intensity of the fire before it impacted the site, under the BMO conditions of low humidity, elevated temperatures and fierce winds, the development could be subjected to significant ember attack and possibly radiant heat. The cleared areas around the development are a considerable asset in this scenario and substantially reduce the threat of radiant heat and flame impacts.

The **forested** areas to the **north** of the site are a potential hazard to the development and could result in a fire approaching from the **north**, generating significant ember attack and radiant heat.

Whilst the **forested** area, can cause substantial amounts of embers and burning material to be blown long distances, the development site is sufficiently setback from the **hazard** such that it will be able to provide appropriate defensible space, commensurate with the risk and proposed construction standard of the building.



Keystone Alliance Bushfire Assessments



6 Bushfire Management Statement

6.1 Landscape, siting and design objectives

- Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.
- Development is sited to minimise the risk from bushfire.
- Development is sited to provide safe access for vehicles, including emergency vehicles. Building design minimises vulnerability to bushfire attack.

Compliance with these objectives at Clause 53.02-4.1 is proposed via the following Approved measures.

6.1.1 Approved measure 2.1 Landscape

'The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level'.

As identified in Section 5 the landscape is **not one** of extreme bushfire risk. Whilst a, landscape scale bushfire could impact the site, the speed and intensity of a fire approaching from the **north**, will be somewhat moderated by residential land managed to low fuel levels surroundings of the proposal and of areas of low threat and/or non-vegetated areas.

To the **north at a distance** there are large contiguous **forested** areas and the possibility of a potential fire run in extreme weather conditions of high temperatures and low humidity is feasible.

It is proposed that the risk can be mitigated to an acceptable level by implementing bushfire protection measures in compliance with the BMO requirements including BAL construction standard, commensurate defendable space, provision of a water supply for firefighting, ensuring good access and egress are available for occupants and emergency services and, most importantly, management planning in the form of a Bushfire Emergency Management Plan.

6.1.2 Approved measure 2.2 Siting

A building is sited to ensure the site best achieves the following:

- The maximum separation distance between the building and the bushfire hazard.
- The building is in close proximity to a public road.
- Access can be provided to the building for emergency service vehicles.

The proposed development is sited to have maximum distance from hazard vegetation from all aspects. Sufficiently distant to achieve **BAL-29** defendable space.

The building will be sufficiently distant from hazardous vegetation such that 'Table 2' to Clause 53.02-5 setbacks are achieved (please refer to Defendable Space Map 3).

The proposed development is close to a main public road enabling access and egress in compliance with BMO requirements for emergency vehicles and occupants/visitors.



Keystone Alliance Bushfire Assessments



6.1.3 Approved measure 2.3 Design

A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.

All BAL standards above BAL-Low are deemed to satisfy the building code requirement that buildings be designed and constructed to reduce the risk of ignition from a bushfire, appropriate to the:

- (a) 'potential for ignition caused by embers, radiant heat or flame generated by a bushfire; and
- (b) intensity of the bushfire attack on the building' (Building Code of Australia 2016).

The design of the buildings will aim to facilitate wind flow over the building and easy maintenance (e.g. cleaning of gutters) and avoid complex roof lines which may allow build-up of debris (e.g. accumulation of leaves and bark) and trap embers. Walls and eaves should similarly avoid or minimise re-entrant corners and other features that may trap debris and embers.

The proposal will be constructed with a **BAL-29**.



Keystone Alliance Bushfire Assessments



6.2 Subdivision objectives

To provide lots that are capable of being developed in accordance with the objectives of Clause 53.02.

To specify at the subdivision stage bushfire protection measures to develop a lot with a single dwelling on land zoned for residential or rural residential purposes.

6.2.1 Defendable space AM 5.1

An application to subdivide land, other than where AM 5.2 applies, demonstrates that each proposed lot is capable of meeting:

- *The defendable space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5.*
- *The approved measures in Clause 53.02-4.1 and Clause 53.02-4.3.*

Bushfire hazard assessment classified vegetation is '**modified**' details of the defendable space requirement for proposed lots is provided in **Figure 9** of this report.

6.2.2 Subdivision Proposal AM 5.2

An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows:

- *Each lot satisfies the approved measure in AM 2.1.*
- *A building envelope for a single dwelling on each lot that complies with AM 2.2 and provides defendable space in accordance with:*
 - *Columns A or B of Table 2 to Clause 53.02-5 for a subdivision that creates 10 or more lots; or*
 - *Columns A, B or C of Table 2 to Clause 53.02-5 for a subdivision that creates less than 10 lots.*

The bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5 must be noted on the building envelope.

- *Defendable space wholly contained within the boundaries of the proposed subdivision.*

Vegetation management will be provided within the subdivisions boundary as shown each lot in Appendix 6. Defendable Space is in accordance to Clause 53.02-5 Table 2

- *Defendable space may be shared between lots within the subdivision. Defendable space for a lot may utilise communal areas, such as roads, where that land can meet the requirements for defendable space.*

Assessed areas classified as 'excludable' due to low threat vegetation, defendable space utilises the communal land and adjacent lots where vegetation is maintained to very low fuel levels meeting the requirements in accordance with Table 6 of Clause 53.02-5 defendable space vegetation management. Details for each lot's def. space is provided in Figure 9 **Lot 2** def. space is within the property complying with Table 6 standards. Defendable space is in accordance with Clause 53.02-5 Table 2 to be provided for **50m or to property boundary whichever is lesser**.

- *Vegetation management requirements in accordance with Table 6 to implement and maintain the defendable space required under this approved measure.*

Is achievable within the proposed subdivision

- *Water supply and vehicle access that complies with AM 4.1.*

Achieved via AM4.1 please refer to Section 6.3 of this statement.



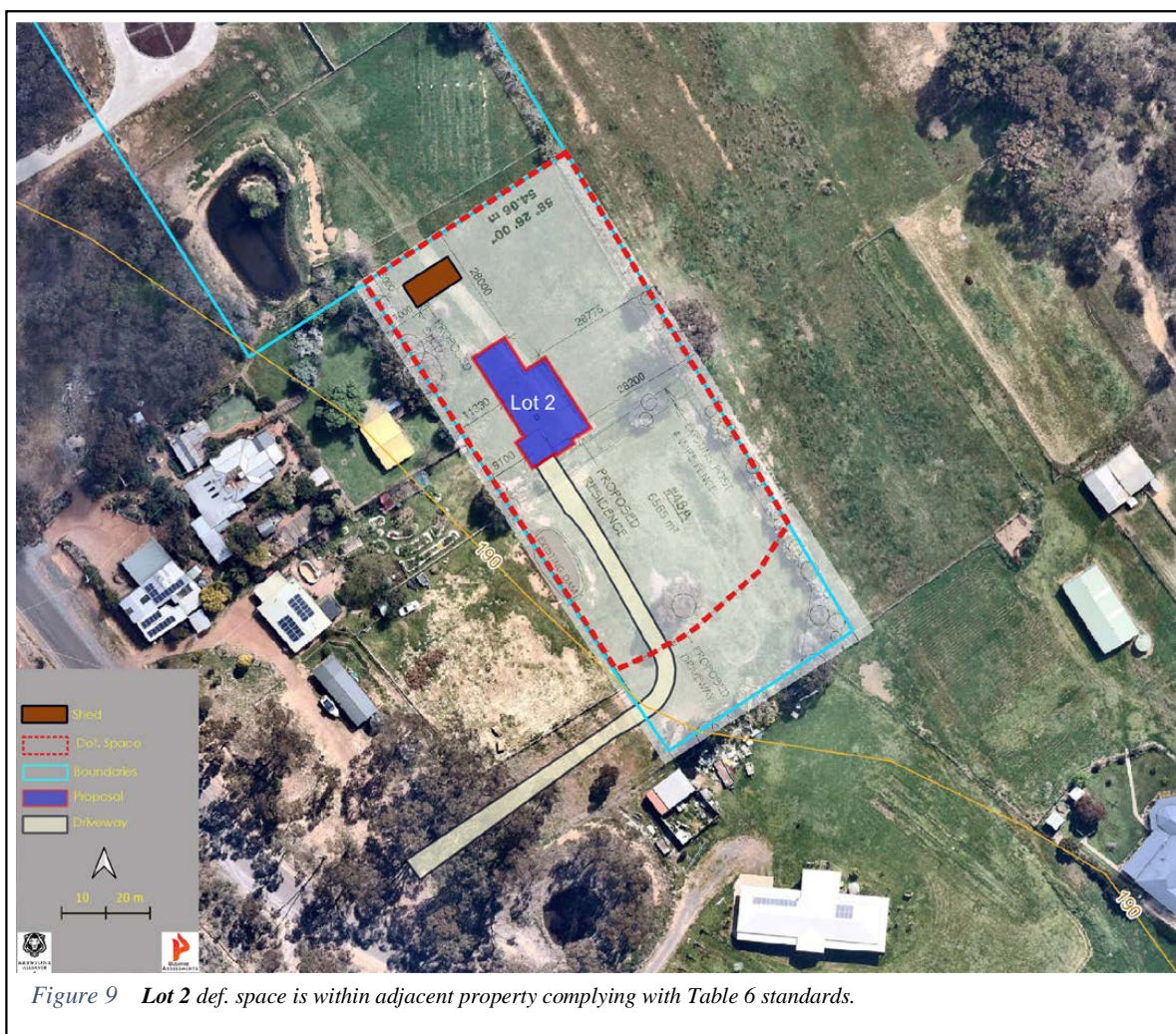
Keystone Alliance Bushfire Assessments



6.2.3 Building defensible space

The habitable building within **Lot 2** will be constructed with a **BAL-29**

For classified vegetation **modified on any slope** required def. space is **50m or to property boundary whichever is lesser** from the edges of the proposal as shown below in **Figure 9** corresponding to Clause 53.02-5 Table 2.



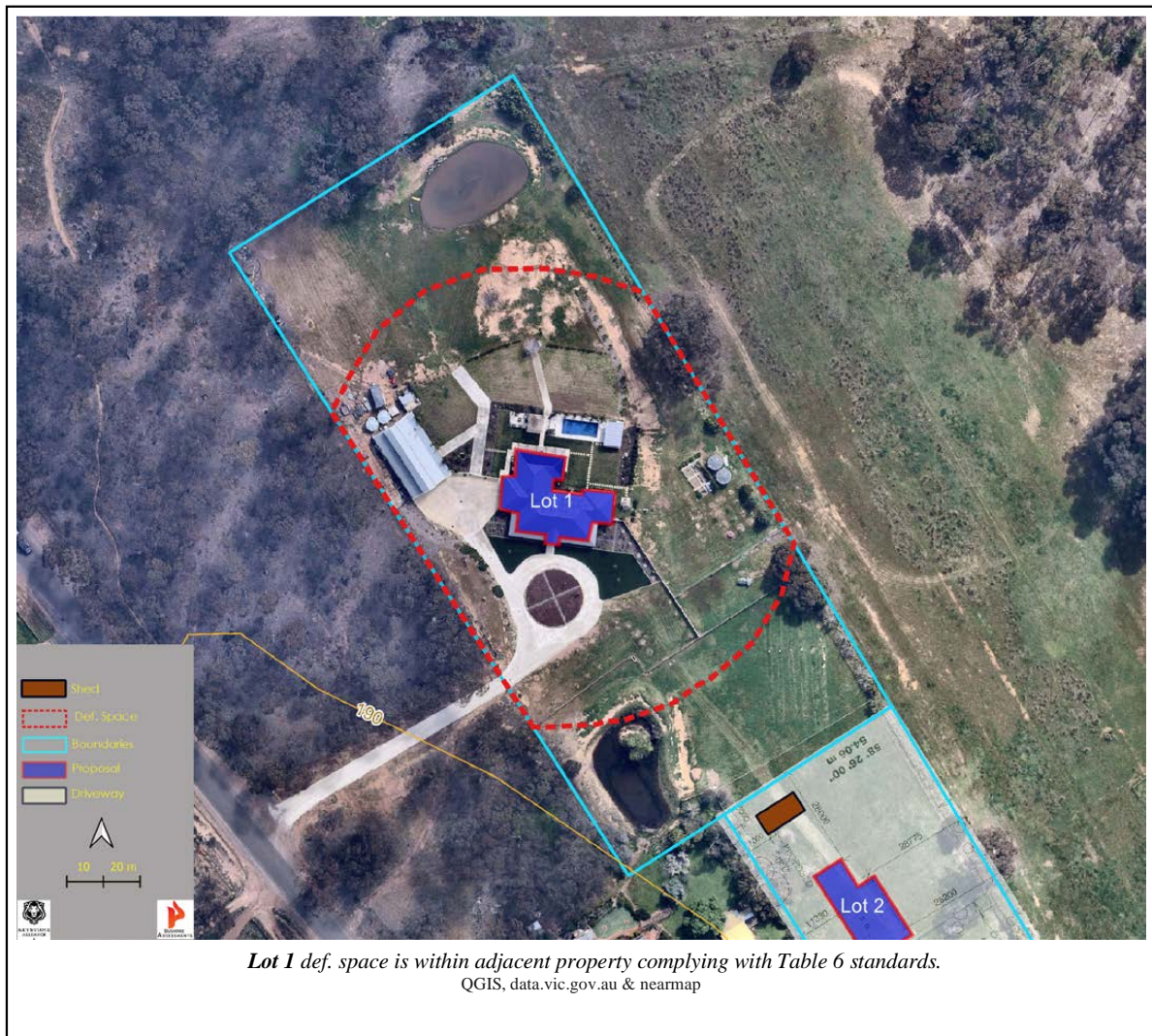


Keystone Alliance Bushfire Assessments



Future development of a habitable building within **Lot 1** can be constructed with a **BAL-29**

For classified vegetation **modified on any slope** required def. space is **50m or to property boundary whichever is lesser** from the edges of the proposal as shown below in **Figure 9** corresponding to Clause 53.02-5 Table 2. **Can be achieved for future development.**





Keystone Alliance Bushfire Assessments



The two parcels have an area of **24,343 m²** of land. The subdivision proposes **2** lots with an area for Lot1 **17,778m²** & Lot2 **6565m²**.

The proposed subdivision will create **2** lots.

Vegetation within the proposed subdivision is to be regularly maintained to low fuel levels, in perpetuity. The proposed subdivision will increase the current bushfire protection measures in place, thus mitigating overall risks. If the status quo is maintained, no additional bushfire protection measures are currently enforceable under the Planning Scheme.

The subdivision approval will require implementation of *static water supply*, dedicated for firefighting purposes. Vegetation management will be implemented; the subject land will be maintained in accordance with defensible space standards as in Clause 53.02-5 Table 6.

Therefore, subdividing the land increases the standards and provisions for bushfire protection.

6.3 Water supply and access objectives

'A static water supply is provided to assist in protecting the property.

Vehicle access is designed and constructed to enhance safety in the event of a bushfire'.

These objectives can be achieved via Approved measures 4.1 (AM 4.1):

'A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with:

- A static water supply for firefighting and property protection purposes specified in Table 4 to Clause 53.02-5.*
- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5'.*

The water supply may be in the same tank as other water supplies if a separate outlet is reserved for firefighting water supplies.

It is proposed that a minimum total capacity of **10,000-litres** be provided for **Lot 2 only** as a dedicated static water supply for bushfire firefighting only.

Access

Internal roads will provide access in accordance with the vehicle access design and construction specifications in Table 5 to Clause 53.02-5 (detail provided as Appendix 4).



Keystone Alliance Bushfire Assessments



7 Clause 13.02-1S Bushfire

Clause 13.02-1S Bushfire has the objective to “*strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life*”. This clause applies to land within the Bushfire Prone Area (BPA), BMO or proposed to be used or developed in a way that may create a bushfire hazard. Clause 13.02-1S contains five strategies to meet the objective, being:

- Protection of human life;
- Bushfire hazard identification and assessment;
- Settlement planning;
- Areas of high biodiversity conservation value; and
- Use and development control in a BPA.

This development addresses the requirements of Clause 13.02-1S in several ways. It is considered that the development can appropriately prioritise the protection of human life by ensuring that the proposed building within the development will not be exposed to a radiant heat flux of more than **29** kilowatts/square metre, which is commensurate to a BAL **29** construction standard.

The lot is **24,343** m² and is required to provide a minimum static water supply for **Lot2 only** of **10,000** - litres as per Table 4 to Clause 53.02-5. Vehicles can easily access the development since its on a main public road.

This report identifies the bushfire hazard and applies the standard site assessment methodology used in AS3959-2018 and Clause 53.02, which is applied to developments in the BMO and is based on the best available science. The bushfire modelling inputs that form the basis for this methodology factor in vegetation type (e.g. Woodland, Grassland), potential fuel-loads in a long-unburnt vegetation community, weather conditions on higher bushfire risk days (e.g. wind speed, fuel moisture content, days since last rainfall) and the effect of slope gradient on the way fire travels through unmanaged vegetation. The site assessment process and desktop assessment using GIS software has determined the most appropriate vegetation type and commensurate slope category for each section/aspect of unmanaged vegetation.

Non-vegetated areas such as dwellings, roads, driveways and footpaths are considered part of a landscape in which a building would be rated as BAL-LOW (AS3959- 2018). Occupants will be able to move towards areas rated as BAL-LOW by travelling in a generally **eastern** direction into a highly urbanised area, or at the more localised scale, directly **south** on **Williams Rd** leading to a developed area or NSP.

The CFA specify that areas where development should not proceed could include:

- Isolated settlements where the size and/or configuration of the settlements will be insufficient to modify fire behaviour and provide protection from a bushfire.
- Where bushfire protection measures will not reduce the risk to an acceptable level.
- Where evacuation (access) is severely restricted.
- Where the extent and potential impact of required bushfire protection measures may be incompatible with other environmental objectives or issues, e.g. vegetation protection, land subject to erosion or landslip’ (CFA, 2015).

None of these criteria or characteristics are applicable to the area of the proposed



Keystone Alliance Bushfire Assessments



8 Overall Conclusion

The proposed development has been assessed under Clause 53.02 & AS 3959 – 2009.

An assessment of the site conditions & adjoining property has categorised this site as **"BAL 29"** fire risk, with Sections 3 & 7 utilised for the building construction under AS3959 and is subject to the recommendations outlined above.

