

COUNCIL MEETING MINUTES



6:00 pm on Monday, August 28 2023

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

Broadcast live on Phoenix FM 106.7 ***

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

NEXT MEETING:

September 25, 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 Julie Sloan
 - Cr Vaughan Williams
-
- Craig Niemann, Chief Executive Officer
 - Andrew Cooney, Acting Director Strategy and Growth
 - Brian Westley, Director Presentation and Assets
 - Stacy Williams, Director Healthy Communities and Environments
 - Jess Howard, Director Corporate Performance
 - Ryan Millard, Acting Manager Governance
 - Belinda Campbell, Acting Coordinator Governance

Apologies

- Cr Greg Penna

RESOLUTION - Resolution No. 2023-118

Moved: Cr O'Rourke

Seconded: Cr Fyffe

That any apologies are accepted.

CARRIED

6. LEAVE OF ABSENCE

Nil

7. SUSPENSION OF STANDING ORDERS

RESOLUTION - Resolution No. 2023-120

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

To this month's community section and we start tonight by congratulating the Bendigo Braves Women NBL1 team, now National Champions.

The team made a clean sweep of the regular season, won the South Conference Grand Final and did it again just over a week ago in Perth, winning the National Finals.

This is a remarkable achievement and another amazing win for women's sport and a celebration of talent within our region.

Congratulations to the team and coach Mark Alabakov.

We also recognise the achievements of the Braves' Youth League Womens team, which was also crowned champions in the recent grand final for the league.

What an amazing season for women's basketball, and it seems the future of Braves Women is very much assured. Council will be holding a special 'thank you' civic event tomorrow night in honour of both teams' success.

We also wish to congratulate greyhound trainer Bob Douglas, who was recently awarded the Ken Carr Medal after more than half a century of service to greyhound racing.

Bob is a multiple Group 1-winning trainer, studmaster and administrator, and is the trainer of current success story Baby Jaycee.

Recently, Hockey Central Victoria had seven representatives in the Australian National Country Championships held in Shepparton. They competed over two weeks, in which the Victorian Men won silver and the Victorian Women won bronze. Congratulations to our local representatives – Joshua Fowler, Sam Whitfield, Ethan Anderson, Declan Anderson, Jarred Lougoon, Shanae Alexander and Chelsea Giorlando.

And I recently had the opportunity to visit Epsom Primary School and St Francis of the Fields Primary School, which have both been awarded 5 stars under the ResourceSmart School Program in recognition of the schools' commitment to embed sustainability in the curriculum, and nurture the next generation of waste warriors.

It was wonderful to see the students' enthusiasm for sustainability and hear of the many ways they are making a difference through vegetable gardens, worm farms, separating waste, enhancing local biodiversity and solar power.

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 mandatory for all remaining Council meetings in 2023. This allows residents to have their questions answered on the night and provides more opportunity to give a detailed response.

We are trialling this change in order to keep Council meetings open, accessible and safe for the community, in light of the significant disruption that other Victorian Councils are experiencing including some having to temporarily close meetings.

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 provides for Public Question Time in 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 forum is treated respectfully and within these rules.

9.2. Pre-Registered Questions

As we start question time, I should note that several of the questions we received this month relate to routine or operational matters and these questions are better addressed through the City's customer request system.

Question:

From: Mel of Eaglehawk

Topic: Council Spending on Security

Question: I would like to know how much city of Greater Bendigo spends annually on "security". A breakdown of both ALL costs (contractor and employees) and an individual cost for meetings and the govhub, and other buildings that house city employees.

Answer: The City implements a security program for a number of City (owned or managed) buildings and sites for the safety of the community, visitors user groups and employees. The security program also assists to protect and preserve a range of building assets ranging from those with heritage values through to those that are new, or existing buildings that have been renovated or converted to meet the changing needs of the community.
As per our Contracts Awarded Under Delegation Report tonight, the contract for security services has recently been executed. This is a 3 year contract (with options to extend) that uses a schedule of rates. The City has budgeted approximately \$130,000 p.a.

Question:

From: Aldo of Bendigo

Topic: Listed species occurrence map

Question: Do [City] staff have access to current maps clearly showing locations of state & federally listed flora & fauna species populations that occur in proximity of urban growth areas of Greater Bendigo?

Answer: City staff do have access to current maps which show the locations of threatened EPBC Act and State listed flora and fauna species recorded in Greater Bendigo, using mapping systems such as Victorian Biodiversity Atlas, NatureKit Victoria and the Federal Department of Climate Change, Energy, the Environment and Water 'Protected Matters Search Tool'.

Question:

From:	Julian of Bendigo
Topic:	Flood inundation in Epsom and Huntly
Question:	To prevent additional and more severe flooding in Epsom and Huntly, will any future subdivisions in the Bendigo Creek water catchment area upstream from Epsom and Huntly, contain all their stormwater runoff in their own purpose built water retention basins?
Answer:	Each development proposal is assessed on its own merits and must demonstrate the methodology and effectiveness of its proposed stormwater management system and how the proposed system responds to specified flow rates and objectives imposed by Council. The use of detention basins is a commonly applied solution, but it is only one of many management treatments available in consideration of specific variables such as the development's size, topography and capacity of existing downstream infrastructure.

Question:

From:	James of Eaglehawk
Topic:	The Voice
Question:	This council have voted in favour for the voice in a previous meeting, how much money has this council spent on the voice campaign and how much dose it intend to spend campaign, as I don't believe any money should be spent by this council on this matter.
Answer:	The City has not spent any funds on the Voice campaign and there is no plan to do so.

I wish to note the following question was received without the submitter providing the required contact details. In addition, two questions were asked, where we usually permit only one per person. Nevertheless, as a response was prepared we will provide it now.

Question:

From:	Kay of ?
Topic:	Mayor Oath
Question:	Can the Council of Bendigo provide the oath of office taken by the Mayor?
Answer:	A copy of the oath will be provided to you via the contact details you registered.

Question:

From:	Kay of ?
Topic:	The Voice
Question:	Why did the Council take a vote on the Voice referendum at a meeting, it is not your place to influence, it the right of each citizen to make a choice without cohesion or influence by any Corporate Bodies' interference.
Answer:	Council's support for the Voice to Parliament is a demonstration of the City of Greater Bendigo's commitment to advancing reconciliation for Traditional Owners and the local First Nations community, and aligns with objectives in the Council Plan (Mir wimbul), Barpangu Reconciliation Plan and Social Justice Framework. Council encourages residents, individual Councillors and City staff, to actively inform themselves and respectfully exercise their democratic right to have their say on the upcoming referendum.

This is the second question submitted by this submitter this month. Usually only one question is permitted per person, per meeting. As there remains time in the allotted 30 minutes for question time, and a response has been prepared, I will address the second question.

Question:

From:	Mel of Eaglehawk
Topic:	Collective Punishment
Question:	Is [the City] aware that it is collective punishment to punish users of the Truscott recreational reserve by removing the basketball board and ring due to the behaviour of a few?
Answer:	The City received complaints related to the use of the basketball court during hours of 11pm to 2:30am on a number of occasions, which is impacting residents. The basketball ring has been removed temporarily to try and deter the inappropriate time of use. A new sign and some improved landscaping is currently under way to help buffer the sound and inform users of appropriate times of activity. Once these works are complete the ring will be reinstated. In responding to the complaints the City has acted legally, balancing and respecting the rights of all individuals in our community.

10. RESUMPTION OF STANDING ORDERS

RESOLUTION - Resolution No. 2023-121

Moved: Cr Fyffe

Seconded: Cr O'Rourke

That Standing Orders be resumed.

CARRIED

11. WARD REPORTS

11.1. Eppalock Ward - Cr Evans

Eppalock Ward - Cr Evans presented a report on various issues and meeting/events, including:

I'm delighted to provide council with the Eppalock Ward report at this meeting.

Some may have observed a certain style that the Eppalock Ward councillors have adopted with these reports. We share almost everything and anything that we have done. We do this because we want to highlight the broad range of things that your councillors and the City does.

Cr O'Rourke

- Bendigo Regional Manufacturing Group
- Bendigo Maubisse Friendship Meeting
- Meeting with Loddon Mallee Multicultural Chair & CEO
- National Chinese Museum of Australia Board Meeting
- Parsons and Pathways sub-committee meeting
- Cr Penna
 - Calder Highway Improvement Committee Meeting
 - Fosterville Goldmine ERC Meeting
 - Business Excellence Awards at the Red Energy Arena.
 - Laid a Wreath for Vietnam Veterans Remembrance Day
 - Opening Address for Indonesian Independence Day at the Quarry Hill Hall.
- Cr Evans
 - National Tree Day Community Tree Planting at Honeyeater Reserve, hosted by the Junortoun Community Action Group.
 - 170 Years of the Bendigo Baptist Church at the Ulumbarra Theatre with Mayor Metcalf.
 - Visit to the Bendigo Livestock Exchange with Cr Williams, Rikkie-Lee Tyrrell – Member for Northern Victoria, CEO and City staff.
 - Official opening of Arena Theatre Company's new space at McGilvery Hall at Bendigo TAFE.
 - St Francis of the Field Strathfieldsaye at their assembly to celebrate them being a 5 Star ResourceSmart School.
- Events with most/all Eppalock Ward councillors

- Heathcote Wine Show Dinner at the Heathcote RSL Hall with Mayor Metcalf and Cr Greg Penna.
- The official opening of Omari Bendigo at the Gardens of the Future.
- 5th Annual Heathcote Community Black Tie Ball at the Heathcote RSL.
- Several briefings, meetings, catch ups with residents and workshops.
- Events to look forward to
 - Celebrating the success of the Bendigo Braves Women's and Development Teams.
 - The Eppalock Ward Listening Post will be this Saturday 2nd September in Redesdale at the Agnes Mudford Reserve.
 - Official Opening of the facilities at Mercy Junortoun.
 - 150 Years of Strathfieldsaye Primary School on September 9th.
- Summary
 - Please get in touch with any key issues you may have.
- Stay classy Greater Bendigo and see you in the community.

11.2. Lockwood Ward - Cr Fyffe

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

- Listening post at Old Church on the Hill,
- Celebration for Arena theatre move to McGillvray Hall
- The Ring
- Ward councillors had attended many events and meetings and contacts with ratepayers.

11.3. Whipstick Ward - Cr Sloan

Whipstick Ward - Cr Sloan presented a report on various issues and meeting/events, including:

Thank you Mayor, I am pleased to present the Whipstick Ward Report for August.