The proposed development has been sited and designed to avoid on and off-site constraints. AS3959 2009' Construction of buildings in a bushfire prone area' describes **risk category for:**

- BAL – 12.5 as: "Ember Attack"
- BAL – 19 as: "Increasing levels of Ember Attack and burning debris ignited by wind borne embers with increasing heat flux between 12.5-19KW"
- **BAL – 29 as: "Increasing levels of Ember Attack and burning debris ignited by wind borne embers with increasing heat flux between 19-29KW"**
- BAL – 40 as: "Increasing levels of Ember Attack and burning debris ignited by wind borne embers with increasing heat flux with the increased likelihood of exposure to flames."
- BAL – FZ as: Direct exposure to flames from fire front in addition to heat flux and ember attack.

The final categorization of this site is subject to the relevant fire authority (CFA/MFB) review and approval.

Overall, the proposed development meets the requirements of the BMO and Clause 53.02– Bushfire Protection: Planning requirements.



Keystone Alliance Bushfire Assessments



Appendix 1: BMO vegetation management standards

Clause 53.02.5 Table 6 Vegetation management requirement

Vegetation management requirement

Defendable space is provided and is managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Unless specified in a schedule or otherwise agreed in writing to the satisfaction of the relevant fire authority.

Appendix 2: BMO static water supply requirements

Table 4 from Clause 53.02-5

Table 4 Water supply

Lot sizes (square meters)	Hydrant available	Capacity (litres)	Fire authority fittings and access required
Less than 500	Not applicable	2,500	No
500-1,000	Yes	5,000	No
500-1,000	No	10,000	Yes
1,001 and above	Not applicable	10,000	Yes

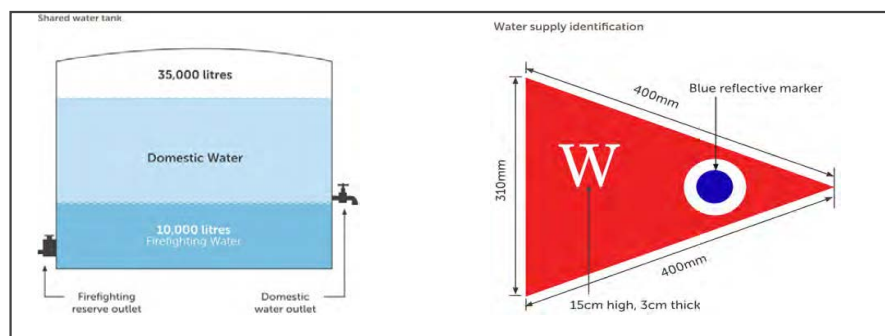
Water
tank

Note 1: A hydrant is available if it is located within 120 metres of the rear of the building

Note 2: Fittings must be in accordance with the published requirements of the relevant fire authority.

requirements

The water supply should be stored in an above ground water tank constructed of concrete, steel or corrugated iron. The water supply should be identified. The water supply may be provided in the same water



tank as other water supplies provided they are separated with different outlets'.

CFA Fittings (CFA, 2014b)

'If specified within Table 4 to Clause 53.02-5 (if fire brigade access to your water supply is required), CFA's standard BMO permit conditions require the pipe work, fittings and tank outlet to be a minimum size of 64 mm.

65 mm BSP (British Standard Pipe) is the most common size available. A 65mm fitting is equivalent to the old 2 1/2 inch. A 65 mm BSP (2 1/2 inch) fitting exceeds CFA's requirements and will therefore comply with CFA's standard permit conditions for the BMO.

Diagram 1 below shows some common tank fittings available at most plumbing suppliers which meet the connection requirements. It includes a 65mm tank outlet, two 65 mm ball or gate valves with a 65mm male to 64 mm CFA 3 threads per inch male coupling. This is a special fitting which allows the CFA fire truck to connect to the water supply. An additional ball or gate valve will provide access to the water supply for the resident of the dwelling'



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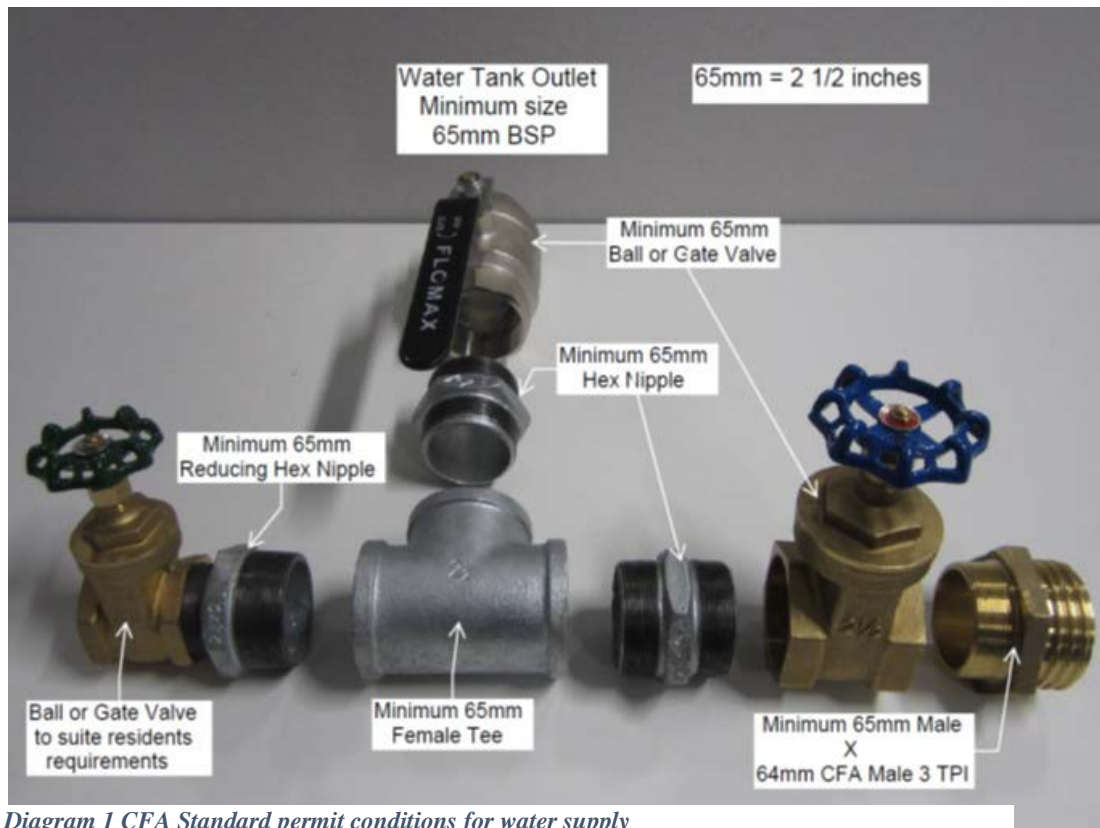


Diagram 1 CFA Standard permit conditions for water supply

Conditions required for all applications

'Show [xx litres] of effective water supply for firefighting purposes which meets the following requirements:

- Is stored in an above ground water tank constructed of concrete or metal.
- All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal'.
- Include a separate outlet for occupant use.

Additional conditions to apply if a 10,000-litre water tank is used and access is required

'The water supply must also –

- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the access way and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65millimetre) and coupling (64-millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling)



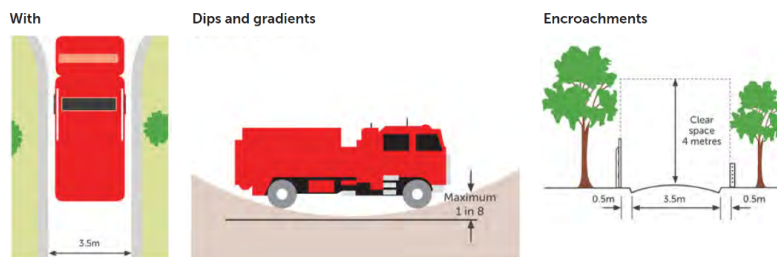
Keystone Alliance Bushfire Assessments



Appendix 3: BMO access requirements

Where the length of access is greater than 30 metres the following design and construction requirements apply:

- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle.
- A load limit of at least 15 tonnes and be of all-weather construction.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- A cleared area of 0.5 metres is required to allow for the opening of vehicle doors along driveways.



Practice Note 65 | Preparing and Assessing a Planning Application Under the Bushfire Provisions in Planning Schemes

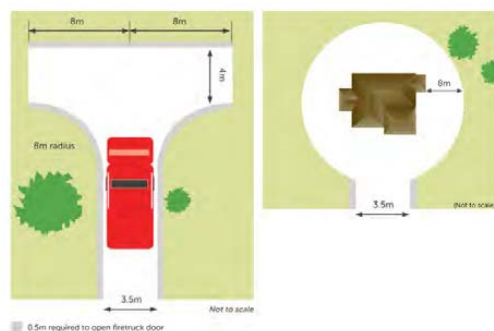
Access between 100 metres to 200 metres in length

In addition to the above:

A turning area for fire fighting vehicles must be provided close to the building by one of the following:

- a turning circle with a minimum radius of 8 metres

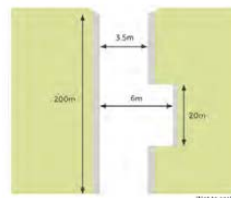
- a driveway encircling the dwelling
- other vehicle turning heads such as a T or Y head which meet the specification of Austroad Design for an 8.8 metre service vehicle.



Access greater than 200 metres in length

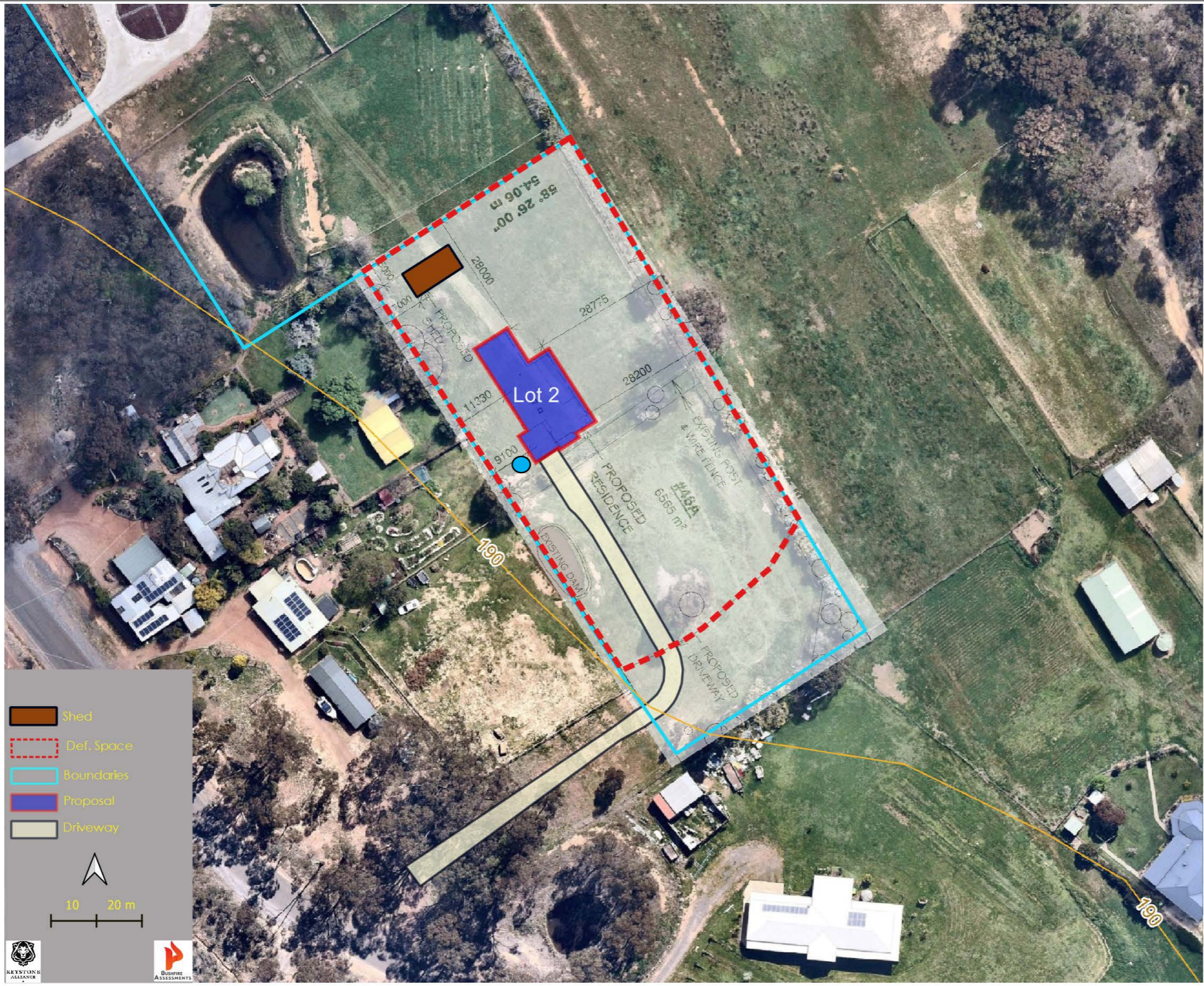
In addition to the above, passing bays are required at least every 200 metres that are:

- a minimum of 20 metres long
- with a minimum trafficable width of 6 metres.



development.





Bushfire Protection Measures

Mandatory Condition
The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed

- a) Defendable Space Lot 2 only**
Defendable space is provided around the building envelope for a distance of 50m or to property boundary whichever is lesser and managed in accordance with the following:
- Grass must be short cropped and maintained during the declared fire danger period.
 - All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
 - Shrubs must not be located under the canopy of trees.
 - Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
 - Trees must not overhang or touch any elements of the building.
 - The canopy of trees must be separated by at least 5 meters
 - There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

- b) Construction Standard Lot 2 only**
Building designed and constructed to a minimum Bushfire Attack Level of BAL 29

- c) Water Supply**
The following requirements apply:
- An effective capacity of 10,000 litres
 - Be stored in an above ground water tank constructed of concrete or metal.
 - Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
 - Include a separate outlet for occupant use.
 - Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
 - Be located within 60 metres of the outer edge of the approved building.
 - The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
 - Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64-millimetre CFA 3 thread per inch male fitting).
 - Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

- d) Access**
Access Required: Yes
The following design and construction requirements apply:
- All-weather construction.
 - A load limit of at least 15 tonnes.
 - Provide a minimum trafficable width of 3.5 metres.
 - Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
 - Curves must have a minimum inner radius of 10 metres.
 - The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of nom more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
 - Dips must have no more than a 1 in 8 (12.5%) (7.10) entry and exit angle.
 - A turning circle with a minimum radius of eight metres, or
 - A driveway encircling the building, or
 - The provision of other vehicle turning heads – such as a T or Y Head-which meet the specification of Austroad Design for an 8.8 metre service vehicle.

16.3. Development of Supermarket, Associated Retail, Liquor Store, Native Vegetation and Alteration of Access to Transport Zone 2 - 715-723 Calder Highway, Maiden Gully

Author:	Michael St Clair, Statutory Planner
Responsible Director:	Anthony Petherbridge, Acting Director Strategy and Growth

Summary/Purpose

Application No:	DC/309/2022
Applicant:	723 Calder Highway Maiden Gully Ptd Ltd
Land:	715-717 & 723 Calder Highway, Maiden Gully
Zoning:	Commercial 1 Zone
Overlays:	Bushfire Management Overlay Design and Development Overlay – Schedule 10
No. of objections:	9
Consultation meeting:	None held
Key considerations:	<ul style="list-style-type: none"> • The scope of consideration for this application. • Is the proposed site layout and built form acceptable for the preferred character of Maiden Gully? • Is the proposed signage acceptable? • Is the proposed reduction in car parking requirements acceptable? • Are the impacts on the surrounding road network and road safety acceptable? • Is the proposed extent of native vegetation removal acceptable? • Objector concerns.
Conclusion:	<p>The proposal is generally consistent with the relevant policies contained within the Municipal Planning Strategy and the Planning Policy Framework, the Commercial 1 Zone, the Design and Development Overlay – Schedule 10 and the Bushfire Management Overlay.</p> <p>Concerns relating to the proposed siting of the 'Click and Collect' facility fronting the Calder Highway service lane can be appropriately addressed through the inclusion of a permit condition requiring this to be relocated.</p> <p>The proposal, on balance, presents an appropriate planning outcome for the site, subject to minor modification through conditions, and it is recommended that Council notify the Victorian Civil and Administrative Tribunal for its conditional support to this proposal.</p>

Recommended Motion

That Council notify the Victorian Civil and Administrative Tribunal (VCAT) that it does conditionally support the grant of a permit to *“Construct a building or construct or carry out works associated with a supermarket, licensed premise (bottle shop) and retail development; construct or put up internally illuminated, business identification signage (including pole signs) and direction signage; reduce the standard car parking requirements; use land to sell or consume liquor; remove, destroy or lop native vegetation; create or alter access to a Road in a Transport 2 Zone’ on land located at 715 and 723 Calder Highway, Maiden Gully”* subject to the draft conditions at the end of this report.

RESOLUTION - Resolution No. 2023-54

Moved: Cr Alden

Seconded: Cr Fagg

That Council notify the Victorian Civil and Administrative Tribunal (VCAT) that it does **not** support the grant of a permit to “Construct a building or construct or carry out works associated with a supermarket, licensed premise (bottle shop) and retail development; construct or put up internally illuminated, business identification signage (including pole signs) and direction signage; reduce the standard car parking requirements; use land to sell or consume liquor; remove, destroy or lop native vegetation; create or alter access to a Road in a Transport 2 Zone” on land located at 715 and 723 Calder Highway, Maiden Gully” on the grounds that:

1. The proposal is inconsistent with the decision guidelines of the Commercial 1 Zone, particularly with regard to the provision of car parking and the effect of traffic to be generated;
2. The reduction of 33 car parking spaces is not considered satisfactory pursuant to the requirements of Clause 52.06.
3. The proposal would result in a detrimental impact on the landscape of the area due to the loss of vegetation contrary to Clause 52.17 of the City of Greater Bendigo Planning Scheme.