Firstly, our congratulations to finalists and winners of the 2023 Bendigo Business Excellence Awards, with a special shout out to Empowering Eaglehawk President Mitchell Graham on being awarded Be.Bendigo Volunteer of the Year for 2023! Mitchell is both the City of Greater Bendigo Young Citizen of the Year and an Eaglehawk Citizen of the Year for 2023 and continues to shine as a dedicated volunteer focusing on delivering on the promise on purpose, self and service for the community. Well done Mitch.

Ward Cr's have attended wonderful community events and meetings during August, including Cr briefings, local site meetings, Rural Areas Strategy & Growth Workshop, Governance training, Fosterville Gold Mine Environment Review Committee Meeting and Greater Bendigo Environment Partnership Meeting held for the first time in Galkangu. This partnership plays an important role to enhance & restore biodiversity and ecosystems and providing opportunities to support and engage the community to participate and deliver

local projects that protect and conserve our natural environment including native wildlife & threatened species. Healthy biodiversity and ecosystems are critical for our most basic needs, for good health & wellbeing and for connecting people to nature.

To help our planet the city is transitioning towards diverting glass from the recycling stream to improve the quality of our recycled materials. Its great to see 7 new purple glass skip bin drop-off points across Whipstick Ward in Goornong, Huntly, Raywood, Elmore, Eaglehawk, White Hills and at Bendigo Rowing Club & other areas across GB. All glass bottles and jars taken to drop off points will be recycled into products such as sand for road base. Glass bottles and jars with lids or corks removed can be dropped-off. Items that cannot go in the glass bins include Drinking glasses, Window glass, Pyrex containers, Glass baking dishes or Perfume bottles due to different melting points they cannot be recycled in the same process. I encourage the community to use these purple glass skip-bins to keep glass out of our kerbside recycling.

Taking care of our planet & animals has never been more important. It is inspiring to terrific local initiatives in the Ward raising awareness about sustainable land management to improve soil health, reduce exposure to climate risk & enhance biodiversity. The recent Elmore [Healthy Landscapes Practical Regenerative Agricultural program](#), delivered in partnership between CoGB & other Local Councils, water management authorities & Landcare Networks, is one such initiative. These local events are also supported by their local communities and I would like to thank the wonderful volunteers and members at Elmore Community Hub for supporting this valuable local event.

Mayor Cr Metcalf, Cr Fagg and myself were thrilled to attend the launch of the new kitchen at Long Gully Neighbourhood Centre along with staff, volunteers and community. Congratulations to everyone at LGNC & CoGB for achieving an amazing project outcome. This project started with a community vision for a new kitchen to benefit everyone and was supported through the Budget process resulting in a significant impact in the community. The new kitchen will enable delivery of a wider range of community services and programs, support social connection and community cohesion, and provide health and wellbeing activities connected with nutrition, food growing, cooking, and hospitality, including a regular program of community lunches.....

Finally, I would like to encourage the Raywood community to say hello to their Ward Cr's at the next Raywood Listening Post on Wednesday 6 Sep. bw 1030am-12md at Raywood Post Office -we would love to chat with you about issues that are important to you and your community & hope to see you there.

12. DECLARATIONS OF CONFLICT OF INTEREST

Cr Fagg declared a **general conflict of interest** in item number 14.1 Petition regarding the closure of Robshaw St, Ironbark due to a close friendship with a petitioner

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 July 24, 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. 2023-122

Moved: Cr Alden

Seconded: Cr Fyffe

That the recommended motion be adopted.

CARRIED

14. PETITIONS AND JOINT LETTERS

14.1. Request for closure of Robshaw Street, Ironbark

Responsible Director:	Brian Westley, Director Presentation and Assets
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Purpose

To provide background information and a recommended response to a petition received by Council, seeking the permanent part closure of Robshaw Street, Ironbark to address reported amenity (dust) impacts associated with through traffic utilising the gravel section of this local road.

Recommended Motion

That Council:

1. Receive and note the officer's advice and recommendation regarding operation of Robshaw Street, Ironbark and the options and costs associated with responding to the petitioner's request to address reported amenity impacts though it's part closure and/or upgrade.
2. Advise the lead petitioner that the requested closure of Robshaw Street is not currently supported and that the sealing of the gravel section of the road is listed within the City's rolling program for consideration during development of the City's annual budget, subject to the project's comparative priority against other similar works.

RESOLUTION - Resolution No. 2023-132

Moved: Cr Sloan

Seconded: Cr O'Rourke

That the recommended motion be adopted.

CARRIED

Cr Fagg left the meeting at 6:27 pm.

Executive Summary

A petition (see attachment 1) seeking the part closure of Robshaw Street, Ironbark (the Road) was tabled at the Council meeting held on 26 June 2023. Officers were subsequently requested to investigate and provide a formal report and recommendations in response.

The petitioners request for part closure of the Road is linked to reported amenity (dust) impacts arising from through traffic travelling along the northern unsealed/gravel section of the Road. The requested part closure (see attachment 2) would remove the opportunity for vehicles to exit onto Langston Street via this section of the Road. Combined with previous modifications to traffic flow along the Road (see below), this would require any vehicles leaving the Road to exit via Wattle Street.

Prior to receipt of the petition, in January 2023 Officers implemented one-way traffic control on the southernmost section of the Road, restricting egress onto Valentine Street. This action was undertaken in response to safety concerns with the narrow carriageway width (3.6m).

Recent traffic survey and data review indicates:

- That observed daily traffic volumes along the Road are very low (average combined total of 33 Vehicles Per Day (VPD)).
- Most drivers are maintaining suitable speeds for the Road environment i.e. observed 85th percentile speed was 22 km/hr against a default speed limit of 50km/hr.
- The one-way section of the Road (southern end) is used by approximately 17 VPD.
- the northern unsealed section of the Road demonstrated an average use by 16 VPD.
- There have been no recorded casualty crashes in the past 5 years along the Road.

It is however noted that the recent traffic count was undertaken during the winter period and may not fully represent the extent of traffic utilisation of the Road in connection with seasonal sports at the adjacent Garden Gully Reserve, which is also the time of year where amenity impacts would be most expected.

Options identified to respond the petitioners concerns regarding amenity included full pavement construction (sealing) of the gravel section of the Road, closure and construction of a cul-de-sac or dust suppression treatment. Each of these options was identified to have a corresponding cost for which there is no provision within the City's 2023/24 budget.

Upgrade works along the Road have been scoped and evaluated within the City's capital works Rolling Program (Rating). This evaluation identified that upgrade of the Road maintains a comparatively lower priority than other local roads across the network.

In consideration of the current funding constraints and comparative priority of this road, officers have recommended that the closure of the Road not be supported at this time.

Minor maintenance works in the form of establishment of an earthen table drain along the eastern side of the gravel section of Road, has been identified as a separate intervention

to reduce the likelihood of scouring across the gravel section of the Road and will be referred to City's works Unit for delivery as resources permit.

Background

The Road is classified under the City's Road Management Plan (RMP) as a local street and extends approximately 230 metres between Langston Street and Valentine Street, Ironbark. The Road is comprised of a mixture of both sealed (approx. 155m southern section) and unsealed (approx. 75m northern section) sections of pavement. The Road incorporates 34 formal parking bays in connection with the operation of the adjacent Garden Gully Recreation Reserve and provides primary and/or secondary access to 11 properties/residences.

The southernmost section of the Road between 32 Valentine St and 4 Robshaw St is a narrow single lane (approximately 3.5 metre width) one way street. Prior to 2023 this section of the Road operated with two-way traffic flow, however a review conducted by the City's Engineering Unit in January 2023, resulted in the establishment of one-way operation for this section of the Road, in response to safety concerns.

The midblock section of the Road between 4 Robshaw St and 1C Robshaw St provides for two-way traffic flow via the 7m wide carriageway and includes ancillary on-street 90-degree parking which caters for recreation reserve users.

The remaining northernmost end of Robshaw Street is approximately 75 metres in length and is unsealed. Historically, minor scouring has been observed across the gravel section of the Road in connection with surface flows emanating from the end of the existing kerb and channel near 1C Robshaw Street (i.e. kerb does not connect into any underground system or pit).

Council received a petition on 7 June 2023 signed by 15 residents, requesting the midblock closure of Robshaw Street in the vicinity of 1C Robshaw Street at the transition between the above sealed and unsealed road sections.

The basis for this request was reported amenity concerns with respect to through traffic utilising the unsealed section of Robshaw Street, causing dust issues for some residents during periods of dry weather. The petition states that closure would eliminate billowing dust, allow traffic with a specific reason to be there (sporting events, recreational activities, etc.), make the area safer for family access/use and provide additional parking for sporting events.

Previous Council decision dates: The petition calling for part closure of Robshaw Street, Ironbark was tabled at the Council meeting on 26 June 2023 with a subsequent resolution that the petition be received and a response be prepared within two (2) meetings.

Report

In response to an earlier on-site meeting with the lead petitioner and subsequent to the formal petition being lodged with Council, officers undertook a traffic survey in Robshaw Street in mid-June 2023. A review of available traffic safety data was also undertaken.

The results of this traffic survey and data review indicated:

- That daily traffic volumes along the Road are very low (total of 33 Vehicles Per Day (VPD)).
- Most drivers are maintaining suitable speeds for the Road environment i.e. observed 85th percentile speed was 22 km/hr against a default speed limit of 50km/hr.
- The one-way section of the Road (southern end) is used by approximately 17 VPD.
- the northern unsealed section of the Road demonstrated an average use by 16 VPD.
- There have been no recorded casualty crashes in the past 5 years along the Road.

It is however noted that the recent traffic count was undertaken during the winter period and may not fully represent the extent of traffic utilisation of the Road in connection with seasonal sports at the nearby Garden Gully Reserve, which is also the time of year where amenity impacts would be most expected. A further traffic count during summer sport conditions may be warranted to further evaluate traffic fluctuations.

In response to the petitioner's request and in consideration of the observed traffic data above, officers have identified several options for consideration and discussion, namely:

Option 1 – Formally construct and seal the remaining unsealed section of the Road between 1C Robshaw Street and Langston Street i.e. construct 75m of new sealed road pavement and associated kerb and channel typical of an urban street treatment.

A project consistent with the above scope has been developed and rated within the City's Capital Works Rolling Program (the Program). Proposed new sealed road construction works have been assessed as having an estimated cost of approximately \$80,000 to \$100,000 (comprised of around \$70,000 in pavement and \$30,000 in kerb and drainage improvements). This project maintains a comparatively lower priority than other outstanding new road construction projects listed within the Program.

Option 2 – Truncate (close) the Road at 1C Robshaw Street and construct a formal cul-de-sac (court bowl) on the southern side of the closure point via pavement upgrade and widening, drainage improvement and delineation with timber bollards.

If the Road is closed to through traffic a cul-de-sac will need to be constructed on the southern side of the closure point to provide adequate area for service and large vehicle

manoeuvring (e.g. CFA, rubbish collection, delivery vehicles) as well as operation of the recreation reserve parking facilities. The available width of the road reserve (10m) and proximity to rear property entrances at 87 Robshaw Street and 239 Wattle Street, presents additional design challenges/complications and costs in establishing such a turnaround facility i.e. will likely require encroachment into the adjacent recreation reserve and drainage modifications.

The estimated cost to implement a Road truncation and subsequent construction of suitable cul-de-sac is anticipated be in the order of \$60,000 - \$80,000.

Option 3 – Retain current operation of the Road and undertake minor asphalt extension and dust suppression surface treatment for balance of gravel pavement.

The below scope of works offers an alternative to formal pavement construction or truncation of the Road and responds to reported drainage and dust issues as outlined within the petition. The detailed scope of this alternative includes:

- Extending the existing asphalt surfacing and underlying pavement by approximately 10 metres to the north of the current transition to unsealed surface. The current transition to gravel occurs at the centreline of the driveway for the residence at 1C Robshaw Street hence a small extension will address turning movement in this area impacting the gravel pavement.
- Apply a recycled asphalt or Graded Aggregate Total Treatment (GATT) dust suppression wearing course over the balance of the existing gravel surface. No underlying pavement strengthening would be provided however new wearing course would assist in controlling dust.

The estimated cost for the above scope of work is in the order of \$15,000 to \$35,000. No allocation for such minor amenity improvements has been made within the 2023-24 budget.

Option 4 – Maintain the current road operation with no improvements.

This option effectively maintains the status-quo of the current operation of the Road in recognition of the following considerations:

- Very low traffic volumes and associated vehicle speeds along the Road.
- Anticipated limited frequency and duration of any adverse amenity impacts based upon observed traffic usage and speeds.
- Comparatively lower priority of any construction or minor upgrade works in the context of other similar requests across the City's local road network.
- Current allocations and priorities as outlined within the City's 2023/24 budget (i.e. no funding provided for local road amenity improvements or construction of this specific road).

Separate to the above amenity complaint and associated options, inspection of the site also identified a minor drainage improvement required to protect the existing gravel pavement. Minor drainage improvements should be considered in the form a constructing a new table drain/swale along the eastern side of the Road which connects the existing kerb and channel to the nearest pit.

Establishment of this swale under minor drainage maintenance will assist in the protection of the gravel road surface (i.e. prevent surface flows scouring wearing course). This work will be referred to the City's Works Unit for consideration and delivery as resources permit.

RECOMMENDATION

In consideration of the above assessment, current financial limitations and comparative priority of the requested improvement works against other local road sites across the network, officers recommend that Council adopt Option 4 above.

Options 1 and 2 are not considered to be either economically or practically viable to deliver in the context of current budget constraints, comparative priority of works or land acquisition/encroachment and design issues. Similarly, option 3 is not currently able to be accommodated within funding provided within the City's 2023/24 budget. Should Council wish to pursue any of these options, an associated funding allocation will be required.

It is further recommended that formal response be provided to the lead petitioner following determination of Councils preferred action/option.

Priority/Importance

As identified above, formal construction of the unsealed section of Road maintains a comparatively lower priority than other new road construction projects listed within the Program. Accordingly, upgrade of the existing gravel section of the Road to full depth pavement is not considered to be a priority and is therefore not being recommended.

Similarly, in the context of minor amenity improvements several other local roads across the network are rated within the Program as having a higher priority. No funding for local road amenity improvements has been included within the City's 2023/24 budget.

Timelines

Full pavement construction or construction of a new cul-de-sac in connection with truncation of the Road will require detailed survey and design prior to delivery. Accordingly Options 1 and 2 will require 24 months for delivery. Subject to funding, minor improvements outlined within Option 3 could be completed by the end of 2023.

Communications/Engagement

The City's traffic engineers previously met with the residents at 34 Valentine Street and 1B Robshaw Street in relation to traffic management and safety concerns associated with the southernmost section of Road prior to implementation of the one-way operation for this section.

Prior to receiving the petition, representatives from the City's traffic engineering team, Mayor Cr Andrea Metcalf and Cr Julie Sloan also met with a group of residents on 1 June 2023, to discuss their amenity concerns. As a result of this site meeting, residents of 1B Robshaw Street, Ironbark led and submitted the formal petition for Council's consideration.

Financial Sustainability

No funding for either full pavement construction or amenity improvements along the Road is currently available within the City's 2023/24 budget. To provide further context, there are currently 290 new pavement construction projects worth \$180 million listed within the Program that maintain a higher comparative priority than the construction/sealing of the Road.

Risk Assessment

Safety and operational assessment of the Road as well as condition assessment has been undertaken. Safety assessment of the Road led to the introduction of on-way traffic only for the southern connection to Valentine Street. No other defects or hazards were identified along the road in the context of intervention and service standards outlined within the City's RMP.

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)

City of Greater Bendigo Road Management Plan

Conflict of Interest

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

Attachments

1. Attachment 1 - Copy of Petition seeking part closure of Robshaw St Ironbark [**14.1.1** - 2 pages]
2. Attachment 2 - Location of proposed part road closure [**14.1.2** - 1 page]

14.2. Peatlings Road, Bagshot - Petition requesting a speed limit reduction to 80 Km/hr

Responsible Director:	Brian Westley, Acting Director Commonwealth Games
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Purpose

To provide Councillors with a summary of officer's assessment and subsequent recommendations regarding a resident petition received seeking a speed limit reduction along Peatlings Road, Bagshot to 80 km/hr and change of an intersection traffic control item.

Recommended Motion

That Council:

1. Respond to the lead petitioner indicating its support for the requested speed limit reduction along Peatlings Road, Bagshot, between Epsom-Barnadown Road and Midland Highway, to 80 km/hr.
2. Instruct officers to proceed with preparation and lodgement of a speed limit application to the Department of Transport and Planning (DTP), seeking reduction in the posted speed limit along Peatlings Road, Bagshot to 80 km/h.

RESOLUTION - Resolution No. 2023-133

Moved: Cr Sloan

Seconded: Cr Fyffe

That the recommended motion be adopted.

CARRIED

Cr Fagg returned to the meeting at 6:33 pm.

Executive Summary

A petition signed by 47 residents was tabled at Councils meeting held on 26 June 2023, seeking a reduction of the speed limit along Peatlings Road, Bagshot to 80 km/hr. The petition also called for the installation of a stop sign at the intersection of Peatlings Road and Epsom Barnadown Road.

Officers were subsequently requested to investigate the grounds for the requested speed limit reduction and provide a detailed report and recommendations within two (2) meetings.

A traffic count for Peatlings Road was undertaken in mid-July 2023 to provide updated traffic data and enable comparison with previous data obtained in 2015. Comparison of these traffic surveys identified a 129% increase in observed traffic volume along Peatlings

Road between 2015 and 2023 (636 and 1456 Vehicles Per Day (VPD) respectively). The 85th percentile speed of these vehicles was also observed to increase from 99.9 km/hr to 102.2 km/hr respectively, against the current posted speed limit of 100 km/hr.

In consideration of factors such as the observed increase in overall traffic volume, reported extent of non-vehicular road users (e.g. recreational pedestrians and horse riding) and recorded vehicle speed profiles, officers believe that the petitioners request to reduce the speed limit along Peatlings Road should be supported.

Subject to Council's decision, the next step to pursue a speed limit reduction will be the preparation and lodgement of a formal application to DTP as the determining road authority in the context of applicable speed zoning.

Background

A petition signed by 47 residents was tabled at Councils meeting held on 26 June 2023, seeking a reduction of the speed limit along Peatlings Road, Bagshot to 80 km/hr. The petition also called for the installation of a stop sign at the intersection of Peatlings Road and Epsom Barnadown Road.

The grounds outlined within the petition for the requested speed zone change were:

- Exponential increase in perceived traffic volume along Peatlings Road including the number of Commercial Vehicles (CV's), B-Doubles and coaches.
- Perceived increase in speed of vehicles using the road.
- Increase in use of Peatlings Road as a preferred alternative route to the Midland Highway
- GPS and mapping algorithms directing traffic to use Peatlings road due to distance and time efficiency.
- Road geometry conducive to higher vehicle speeds (i.e. flat and straight road alignment)
- Use of road by pedestrians (students) due to lack of footpaths.
- Active use of Peatlings road by cyclists, horse riders and others accessing Wellsford State Forest.
- General concerns with safety and operation of road and associated intersections.

In response to receipt of the petition, representatives from the City's Engineering Unit undertook assessment of the requested speed zone change and intersection control modifications. This investigation included a site visit to evaluate intersection sight distances and installation of an updated traffic count for Peatlings Road which was conducted mid-July 2023.

Previous Council decision dates: The petition calling for a speed limit reduction along Peatlings Road from 100 km/hr to 80 km/hr and Installation of a Stop Sign at the Intersection with Epsom-Barnadown Road, was tabled at the Council meeting on 26 June

2023 with a subsequent resolution that the petition be received and a response be prepared within two (2) meetings.

Report

An updated traffic count for Peatlings Road was undertaken in mid-July 2023. This count provided officers with snapshot data (over a two-week period) relating to the current volume of vehicle movements along the road, vehicle composition (type) and statistical speed profiles. The recent count also allowed comparison with historical data to identify potential road usage and speed profile trends.

The following observations were noted when comparing the most recent traffic count with the previous count performed in 2015:

- The weekly average traffic has increased between 2015 and 2023 with approximately **636** VPD and **1456** VPD respectively. This equates to an increase of 129% over that period.
- The annual growth rate of traffic for the period is approximately 11% per year, which is much higher than similar rural roads around Greater Bendigo which typically increase by 2-3% per year.
- The peak traffic volumes also reflect this significant increase with the peak in 2015 observed to be approximately 50 – 70 Vehicles Per Hour (VPH) compared to 120 – 180 VPH in 2023.
- The number of CV's using Peatlings Road has also increased from approximately 1.5% of the total traffic volume (or 10 CV's per day) in 2015 to approximately 2.7% (40 CV's per day) in 2023.

Vehicle Speeds

The petitioners also reported a perceived increase in the average speed of vehicles using the road. The petition states that residents “are seeing an increase in speed, with some road users treating our straight road like a speedway zone”.

When reviewing an appropriate speed limit, the likelihood of drivers complying with the posted speed limit also needs to be considered. Police enforcement offers the most effective intervention with respect to modifying driver behaviour where exceedance of the posted speed limit is common, however Victoria Policy (VicPol) resources are limited and in high demand across the state.