CARRIED

Background Information

Appeal Status

The applicant has appealed to the Victorian Civil and Administrative Tribunal (VCAT) against the City’s failure to determine the application within the statutory timeframe (under s.79 of the *Planning and Environment Act 1987*). A Hearing date has been scheduled for 5-9 June 2023. Council is required to form a position on the application, noting that VCAT will now be deciding on the application. This report recommends that Council establish the position of supporting the proposal, subject to the conditions.

Preliminary VCAT proceedings have commenced for this matter, with a Compulsory Conference held on 8 March 2023. The City participated in these proceedings in good faith

with all parties, whilst making it clear that Council had not yet formed a position on the application. Discussions at the Compulsory Conference were constructive but are yet to result in any formal amendment to the application.

Application Background

Having undertaken an initial assessment of the application, preliminary concerns were raised in relation to the following:

- Urban Design:
 - Location of 'Click and Collect' facilities.
 - Lack of tree canopy coverage in carpark.
 - Seeking increased outdoor space for tenancy use.
 - Seeking an activated frontage to the Calder Highway interface.
- Transport:
 - Main access from Calder Highway service lane.
 - Deficiencies in traffic assessment.
- Stormwater Management.

The applicant amended the plans to include minor changes in response to the concerns raised by the City. The changes made are not sufficient to address the City's concerns. This is discussed in greater detail below.

Report

Subject Site and Surrounds

The site is an irregular shaped allotment located on the southern side of the Calder Highway, that is supported by a service lane along its southern extent (bordering the site). The south-eastern boundary of the site is denoted by Carolyn Way (with Maiden Gully Primary School opposite) and the south-western boundary denoted by McNamara Drive (with 731-735 Calder Highway beyond, which is subject to an approved planning permit for the expansion of the IGA supermarket that has yet to be acted upon). The subject site adjoins two land parcels owned by Council, with the Maiden Gully Public Hall to the east and an undeveloped parcel of land to the south.

The site comprises two parcels of land. 715-717 Calder Highway contains the current Post Office, Maiden Gully Café and office space. 715 Calder Highway comprises of the Avondel Caravan Park. In total, the site has an area of approximately 1.458 hectares, with a slight fall of 1.0m towards the Calder Highway. The site has a small number of remnant native trees scattered throughout the caravan park site, that have been supplemented by planted vegetation throughout, making up the bulk of plantings on site.

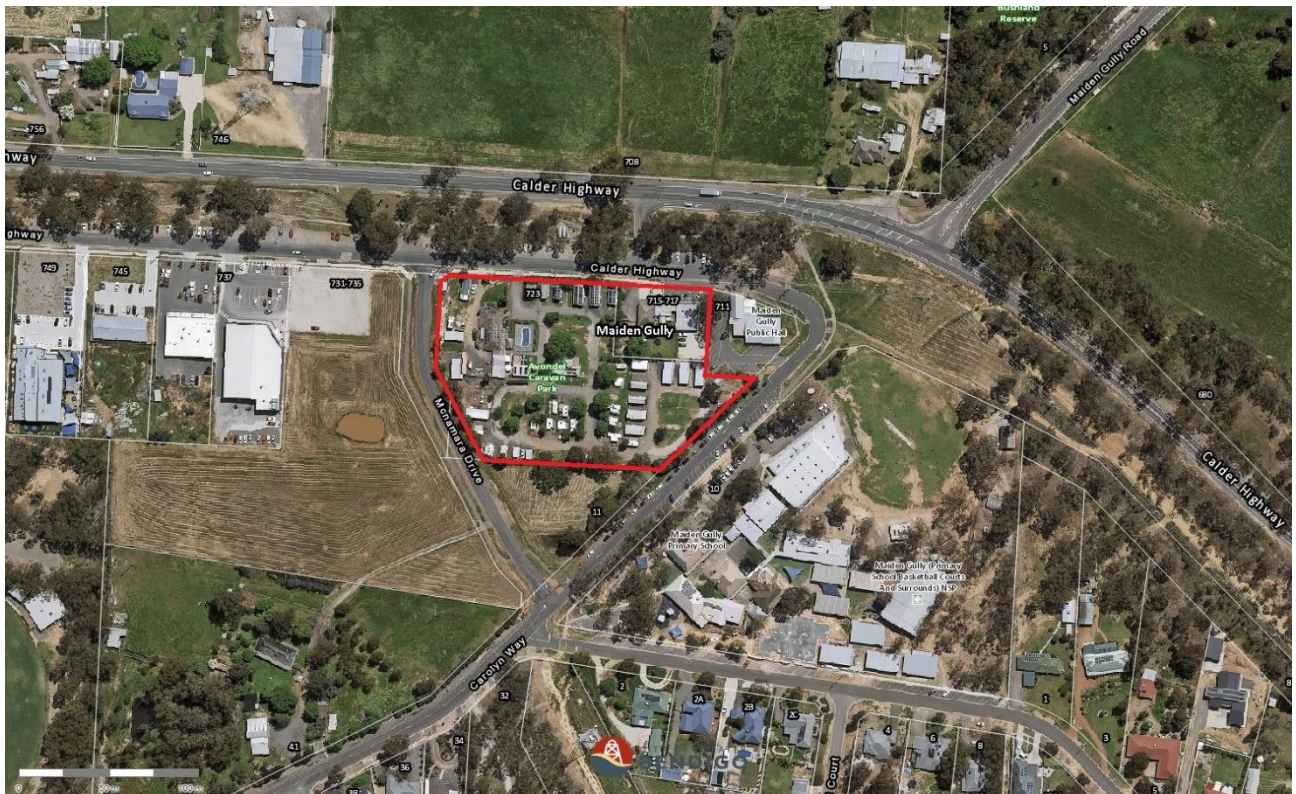


Figure 1: Location map showing subject site.

The Calder Highway is a declared arterial road and is located within the Transport 2 Zone.

The Calder Highway service lane along the site boundary is characterised as a two-way local scale street, also located within the Transport 2 Zone. It provides for vehicle movements in a calmed environment separate to the highway proper to the north. Informal on-street parking exists along the northern side of the service lane, providing for 90-degree vehicle parking. A shared access path is provided within the vegetated reserve between the highway and service lane. Formalised parallel parking is provided along the southern side of the service lane in unmarked bays, with footpaths also provided. The eastern slip lane from the highway to the service lane is located opposite 715-717 Calder Highway.

Carolyn Way is developed as a one-way local access street, running north to south. The street is provided with marked parallel parking bays to the north-west and marked 45-degree bays to the south-east. Public parking within the street is largely provided for the use of the Maiden Gully Primary School. Carolyn Way does not currently connect with the Calder Highway to the north, however, the Department of Transport and Planning has indicated that preliminary plans exist for the future connection through the construction of a four-way signalised intersection. This intersection is unfunded at this stage, with no set date for construction.

McNamara Drive is a sealed two-way local access street. No formalised car parking is provided along its length, with the road acting as a link between the existing retail to the north and residential to the south. This road provides for the one-way treatment of Carolyn Way.

Proposal

The application seeks planning approval to *'Construct a building or construct or carry out works associated with a supermarket, licensed premise (bottle shop) and retail development. Construct or put up internally illuminated, business identification signage (including pole signs) and direction signage. Reduce the standard car parking requirements. Use land to sell or consume liquor. Remove, destroy or lop native vegetation. Create or alter access to a Road in a Transport 2 Zone'*. The individual components are further discussed below.

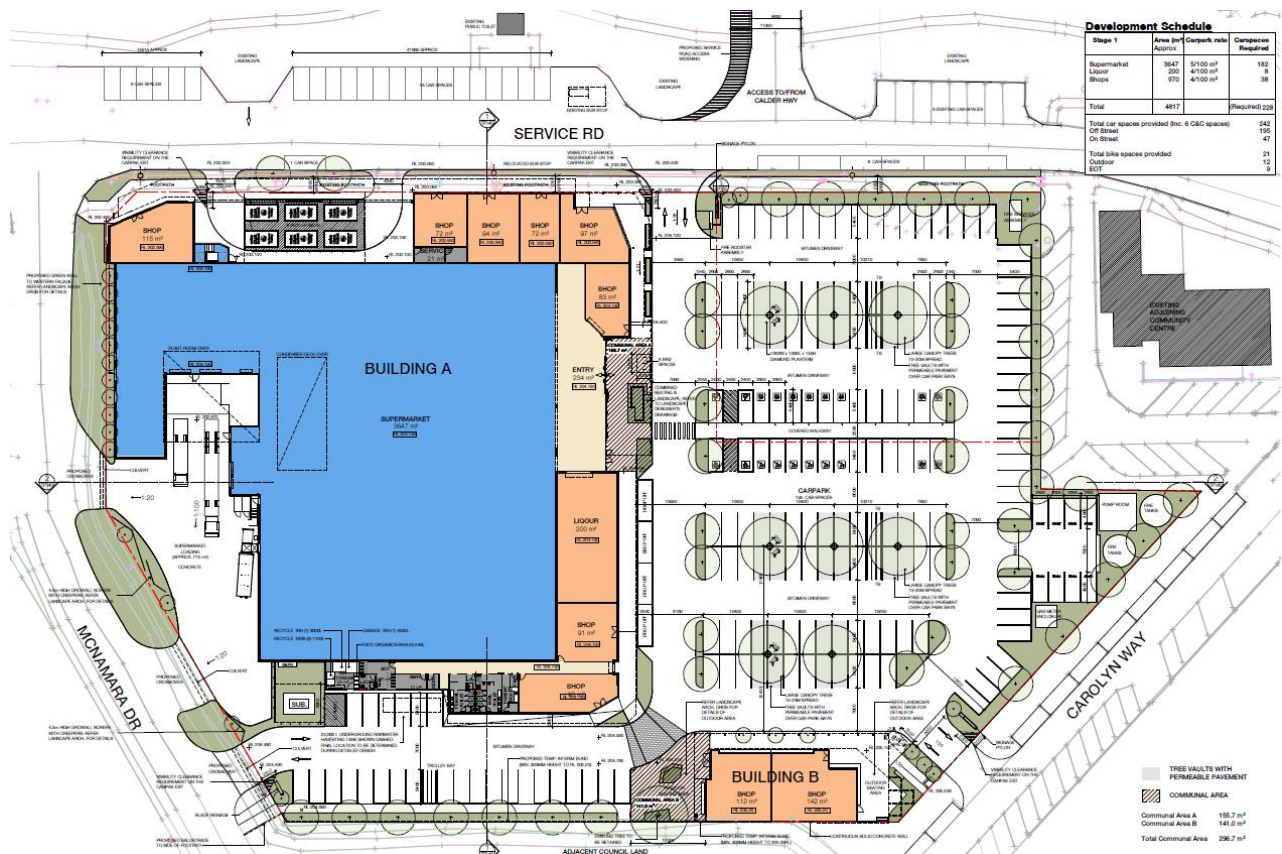


Figure 2: Proposed site plan.

Supermarket

The main component of the proposal is a 3,647 square metre, full line supermarket, with Coles as the identified tenant. The supermarket portion of the development will comprise the blue coloured area within Figure 2 below.

The supermarket will be accessed internally from the eastern atrium area, with the main floor area extending from north to south throughout the eastern portion of the space. Back of house areas are provided to the west of the footprint. The back of house area provides direct access to a proposed six (6) bay 'click and collect' area to the north accessed from the Calder Highway service lane. This area is setback within the façade behind screening and amongst shop spaces fronting onto the service lane. An access driveway is proposed off the service lane to provide covered pickup bays for customers.

A separated loading dock is provided to the south-west of the building for the sole use of the supermarket, with separated driveway for truck access from McNamara Drive. This is to ensure no conflict results from delivery vehicles interacting with customer car parking (note the other retail spaces are not provided with separated loading spaces, with one designated space located to the south of the main building within the main car parking area).

This configuration results in the service areas being located to the western (McNamara Drive) elevation. Refer to Figure 5 below.

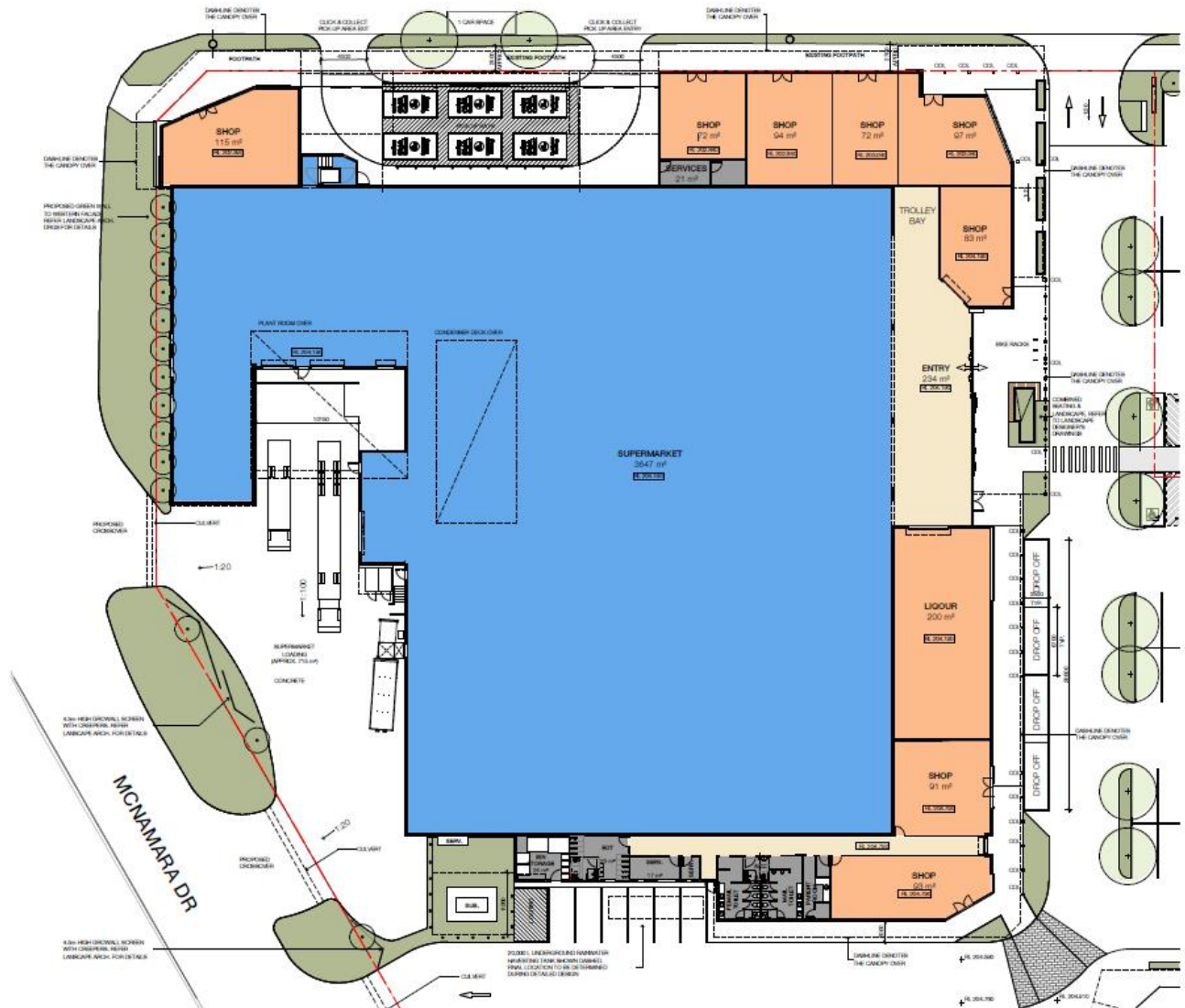


Figure 3: Main building floor plan

Retail shops

The proposal includes provision for an additional ten retail tenancies in support of the main supermarket tenant. Figure 2 above shows the proposed location of eight of these tenancies (and a liquor shop that is discussed further below). These eight tenancies have a combined area of 716 square metres.

Five shops have been designed to front directly on to the Calder Highway service lane, with the design intent of providing an activated frontage. Figure 5 below shows elevations for the proposed built form.

Three (3) additional retail spaces are provided along the eastern frontage of the main building. These shops are shown to be accessed from the main car parking area.

A further two (2) retail spaces are proposed in a separate building adjacent the southern boundary of the site. The applicant envisages that these spaces may be utilised by a café or similar style use. These shops have a combined area of 254 square metres. Figure 4 shows the proposed layout for this area.