- The current 85th percentile speed (the speed at or below which 85 percent of the drivers travel) for Peatlings Road in 2015 was 99.9 km/hr and has now increased to 102.2 km/hr.
- In 2023, 22% of drivers were travelling at or above 100 km/hr. This suggests that changing the speed limit to 80 km/hr alone may not be effective. Promoting

compliance through advisory signage or active enforcement by VicPol would likely be required after any speed limit reduction.

Road and Intersection Safety

Four recorded crashes have occurred along Peatlings Road since 2016. All these crashes occurred in 2017-2018 and resulted in Council securing Federal Blackspot funding to improve the safety on the northern bend of Peatlings Road (close to the Midland Highway Highway). These safety improvement works were delivered in 2021.

The petition also requested a review and modification of the southern intersection of Peatlings Road / Epsom-Barnadown Road, specifically that the existing 'GIVE-WAY' sign is reviewed and replaced with a 'STOP' sign.

As per the relevant Australian Standard (AS1742.2) a STOP sign should be only used where warranted i.e. sight distances fall below specified design limits. Following inspection and evaluation of intersection approach sight distances, this requested signage change is not supported, for the following reasons:

- This intersection meets the sight distance requirement for the current 100 km/h speed environment for both Peatlings Road and Epsom-Barnadown Road.
- The Epsom-Barnadown Road speed limit for this section will be reduced soon as part of road safety improvements in this area, which will also improve the situation.
- Stop signs installed that are not warranted tend to reduce their effectiveness and are largely ignored by drivers.

As part of an upcoming funded Federal Blackspot project along Epsom-Barnadown Road, road safety improvements will be made to this intersection including improvements to lighting/delineation, construction of a left turn lane, speed limit reduction and shoulder widening/sealing. This project is anticipated to be completed in the next 12 months.

Speed limit recommendation for Peatlings Road

When determining an appropriate speed zone for each local road, officers rely on guidance detailed within the statewide Speed Zone Technical Guidelines (2021). These guidelines require consideration of the following factors when identifying an appropriate speed limit:

- adjacent land use patterns
- driver compliance with the posted speed limit
- recorded 85th percentile traffic speed
- number and density of property access points
- pedestrian activity and recreational use
- recreational horse riding use
- presence and type of adjacent intersections.

With respect to the volume of traffic along Peatlings Road, there has been a significant increase in the past 8 years. Any mechanism to encourage road users back to the Midland Highway should be strongly considered. As indicated by the petitioners, the

proposed speed limit reduction may support this objective by reducing the attractiveness of the road as an alternative route (short-cut/bypass).

Consistency of speed limits for users is another consideration. At the northern end of Peatlings Road, there is a short section of 80 km/hr speed limit along the Midland Highway in association with the nearby railway crossing.

At the southern end of Peatlings Road, the speed limit along Epsom-Barnadown Road is planned to be changed to 80 km/hr as part of a funded Blackspot project due to road safety and crash history. An application for this change has been lodged and is under review by DTP.

When considering the above factors, officers have reached a view that the petitioners request for a speed limit reduction to 80 km/hr should be supported. Subject to Council support, the next step to implement this change will be the preparation and lodgement of a formal speed zone change request to DTP.

Potential enforcement activity during the initial 3 months following installation of the new speed zone signage will encourage traffic to use the Midland Highway and potentially motorist behaviour.

Other potential options to encourage compliance with the modified speed zone can include deployment of the City's VMS and additional temporary advisory signage.

Priority/Importance

Implementation of the speed zone change is not considered to be a high priority, however subject to Council support an application to reduce the speed limit of Peatlings Road can be prepared by Council officers and submitted to DTP in September 2023.

Options considered

As explained above, the main options considered were the determination of the appropriate speed limit (in this case 100 km/hr or 80 km/hr) and signage at the southern end of Peatlings Road (Give-Way or STOP signage) in accordance with road design and operational guidelines/standards.

Timelines

Subject to Council approval, an application to reduce the speed limit of Peatlings Road can be prepared in around 3-4 weeks. This would include preparing a written application and seeking support and input from Emergency Services.

Once submitted to DTP, their approval process can take between 6-12 months for a typical speed limit change.

Communications/Engagement

Apart from receiving the petition, Council officers have not undertaken any further communications or engagement on this issue.

Financial Sustainability

It is anticipated that any speed zone change application and subsequent implementation of a new speed zone (i.e. signage installation) would be undertaken using existing resources maintained within the City's Engineering/Works Unit's and available operational budgets.

Risk Assessment

Consideration has been given to applicable road safety and design issues as outlined in the above report.

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)

Road Safety Action Plan (2023)

Conflict of Interest

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

Attachments

1. Attachment 1- Petition seeking speed limit reduction along Peatlings Road Bagshot [14.2.1 - 17 pages]

15. LEAD AND GOVERN FOR ALL

15.1. Contracts Awarded Under Delegation

Author:	Corinne Fisher, Procurement Officer
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. 2023-123

Moved: Cr O'Rourke

Seconded: Cr Alden

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 [**15.1.1** - 1 page]

16. HEALTHY, LIVEABLE SPACES AND PLACES

16.1. C242gben Eaglehawk Landfill Buffer Project

Author:	Rebecca Fisher, Strategic Planner
Responsible Director:	Andrew Cooney, Acting Director Strategy and Growth

Purpose

This report seeks consideration of the submissions received to Planning Scheme Amendment C242gben and recommends that an Independent Planning Panel be requested to consider the submissions received.

As exhibited, Amendment C242gben proposes to apply the Buffer Area Overlay (BAO) and rezone land from a General Residential Zone (GRZ) to a Neighbourhood Residential Zone (NRZ) recognising the constraints and the potential off-site impacts to land located close to a landfill.

Recommended Motion

That Council:

1. Having formally considered all written submissions received to Amendment C242gben, notes the issues raised by the submissions and the officer's response to those issues, as outlined in this report.
2. Requests the Minister for Planning appoint an Independent Planning Panel to consider submissions received for Amendment C242gben, in accordance with Part 8 of the *Planning and Environment Act 1987*.
3. Refers all submissions identified in this report to the planning panel appointed by the Minister for Planning.
4. Endorses the officer's response to the issues raised by submissions and the recommended changes to Amendment C242gben, as outlined in Attachment 1, as the basis for Council's submission to the planning panel.
5. Advises those persons who made written submissions to Amendment C242gben of Council's decision.

RESOLUTION - Resolution No. 2023-124

Moved: Cr Sloan

Seconded: Cr O'Rourke

That the recommended motion be adopted.

CARRIED

Executive Summary

In response to the Environment Protection Authority's (EPA) recommendations, the City commissioned background technical reports and a Section 53V Audit to be undertaken to consider potential impacts from the Eaglehawk Landfill and transfer station on nearby properties. The resulting *Section 53V Audit of Risk of Harm - Landfill Buffer Eaglehawk Landfill 191-193 Upper California Gully Road, Eaglehawk, Victoria* (ERM, 2019) made recommendations to the City on how to best manage the interface between the landfill and transfer station and nearby properties.

The City prepared Amendment C242gben to introduce planning controls to manage the risk of potential off-site landfill gas and odour impacts, and the Amendment was exhibited for a period of six (6) weeks. Four submissions were received, two that acknowledged the Amendment but did not request changes, one submission which can be resolved if changed in the manner requested and one submission remains unresolved.

The proposed changes to the explanatory report and the BAO Schedule 1 following exhibition for Amendment C242gben are provided in Attachment 1 to this report. The documents as previously presented to Council and exhibited will also be forwarded on to the Independent Planning Panel to consider.

City officers recommend that Council considers the submissions received, endorses the officer response to the submissions and requests the Minister for Planning to appoint an Independent Planning Panel to consider all submissions.

Background

Eaglehawk Landfill is over 40 years old and is one of the few landfills in Victoria located in an urban area with established residential, commercial, and industrial land uses within close proximity. Even when landfills and transfer stations are operating in accordance with all relevant obligations, off-site impacts can occur. The landfill is actively managed under strict licence conditions, including the management of waste to reduce odour, regular gas monitoring, and extraction and dust suppressant measures.

The Environment Protection Authority (EPA) guideline, *Best Practice Environmental Management - Siting, design, protection, operation and rehabilitation of landfills 2015* provides recommendations on how to manage landfills now and in the future. The EPA recommends that any new development proposal within 500 metres of a landfill should be

supported by an environmental audit undertaken in line with the *Environment Protection Act 1970*.

Rather than require individual landowners to undertake site specific audits, the City decided to undertake technical assessments to consider any potential gas migration, odour, noise and dust impacts of the landfill and transfer station on the immediate surrounding area. The findings of the technical reports were considered by an EPA accredited auditor, who prepared *Section 53V Audit of Risk of Harm - Landfill Buffer Eaglehawk Landfill 191-193 Upper California Gully Road, Eaglehawk, Victoria (ERM, 2019)* which makes recommendations to the City on how to best manage the interface between the landfill and transfer station and nearby properties.

The audit found that:

- The risk of landfill gas migration is low and can be managed through building techniques and regular monitoring of gas at the landfill.
- There is a risk of odour in some areas close to the transfer station.
- Dust and noise are not causing significant risks to properties within the buffer area.

The audit made recommendations in relation to on-site operations and the monitoring of landfill and transfer station operations and impacts.

The audit provided recommendations for new developments to minimise any potential impacts of the landfill. These recommendations include introducing planning controls within 500 metres (from the boundary) of the landfill site to manage any potential risk of landfill gas migration, and within 250 metres of the transfer station and green waste mulching activities (the source of the odour) to manage amenity impacts. In response, City officers prepared C242gben which proposed to apply a Design and Development Overlay (DDO) to manage the risk of potential off-site landfill gas and odour impacts and make changes to local policy to require a Section 53V Audit to accompany any future rezoning proposals within the buffer area.

On 15 July 2020 Council resolved to:

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

Report

Amendment C242gben was submitted to the Department of Transport and Planning (DTP - Planning), previously DELWP) for authorisation on 29 July 2020. Authorisation to prepare the Amendment was received on 7 June 2021. Authorisation conditions included that the Buffer Area Overlay (BAO) be applied in place of the proposed DDO and that all residential land in the buffer area be rezoned from General Residential Zone (GRZ) to Neighbourhood Residential Zone (NRZ).