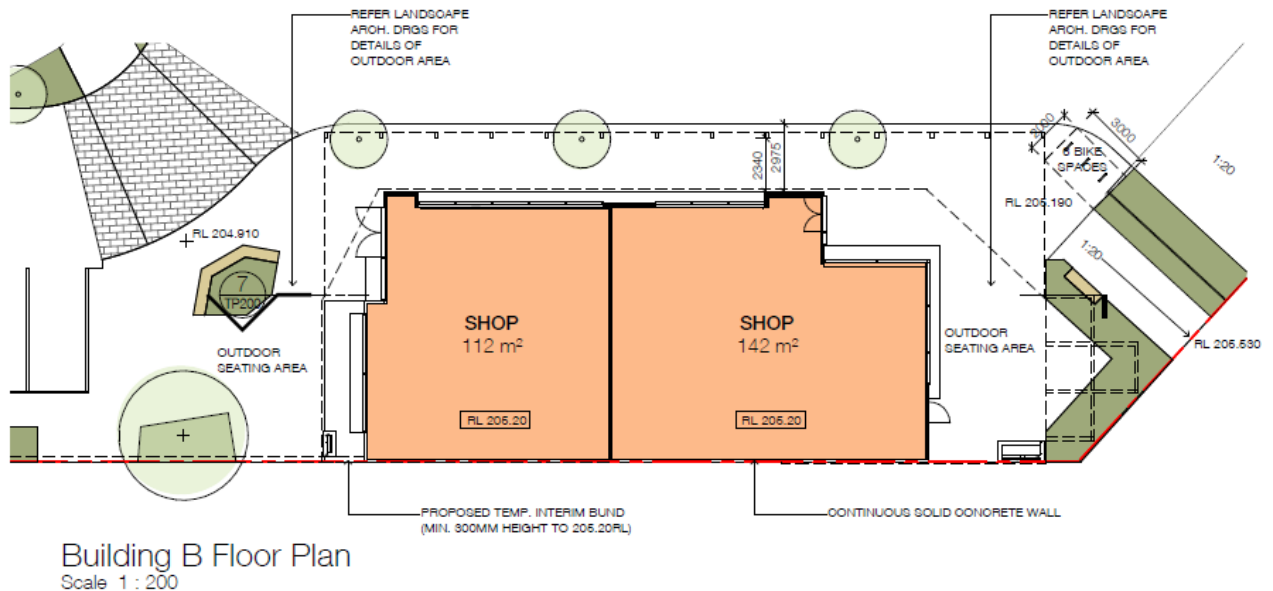
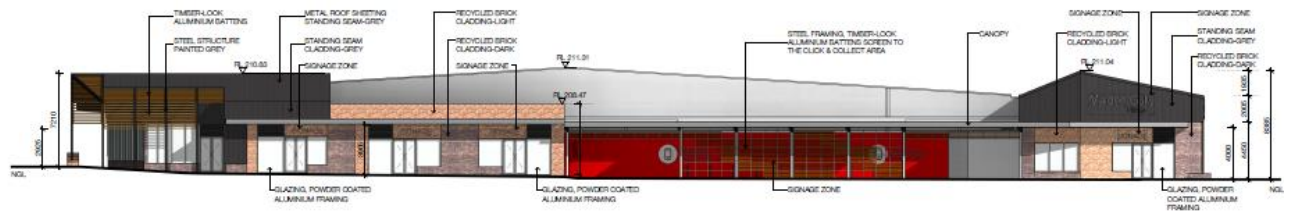


Figure 4: Building B floor plan

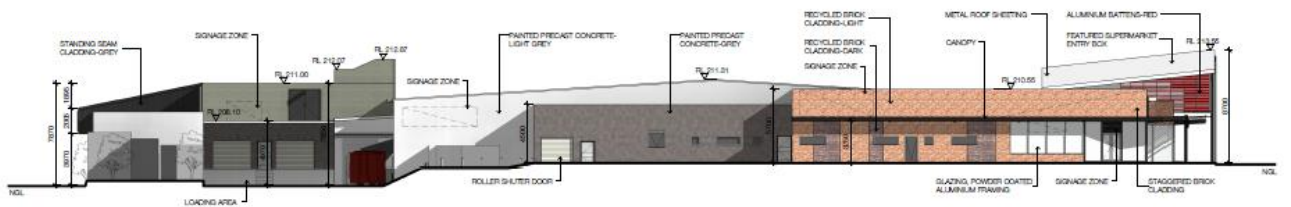
The building is shown to be constructed of a mix of contemporary building materials including light and dark coloured cladding, recycled and staggered brick cladding, timber look aluminium batters, red and brown aluminium batters and patterned precast concrete and painted steel structures. The submitted architectural plans show the proposed elevations presenting as shown in Figures 5 and 6 below.



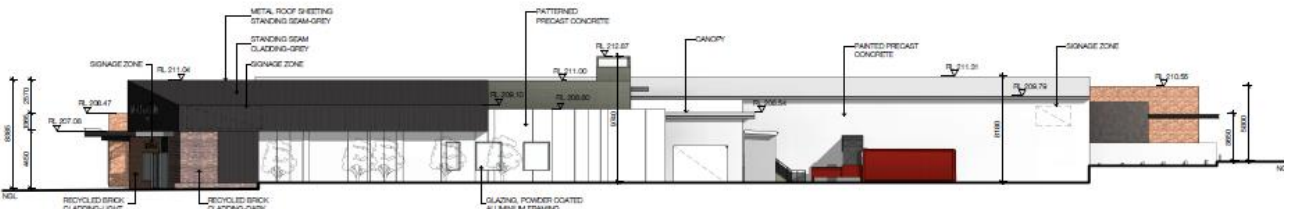
Supermarket/Retail North Elevation
Scale 1 : 200



Supermarket/Retail East Elevation
Scale 1 : 200



Supermarket/Retail South Elevation
Scale 1 : 200

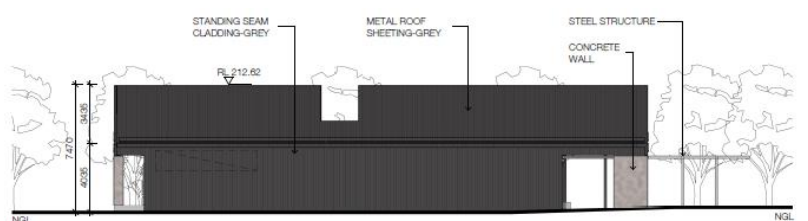


Supermarket/Retail West Elevation
Scale 1 : 200

Figure 5: Main building elevations.



Building B East Elevation
Scale 1 : 200



Building B South Elevation
Scale 1 : 200

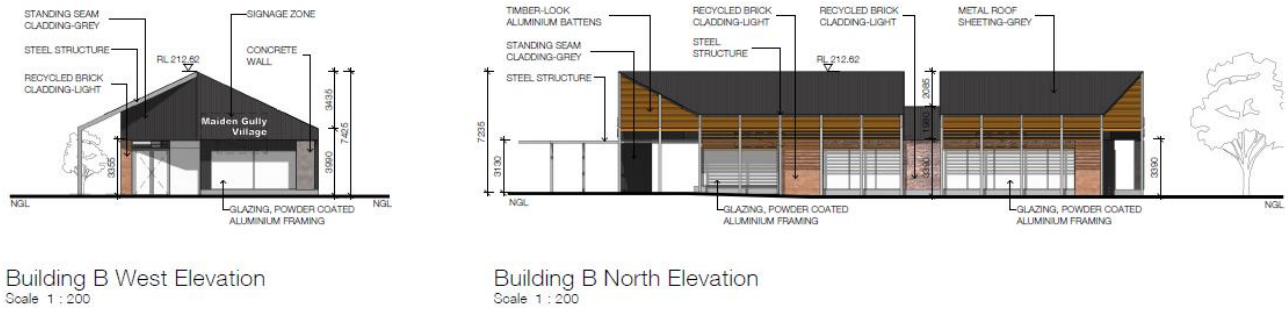


Figure 6: Building B elevations

Licensed Premises (Bottle Shop)

As shown in Figure 3 above, the bottle shop is accessed from the southern side of the main atrium for the supermarket and is identified to be occupied by Liquorland. The shop will have an area of 200 square metres.

The bottle shop is proposed to operate as follows:

- 9am to 11pm Monday to Saturday.
- 10am to 11pm Sunday.
- 12pm to 11pm Anzac Day.
- No trading Good Friday and Christmas Day.

Deliveries will be facilitated via the main loading dock for the supermarket.

Signage

A range of signage is proposed as would be expected of a development of this scale. Of note to the public realm is the proposed pylon sign to be located adjacent the northern entry from the Calder Highway service road. This sign is proposed to be 8.1m in height and will provide space for Coles advertising as well as space for signage from other retail tenancies. The sign will be internally illuminated and proposed to be operational 24/7. Figure 7 below shows the proposed signage.

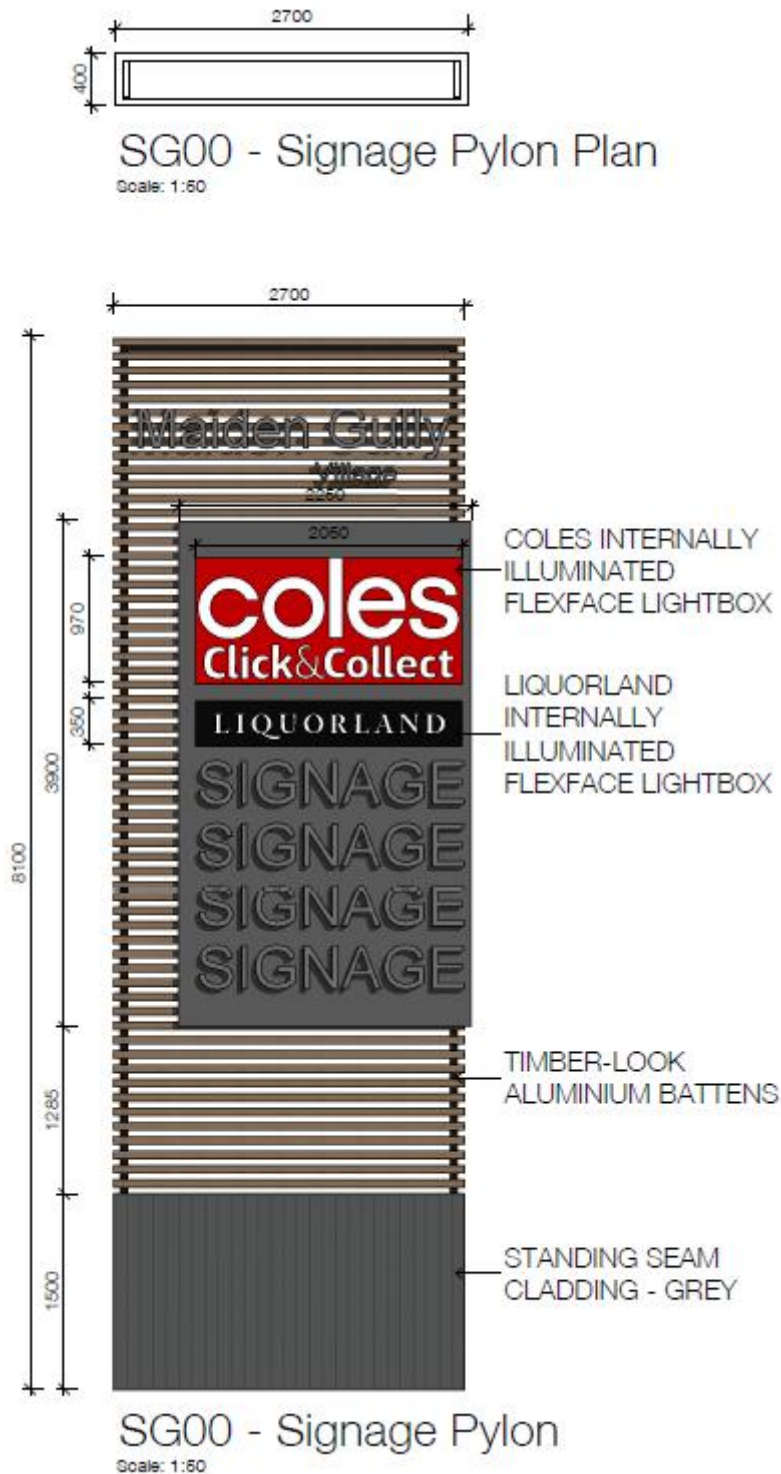


Figure 7: Proposed pylon sign

In addition to the pylon sign, business identification signage is proposed for each tenancy within a standardised signage area.

The 'Click and Collect' area is proposed to be generously provided within signage in Coles standard red colour for easy recognition of the area for customers seeking out the service, in addition to providing easy recognition of the service to passing traffic on the Calder Highway.

Wayfinding and car parking signage will also be provided throughout the site as detailed within submitted plans.

Car Parking Reduction

The proposal includes the provision of 195 car parking spaces, including 6 located within the 'Click and Collect' area and 21 bicycle spaces, some of which will be located in a secure area for staff use.

The proposal will be deficient in its provision of car parking spaces as required by the Planning Scheme. The statutory requirement for a development of this size is 228 spaces, resulting in a proposed shortfall of 33 spaces.

Native Vegetation Removal

It is proposed to remove all vegetation across the site including 8 scattered native trees.

Planning approval is not required to remove any other vegetation on the site.

It is also proposed to plant a total of 65 trees across the site. This includes canopy trees varying from 3 to 25 metres in height along the periphery of the site and throughout the car park.

Alter Access to Calder Highway

To allow for appropriate access to the site, alteration to the existing slip lane to the service road will be required. This will result in the addition of a formalised slip lane and widening of the existing connection to allow for the manoeuvring of large trucks. Further, as the development will result in the generation of additional vehicle trips within the area, consideration of the impacts is required.

Planning Controls - Greater Bendigo Planning Scheme

Why is a permit needed?

The following table lists all the relevant planning permit triggers that apply to this application.

Clause	Permit Trigger
Clause 34.01-4 Commercial 1 Zone	<ul style="list-style-type: none">Construct a building or construct or carry out works

Clause	Permit Trigger
Clause 43.02-2 Design and Development Overlay	<ul style="list-style-type: none"> Construct a building or construct or carry out works.
Clause 44.06-2 Bushfire Management Overlay	<ul style="list-style-type: none"> Construct a building or to construct or carry out works associated with accommodation.
Clause 52.05-11 Signs	<ul style="list-style-type: none"> Display internally illuminated, business identification signage (including pole signs) and direction signage.
Clause 52.06-3 Car parking	<ul style="list-style-type: none"> Reduce the standard car parking requirements
Clause 52.17-1 Native Vegetation	<ul style="list-style-type: none"> Remove, destroy or lop native vegetation
Clause 52.27 Licenced Premises	<ul style="list-style-type: none"> Use land to sell or consume liquor
Clause 52.29-2 Land adjacent to principal road network	<ul style="list-style-type: none"> Create or alter access to a road in a Transport 2 Zone

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

Municipal Planning Strategy

02.03 – Strategic directions
 02.03-1 – Settlement
 02.03-2 – Environment and landscape values
 02.03-3 – Environmental risks and amenity
 02.03-5 – Built environment and heritage
 02.03-7 – Economic development
 02.03-8 – Transport
 02.03-9 – Infrastructure
 02.04 – Strategic framework plans

Planning Policy Framework

11.03-1L – Activity centres
 12.01-2S – Native vegetation management
 13.02-1S – Bushfire Planning
 15.01-1S – Urban design
 15.01-1L-01 – Landscaping – Greater Bendigo

15.01-1L-03 – Signs
15.01-2S – Building design
15.01-2L – Environmentally sustainable development – Greater Bendigo
15.03-2S – Aboriginal cultural heritage
17.01-1S - Business
17.02-1L – Business – Greater Bendigo
18.01-1S – Land use and transport integration
18.01-1L – Land use and transport integration – Greater Bendigo
18.01-3L – Sustainable personal transport – Greater Bendigo
18.02-4L-01 – Highways and boulevards – Greater Bendigo
18.02-4L-03 – Car parking – Greater Bendigo

Other Provisions

34.01 – Commercial 1 Zone
43.02 – Design and Development Overlay - Schedule 10
44.06 – Bushfire Management Overlay
52.05 – Signs
52.06 – Car Parking
52.17 – Native vegetation
52.27 – Licenced premises
52.29 – Land adjacent to principal road network

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for

Consultation/Communication

Referrals

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

Referral	Comment
Department of Transport (External referral)	<p>No objection – subject to conditions relating to the following:</p> <ul style="list-style-type: none"> • Detailed modelling of the surrounding road network • Amended Traffic Impact Assessment, taking into account future road network changes and pedestrian linkages. • Detailed design plans for all upgrade works identified in updated Traffic Impact Assessment. • Undertake Road Safety Audits for all proposed works. • Construction of all works identified.
Country Fire Authority (External referral)	No objection – with no conditions to be applied.
SP Ausnet (External referral)	No response received.
Traffic (Internal referral)	<p>No objection – subject to standard requirements relating to the construction of the carpark area, footpaths, kerb and channel, on-street carparking and controls for signage.</p> <p>Additional non-standard requirements were included as follows:</p> <ul style="list-style-type: none"> • Amended Traffic Impact Assessment, taking into account requirements of Department of Transport and Planning, with additional consideration of current traffic data and future demand for the surrounding road network. • Upgrade existing bus stops on Calder Highway service lane.
Drainage (Internal referral)	No objection – subject to standard requirements relating to the management of stormwater from and surrounding the site.
Environmentally Sustainable Development (Internal referral)	No objection – subject to standard requirements relating to the achievement of Environmentally Sustainable Development outcomes identified for the site.
Environmental Health (Internal referral)	No objection – subject to standard requirements relating to compliance with relevant food handling legislation.

Referral	Comment
Strategic Planning (Internal referral)	Objection. Concerns relating to urban design. The location of the 'Click and Collect' facility fronting onto the Calder Highway service lane is not supported. Further, integration with the surrounding area is poor.
Urban Design (Internal referral)	No objection – subject to standard requirements relating to the provision of canopy coverage within the proposed carparking area (Note: site-wide urban design comments were incorporated into Strategic Planning response).

Public Notification

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

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

- Built form:
 - Setback of the building from the Calder Highway (obstructing views to the IGA).
 - Location of 'click and collect' facility.
 - Poor interface of the building with McNamara Drive.
 - Lack of linkages from proposed site to surrounding area (specifically the community hall to the east and Council land to the south).
 - Lack of landscaping opportunities.
- Impacts on road network:
 - Accuracy of Traffic Assessment (in relation to COVID-19 and future demand).
 - Inability of Carolyn Way to support the increase in traffic movements (developer to fund required improvements).
 - Road upgrades are required to Calder Highway to provide adequate access.
 - Requirement to widen McNamara Drive for truck movements.
 - Intersection upgrade required prior to development for the four-way signalised intersection of the Calder Highway with Carolyn Way and Maiden Gully Road.
- Number of car spaces provided and reliance on on-street parking.
- Oversupply of retail floor space within Maiden Gully as there is not enough population (noting the existing IGA approval).
- Compliance with Greater Bendigo Planning Scheme:
 - Inconsistent with the Activity Centre policy (oversupply of retail floor space for both supermarkets and specialty shops).
 - Proposal would not result in 'net community benefit'.
 - Reliance on the Maiden Gully Precinct Structure Plan (which is yet to be gazetted).

The objections are discussed through the planning assessment.

The applicant provided a written response to the concerns raised, that was circulated to all objectors. Objectors were given an opportunity to review and provide further comment. It is noted that no formal consultation meeting was held due to the matter being appealed to VCAT.

Planning Assessment

The planning assessment of an application of this scale requires consideration of a broad range of matters. The key matters for consideration are:

- Is the proposed use of the site for a supermarket and speciality retail appropriate?
- Is the proposed built form appropriate for the preferred character of Maiden Gully?
- Is the signage acceptable?
- Is the extent of car parking reduction supportable in the surrounding context?
- Has appropriate consideration around impacts to the surrounding road network occurred?
- Is the extent of native vegetation removal appropriate?

The below assessment has not considered the permit triggers relating to bushfire. Bushfire assessment of the site was deemed to not be required for the proposal. A small portion of the north-east corner of the site is affected by the Bushfire Management Overlay and this area is proposed to be developed solely as carparking. This position was supported by CFA.

Is the proposed use of the site as a supermarket and specialty retail appropriate?

Under the provisions of the Commercial 1 Zone, planning approval is not required for the use of the land for a shop, supermarket, bottle shop or food and drink premises. In short, this means that the use is 'as of right' and cannot be considered in the assessment of the application.

The Commercial 1 Zone provides the opportunity for a responsible authority to limit the amount of leasable floor area within the zone for all uses defined under the term 'Shop'. This is controlled by including an area within the Schedule to the zone. A number of areas within Greater Bendigo are provided with Leasable Floor Area controls that must be complied with. The subject site is not included within this schedule and as such there is no specified limitation on leasable floor area.

As planning approval is not required for the proposed uses of the site, the majority of the assessment will focus on the development and other components of the proposal (such as traffic impacts, car parking, native vegetation etc.).

Planning policy through Clause 02.03-7: Economic development and Clause 11.03-1L: Activity Centres – Greater Bendigo seeks to reinforce the role and function of each centre in the context of the activity centre hierarchy developed within the City's *Commercial Land and Activity Centre Strategy (November 2015, updated January 2017)*. This policy identifies Maiden Gully (future) as a Large Activity Centre, with the strategic aim to *'Encourage a range of economic, social and some civic activities, together with goods and services to meet the daily and weekly needs of their suburban catchments'*.

This strategy provides floor space projections for each activity centre, with Maiden Gully identified as supporting 1,000 square metres of specialty retail and 5,100 square metres of supermarket. Strategy within the policy for Maiden Gully seeks to *'Facilitate development of an expanded supermarket offer in Maiden Gully Large Activity Centre as the Maiden Gully North East growth area is developed'*. Whilst the use of the land as a supermarket itself does not require planning approval, considerations of leasable floor area are only relevant in considering the scale of the proposed development.

Maiden Gully is currently serviced by an IGA supermarket that has a gross leasable floor area of 1,200 square metres. A current planning permit exists for the expansion of the IGA supermarket onto an adjoining site fronting McNamara Drive. This supermarket is proposed to have a gross leasable floor area of 3,200 square metres. It is also proposed that the existing supermarket be converted into specialty shops. This planning permit was issued in 2016 and later amended in March 2023. The permit holder has not yet acted on the permit (with no works having commenced) and the permit will expire on 10 March 2024 if development has not commenced or 10 March 2026 if development is not completed. As the permit has not been acted on and there are no guarantees to if or when this would ever occur, the City is unable to consider this approval as part of its consideration of this application.

The proposal seeks to develop a 3,647 square metre supermarket, supported by 716 square metres of specialty retail. The proposal, in addition to the existing IGA supermarket, would result in a supply of 4,847 square metres of supermarket gross leasable floor area. This figure is below the 5,100 square metres of supermarket Gross Leasable Floor Area envisaged for Maiden Gully under the Activity Centres – Greater Bendigo policy.

The proposal is consistent with the following strategies identified within this policy:

- *Supporting equitable supermarket expansion and development in the Bendigo City Centre, large activity centres and rural townships.*
- *Facilitate development of mixed use centres by encouraging the co-location of specialty shops, food and drink premises and small offices with supermarkets.*
- *Facilitate a structure, design, character and quality of the public realm for each activity centre that supports its social and economic success (subject to conditions being satisfied in relation to the location of the 'Click and Collect' facility).*

- *Prioritise the movement, safety and enjoyment of people walking or cycling over vehicles and motorists in activity centres* (subject to conditions being satisfied in relation to the location of the 'Click and Collect' facility).

Under the adopted Maiden Gully Precinct Structure Plan, the subject site is identified for commercial uses as shown in Figure 8 below. The proposal generally accords with the Maiden Gully Precinct Structure Plan, noting that whilst this document has not yet been gazetted into the Greater Bendigo Planning Scheme, it has been adopted and is considered to be a 'seriously entertained document'. The Maiden Gully Precinct Structure Plan includes gross leasable floor area requirement predictions for 2021 (2,000 square metres) and 2031 (3,100 square metres), with the proposal resulting in an oversupply. An analysis of retail demand has been provided by both the applicant and objectors which demonstrates that these figures are on the conservative side to what was being modelled in 2022. As such, the proposed scale of development is appropriate for the site and the requirements of the growing Maiden Gully community.



Figure 8: Potential town structure plan (Plan 5 of adopted Maiden Gully Precinct Structure Plan).

Is the proposed site layout and built form appropriate for the preferred character of Maiden Gully?

The subject site is affected by the Design and Development Overlay – Schedule 10, which relates to the *Maiden Gully Structure Plan* (October 1996). This overlay specifically focuses on residential development and subdivision. The site is not located within any of

the mapped precincts identified in the Schedule to the Overlay, with no specific development controls relevant to this application.

Within the Greater Bendigo Planning Scheme, State and Local policy relating to desired urban design outcomes is contained within a number of locations. Relevant considerations are discussed below.

Clause 02.03: Strategic directions provides that development seek to:

- *Facilitate 10 minute neighbourhoods that:*
 - *Enable people to spend less income on the combined cost of housing and transport.*
 - *Minimise environmental impacts associated with transport.*
 - *Promote a healthy lifestyle through active transport choices.*
 - *Increase neighbourhood safety through activation of the public realm.*
 - *Increase community interaction.*
 - *Support the local economy.*
- *Support development of the identified hierarchy of activity centres within the Bendigo Urban Growth Boundary shown on the Urban area activity centre hierarchy framework plan in Clause 02.04.*
- *Balance the protection of neighbourhood character with the development of a more environmentally sustainable urban area based upon the principles of 10 minute neighbourhoods.*
- *Facilitate a built environment that allows for active transport and healthy lifestyle choices.*
- *Facilitate environmentally sustainable development to create a compact and sustainable urban form at the planning stage.*
- *Facilitate a safe, pleasant, comfortable and visually appealing urban environment.*
- *Direct commercial growth to activity centres.*
- *Move away from private motor vehicles as the dominant form of transport and prioritising active transport.*
- *Improve connections between walking and cycling paths, open spaces, activity centres and the city centre to enable safer and more comfortable travel through the municipality by walking or cycling.*

The site layout is required to consider the policy guidance contained at **Clause 15.01-1S: Urban design**. Specifically, this policy seeks to:

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *Ensure the interface between the private and public realm protects and enhances personal safety.*
- *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*

- *Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.*
- *Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.*
- *Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*
- *Promote good urban design along and abutting transport corridors.*

The site is a complex site located in a key location within the centre of Maiden Gully. The overall design of the site is required to consider three street frontages as well as close connections to the Maiden Gully Community Centre and Primary School to the east and the established commercial uses to the west. The site's key frontage is to the Calder Highway, being an arterial road connection through to Bendigo. Carolyn Way is the secondary frontage with its community uses and its future designation as a local level collector road. McNamara Drive provides a service function and is deemed the lesser road frontage for the site.

The design of the site has sought to achieve the listed policy outcomes above by providing an activated frontage to Calder Highway and providing main entry points to both Calder Highway and Carolyn Way. Car parking areas have been designed to be accessible from these frontages and landscaped to present as a cohesive site to the public domain. The siting of proposed tenancies further emphasises these design priorities, whilst also activating the internal areas of the site and the interfaces with the public domain along Calder Highway and Carolyn Way. The main building of the site has been designed to have a zero setback from the Calder Highway in accordance with the Maiden Gully Precinct Structure Plan, to provide an activated frontage. This design approach is supported, contrary to objector concerns raised, to encourage a vibrant centre that facilitates pedestrian movement between different areas within the commercial precinct.

Clause 15.01-1L-01: Landscaping – Greater Bendigo provides strategic guidance in relation to the provision of '*... canopy trees and shelter the public realm and places used by the public such as forecourts to buildings and pavements in activity centres to create shade and filtered light*'. With the exception of the 'Click and Collect' facility, the proposed development has sought to provide an acceptable landscaping outcome. Some minor concerns remain, that can be readily addressed through the inclusion of an amended Landscape Plan condition.

Clause 15.01-2S: Building design is the primary State policy that seeks to create enjoyable urban areas throughout Victoria. In relation to the proposal, the following strategies require consideration:

- *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*

- *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- *Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.*
- *Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.*

The proposed scale of buildings is responsive to the existing built form throughout the existing area. Heights do not exceed one storey. The building's facades have been designed to include a mix of materials and built forms to provide visual interest. Colours have been chosen to integrate with the surrounding area.

Clause 15.01-2L: Environmentally sustainable development – Greater Bendigo seeks *'to achieve best practice in environmentally sustainable development from the design stage through to construction and operation'*. To support the application, a Sustainable Design Assessment has been undertaken. This has been reviewed by the City's Environmentally Sustainable Development Officer, who has provided support, subject to a number of standard conditions.

Clause 15.01-5S: Neighbourhood character provides State policy on how neighbourhood character should be considered in relation to a proposal. The subject site is not covered by a local specific policy. The key strategy for consideration under this policy is to *'Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character'*.

A range of urban design requirements and guidelines exist for the employment and activity centres within the Maiden Gully Precinct Structure Plan. Whilst this document has not been gazetted into the Greater Bendigo Planning Scheme, it has been adopted by Council and the applicant has sought to design a proposal that seeks to achieve the objective of *'To encourage innovative urban design, landscaping and architecture that complements the character of Maiden Gully and is consistent with the Urban Design Guidelines for Victoria'*.

It should be noted that, from a planning perspective, the requirements of the Maiden Gully Precinct Structure Plan are not enforceable provisions within the Greater Bendigo Planning Scheme. In relation to this application, they have been used as a guide to determine Maiden Gully's preferred neighbourhood character for the activity centre, emphasised by Council's adoption of the document. This has been undertaken to achieve the neighbourhood character policy considerations contained in Clause 15.01-5S: Neighbourhood character.

A key urban design and character consideration of the proposal is the location of the proposed 'Click and Collect' facility on the Calder Highway service lane frontage. Officer

assessment is that this location is not conducive to the creation of *‘Safe and convenient pedestrian access must be provided to the town centre and local convenience centre, including a safe pedestrian street crossing and nearby bus stop locations’* and *‘New buildings within the designated town centre and neighbourhood centre should be constructed with a zero street setback and have active frontages’*.

Officer assessment is that the proposed location of the ‘Click and Collect’ does not provide an activated frontage to the Calder Highway service lane, which is determined to be the primary frontage of the site. This position is reinforced through a number of objections received. The placement of this aspect of the proposal is contrary to a number of planning policy objectives. The City’s position throughout its assessment is that this frontage must support an activated façade containing a range of tenancies that address the street. Further, the discontinuity of pedestrian movement created along this frontage by the vehicle access to the ‘Click and Collect’ is not conducive to creating a safe and convenient pedestrian environment. The City’s assessment is that the ‘Click and Collect’ aspect of the proposal is a service style activity and is more appropriately located within the service areas of the site along McNamara Drive. It is proposed that this matter be addressed through the inclusion of an amended plans condition requiring the ‘Click and Collect’ facility to be relocated to the McNamara Drive frontage prior to any works commencing on site. This requirement is written in absolute terms and must be met for the proposed development to proceed.

The McNamara Drive frontage has been deemed the service frontage of the site as part of officer assessment. McNamara Drive is located within the high-power transmission line easement that restricts landscaping treatments conducive to appropriate urban design outcomes. This frontage for the site is proposed for service entry to loading facilities. This is an appropriate outcome for the site, subject to adequate landscaped screening treatments being met.

The Carolyn Way frontage is currently deemed to be the secondary frontage to the site. However, it is expected that this will become the primary frontage when the proposed signalisation to the Maiden Gully Road, Carolyn Way and Calder Highway intersection occurs. Carolyn Way will then operate as a two-way street with direct connection through to the Maiden Gully north east growth area. The design of the site has taken this future prioritisation change into account, providing a full-sized entry point to this frontage and the orientation of the two separate tenancies towards this frontage. Signage and landscaping along this frontage are also consistent with that proposed for the Calder Highway service lane. Conditions have been included to ensure that adequate footpaths are provided along this frontage to facilitate connection to the Maiden Gully Primary School opposite, as well as to the Maiden Gully community centre to the east of the site.

Officer assessment is that an appropriate urban design outcome is able to be met by the proposal, subject to the relocation of the ‘Click and Collect’ facility to the McNamara Drive frontage of the site.

Is the proposed signage acceptable?

The site is proposed to be developed as a neighbourhood scale centre, with a supermarket anchor tenant and supporting specialty stores. For a development of this scale, the extent of signage required is proportional to the activity generated.

The site is to be developed with three street frontages, with entry points from each. Signage is expected for each of these access points, with the pylon signage to be located at the two main entry points from the Calder Highway service lane and Carolyn Way. This main signage will be 8.1m high and 2.7m wide, providing the main signage fronting the public realm. This form of signage is common for developments of this size throughout Greater Bendigo.

Additional internally illuminated signage is proposed to be provided for each tenancy and for place making to identify the site. In support of the various business identification signs proposed, a scheme of smaller wayfinding and information signage is proposed primarily throughout the car parking area.

Signage controls under the Commercial 1 zone are to the minimum limitation, with a wide range of signage not requiring a permit. However, the comprehensive nature of the proposal for the site warrants pylon signage, that requires approval under **Clause 52.05: Signs**. Illumination of the pylon signage also requires a permit due to its extent.

Clause 15.01-1L-03: Signs provides local policy for how signage should be provided throughout the municipality. The site is located within a commercially zoned area proximate to the Calder Highway. The site is identified as a Neighbourhood Activity Centre presently, with this to be scaled to a Large Activity Centre as Maiden Gully is further developed as a result of the Maiden Gully Precinct Structure Plan. Residentially zoned land is located opposite the site on the northern side of the Calder Highway. As a commercial development, the right balance of signage in respect of the developing character of the area needs to be sought. The proposal has sought to provide signage that is proportional to the frontage of the site and the scale of development proposed. One pylon sign is to be provided to each access point that is consistent in height with the proposed development. Tenancy signage is to be grouped within this signage as it presents to the public domain, minimising the extent of signage required. Internal illumination is proposed, as is standard for a development of this type. Policy seeks that illumination only be active during hours of operation, with this able to be conditioned on any permit that may issue for the site. It is noted that hours of operation are not able to be controlled for this site (with the exception of the liquor store) as no planning permit trigger exists.

Officer assessment is that the signage has been appropriately located for ease of view, whilst not adversely impacting the establishing character of the area. Whilst the signage

will create a more urban character for the area than the existing rural village feel, this change is promoted by the zoning of the site and the Maiden Gully Precinct Structure Plan. It is not considered that either the extent or type of signage will result in any adverse impacts on surrounding properties or the public realm.

Is the proposed reduction in car parking requirements acceptable?

A car parking reduction of 33 spaces is sought by the proposal, providing 195 spaces of the required 228 spaces for a development of this type and size. This equates to a 14.4% reduction. A permit is required to reduce car parking requirements under **Clause 52.06: Car parking**. Of particular note under this clause is the requirement to consider the following:

- *The availability of alternative car parking in the locality of the land, including:*
 - *Efficiencies gained from the consolidation of shared car parking spaces.*
 - *Public car parks intended to serve the land.*
 - *On street parking in non residential zones.*
 - *Streets in residential zones specifically managed for non-residential parking.*
- *The future growth and development of any nearby activity centre.*
- *Access to or provision of alternative transport modes to and from the land.*

Local policy at **Clause 18.02-4L-03: Car parking – Greater Bendigo** provides additional guidance on what factors should be considered when considering an application to reduce car parking requirements on site at a local level.

The subject site is located within a designated Neighbourhood Activity Centre that will expand to a Large Activity Centre with the development of the Maiden Gully north east growth area. This centre will form the hub of the 10 minute neighbourhood identified for Maiden Gully. To support the activation of these 10 minute neighbourhoods (in accordance with the principles detailed at Clause 02.03-1: Settlement), it is imperative for the City to reduce car parking provision within individual sites. By reducing car parking provision within individual sites, greater use generating developments can be provided.

However, to ensure that accessibility of the centre is maintained, neighbourhood scale consideration of car parking provision is required. This assessment must be undertaken in conjunction with an understanding of what percentage of trips to the centre are shared within others in close proximity to the site. In relation to the subject site, existing on-street parking exists along both the Calder Highway service lane and Carolyn Way adjacent to the Maiden Gully Primary School. These spaces are primarily provided for use of the existing shops fronting the service lane (which will be removed/replaced by this proposal) and for the school. The car spaces for the school are primarily being used at peak school drop off and pickup times. Whilst it is expected that there is a conflict with peak school pick up time and a peak in visits to the supermarket, it is likely that these peaks constitute the same vehicle trip (i.e. a care giver travelling to collect a child and also undertaking a shopping trip in the one vehicle movement). This combination of vehicle trip is the type of

behaviour that the 10 minute neighbourhood policy is trying to encourage. This is further enhanced by the inclusion of a number of specialty shops, including food and beverage premises.

Concerns were raised throughout the notice process regarding the car parking assessment undertaken. Specifically, these concerns related to an unrepresentative survey date, which was undertaken during mid-December 2021. This date is identified as being close to Christmas school holidays and potentially affected by the changes in travel behaviour associated with COVID-19 mitigation measures. Whilst it is acknowledged that the timing of the assessment does present some issues, the assessment identified a significant capacity within the area to allay the deficiency of this assumption. Further, the application identifies significant efficiencies that can be gained from the design of the carparking area for the site in relation to linkages to the school. Further, the on-street carparking currently used primarily for school traffic is provided for the benefit of all members of the public, not just school traffic. The proposed site is also equally entitled to the use of these carparking spaces in a shared manner. Conditions have been included that seek to ensure that these assumptions are robust through updated traffic surveys.