Amendment V10 introduced the BAO into the Victorian Planning Provisions, enabling application of the BAO to planning schemes through future amendments. Amendment C242gben is one of the first in the State being prepared to manage the off-site impacts of a landfill and transfer station. In addition to the BAO being a new planning tool, there have been significant changes to relevant legislation and policy since the completion of the Section 53V Audit and the submission of this amendment for authorisation, including:

- The *Environment Protection Act 1970* was replaced by *Environment Protection Act 2017* on 1 July 2021.
- Amendment C256gben updated the Greater Bendigo Planning Scheme to be consistent with the new structure of planning schemes introduced by Amendment VC148.
- The *British Standard Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings* (BS:8485:2015) has been updated to current version BS:8485:2015+A1:2019.

The planning controls proposed and exhibited as part of this amendment were updated, in consultation with DTP (Planning) and the EPA, to respond to the authorisation conditions and the updated legislation and policy, resulting in Amendment C242gben proposing the following changes to the Greater Bendigo Planning Scheme:

- Update the Municipal Planning Strategy and Planning Policy Framework to identify the Eaglehawk Landfill and transfer station as a waste and resource recovery hub of State significance with land use compatibility issues to be managed.
- Rezone land from GRZ to NRZ, Schedule 1 (NRZ1) to identify the land as being constrained due to its proximity to the Eaglehawk Landfill and Transfer Station.
- Insert the Buffer Area Overlay (BAO), with Schedule 1 (BAO1) to manage the risk of potential off-site landfill gas migration and Schedule 2 (BAO2) to manage the risk of elevated off-site odour impacts.

In preparing the Amendment documents, City officers worked with a specialist planning consultant, the EPA and DTP (Planning). The proposed controls have been carefully considered, to ensure they are reasonable and proportionate, and City officers have worked extensively with an environmental scientist with demonstrated experience in contaminated land assessment, remediation and environmental management to consider the practical implications. Further information regarding the Amendment can be found in the Explanatory Report (Attachment 1).

A supporting document, *Landfill gas protection measures user guide* (prepared by consultancy BGL Nominees Pty Limited in 2023) has been prepared to assist applicants and staff in understanding when landfill gas protection measures will be required as part of a development, and the types of professionals they will need to engage to assist them in the design, installation and verification of the measures.

Amendment C242gben was publicly exhibited from 1 June to 14 July 2023, with letters sent to the owners and occupiers of 319 properties within or adjoining, the 500 metre buffer area. Letters outlining the changes proposed for individual properties (if any) and tailored FAQs which outlined the reason for Amendment C242gben and the impacts was also provided. Notice was also given to relevant Ministers and referral agencies, as required.

Submissions

City officers received approximately a dozen enquiries from residents, landowners and State agencies and received four (4) submissions to the Amendment. Of the submissions received, two submissions acknowledged the Amendment but did not request changes, one submission can be resolved if changed in the manner requested and one submission is unresolved, as follows:

Submission #	Summary of Submission	Outcome
1. Coliban Water	Acknowledge amendment No change requested	No change required
2. Adjoining landowner in BAO1 Control Area 1 & BAO2	Acknowledge amendment Raised issues related to operation of the landfill No change requested to Amendment	No change required
3. Adjoining landowner in BAO1 Control Area 1 & BAO2	Raised issues related to operation of the landfill Opposes the inclusion of 10 Bragg Street, Eaglehawk in the Amendment due to property devaluation	Unresolved
4. EPA	Acknowledges all previous feedback has been appropriately addressed Requests additional permit condition requirements in BAO1 to address recommendations of any future Environmental Audit Statement	Can be resolved Recommend change as requested

Submission 1 is from Coliban Water and acknowledged the Amendment and confirmed they had no comment to make.

Both Submission 2 and 3 were provided from within the residential area located to the immediate north of the landfill and transfer station site, where the Amendment proposes to rezone land to NRZ1 and apply the BAO1 and BAO2. Both submissions predominantly focussed on the noise, odour and dust impacts of the landfill operations on their properties.

Submission 2 was provided as comment and confirmed they do not oppose the Amendment.

Submission 3 opposes the inclusion of 10 Bragg Street, Eaglehawk in the Amendment, specifically the proposed rezoning to NRZ1 and the application of BAO1 and BAO2, on the basis that the Amendment would devalue the property. The submission was provided *“in the absence of additional works being done to mitigate the noise levels coming from the landfill”*.

City officers consider it would be difficult to determine what effect, if any, the introduction of the BAO might have on the value of a property. The landfill has been licenced to operate on the site since 1975 and the Audit has been publicly available since 2019. The introduction of the BAO would provide clarity for future landowners and developers as to how the property could be developed and the sort of protection measures that would be required. It also saves applicants from having to engage an EPA accredited Auditor to undertake a site-specific assessment as part of a development application.

Planning Panels has considered the effect of introducing overlays on property values when reviewing past planning scheme amendments and has found that there is no justification for setting aside proposed overlays based on concerns about loss of property value.

As Submission 3 opposes the Amendment in response to issues with the landfill operations, and the justification given relates to speculation on how property value might be impacted, City officers do not recommend changing the Amendment in the manner requested. Submission 3 remains unresolved and is recommended to be referred to an Independent Planning Panel for consideration.

Submission 4, from the EPA, acknowledged that all previous feedback has been appropriately addressed. The submission requests additional permit condition requirements in BAO1 to address recommendations of any future Environmental Audit Statement. City officers are supportive of the requested change and have drafted updates to Schedule 1 to the Buffer Area Overlay (see Attachment 1). If the recommended changes are supported, Submission 4 is considered to be resolved.

Priority/Importance

Timely progression of amendments is required as per Ministerial Direction No. 15 (the planning scheme amendment process).

Amendment C242gben is the result of significant work undertaken by the City to consider the potential off-site impacts of the landfill and transfer station, undertaken in accordance with EPA requirements. The completion of this project is required to give landowners certainty is regards to the future development capacity of their properties.

Options Considered

Section 29(1) & (2) of the *Planning and Environment Act*, 1987 state that a planning authority may adopt an Amendment or part of an Amendment with or without changes.

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

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

As there are unresolved submissions, the recommended approach is to refer submissions to an Independent Planning Panel.

Timelines

If supported, the request to the Minister for Planning to appoint a Panel will be made by the end of August 2023.

A Directions hearing has been pre-set for the week starting **25 September 2023**.

A Panel hearing has been pre-set for the week starting **6 November 2023**.

A report would then be provided back to Council to report on the recommendations from the Panel hearing.

Communications/Engagement

City officers have endeavoured to keep impacted landowners informed throughout the development of this Amendment.

In April 2019, letters were sent to all owners and occupiers in the 500 metre buffer outlining the project. Letters were then sent notifying of completion and recommendations of the Audit, with the full audit report, including appendices, made available on the City website.

A drop-in session was held in February 2020 with City staff, Councillors, the planning consultant and Auditor in attendance, to enable impacted community members to ask questions about the Audit recommendations.

The Amendment was exhibited for six (6) weeks, from 1 June to 14 July 2023, in the following ways:

- Notice was sent to the owners and occupiers of 319 properties within, or adjoining, the 500 metre buffer area (423 letters).
- Notice was given to prescribed Ministers.
- Notice was given to all relevant authorities.
- Notice of the Amendment was placed in the Bendigo Advertiser on Wednesday May 31 and Saturday June 3, 2023.
- A media release was sent out by the City on May 31, 2023.
- Access to the Amendment documents were made available on the City's website and the Department of Transport and Planning's website.

City staff spoke and corresponded with approximately a dozen landowners and occupiers regarding the specific changes proposed to their properties during the exhibition period. In most cases, a short phone call clarified the change proposed and any implications on future use and development.

Financial Sustainability

Amendment C242gben is covered by the Strategic Planning Unit operational budget, including any costs associated with the Panel Hearing.

Risk Assessment

The introduction of the BAO seeks to make it clearer to landowners and residents of their requirements in being located close to the landfill.

The supporting document, *Landfill gas protection measures user guide* (prepared by consultancy BGL Nominees Pty Limited in 2023) has been prepared to assist applicants and staff in understanding when landfill gas protection measures will be required as part of a development.

Policy Context

Primary Council Plan Reference

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

Outcome 2 - Healthy, liveable spaces and places

Outcome 7 - A safe, welcoming and fair community

Secondary Council Plan Reference(s)

Goal 7 - Sustainable population growth is planned for

Goal 5 - A community that feels safe

Goal 7 - Emergencies are prevented or mitigated

Conflict of Interest

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

Attachments

1. Greater Bendigo C242gben Explanatory Report Panel Request Schedule 1 [**16.1.1** - 36 pages]

16.2. Community Aquatic Facilities Strategy

Author:	Amy Johnston, Manager - Active & Healthy Communities
Responsible Director:	Stacy Williams, Director Healthy Communities and Environments

Purpose

To present the Community Aquatic Facilities Strategy for Council adoption.

Recommended Motion

That the Council:

1. Adopt the Community Aquatic Facilities Strategy;
2. Thank the Community Panel for their involvement and contributions the aquatic service review.

ALTERNATE MOTION:

That Council:

Adopt the Community Aquatic Facilities Strategy, with the following amendment:

1. Subject to a suitably skilled Community Committee of Management being established, that the Bendigo East Swimming Pool is retained, becoming a non-heated seasonal pool, following the upgrade of Brennan Park Pool;
 2. Responsibility for all operations, risk management, asset maintenance, renewal and new investment of the Bendigo East Pool will be the responsibility of the Community Committee of Management;
 3. Provision of \$50,000 in annual funding from Council will be provided to the Community Committee of Management; and
 4. If a suitably skilled Community Committee of Management is not able to be established, and adhere to the terms of the resolution, that the Bendigo East Swimming Pool is permanently closed.
2. Thank the Community Panel for their involvement and contributions the aquatic service review.

RESOLUTION - Resolution No. 2023-125

Moved: Cr Sloan

Seconded: Cr O'Rourke

CARRIED

Executive Summary

At the Council Meeting on 15 July 2020, Council resolved to place the Draft Community Aquatic Facilities Strategy (CAFS) on public exhibition for four weeks commencing on 17 July 2020. During this period the City had undertaken a range of activities to obtain feedback and promoted the draft strategy across multiple platforms. The draft strategy was posted on the City's website under the Your Say section. The public exhibition period was extended due to COVID-19 lockdown restrictions instead closing on 22 September 2020. City officers adapted the engagement process to include an online survey.

Since the 2020 engagement, officers have provided multiple updates to Councillors regarding options to progress the draft Community Aquatic Facilities Strategy which included providing strategy background to the newly elected Council in October 2020, providing various different strategy breakdowns including a four year infrastructure and service plan along with a strategy document and further outlines service opportunities and challenges in line with industry research post the global pandemic.

In recognition that the majority of the feedback received throughout the community engagement period was related to the Bendigo East and Brennan Park Swimming Pools recommendation, Councillors agreed in April 2022 to a short-term action prior to the strategy being adopted being a '*Service review of urban 50m suburb facilities (Brennan Park & Bendigo East Pools)*' through a community panel with a deliberative engagement approach which occurred in February 2023. The panel provided feedback on the recommendations and five community principles for decision making that Council should consider as part of the draft Community Aquatic Facilities Strategy.

Progressing the draft Community Aquatic Facilities Strategy has significant importance in the strategic direction of aquatic services for Greater Bendigo that meet the draft Community Aquatic Facilities Strategy principles of:

- Equity
- Accessibility
- Promoting Wellbeing
- Partnering
- Sustainability;

Along with recognising and considering the community panel's principles of:

- Creative & innovative process and solutions
- Sustainability & respect
- Community participation, collaboration and empowerment
- Accessible, equitable & inclusive
- Community health & wellbeing.

Background

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

Greater Bendigo's 121,000+ residents enjoy access to a diverse range of natural and built recreational opportunities. Along with a variety of sporting and recreational facilities, beautiful parks, gardens, open spaces and reserves, community access to aquatic facilities is an important factor in Greater Bendigo's health and wellbeing.

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

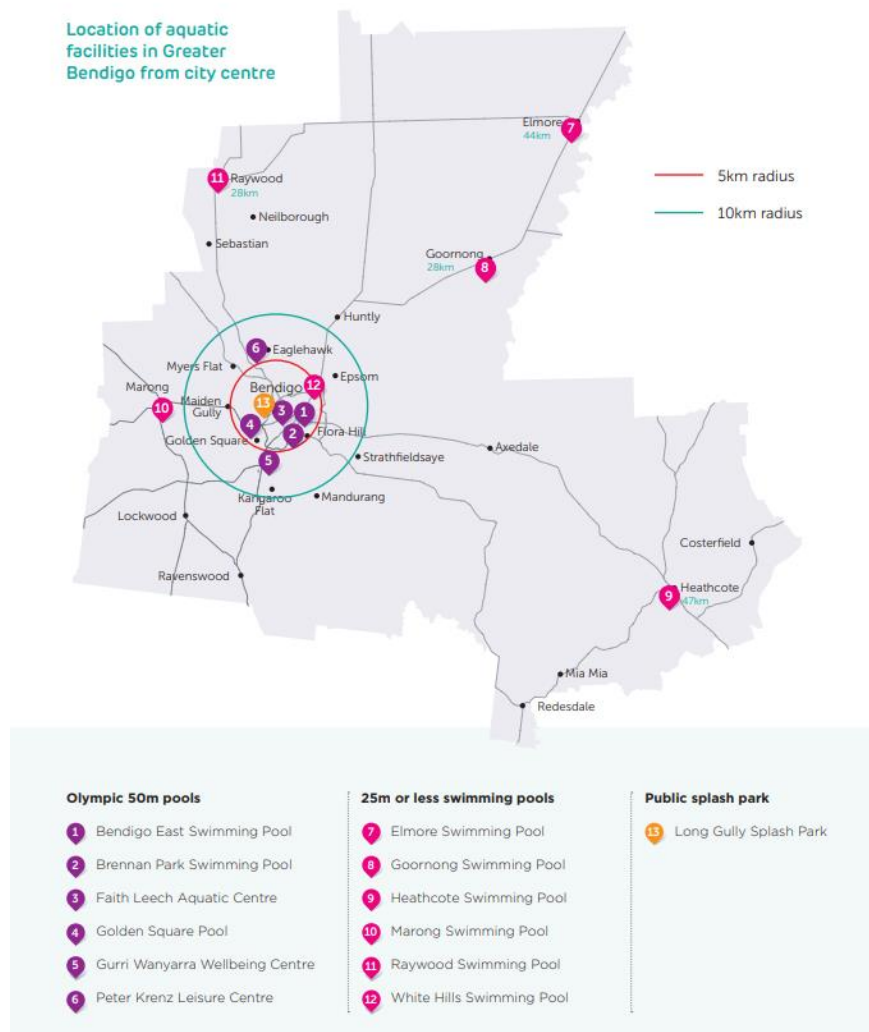
Contemporary aquatic facilities offer a wide range of activities and generally include both wet and dry program areas. Common elements include swimming pools suited to a variety of ages and abilities, spas, saunas, and water play areas as well as multi-purpose spaces for other activities such as exercise classes, group programs, childcare and gymnasiums.

Some facilities are used for sporting competitions such as swimming, diving or water polo, while others are used for non-competitive, community recreation. Used by a wide variety of people, community aquatic facilities are particularly important for children learning to swim, people recovering and rehabilitating following injury or illness and older adults who wish to participate in gentle water exercises to maintain health. Contemporary aquatic facilities are suitable for people with access or mobility issues, as water can offer opportunities for exercise and enjoyment for everyone.

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

Most existing facilities across the municipality include a traditional swimming pool experience with a main pool of water (50m, 33m or 25m), intermediate pool and a toddler pool. As many of these facilities are outdoor and unheated, they are generally only open seasonally from mid-November or December to mid-March. With limited investment in this older infrastructure over time, significant investment will be needed to continue to operate these facilities into the future. In many cases, significant investment could be required within the next five years.

There are 13 aquatic facilities (12 pools and a splash park) in the following locations in the municipality:



This number and close clustering of pools results from investments by Council's pre-amalgamation, the significant construction of community swimming pools post-war associated with the 1956 Olympic Games and in response to drownings in unsupervised waterways (lakes and rivers).

Management arrangements for aquatic services vary from Crown Land Committees responsible to Department of Energy, Environment and Climate Action (DEECA) (recent State Government name change from DEWLP) to direct contract management (Council engaging a third party to operate the facilities) and also Incorporated Associations with a management agreement. These arrangements each create different financial and risk challenges to the City and are often inequitable resulting in different quality facilities being provided within different townships and urban areas.

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

resulting in Council's request to update the strategy specific to all aquatic facilities in Greater Bendigo.

The draft Community Aquatic Facilities Strategy presented for community engagement in 2020 has recently been updated to reflect current strategic frameworks including the Council Plan: Mir Wimbul and Healthy Greater Bendigo, change to Government strategic documents and regulations such as the Department of Health's Water Quality Guidelines for public facilities, AusPlay data and Active Victoria Strategy.

The fundamentals of the Strategy remain unchanged including the principles which should be considered in conjunction with the community principles from the community aquatic panel.

The disruption of the global pandemic which resulted in prolonged facility closures, restrictions on attendance to facilities due to density limits and reduced operating hours to support service demand has resulted in changed baseline data since the first facility closure occurred in March 2020. The changes in baseline data since this time has resulted in impacts to seasons 2019/20, 2020/21 and 2021/22. The Strategy has been updated with the season 2022/23 data.

Whilst the current utilisation data of facilities is important; the different management models, season openings and hours along with different operational funding models means that facilities cannot be compared to in a like for like manner, with the draft Community Aquatic Facility Strategy focussing on strategic decisions about the best way to deliver the aquatic services across the municipality meeting known industry facility utilisation data together with Greater Bendigo community needs for a sustainable aquatic future.

Previous Council decision dates:

Council adopted the previous Aquatic Facilities Strategy at the Council Meeting of December 2010. Council reports related to the implementation of the Strategy were considered at the following meeting;

- November 2012;
- December 2012;
- February 2013;
- March 2013;
- June 2015;
- February 2018;
- March 2020;
- June 2020.

The draft Community Aquatic Facilities Strategy was endorsed at the July 2020 Council meeting to be released for community feedback.

Additional Councillor Briefings since the community feedback have included;

- December 2020;
- August 2021;
- October 2021;
- November 2021;
- April 2022;
- April 2023;
- August 2023.

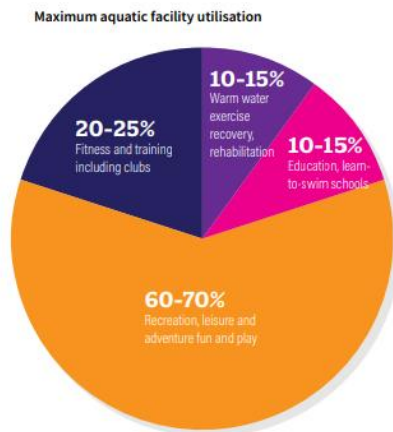
A budget bid to support an independent consultant for a community panel with a deliberative engagement approach to assist with a *Service review of urban 50m suburb facilities (Brennan Park & Bendigo East Pools)* was included in Council's 2022/23 budget.

Report

The importance of community aquatic facilities to Greater Bendigo's health and wellbeing is indisputable, however the current provision is not sustainable – financially, environmentally and does not meet community needs and expectations.

The investment in Gurri Wanyarra Wellbeing Centre (GWWC) and the strong growth in patronage shows there is a strong appetite for newer facilities which incorporate indoor aquatic facilities with a range of other services including a gymnasium, community programs and allied health services. In addition, Council endorsed at its August 2022 Council Meeting Stage One concept plans for Peter Krenz Leisure Centre. Stage One focusses on the dry facilities at the centre and includes 24/7 gym, community activity rooms, indoor/outdoor café and integration of public toilets and a new library. Council has agreed to progress the Stage 1 Concept Plan to detailed design as funding becomes available to do so. The Stage 1 Concept Plan was supported by a Community Reference Group.

Users of aquatic facilities are defined in four typical market segments outlined below. Market research suggests that to be successful, community aquatic facilities must design and plan for the needs of each market segment.



The assessment of the existing aquatic facilities indicates that the City needs to modernise the service to respond to community needs. Therefore, the draft strategy recommends diversifying the service offering and limiting duplication.

Trends which will continue to influence the City's community aquatic facilities offering include:

- Growth in domestic pools offering in home swimming options
- Access to private all year round learn to swim facilities
- The expectation of recreation use and its flexibility such as 24/7 access
- Introduction of free and zero depth splash parks in various park and playground settings
- The need to diversify the service offering at aquatic facilities to attract users and spread operating costs with options such as community facilities, programming and cafes.
- The requirements to meet a range of regulations for public pool operation including:
 - Royal Life Saving Society Australia – Guidelines for Safe Pool Operations
 - Department of Health – Water Quality Guidelines for Public Aquatic Facilities
- Increasing referral by health professionals to utilise warm water pools for therapy to address rehabilitation, pain management and injury prevention – especially in an ageing and recovering populations.
- Financial and environmental sustainability.
- The adoption of Universal Design Principles to make facilities accessible for all ages and abilities.
- The potential for aquatic facilities to be used more for community and tourism events.
- Volunteerism trends generally declining which could impact on the contributions of communities that operate the Committee of Management pool model.
- Swimming and water education being included in the education curriculum.
- Specialist skills and knowledge being critical to the ongoing operations of plant and equipment especially in aging infrastructure being costly.