It is assessed that the amenity impacts associated with the car parking reduction will be negligible. The proposed car parking area within the site will be usable by school traffic in peak school times, with the on-street carparking surrounding the site usable by the subject site in peak times associated with holidays (when the school is closed). This efficiency of car parking use is what is sought by the City's local policy and by Clause 52.06. Officer support is provided to this aspect of the proposal.

Are the impacts on the surrounding road network and road safety acceptable?

Access arrangements to the site are complex as they interact with road upgrades envisaged under the Maiden Gully Precinct Structure Plan. This was an issue raised consistently throughout objections received. The intersection of the Calder Highway with Carolyn Way and Maiden Gully Road is identified for upgrading to cater for expected traffic levels associated with the delivery of the Maiden Gully north east growth area under the Maiden Gully Precinct Structure Plan. This intersection is to be signalised, with turning lanes in both directions from the Calder Highway. Carolyn Way would be converted from a one-way street to one that operates in both directions. As the Maiden Gully Precinct Structure Plan is yet to be finalised and gazetted into the Greater Bendigo Planning Scheme, State Government funding for this project has not yet been provided.

In the ultimate configuration of the site and surrounding area, this intersection upgrade would direct a large proportion of traffic along Carolyn Way into the subject site. The proposal has been designed to be able to cater for this level of traffic. The delivery of the intersection upgrade would likely result in further restrictions being applied to the service lane entry directly to the north of the site.

As the funding announcement for this work has yet to be made, the proposal has been designed to operate in both the current state and proposed future state. This is the correct design approach and allows for an appropriate assessment of the traffic and road impacts of the proposal to be made. To assess the viability of these options, extensive assessment has been undertaken by the City's Engineering Unit in concert with the City's Strategic Planning Unit in relation to infrastructure planning. This assessment has been further bolstered by referral through to the Department of Transport and Planning (DTP). These referrals have identified that the subject site is able to accommodate the projected traffic demands in either current or future state, subject to compliance with a range of conditions. It is a standard approach that such requirements would form permit conditions, as opposed to detailed plans (such as a Functional Layout Plan) and works occurring prior to the issuing of a permit. Of note, these conditions will require further assessment of the existing traffic flows past the site as well as refinement of projected future demand that is more realistic for a growth area. These conditions will also require that road upgrades envisaged for the nearby, approved IGA development are also applied to this development, so that these upgrades are completed by which ever permit is acted upon first (noting that the IGA expansion has yet to be commenced, following the issuing of the permit in 2016). These conditions will also ensure that objector concerns are able to be adequately addressed.

Officer assessment is that the proposal (subject to permit conditions), provides for appropriate access arrangements for both the current and proposed future road network surrounding the subject site and would not result in any adverse impacts on the operation of the road or public safety.

Is the extent of native vegetation removal appropriate?

Planning policy through **Clauses 12.01-1S, 12.01-1L, 12.01-2S and 52.17** seeks to protect and enhance biodiversity and ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the three step approach, being to avoid, minimise and then offset native vegetation removal.

The proposal seeks to remove 0.324 hectares of native vegetation which falls within an Intermediate Assessment Pathway. This comprises eight remnant trees, three of which are identified as being large trees. This vegetation is broadly located close to the boundaries of the site and all are proposed to be removed in order to provide for carparking for the centre. The site also contains a large number of planted trees which are not able to be considered as part of this application.

Due to the removal of a number of large trees, a detailed assessment was undertaken in accordance with the requirements of **Clause 52.17: Native Vegetation**. An application for removal under this clause is required to comply with the '*Guidelines for the removal, destruction or lopping of native vegetation*' (DELWP December 2017).

A Vegetation Impact Assessment and Native Vegetation Removal Report, prepared by a suitably qualified consultant, were provided as part of the application material. The avoid and minimise statement included within the Vegetation Impact Assessment details that completely avoiding vegetation removal is unachievable. Retaining this vegetation would require a significant reduction in carparking on site, for an application that is already seeking a 33 space reduction. There should be acknowledgement that the site is zoned for commercial uses and is indicated as supporting retail uses in the Maiden Gully Precinct Structure Plan. Council, by applying these controls, has envisaged a degree of impact to the existing vegetation of the site to achieve the desired aims of these controls. In addition to this, the likelihood of the trees being able to be retained in good health in such a context is unlikely.

Whilst the policy objectives relating to protecting native vegetation are clear, they must be applied in a reasonable and practical manner. Officer assessment is that avoiding or minimising impacts to vegetation is not possible in this instance, while providing a viable centre to service the growing needs of the Maiden Gully community. The applicant has provided suitable evidence that the required offsets can be sourced that will appropriately compensate for the biodiversity impact in this instance.

Conclusion

The applicant has appealed to the Victorian Civil and Administrative Tribunal (VCAT) against the City's failure to determine the application within the statutory timeframe.

Had the application not been appealed and Council were to make a determination on it, the officer recommendation would have been to approve the application, subject to appropriate conditions, on the basis that it represents an acceptable planning outcome.

The concerns relating to the location of the 'Click and Collect' facility and associated built form outcomes can readily be addressed through a permit condition requiring the relocation of the 'Click and Collect' facility to the western elevation of the proposed building. The current location is to be redesigned to incorporate additional retail space with activated frontage to the Calder Highway service lane, consistent with adjoining retail spaces.

The key reasons that the application is supported at officer level are summarised as follows:

- The proposed uses of the land for are not able to be considered as part of this application.
- The proposed extent of gross leasable floor area is supportable in the context of the extent that Clause 11.03.1L: Activity Centres – Greater Bendigo is able to be considered for a development application.

- The urban design outcomes for the site envisaged by the preferred character articulated in the Maiden Gully Precinct Structure Plan are achieved. This is reliant on the relocation of the 'Click and Collect' facility, which is achieved through the imposition of a condition.
- Proposed signage is appropriate for a neighbourhood shopping centre of this scale.
- Reduction of car parking provision is appropriate for a centre of this scale that is in a 10 minute walkable catchment of a number of existing uses.
- Impacts on and from the surrounding road network are manageable as the surrounding area develops into the Maiden Gully envisaged in the Maiden Gully Precinct Structure Plan.

Approval of the proposal would likely aid in the achievement of the vision for Maiden Gully articulated in the adopted Maiden Gully Precinct Structure Plan. Officer assessment is that support for this proposal is consistent with the provisions of the Greater Bendigo Planning Scheme.

Options

Council, acting as the responsible authority for administering the Planning Scheme, may resolve to advise VCAT and the permit applicant that, had it been making the decision on the application, that it would have: granted a permit, granted a permit with conditions, or refused to grant a permit.

Conflict of Interest

No officer involved in the preparation or approval of this report declared a general or material conflict of interest.

Proposed Conditions

MODIFIED PLAN REQUIRED

1. Before development starts, amended plans to the satisfaction of the Responsible authority must be submitted to and approved by the Responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) Remove the dedicated pram and seniors parking spaces.
 - (b) Relocate the Click and Collect to the service elevation of the proposed building. The current location for the Click and Collect is to be redesigned to incorporate additional retail space with activated frontage to the Calder Highway service road generally in accordance with design for adjacent retail spaces. Plans shall include:
 - i. Swept path analysis in respect of the relocated click and collect facility,

- demonstrating that the layout is functional and that vehicles can satisfactorily enter and exit.
- ii. Design of vehicle circulation throughout the click and collect facility in order to reduce any potential conflicts of vehicle movements with service/delivery vehicles utilising the loading dock, to an acceptable level.
- (c) Provide a notation on the floor plan stating the following:
- i. All exposed floors and ceilings forming part of the building envelope to demonstrate a minimum 10% improvement in required NCC2019 insulation levels (total R-value upwards and downwards).
 - ii. Heating and cooling systems within 1 star of the most efficient capacity unit available, or Coefficient of Performance (COP) and Energy Efficiency Ratios (EER) not less than 85% of the COP and EER of the most efficient equivalent capacity unit available.
 - iii. Rainwater tank will be connected to toilets for flushing and irrigation of trees and vegetated areas.
- (d) Construction waste management plan detailing the location where excess materials will be separated into categories and where they will be delivered to ensure achieving a minimum 80% of demolition and construction waste being reused or recycled.
- (e) Before occupation, Buildings User Guides are to be submitted and approved to ensure compliance with ESD measures contained within Sustainability Management Plan.
- (f) Native Vegetation Removal Report containing additional impact assessment of all vegetation required for removal to facilitate required road upgrade as detailed at Conditions 6, 17, 19 and 23.

2. NO LAYOUT ALTERATION

The development permitted by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the responsible authority.

3. LANDSCAPE PLAN REQUIRED

Before the development starts, an amended Landscape Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale and be generally in accordance with the submitted Landscape Plan prepared by Papworth Design, LSK 001-002, Revision E, dated 16/08/2021 but modified to show and amended landscaping treat along the Calder Highway frontage reflecting the relocated Click and Collect facilities. All species selected in the amended plan must be to the satisfaction of the responsible authority.

4. COMPLETION OF LANDSCAPING

Before the development is occupied, or by such later date as is approved by the

Responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

5. LANDSCAPING MAINTENANCE

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

6. AMENDED TRANSPORT IMPACT ASSESSMENT REPORT

Before the development starts, an amended Transport Impact Assessment (TIA) report to the satisfaction of the responsible authority must be submitted to and approved by the Responsible authority. Once approved, the TIA will be endorsed and will then form part of the permit. The TIA must include the following:

- (a) Any changes required by the Department of Transport and Planning, as outlined in Condition 23.
- (b) An updated data set for the surrounding road network, including a review of Saturday Midday demand to validate the assertion the Friday PM peak is the critical peak for the assessment.
- (c) An amended assessment of passer-by trip discounts on the basis that the figure relied on in the original assessment is unrealistic.
- (d) The intersection of Carolyn Way and McNamara Road (roundabout). The TIA must give appropriate consideration to the cross-sectional make-up of Carolyn Way and McNamara Road and confirm that the cross-section is capable of accommodating future demand associated with the approved supermarket redevelopment (AM/568/2015/A) at 731-737 Calder Highway & 14 McNamara Drive, Maiden Gully (daily traffic volume assessment for trafficable width and carriageway shoulder provisions).
- (e) Further justification must be provided in respect of the notional 25% discount applied to traffic generation based on surrounding development, in particular the approved supermarket development (AM/568/2015/A). If justification is unable to be provided, demand assessments are to be updated accordingly.
- (f) Any future demand assessment of the road network is to consider a 10-year planning horizon in accordance with the Department of Transport and Planning TIA guidelines.
- (g) Plans demonstrating that adequate sight lines are in place for all intersections requiring upgrade as part of the proposed development (in accordance with the requirements of Condition 24). If sight lines are not achieved, measures to achieve relevant compliance are to be outlined, including whether any native vegetation removal will be required. Please note that any such approval would require separate planning approval. This assessment is to consider both posted and operational speeds for all roads assessed.

7. GENERAL EXTERIOR TREATMENT

The exterior treatment of the building(s) including all exterior decoration, materials, finishes and colours must be to the satisfaction of the responsible authority. The exterior treatment of the building(s) must be maintained to the satisfaction of the responsible authority.

8. CONCRETE BUILDINGS

All tilt slab or pre-cast concrete buildings must be painted, treated, textured and thereafter maintained to the satisfaction of the responsible authority as shown in the endorsed plans.

9. REFRIGERATION AND AIR CONDITIONING EQUIPMENT

Any equipment required for refrigeration, air-conditioning, heating and the like must be suitably insulated for the purpose of reducing noise emissions and must be located so as to not be highly visible from the street to the satisfaction of the responsible authority.

10. BAFFLED LIGHTING

External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

11. SUSTAINABILITY MANAGEMENT PLAN (SMP)

- (a) The Sustainability management Plan (SMP) prepared by Sustainable Development Consultants August 2022 must be submitted to and approved by the responsible authority. Once approved, the SMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the endorsed SMP and associated BESS reports. No alterations to the SMP and associated reports may occur without the prior written consent of the responsible authority.
- (b) Before the development is occupied, a report to the satisfaction of the Responsible authority must be submitted to the Responsible authority. The report must confirm all measures specified in the endorsed SMP and associated reports have been implemented in accordance with the approved plans and approved SMP. Photographic evidence or documentation of measures implemented included solar panel size and location (including Inverters), electric vehicle charging stations, rainwater tank location and connection to toilets, end of trip facilities, green wall, and commitments within the SDA and BESS reports where possible should be included.

ENGINEERING CONDITIONS

12. CAR PARK CONSTRUCTION

Before the development is occupied, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be constructed to the satisfaction of the responsible authority and meet the following requirements and standards:

- (a) Properly formed to such levels that they can be used in accordance with the plans.
- (b) Parking bays and aisle widths must comply with Clause 52.06-9 Table 2. 2890.6-2009, section 2 and must be signed in accordance with AS/NZ 1742.11-1999 and line marked in accordance with AS/NZ 2890.6-2009, section 3.
- (c) The entry/exit, the internal roadway and the parking areas must be sealed and the car parking spaces line marked and maintained to the City's satisfaction (Clause 52.06-11).
- (d) The carpark must be provided with public lighting in accordance with AS/NZ 1158.3.1 with fittings to minimise spill lighting on to neighbouring property (including road reserves) in accordance with AS/NZ 4282-1997.
- (e) The "permeable pavement over car park bays" must be treated with an all-weather seal or some other durable surface.
- (f) Drained.
- (g) Clearly marked to show the direction of traffic along access lanes and driveways.
- (h) Provided with disabled persons parking bays where required by the Building Code of Australia.

The car parking and access areas must comply with the requirements of clause 52.06 of the Greater Bendigo Planning Scheme and meet all other applicable Australian and New Zealand Standards unless otherwise agreed in writing with the responsible authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

13. VEHICLE MANOEUVRING

All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

14. VEHICLE CROSSINGS

Vehicular access to the subject land from any roadway or service lane (and vice versa) must be by way of a vehicle crossing(s) constructed at right angles to the road, to suit the proposed driveway(s) and vehicles that will use the crossing in accordance with the City of Greater Bendigo Infrastructure Design Manual. A Works within Road Reserves permit must be obtained from the City of Greater Bendigo's Engineering Unit before any work commencing in the road reserve.

15. PEDESTRIAN SIGHT LINES

The minimum sight line for pedestrian safety must be provided at the exit lane frontage so as to accord with Clause 52.06-9 of the Greater Bendigo Planning Scheme.

16. ON-STREET PARKING AVAILABILITY

On-street parking must be provided and line marked along the Calder Highway service road frontage adjacent retail spaces to the satisfaction of the responsible authority.

17. CONSTRUCTION WORKS

Before the development is occupied, road works, drainage and other civil works must be constructed to the satisfaction of the responsible authority in Carolyn Way, McNamara Drive and the Calder Highway Service Road in accordance with the City of Greater Bendigo Infrastructure Design Manual, relevant Australian Standards, and any recommendations included in the Traffic Impact Assessment Report (required to be prepared under condition 6 of this permit), and plans and specifications approved by the responsible authority and must include:

- (a) Fully sealed pavement with kerb and channel on road frontages;
- (b) Re-formation of on-street carparking on the northern side of the service road to the west of the connection to the Calder Highway, through to the point directly north of the western boundary of the site adjacent to McNamara Drive. Car parking to be sealed with an all-weather surface and accompanying kerb, channel and underground drainage.
- (c) Re-formation of on-street carparking and road width on the northern side of the service road to the east of the connection to the Calder Highway, through to the point directly north of the eastern boundary of the site shared with the adjacent community centre. Street width and car parking design dimensions are to meet the relevant Austroads and / or Australian Standards for the projected traffic demands. The on-street car parking which is already sealed and provided with an all-weather surface is to be reviewed and reconstructed, as required, in order to comply with relevant Austroads and / or Australian Standards.
- (d) No less than 43 on-street car parking spaces shall be provided in the service road along the site's direct street frontage.
- (e) Upgrade of existing bus stops on the north and south sides of the Calder Highway service road to meet current Department of Transport and Planning standards.
- (f) Paved paths on the road frontages;
- (g) Underground drainage;
- (h) Stormwater detention;
- (i) Stormwater quality;
- (j) Indented car parking and/or bus parking bays (if required);
- (k) Appropriate intersection and tariffication measures particularly at the entrance off McNamara Drive;
- (l) Pavement strengthening where heavy vehicles are using the local road network; and
- (m) Appropriate street lighting.

18. ROAD SAFETY AUDIT REQUIRED

- (a) Prior to commencement of the buildings and/or works, a detailed design stage Road Safety Audit (RSA) must be undertaken to identify any safety risks and hazards to ensure that the design considers all foreseeable road users.
- (b) A Post-completion RSA shall be undertaken within the first 3 months of the opening of a fully completed project to assess and to identify any safety issues and defects.

The road safety audit must be undertaken by a suitably qualified road safety auditor in accordance with Austroads Guide to Road Safety Part 6, and to the satisfaction of the responsible authority.

19. CONSTRUCTION MANAGEMENT PLAN

Before the development starts, a Construction Management Plan (CMP) to the satisfaction of the responsible authority must be submitted and approved by the responsible authority. Once approved, the plan will be endorsed and will then form part of the permit. This plan must include, but not be limited to:

- (a) A site-specific plan showing proposed erosion and sedimentation control works.
- (b) Techniques and intervention levels to prevent a dust nuisance.
- (c) Techniques to prevent mud and dirt being transported from the site to adjacent streets.
- (d) The protection measures taken to preserve any vegetation identified for retention.

All works must be undertaken in accordance with the approved CMP to the satisfaction of the responsible authority.

20. DETAILED DRAINAGE PLANS

Before the development starts, detailed drainage plans to the satisfaction of the Responsible authority must be submitted to and approved by the Responsible authority. When approved, the plans will be endorsed and then will form part of the permit. The plans must be drawn to scale with dimensions. The plans must include:

- (a) Underground drainage;
- (b) A point of discharge to the responsible authority's drainage system; and
- (c) Stormwater quality.