- Lap swimming and competitive swimming through swim clubs and school carnivals remaining a consistent and constant user.
- Rate capping on local governments resulting in reduced revenue to fund services, maintenance and capital upgrades.
- Expectation that fees and charges for entry into aquatic facilities remains accessible to all therefore subsidised and not a fully cost recovery service.

The recommendations in the strategy are made in the context of the principles of equity, accessibility, promoting wellbeing, partnering and wellbeing which includes site specific recommendations based on facility hierarchy.

Priority/Importance

The City has a high number of older aquatic facilities when compared to other local government areas with majority in urban Bendigo. These facilities have served the community well for many decades but are in need of modernisation to provide for the current and future residents of Greater Bendigo. Without change the current assets and service levels cannot continue to service the community. It is highly probable that the service will be under utilised, asset failure is likely and ultimately due to rate capping the subsidy to sustain these assets will be unachievable.

It is important that the decision regarding community aquatic facilities returns to Council following community consultation and the community panel.

It is also important that a strategy is adopted to provide direction to Council officers to be able to implement planning, maintenance, development, and operations of the facilities as currently short, medium and long term planning in relation to aquatic facilities is required.

Options considered

- a) Adopt the Community Aquatic Facilities Strategy at the August 2023 Council Meeting (recommended);
- b) Defer the adoption of the draft Community Aquatic Facilities Strategy for another 12 months for further post pandemic data to be confirmed specific to utilisation (not recommended as attendance data is only one input to the strategy development);
- c) Release the draft Community Aquatic Facilities Strategy for further community consultation before coming back to Council (not recommended, as significant community consultation has already been undertaken over a number of years);
- d) Abandon the draft strategy and maintain all facilities with no strategic direction (not recommended).

Timelines

The time lapse between community engagement and Council's decision on the draft Community Aquatic Facilities Strategy is acknowledged. The interruptions of a global pandemic at the time of engagement, the closure of aquatic facilities throughout the pandemic under State Government orders, Council caretaker and election period, various Councillor briefing updates and the postponement of the community panel in November 2022 due to floods have all been contributing factors to the draft strategy returning for Council's consideration.

Communications/Engagement

Undertaking community consultation during COVID-19 restrictions and concluding during caretaker / induction period of Council led to a protracted process of engagement. In line with COVID-19 and caretaker period restrictions, the City undertook a range of activities to obtain feedback including:

- Individual meetings via Zoom / Microsoft Teams;
- Public online survey;
- Social media posts/feedback;
- Facility intercepts (where open);
- Promotion on Bendigo Library television;
- Promotion to members via Gurri Wanyarra Wellbeing Centre Facebook page;
- Promotion to primary/secondary schools
- Promotion within member newsletters;
- Direct contact with partner agencies and community groups;
- Promotion to township community groups;
- Paid media promotion; and
- Media releases.

The draft strategy in both summary and full was posted on the City's website under the Your Say section.

Engagement and promotion resulted in 130 responses to the online survey and individual submissions from most of the swimming pool managers (volunteer and contracted).

Responses to the survey questions were constructive, however it must be noted that there was a level of concern amongst the responses that the City is attempting to negatively change the service rather than make strategic decisions about the best way to deliver the service. It is discernible that this is likely connected to the protracted discussion and decisions relating to Golden Square Swimming Pool closure to the time of the survey.

Survey responses were more significantly related to local facility responses rather than municipal wide considerations highlighting the continued challenge of engaging about municipal service levels rather than individual township aspirations.

The following outlines the facility survey respondents were commenting about:

- Bendigo East 27.44%
- Heathcote 11.65%
- Brennan Park 10.53%
- Faith Leech 8.27%
- All pools 7.52%
- Elmore 6.39%
- Golden Square 6.39%
- White Hills 5.26%
- Peter Krenz 4.89%
- Goornong 4.89%
- Gurri Wanyarra 2.63%

While responses to each question were extensive, there are specific emerging themes/concerns within the open responses received about site specific recommendations. These included:

1. Concern with the proposed upgrade of Brennan Park Swimming Pool and associated closure of Bendigo East Swimming Pool;
2. The proposal to review operating hours/seasons at Faith Leech Aquatic Centre;
3. The proposal to construct a destination Splash Park at Bendigo Botanic Gardens and associated removal of White Hills Swimming Pool;
4. Seeking improvement of the Heathcote Swimming Pool;
5. Seeking improvement to the service at their local swimming pool.

The survey also sought feedback on the principles of the strategy and strategic objectives. While most (91.41%) agreed that the principles were important there was feedback including:

- Seeking feedback on principles and strategic actions is too complex and jargonistic to expect the community to understand;
- Equity needs to be strengthened and more clearly defined;
- Sustainability is too strongly focused toward environment and financial definitions, it does not recognise community sustainability, avoiding end-of-asset-life or growing communities;
- Community needs and partnering sought to be increased in importance and prominence;
- More clear definition of the priorities within the actions rather than short, medium long term;
- Enhanced recognition of small town access and support;
- Increased access to warm water and a range of health/fitness services.

While there is no unexpected feedback which would inform substantial change there is community sentiment in support aquatic facilities and services. Survey respondents generally sought retention or increases in service levels which cannot be achieved within

current financial resources. Retention or increases in service levels will impact on other services/assets currently funded within the available resources or Council will need to consider seeking additional funding from ratepayers within a rate capping environment. Additional advocacy to different levels of Government for specific aquatic funding including construction and ongoing operating costs could also be an option.

Bendigo East Pool Committee of Management remains a key contributor to the draft Community Aquatic Facilities Strategy with the recommendation being to relocate the committee's current service to a new site. The Committee has been proactive in the discussions regarding their need to be sustainable into the future, providing a high quality service to the community, working in partnership with the City, having a service provision of an all year around heated pool facility and having improved facilities for all. The Committee has requested increases in operational funding and will need to be supported financially regardless of their operating location and have provided in principle support for Brennan Park relocation subject to various upgrades and ongoing financial support.

In response to this feedback and the most significant feedback being related to the Bendigo East and Brennan Park Pools recommendation, Council agreed to a short term action prior to the strategy being adopted being a *'Service review of urban 50m suburb facilities (Brennan Park & Bendigo East Pools) (attached) incorporating a deliberative engagement approach, that aims to achieve the following outcomes:*

- *A reduction in the current and future costs to rate payers whilst maximising accessibility*
- *A decrease in carbon emissions and water usage and improved environmental sustainability*
- *More effectively and appropriately meeting the needs of the whole community*
- *Attracting a greater and more diverse level of use*
- *Facilities that are more connected and integrated with other services and facilities*
- *Offering a diversity of aquatic facilities to match the needs of the current and future user market*

** does not include Golden Square Pool due to previous Council decision.*

A community panel facilitated by Capire Consulting Group completed a 3-part session (2x online workshops and 1x in person workshop) resulting in community principles for Council's consideration in decision making and reviewed the Bendigo East and Brennan Park specific recommendation. Further details regarding the Community Panel can be found in the Capire Consulting Group panel report attachment.

The panel's commitment to the process should be acknowledged and commended. The community principles for decision making should be considered alongside the draft Community Aquatic Facilities Strategy principles by Council.

The panel sought clarification on the draft recommendations including operational transition and land management. In addition, the panel also provided options to be explored both at Bendigo East and Brennan Park and the option of additional facility provision.

The panel's feedback did have some similar community sentiment to the wider community engagement. Minor changes have been made to the draft Strategy regarding the implementation and transition, management options and land management responsibilities. The panels workshop provided officers with details on the questions related to strategy actions and additional information that can be added regarding the planning and transition implementation options that includes logistics should the action be supported in the draft strategy unchanged.

In addition the panel recommended the following five principles for decision making:

1. Creative & innovative process and solutions
2. Sustainability & respect
3. Community participation, collaboration and empowerment
4. Accessibility, equitable & inclusive
5. Community health & wellbeing

These principles align strongly with the principles included in the draft strategy:

1. Equity
2. Accessibility
3. Promoting Wellbeing
4. Partnering
5. Sustainability

Financial Sustainability

As part of integrated strategic planning required of Local Governments the following key documents guide aquatic asset management and investment:

- City of Greater Bendigo Asset Plan 2022 – 2032
- City of Greater Bendigo Financial Plan 2021 – 2031

Making decisions on assets investment and decommissioning is often difficult. The Asset Plan outlines as part of difficult decisions: decommissioning and disposal of assets:

'Council sometimes has to decide whether to stop investing in an asset and to retire, sell or dispose of it. Communities rarely ask for assets to be decommissioned, often for fear of losing a service or facility, regardless of the viability of that asset or service. Endlessly accumulating low-performing assets places an unrealistic burden on Council's resources through increasing maintenance and operating costs. Inability to rationalise also means Council is less able to invest in other new or upgraded assets. Decommissioning and/or disposal can release funding to acquire or upgrade

another asset of value to the community. Consolidating assets could be one strategy to explore with involved stakeholders to avoid the sense of communities losing their assets.'

Aquatic facilities due to their age can be challenging to understand their conditions which can result in unexpected failures. The expectation to upgrade facilities to meet community expectations, manage facilities within compliance regulations supported by operational funding and continue to reduce emissions from asset classes will continue to be a balance across all community facilities and will require utilisation to be maximised.

The 2022/23, direct cost to Council for operating public swimming pools in Greater Bendigo was \$3.52M. The cost to Council outlined cost excludes any renewal or capital expenditure. It should be acknowledged that operator do incur costs which include any additional financial operating deficits above City subsidies or payments. Additional operator costs include any actual losses for CoM operated pools or losses due to financial underperformance of management contracts.

With the age of most assets and a history of insufficient maintenance/renewal, this vast infrastructure network needs significant investment in the short term to keep operating in its current form. In addition to the infrastructure reaching the end of its life, most of the facilities do not meet contemporary community needs, are inefficient and expensive to operate, do not offer an inclusive range of wellbeing opportunities and are not accessible to all residents.

Growing maintenance costs combined with rising operational expenses (cost of energy, insurances, staffing and supervision due to increased compliance) and limited ability to raise service income from users, means that continuing to operate the extensive network of aquatic facilities (in the current form) will present an untenable financial situation for the City over the coming decade.

While there are some opportunities to offset escalating costs through investment in technology (including renewable energy) and attempting to increase the income from users by increasing utilisation, this is not viable at all facilities due to the significant upfront cost of maintaining ageing infrastructure.