21. CITY OF GREATER BENDIGO ASSETS

Before the development starts, a written report and photos of any prior damage to public infrastructure must be submitted to and approved by the Responsible authority. The report must list the condition of kerb and channel, footpath, seal, streetlights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to

the development. The owner or developer of the subject land must pay for any damage caused to any public infrastructure caused as a result of the development permitted by this permit.

SIGNAGE CONDITIONS

22. ILLUMINATED SIGNAGE

- (a) Any signage must not be animated, flashing or reflective.
- (b) Any signage lighting (internal or floodlit) must be installed and maintained to ensure there is no glare towards motorists or spillage of light onto the roadway or neighbouring properties.
- (c) All signs must be installed wholly within the property and not obscure the sightlines of motorists or pedestrians.

NATIVE VEGETATION CONDITIONS

23. NOTIFICATION OF PERMIT CONDITIONS

Before the development starts the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

24. NATIVE VEGETATION OFFSETS

Offset Requirement

To offset the removal of area of native vegetation as detailed within the Native Vegetation Removal Report endorsed under Condition 1, the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)* as specified below:

General Offset

A general offset of the number of general habitat units detailed within the Native Vegetation Removal Report endorsed under condition 1:

- Located within the North Central Catchment Management Authority boundary or Greater Bendigo municipal district.
- With a minimum strategic biodiversity score of at least the number detailed within the Native Vegetation Removal Report endorsed under Condition 1.
- With a minimum of large trees, amount as detailed within the Native Vegetation Removal Report endorsed under Condition 1 of this permit.

Offset Evidence and Timing

Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of responsible authority. This evidence is one or both of the following:

- An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site; and/or

- Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Energy and Climate Action.

Monitoring and Reporting for Onsite Offset Implementation

In the event that a security agreement is entered into, the applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

REFERRAL AUTHORITY CONDITIONS

25. DEPARTMENT OF TRANSPORT

- (a) Prior to commencement of the buildings and/or works unless otherwise agreed in writing by Head, Transport for Victoria the following must be completed to the satisfaction of and at no cost to Head Transport for Victoria:
 - i. Microsimulation (network) for all intersections and road network bounded by:
 - a. The future signalisation of Carolyn Way and Maiden Gully Road with the Calder Highway to the east;
 - b. Beckhams Road and Schumakers Lane to the west;
 - c. Glenelg Drive and Carolyn Way to the south and;
 - d. Calder Highway to the north.
 - ii. Amended Transport Impact Assessment report must be submitted to and approved by the Head, Transport for Victoria and the responsible authority. The Transport Impact Assessment must include the following:
 - a. All areas outlined in the above condition;
 - b. Future alteration of the intersection of Calder Highway and Calder Highway (service road) including the closure and left in left out of the Calder Hwy and the service connecting to the future Carolyn Way connection to the Calder Highway;
 - c. The proposed development at the 708 Calder Highway;
 - d. The impact on Beckhams Road, Schumakers Lane and Calder Highway;
 - e. The impact of a future upgrade to the Calder Highway / Maiden Gully / Carolyn Way intersection to a 4 leg, signalised intersection;
 - f. An assessment of existing shared user path /footpath connections and options to improve and connect with the existing pedestrian network;
 - iii. Functional Layout Plans must be submitted to and approved by the

Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the responsible authority and will then form part of the permit. The plans must show:

- a. The intersection of Calder Hwy and Calder Hwy (service road) to be left in left out only.
 - b. Any mitigating works arising out of the Transport Impact Assessment Report.
 - c. Indicative intersection lighting
- (b) Prior to commencement of the buildings and/or works unless otherwise agreed in writing by Head, Transport for Victoria, a road safety audit must be submitted to and approved by the Head, Transport for Victoria and the responsible authority. The road safety audit must be undertaken by a suitably qualified road safety auditor at the functional layout and detailed design stage. Any mitigating works arising out of the audit must be included on the functional layout plan.
- (c) Prior to commencement of the use, unless otherwise agreed in writing by Head, Transport for Victoria, the following works must be completed to the satisfaction of and at no cost to Head Transport for Victoria:
- i. The intersection of Calder Hwy and Calder Hwy (service road) to be left in left out in accordance with the approved functional layout plan.
 - ii. Any mitigating works arising out of the Transport Impact Assessment Report.
 - iii. Pedestrian and shared user path connections.
 - iv. Intersection lighting to the Australian Standard.

LIQUOR STORE CONDITIONS

26. GENERAL AMENITY

The liquor store must not adversely affect the amenity of the locality.

27. HOURS OF OPERATION – LIQUOR STORE

Except with the prior written consent of the responsible authority, the Liquor Store use permitted by this permit must operate only between the following times:

- (a) Monday to Saturday – 9am to 11pm.
- (b) Sunday – 10am to 11pm.
- (c) ANZAC day – 12pm to 11pm.
- (d) No trading on Good Friday and Christmas Day.

28. LIQUOR LICENCE DOCUMENT

The applicant must provide (for the City's records) an original copy of any new liquor license within 1 month of issue by Liquor Licensing Victoria.

EXPIRY CONDITIONS

29. EXPIRY – DEVELOPMENT

This permit will expire if:

- (a) The development permitted by this permit is not commenced within four (4) years from the date of this permit; and
- (b) The development permitted by this permit is not completed within six (6) years from the date of this permit.

The time within which the development must be commenced and/or completed may be extended, on written request to the responsible authority, before or within 6 months after the expiry of this permit where the development has not yet started or 12 months where the development has commenced.

30. EXPIRY – LIQUOR STORE

This permit will expire if the liquor store use permitted by this permit is not commenced within 2 years from the date hereof or is discontinued for a period of 12 months. The time within which the use must commence may be extended by the responsible authority, on written request, if made before or within 6 months after the expiry of this permit.

Attachments

1. CONFIDENTIAL REDACTED - DC/309/2022 - Consolidated Submissions [16.3.1 - 60 pages]

17. STRONG, INCLUSIVE AND SUSTAINABLE ECONOMY

Nil

18. ABORIGINAL RECONCILIATION

Nil

19. A CLIMATE-RESILIENT BUILT AND NATURAL ENVIRONMENT

Nil

20. A VIBRANT, CREATIVE COMMUNITY

Nil

21. A SAFE, WELCOMING AND FAIR COMMUNITY

21.1. Youth Action Plan 2023-2024

Author:	Leon Moulden, Engaged Communities Officer
Responsible Director:	Stacy Williams, Director, Healthy Communities and Environments

Purpose

To provide Council with the opportunity to approve the City of Greater Bendigo Youth Action Plan 2023-2024.

Recommended Motion

That Council approve the City of Greater Bendigo Youth Action Plan 2023-2024.

Executive Summary

In early 2022 the City began planning for the development of the Youth Action Plan 2023-2024. This project consisted of two stages: The evaluation of the Youth Strategy 2017-2021 and the development of the Youth Action Plan 2023-2024 which included a public feedback process for the draft plan.

The development of the Youth Action Plan 2023-2024 was overseen and co-designed by the City of Greater Bendigo Youth Council and is aligned to this two-year Youth Council term. Its implementation will be overseen by the City of Greater Bendigo Youth Council.

The final draft of the Youth Action Plan 2023-2024 has been informed by the Imagine Greater Bendigo process in 2021, the evaluation of the previous Youth Strategy in 2022, Youth Council priorities and suggestions, public feedback on the draft Youth Action Plan, strategic alignment to City plans and strategies, and alignment to funding sources availability.

The final Youth Action Plan 2023-2024 is aligned to the five outcomes of the City of Greater Bendigo's Health and Wellbeing Plan 2021-2025 and consists of 24 actions that commit the City of Greater Bendigo to continuing successful programs like Youth Council, Ambedo and YO Events, skills development and training, and providing safe and welcoming activities and events. It also commits the City to supporting inclusion and participation for young people, promoting diversity and improving opportunities for rural and disadvantaged young people, as well as promoting the voices of young people, developing young leaders and empowering them to make a difference in their community.

Background

The Youth Strategy 2017-2021 was developed with three principles: Explore, Engage, Empower. It is now time to replace this Youth Strategy with a new commitment to young people in Greater Bendigo that reflects current requirements and resources.

In 2021, there were 19,045 young people aged between 12 and 24 years in Greater Bendigo which was 15.6% of the overall population of 121,466 (Profile ID 2022). By 2026 the population of young people is projected to rise to 22,281 (16.6% of overall population) and 25,786 by 2036 (16.6%) (Profile ID 2017). In particular, the population of young people is expected to rise significantly in the new growth areas of Huntly, Maiden Gully, Marong and Strathfieldsaye.

This growing population of young people and the areas of high growth will have a significant impact on the type and level of services and infrastructure required to respond to the needs and aspirations of young people in these areas. The Youth Action Plan 2023-2024 aims to respond to those needs and aspirations.

Previous Council decision dates:

- Council endorsed the Health and Wellbeing Plan 2021-2025 and the Council Plan 2021-2025 on 18 October 2021.
- Council endorsed the Youth Strategy 2017-2021 on 13 December 2017.

Report

Project Overview

On 28 September 2022 the City of Greater Bendigo Youth Council approved the Draft Youth Action Plan 2023-2024 after providing oversight of the project for much of 2022 and co-designing the plan. Following public feedback on the draft actions in February 2023, Youth Council approved the final amended content for the Youth Action Plan on 29 March 2023.

This project had two stages: (1) evaluation of the Youth Strategy 2017-2021 and (2) the development of the Youth Action Plan 2023-2024 which included a public exhibition period for the draft actions.

Project Governance and Management

This project has been overseen and co-designed by the City of Greater Bendigo Youth Council with Youth Council providing feedback on all aspects of the project, directly influencing the development of draft actions both as members of the Project Control Group and through regular briefings at Youth Council meetings.

The governance of the project has been undertaken by a Project Control Group. The Project Control Group membership consists of City staff: Manager Community

Partnerships (Project Sponsor optional attendance), Coordinator Engaged Communities, Engaged Communities Officer – Youth Lead and Engaged Communities Officer – Youth; as well as four Youth Councillors: Victoria Tangey, Ryan Peterson, Mia Thomas and Max McKellar.

This project has been undertaken by a small working group consisting of three members of the Engaged Communities Team: Fiona Jemmett (Coordinator Engaged Communities), Leon Moulden (Engaged Communities Officer – Youth Lead) and Teddy Transcendent (Engaged Communities Officer – Youth).

Youth Strategy 2017-2021 Evaluation Findings

The Youth Strategy 2017-2021 consisted of 21 actions aligned to seven goals. Sixteen actions were implemented in full, this included the action to *Strengthen the Youth Action Group to become a Youth Council and increase connections between Councillors, young people and the community to advocate on priority areas*. This is perhaps the most successfully implemented action from the previous Youth Strategy – with stakeholder feedback being very positive.

Two actions were partially implemented, they were:

- *Provide student learning, work experience and internship opportunities through Career Horizons.*
- *Implement the Vision and Strategy Plan for the YO Bendigo facility at 45 Mundy Street.*

The key reasons as to why these two actions were partially implemented were the impact of COVID-19 which affected student placements and staffing changes impacted the City's capacity to implement the YO Bendigo strategy.

Three actions were not implemented, they were:

- *Develop a Youth Awards program to recognise excellence and achievements in the community.*
- *Develop a Young Ambassadors Program.*
- *Advocate for an increase in health and wellbeing services to enable improved access and support.*

The first action was not implemented because of the impacts of COVID-19 and staffing changes, the second was determined as being duplication of the Youth Council and the third action was not implemented because it was out of scope for the Engaged Communities team. The Youth Awards action has been transferred to the Youth Action Plan 2023-2024 on request of Youth Council and will be implemented in 2023-2024. The Youth Council have developed a Youth Awards proposal to guide its implementation.

The key themes of the Youth Strategy 2017-2021 evaluation were:

- Youth Council is the most visible and successful program.

- Programs such as Ambedo and YO Events are also successful and valued by young people.
- Skills development through micro-credentials and Barista training is valued and wanted by young people.
- Young people who are linked to YO Bendigo value the programs that came out of the Youth Strategy – but they often didn't know about the Strategy itself.
- The programs that came out of the Strategy were appreciated by young people who knew about them – but many young people are not aware of the City's youth programs.
- Inclusion, access, participation and diversity are all important to young people.
- Feeling safe and welcome with City programs is important to young people.
- A strong youth voice and youth leadership are important to young people.
- Skills development opportunities are important and needed.
- There is a need for more opportunities and support for disadvantaged young people.
- There is a need for more opportunities for rural young people.
- More engagement and collaboration with schools is seen as important.
- There is a need for more creative opportunities for young people.
- There is a need for more work experience, internships and volunteer opportunities.
- Building confidence in young people and supporting mental wellbeing is important to young people.

The key recommendations from the evaluation of the Youth Strategy 2017-2021 were:

- Continue with programs such as Youth Council, Ambedo and YO Events.
- Continue to offer skills development training opportunities such as Barista training.
- Offer more opportunities to rural and disadvantaged young people.
- Increase engagement and collaboration with schools and youth service organisations.
- Support inclusion, access, diversity and participation amongst young people.
- Provide a safe and welcoming environment with all City youth activities and events.
- Support young people to develop confidence and personal skills.
- Support young people with volunteering, work experience and internships.
- Develop a Youth Awards program.
- Support young people to have a voice.
- Support the development of young leaders.

All these recommendations have informed the development of the Youth Action Plan 2023-2024.

Public Exhibition of the Draft Youth Action Plan 2023-2024

Before this final version of the Youth Action Plan was developed, a draft Youth Action Plan was approved by Youth Council in September 2022 and approved by Council in December 2022 for public exhibition. The draft actions were then placed on public exhibition on the City's Let's Talk website for four weeks from 31 January 2023 to 28 February 2023. Accompanying this process were several school visits to directly engage with young people about the draft actions, and a Youth Council led listening post at the Jam Sandwich event at the Library Gardens on 19 February 2023.

The feedback process asked three questions:

- What is missing?
- How can we make the draft Action Plan more inclusive?
- Do you have any other feedback on the draft actions?

In total, 138 responses were received during the feedback period. The majority of the responses received were from young people aged 15 to 19 years of age (103 responses), with 22 responses being received from young people aged 10 to 14 years of age, and three responses from young people aged 20 to 24. There were 10 responses from people aged 25 and over. The majority of responses were from women/girls (97 responses) with 39 responses from men/boys and 2 responses from those identifying as gender diverse.

Responses to each of the three questions were overwhelmingly positive and constructive. The key themes from the feedback were:

- That the only item missing from the draft actions was an action on public safety and young people, otherwise most respondents thought there was nothing missing.
- That the draft actions were somewhat repetitive and that there were too many actions.
- That the draft actions were inclusive of all young people.

As a result of the feedback received four amendments have been made to the final Youth Action Plan. These are:

1. A new action pertaining to public safety and young people has been added to the ***"Our young people are safe and secure"*** section of the action plan. This action is: ***"Support advocacy activities aimed at improving young people's sense of safety in public places."***
2. Two original draft actions have been merged into one action in the ***"Our young people are able to participate"*** section of the action plan. The new action is: ***"Link young people to opportunities that provide career planning and pathways to employment such as volunteering and mentoring; and provide opportunities for work experience, student placements and internships for young people within the Engaged Communities team (at YO Bendigo)."***

The original draft actions were: *"Develop and provide opportunities for work experience, student placements and internships for young people within the Engaged Communities*

team (at YO Bendigo)” and “Link young people to opportunities that provide career planning and pathways to employment such as volunteering and mentoring.”

3. An additional two original draft actions have been merged into one action in the **“Our young people are able to participate”** section of the action plan: The new action is: **“Support young people’s voices by encouraging diverse contributions to regular editions of Ambedo Magazine and through other activities like youth forums and listening posts.”**

The original draft actions were: *“Support young people’s voices by encouraging diverse contributions to regular editions of Ambedo Magazine”* and *“Develop and support youth led opportunities for young people to have their say such as youth forums and youth listening posts.”*

4. One original draft action in the **“Our young people are connected to culture and community”** section has been deleted because it was already covered in multiple actions throughout the action plan. The deleted draft action was: *“Provide volunteers opportunities through YO Bendigo including YO Events, Ambedo Magazine and Youth Council.”*

Final Youth Action Plan 2023-2024

As a result of these four amendments the final Youth Action Plan 2023-2024 has 24 actions (Attached). The Youth Council have also developed a vision for the Youth Action Plan: *“Young people in Greater Bendigo are empowered to advocate for, engage with, and experience a positive community that allows them to make the most of life’s opportunities.”* With the tagline of: *Inspired, Heard, Valued*. Both the vision and tagline have been included in the final content.

The Youth Action Plan 2023-2024 is aligned to the current two-year Youth Council term and its implementation will be overseen by Youth Council with six-monthly reporting on the progress/status of actions to Youth Council. This reporting will then be added as an attachment to the following Youth Council Quarterly Report to Council.

The aim of the Youth Action Plan 2023-2024 is to provide a clear and achievable plan that guides the City’s commitment to young people. The Youth Action Plan 2023-2024 commits the City of Greater Bendigo to continuing successful programs like Youth Council, YO Events, Ambedo, skills development, training, events and activities that are safe and welcoming. It also commits the City to supporting inclusion and participation for young people, promoting diversity and improving opportunities for rural and disadvantaged young people, as well as promoting the voices of young people, developing young leaders and empowering them to make a difference in their community.

The Youth Action Plan 2023-2024 is directly aligned to the Health and Wellbeing Plan 2021-2025 (Healthy Greater Bendigo), in accordance with the City’s commitment to integrated planning processes. All 24 actions are aligned to one of the five outcomes of the Health and Wellbeing Plan 2021-2025:

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

Each of the five outcomes has been adapted into a statement with a focus on young people to provide an overarching theme for each section of the action plan, these are:

- Our young people are healthy and well;
- Our young people are safe and secure;
- Our young people are able to participate;
- Our young people are connected to culture and community; and
- Our young people want a liveable future.

The final Plan is also informed by the community engagement undertaken for the Health and Wellbeing Plan 2021-2025 (as part of Imagine Greater Bendigo in 2021), the evaluation of the previous Youth Strategy 2017-2021; as well as Youth Council priorities and suggestions, and strategic alignment to City plans and strategies. These strategies and plans include the Council Plan 2021-2025, the Economic Development Strategy 2020-2030, the Cultural Diversity and Inclusion Plan 2021-2025, Reconciliation Plan 2021-2025, Social Justice Framework 2022-2032 and the Climate Change and Environment Strategy 2021-2026. It has also been informed by state government funding, specifically Engage! and FReeZa.

All actions in the Youth Action Plan 2023-2024 will be delivered by the City's Engaged Communities Team within current funding constraints.

Priority/Importance

This initiative is of high importance as it represents the City's strategic commitment to young people in Greater Bendigo.

Options considered

N/A

Timelines

This project commenced in April 2022. Youth Council approved the Draft Youth Action Plan 2023-2024 on 28 September 2022 and Council agreed on 5 December 2022 to placing the draft on public exhibition in January-February 2023. Youth Council approved the final content for the Youth Action Plan 2023-2024 on 29 March 2023 and it was endorsed by EMT on 4 April 2023.

Communications/Engagement

The initial community engagement for this project was undertaken during the Imagine Greater Bendigo project in 2021, this included a youth community panel and consultation with the City of Greater Bendigo Youth Council in May 2021. This informed the youth focused areas of both the Council Plan 2021-2025 and the Health and Wellbeing Plan 2021-2025.

In June and July 2022 targeted community engagement was undertaken with relevant stakeholder groups to evaluate the previous Youth Strategy 2017-2021 this included a survey with 168 responses, five focus groups (with 17 participants), 14 interviews and three email submissions. These stakeholder groups included young people who had participated in YO Bendigo programs such as Ambedo, YO Events, Youth Council, skills development or training workshops, events and other activities; youth service providers, partner organisations, and members of the Youth Strategy reference group from 2017.

The final stage of community engagement was undertaken between 31 January and 28 February 2023 via the City's Let's Talk website, school visits and a Youth Council led listening post at the Library Gardens on 19 February 2023. This process involved seeking public feedback on the draft Youth Action Plan 2023-2024 by asking three questions:

- What is missing?
- How can we make the draft Action Plan more inclusive?
- Do you have any other feedback on the draft actions?

In total, 138 responses were received - with over 100 of these responses being provided by secondary college students from Bendigo Senior Secondary College and Eaglehawk Secondary College via in-school engagement. The draft actions were also sent to 600 students and 200 staff at La Trobe University Bendigo which resulted in eight responses. Fifteen young people from Access Australia's EPIC Social Group also provided feedback. The remaining responses were members of the community.

This final engagement process was supported by communications from the City's Communications team which included a media release on 31 January 2023, GB E-news articles on 13 and 27 February 2023, and social media posts on 22 February 2023. It was also supported by extensive communications from the YO Bendigo team via eight social media posts and four YO Bendigo e-news (YO Mail) to stakeholders, service providers and program participants, and content on the YO Bendigo website.

Financial Sustainability

Implementation of the Youth Action Plan 2023-2024 will be undertaken within existing operational budgets and State government funding agreements for the Engage! and FReeZa programs. No new resources are required to implement this plan.

Risk Assessment

The key risk for this project is reputational risk if the City does not commit to a new Youth Action Plan. The City has a clear and visible commitment to young people, especially to providing young people with the opportunity to have a say in the development of City plans and policies. The Youth Council is the visible manifestation of this commitment, and as such, any reluctance to commit to the Youth Action Plan 2023-2024 may place at risk the City's reputation of being committed to providing a voice to the young people of Greater Bendigo.

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 3 - Strong, inclusive and sustainable economy

Secondary Council Plan Reference(s)

Goal 3 - Young people are supported to explore, engage and be empowered to shape the world they live in

Other Reference(s)

City of Greater Bendigo Health and Wellbeing Plan 2021-2025 (Healthy Greater Bendigo):

Outcome 3: Able to participate.
Area for action: Empower children and young people.

Conflict of Interest

No officer involved in the preparation or approval of this report declared a general or material conflict of interest.

Attachments

1. Youth Action Plan 2023-2024 WEB I D 0361 [21.1.1 - 8 pages]



INSPIRED, HEARD, VALUED.



INSPIRED
HEARD
VALUED

ACKNOWLEDGEMENT OF COUNTRY

The City of Greater Bendigo is on Dja Dja Wurrung and Taungurung Country.

We would like to acknowledge and extend our appreciation to the Dja Dja Wurrung and Taungurung Peoples, the Traditional Owners of the land.

We pay our respects to leaders and Elders past, present and emerging for they hold the memories, the traditions, the culture and the hopes of all Dja Dja Wurrung and Taungurung Peoples.

We express our gratitude in the sharing of this land, our sorrow for the personal, spiritual and cultural costs of that sharing, and our hope that we may walk forward together in harmony and in the spirit of healing.

VISION

“Young people in Greater Bendigo are empowered to advocate for, engage with, and experience a positive community that allows them to make the most of life’s opportunities.”





YOUTH MAYOR'S FOREWORD

The City of Greater Bendigo Youth Council is proud to have overseen the development of the Youth Action Plan 2023-2024. As a representative body of 18 young people aged between 14 and 24, we believe it is important that young people not only have a voice but are also active participants in creating their own future.

As young leaders, we know that young people are active in our community and that they are making significant contributions. Whilst it is often said that "young people are the leaders of tomorrow", we believe that young people are already participating and leading today.

It is within this context that the Youth Action Plan 2023-2024 aims to provide opportunities for young people. These include opportunities to build their capacity, develop support networks and skills; empower them through providing opportunities to have their voice heard; and increase their participation in the social, civic and economic aspects of the Greater Bendigo community.

Greater Bendigo's young people were involved with every stage of developing this Action Plan. They were involved with the Imagine Greater Bendigo engagement process in 2021 that developed the Health and Wellbeing Plan 2021-2025 that this action plan is aligned to, with the evaluation of the previous Youth Strategy 2017-2021 in 2022, and with the feedback process on the draft Youth Action Plan in early 2023.

The City of Greater Bendigo Youth Council will now oversee the implementation of the Youth Action Plan 2023-2024. This means that young voices are not only imbedded into the framework of this plan but will be imbedded into the work that the City of Greater Bendigo's youth team does over the next two years to implement this plan.

The City of Greater Bendigo believes in empowering young people and is publicly committed to this in the Council Plan 2021-2025. The City of Greater Bendigo engages with young people, respects our opinions and values our experiences. We are incredibly fortunate to live in a city that not only listens to the voices of young people, but actively encourages them to have a say.

As Youth Councillors, we are grateful to have had the opportunity to oversee the development of this Youth Action Plan and are now looking forward to overseeing its implementation. We appreciate the significance of this opportunity and the responsibility that it involves.



To be young in 2023 is a unique experience. Only those living as a young person today can truly understand its distinctive idiosyncrasies. Everyone was young once, but not everyone is young today.

Ryan Peterson
2023 Youth Mayor



YOUTH OF GREATER BENDIGO

The City of Greater Bendigo is located in the centre of Victoria, covering almost 3,000 square kilometres, with a growing population of more than 120,000, the state's third largest economy, and is surrounded by 40,000 hectares of regional, state and national parkland.

In 2021, there were 19,045 young people aged between 12 and 24 years in Greater Bendigo which was 15.6% of the overall population of 121,466 (Profile ID 2022). By 2026 the population of young people is projected to rise to 22,281 (16.6% of overall population) and 25,786 by 2036 (16.6%) (Profile ID 2017). In particular, the population of young people is expected to rise significantly in the new growth areas of Huntly, Maiden Gully, Marong and Strathfieldsaye. This growing population of young people and the areas of high growth will have a significant impact on the type and level of services and infrastructure required.

The Youth Action Plan 2023-2024 aims to respond to needs and aspirations of young people.

YOUTH ACTION PLAN 2023-2024

The aim of the Youth Action Plan 2023-2024 is to provide a clear and achievable plan that guides the City's commitment to young people. The Youth Action Plan 2023-2024 commits the City of Greater Bendigo (City) to continuing successful programs like Youth Council, YO Events, YO Media, Ambedo, skills development, training, events and activities that are safe and welcoming. It also commits the City to supporting inclusion and participation for young people, promoting diversity and improving opportunities for rural and disadvantaged young people, as well as promoting the voices of young people, developing young leaders and empowering them to make a difference in their community.

The City will leverage partnerships, engage with the community, and inspire and mobilise young people to achieve positive outcomes.

The Youth Action Plan is directly aligned to the Health and Wellbeing Plan 2021-2025 (Healthy Greater Bendigo), in accordance with the City's commitment to integrated planning processes. All 24 actions are aligned to the five outcomes of the Health and Wellbeing Plan 2021-2025:

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

The Plan is also informed by the community engagement undertaken for the Health and Wellbeing Plan 2021-2025 (as part of Imagine Greater Bendigo), the evaluation of the previous Youth Strategy 2017-2021; as well as Youth Council priorities and suggestions, and strategic alignment to City plans and strategies. These strategies and plans include the Council Plan 2021-2025, the Economic Development Strategy 2020-2030, the Cultural Diversity and Inclusion Plan 2021-2025, Reconciliation Plan 2021-2025, Social Justice Framework 2022-2032 and the Climate Change and Environment Strategy 2021-2026. It has also been informed by state government funding, specifically Engage! and FReeZa.

The development of the Youth Action Plan 2023-2024 was overseen and co-designed by the City of Greater Bendigo Youth Council and is aligned to this two-year Youth Council term. Implementation of the Plan will be overseen by the City of Greater Bendigo Youth Council.



INSPIRED
HEARD
VALUED



OUR YOUNG PEOPLE ARE HEALTHY AND WELL

1. Review, install and manage contraception access projects (such as condom vending machines and free condoms at YO Bendigo).
2. Provide young people with educational information on consent laws.

OUR YOUNG PEOPLE ARE SAFE AND SECURE

3. Provide young people of all backgrounds and identities with safe and welcoming experiences at the YO Bendigo Facility and at events and activities.
4. Support advocacy activities aimed at improving young people's sense of safety in public places.

OUR YOUNG PEOPLE ARE ABLE TO PARTICIPATE

5. Provide micro-credential training and skill development workshops through YO Bendigo that are inclusive and accessible to young people.
6. Provide opportunities for young people to develop skills in the events and creative arts industries through the FReeZa program (YO Events).
7. Provide opportunities for young people to develop skills in the media and creative industries through the YO Media Team and Ambedo Magazine.

8. Link young people to opportunities that provide career planning and pathways to employment such as volunteering and mentoring; and provide opportunities for work experience, student placements and internships for young people within the Engaged Communities team (YO Bendigo).

9. Support the implementation of youth-related actions in the City's Economic Development Strategy 2020-2030.

10. Support young people to feel safe about their gender identity and promote gender equity through events such as IDAHOBIT and Wear it Purple Day.

11. Support the Youth Council to be a voice of young people and provide strategic advice on City plans, strategies, policies and projects so that they better align to the needs of young people in our community.

12. Develop and implement a Youth Awards program to highlight the contributions and achievements of young people.

13. Support young people's voices by encouraging diverse contributions to regular editions of Ambedo Magazine and through other activities like youth forums and listening posts.

14. Support the development of empowered and engaged young leaders through training, events, and other activities such as public speaking training, leadership training and Youth Parliament.



OUR YOUNG PEOPLE ARE CONNECTED TO CULTURE AND COMMUNITY

15. Support and provide a diverse range of workshops, activities and events that are accessible and inclusive for all young people regardless of background, identity, and access needs.
16. Support the celebration of the diversity of young people in our community in all areas of Greater Bendigo, regardless of background, identity, and access needs.
17. Provide skill development and social connection opportunities for Aboriginal and Torres Strait Islander young people.
18. Support the celebration of our Aboriginal and Torres Strait Islander young people and the promotion of their culture.
19. Activate the YO Bendigo facility to be welcoming and meet the needs of young people of all backgrounds, identities and abilities and promote it to young people, youth services and stakeholders.
20. Provide young artists and creatives with performance or exhibition opportunities across the municipality.
21. Provide opportunities for young people to develop life skills to allow them to better participate in the community and improve their sense of belonging.

OUR YOUNG PEOPLE WANT A LIVEABLE FUTURE

22. Support young people to voice their concerns regarding climate change and global warming – such as the School Strike for Climate and Greater Bendigo Climate Collaboration.
23. Support young people to have a say about all aspects of liveability in Greater Bendigo.
24. Support young people to connect with youth service providers.

ACKNOWLEDGEMENTS

The City of Greater Bendigo would like to acknowledge and thank the following for their contribution to the development of the Youth Action Plan 2023-2024 over 2022 and 2023.

City of Greater Bendigo Youth Councillors:

- Abby Patten (2022 and 2023)
- Augustine Leung (2023)
- Ben Reid (2023)
- Brandon Trickey (2022)
- Charlotte Brook (2022)
- EJ Clayton (2022 and 2023)
- Emily Pennington (2022 and 2023)
- Freya Nicoletti (2023)
- Ildi Clemens (2022)
- Jack Smith (2022)
- Jemima Kreutzer (2023)
- Jonah Zoch (2023)
- Julia Hunt (2022)
- Lexi Rasmussen (2023)
- Lilly Correll (2022 and 2023)
- Max McKellar (2022 and 2023, member of the Youth Action Plan Project Control Group)
- Mia Thomas (2022 and 2023, member of the Youth Action Plan Project Control Group)
- Remus Brasier (2022 and 2023)
- Ryan Peterson (2022 and 2023, member of the Youth Action Plan Project Control Group)
- Sharlee Dunolly-Lee (2023)
- Sean Cox (2022 and 2023)
- Victoria Tangey (2022 and 2023, member of the Youth Action Plan Project Control Group)
- Zahra Chowdhury (2022)
- Zoe Di Camillo (2023)

Community Stakeholders:

The City of Greater Bendigo would also like to thank the young people, youth service providers, education institutions and members of the community who participated in the evaluation of the City of Greater Bendigo Youth Strategy 2017-2021 and/or provided feedback on the draft Youth Action Plan 2023-2024.



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CITY OF GREATER BENDIGO: 1300 002 642 | www.bendigo.vic.gov.au | requests@bendigo.vic.gov.au

22. URGENT BUSINESS

Nil

23. NOTICES OF MOTION

Nil

24. MAYOR'S REPORT

The Mayor, Cr Andrea Metcalf, tabled a report on attendance at the following meetings and events:

- Spoke at the Trans Day of Visibility Flag Raising held at the Library Gardens.
- Spoke at the Vietnam Veterans Assoc. of Australia State Conference held at the Bendigo & District RSL.
- Spoke at the bet365 Golden Mile Raceday held at the Bendigo Jockey Club.
- National Emergency Medal Presentation for firefighters who contributed to the 2019/2020 Bushfires.
- Spoke at the Vishu Celebration of Hindu Society Bendigo.
- Spoke at the Wong Loong Blessing of the Dragons held at the Golden Dragon Museum.
- Participated in Mayors of Commonwealth Games 2026 informal catch up.
- Local Government Mayoral Advisory Panel (Meeting #1) held in Melbourne.
- Met with representatives from Bendigo District Aboriginal Co-operative.
- Child Safe Audit Interview.
- Goornong Community Reference Group Meeting - Goornong Structure Plan Project.
- CityStudio - Temporary Housing final presentations held at La Trobe Arts Institute.
- Awakening of the Dragon held at Dai Gum San precinct.
- Participated in the Bendigo Advertiser Easter Gala Parade.
- Regional Cities Victoria, Executive Management Group online meeting
- Launch the Bendigo Report on the benefits of better fuel efficiency standards by Federal Member for Bendigo, Lisa Chesters MP.
- Chaired the Loddon Campaspe Group of Councils meeting held in Castlemaine.
- Fosterville Gold Mine Community Grants Committee Meeting.
- Spoke at the Official Opening of the Harry Trott Pavilion by the South Bendigo Football Netball Club.
- Bendigo Community Iftar/Dinner hosted by Bendigo Afghan Community.
- Bendigo Legacy Changeover Luncheon.
- Spoke at the Bendigo Malayalee Association (Easter and Vishu).
- Spoke at the Great Stupa Library Grand Opening.
- Greater Bendigo Climate Collaboration Governance Group meeting.
- Chaired the Eaglehawk Table Tennis and Badminton Meeting.
- Online meeting to discuss the Goldfields World Heritage update.
- Farming and Agribusiness Advisory Meeting.

- Spoke at the Launch of Bendigo Sustainability Group's GIVING POWER - Solar for Low Income Households held at the Bendigo Discovery Science and Technology Centre.
- Met with Member for Bendigo West, The Hon. Maree Edwards MP.
- Met with Senator Bridget McKenzie and Gaelle Broad Member for Northern Victoria.
- Spoke at the Official opening for the new lights at Barrack Reserve, Heathcote.
- Cut the ribbon for the opening of a new display home for Swanbuild.
- Participated in the Academic Process and spoke at the event to commemorate La Trobe University 150th Anniversary Tertiary Education.
- Whipstick Ward Engagement session held at the Bennett Street Café.
- Program launch for the Castlemaine Documentary Festival 2023.
- ANZAC Ceremony held by Bendigo Senior Secondary College.
- Laid wreath at the St John of God Hospital ANZAC Commemorative Service.

25. CHIEF EXECUTIVE OFFICER'S REPORT

The CEO, Craig Niemann, tabled a report on the following items:

- CEO acknowledged the work in making Easter a success, across the entire City and community groups.
- Marched in 150th anniversary of tertiary education in Bendigo.
- Heathcote "turning on of lights" was a small yet significant event.
- ANZAC Day dawn services will be offered across municipality. Council offices are closed, but rubbish will still be collected.

26. CONFIDENTIAL (SECTION 66) REPORTS

RECOMMENDED MOTION

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

(g) private commercial information, being information provided by a business, commercial or financial undertaking that -(i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

RESOLUTION - Resolution No. 2023-56

Moved: Cr Fyffe

Seconded: Cr Williams

That the recommended motion be adopted.

CARRIED

27. CLOSE OF MEETING

27.1. Close of Meeting

There being no further business, this Council Meeting closed at 7:30 pm.