The City will update the aquatic asset management plan and asset lifecycle assessments. As an example, the cost of a new outdoor 50m pool is between \$15-20million. Construction, operating and maintenance costs are varying in a dynamic environment but all elements are moving in an upward trend.

The strategic direction specific for aquatic facilities within the draft strategy supports the ability to seek external grant funding opportunities especially from the State Government, and adoption of a strategic direction will allow officers to plan for expenditure on these facilities.

Risk Assessment

Aquatic services are a major service provided by Council to the community. Since 2010 there have been a range of developments and changes which have improved the service levels significantly, however there remain underlying concerns with asset condition, unplanned breakdowns, cost escalations, environmental impacts and high density service distribution. This strategy proposes to address these concerns by providing a structured approach to service change.

The time between community consultation has seen changes in the environment such as regional relocations following COVID-19, increased compliance measures and changes in strategic supporting documentation however the fundamental direction of the draft Community Aquatic Facility Strategy has remained unchanged. No adopted strategic direction for aquatic facilities has resulted in a status quo approach where minimal investment is occurring, no grant funding is being sought and general maintenance is ensuring opening is achievable at each site.

The establishment of a community aquatic panel with a deliberative engagement approach was well received from participants and facilitated independently through Capire Consulting Group however the officer recommendation for the Bendigo East and Brennan Park recommendation remains unchanged with additional information added in relation to the implementation of this option should it be supported to allow community knowledge regarding the transition approach.

Policy Context

Primary Council Plan Reference

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

Outcome 1 - Lead and govern for all

Outcome 2 - Healthy, liveable spaces and places

Outcome 5 - A climate resilient and healthy landscape

Outcome 7 - A safe, welcoming and fair community

Secondary Council Plan Reference(s)

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

Goal 3 - Active community engagement and excellence in customer service

Goal 1 - Strengthened community health and wellbeing

Goal 8 - Targeted investment in services, facilities, and programs to communities most in need

Goal 1 - Zero carbon

Goal 4 - Water Sensitive Bendigo

Goal 4 - A community that values and engages with people of all ages, abilities, genders and sexualities

Goal 6 - A community that promotes equity and addresses poverty and disadvantage

Other Reference(s)

[Asset Plan 2022 - 2032](#)

[Financial Plan 2021 - 2031](#)

[Climate Change and Environment Strategy 2021 - 2026](#)

[Active Living Census 2019](#)

[Social Justice Framework 2022 - 2023](#)

[Active Victoria 2022 - 2026](#)

[Victorian Public Health and Wellbeing Plan 2019 - 2023](#)

Conflict of Interest

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

Attachments

1. Draft Aquatic Strategy August 2023 [**16.2.1** - 43 pages]
2. Capire Consulting Group Aquatic Strategy Community Panel Repor [**16.2.2** - 10 pages]

16.3. 38 Myers Street, BENDIGO - Use and Development of Land for a Medical centre, Partial Demolition, External Alterations and Additions to Existing Building, Display of Business Identification Signage and Reduction in Car Parking Requirements

Author:	Michael St Clair, Statutory Planner
Responsible Director:	Steve Hamilton, Director Strategy and Growth

Summary/Purpose

Application No:	DC/783/2022
Applicant:	JP Brennan Pty Ltd
Land:	38 Myers Street, BENDIGO 3550
Zoning:	General Residential Zone
Overlays:	Heritage Overlay – Schedule 9 Parking Overlay
No. of objections:	Nine
Consultation meeting:	A formal consultation meeting was held at the City offices on 9 May 2023, attended by the Planning Officer, Mayor, applicant, and 6 objectors.
Key considerations:	<ul style="list-style-type: none"> • How the existing use as a Medical Centre is to be considered as part of this application. • Whether the proposed partial demolition and development are acceptable in a heritage context? • Whether the development is consistent with the surrounding built form character? • Whether the reduction of carparking is acceptable? • Whether amenity impacts to adjoining properties are acceptable? • Objector concerns.
Conclusion:	<p>The application has been prepared in accordance with the Greater Bendigo Planning Scheme.</p> <p>The addition to the existing building has been designed to appropriately respond to its heritage context and minimise impacts to adjoining properties, whilst serving the needs of an established medical practice providing specialist medical services to the aging population of Greater Bendigo. It is recommended that Council determine to grant a permit as the proposal, on balance, presents an acceptable planning outcome with regards to the purposes of the General Residential Zone, Heritage Overlay, Parking Overlay and broader planning policy framework.</p>

Recommended Motion

Pursuant to section 61 of the Planning and Environment Act (1987), Council issue a Notice of Decision to Grant a Permit for the '*Use and development of land for a medical centre; partial demolition, external alterations and additions; installation and display of business identification signage; and reduction in car parking requirements*' at 38 Myers Street, BENDIGO 3550, subject to the conditions at the end of this report.

RESOLUTION - Resolution No. 2023-126

Moved: Cr Sloan

Seconded: Cr Fyffe

That the recommended motion be adopted.

CARRIED

Background Information

Previous Planning Permit History

The subject site is currently operating as Goldfields Urology, which was granted planning approval to operate under planning permit DU/767/2011. This permit allowed for the '*Demolition of existing shed, use of existing dwelling as a Medical Practice and the erection of two business identification signs*'. The permit was issued 22 December 2011 and remains current.

This permit provided for the lawful use of the land for a Medical Practice. Conditions within this permit did not limit the number of practitioners that were permitted to operate from the site nor the hours of operation of the practice. The planning permit included specific requirements for 5 car parking spaces to be provided on the site.

Plans endorsed as part of the planning permit for the site show three consulting rooms in addition to staff areas, reception and waiting room. Figure 1 below shows the endorsed site plan for planning permit DU/767/2011.

Report

Subject Site and Surrounds

The site is a regular shaped allotment located on the eastern corner of Mundy and Myers Street, Bendigo. The allotment is 834 square metres in size and contains a single storey building. The existing building on site was originally constructed in 1930 as a dwelling before being converted to its current use as a Medical Centre (operated by Goldfields Urology). The building presents as an interwar California Bungalow clad in brick and render. The front setback of the building retains its dwelling setting as it presents to Myers Street. The rear portion of the site has been altered to service the medical centre, with five carparking spaces provided in close proximity to the current medical centre entry. Figure 1 below shows an aerial image of the subject site.

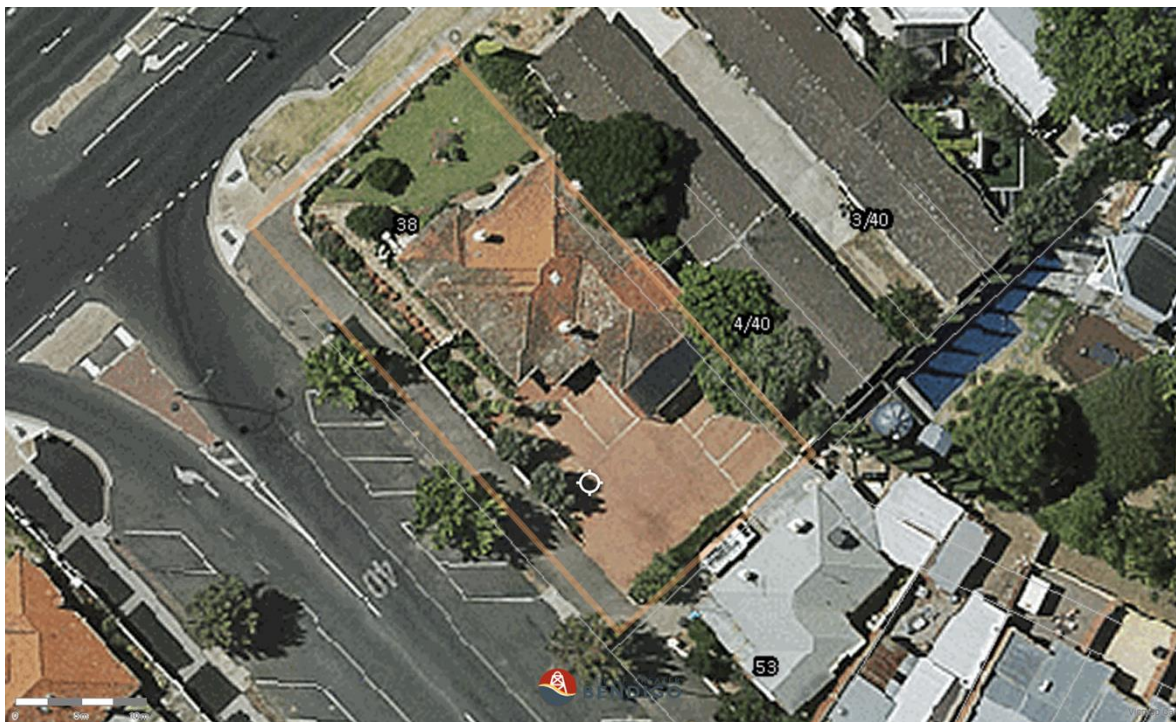


Figure 1: Aerial image of subject site

The surrounding area is generally characterised by the site's location at the fringe of the Bendigo City Centre. A mix of commercial and residential land uses exist along Mundy Street, with the Bendigo Dental Laboratory located two properties to the south-east of the subject site and a solicitors' office located opposite. On the opposite side of Myers Street are located a range of service and commercial businesses. However, the predominate use of land to the east of the Mundy and Myers Street intersection is residential in nature. This residential area is covered by the Heritage Overlay – Schedule 9 that relates to the Myers Street Precinct. Figure 2 shows an aerial image of the immediate surrounding area.



Figure 2: Aerial image of surrounding area

The immediate context of the site consists of residential interfaces. 40 Myers Street (to the north-east) contains four units arranged around a central common driveway, with two of these units backing on to the subject site. 53 Mundy Street (to the south-east) contains a single storey dwelling constructed around the same time as the subject site.

Myers Street (to the north-west) is an arterial road managed by the Department of Transport and Planning. It is developed as a two lane (in both directions) road separated by a central median. Parallel parking is provided along both sides of the road corridor. Right turn movements from Mundy Street onto Myers Street are prohibited. Mundy Street (to the south-west) is a local access street operating as single lanes in both directions. 45-degree angle parking is provided along this street. Parking on both streets is time controlled with parking fees applicable in certain sections.

Proposal

The application seeks planning approval for the *'Use and development of land for a medical centre; partial demolition, external alterations and additions; installation and display of business identification signage; and reduction in car parking requirements'*. The individual components are further discussed below.

- *Use of land for a Medical Centre*

The use of the subject site for a Medical Centre was given approval under Planning Permit DU/767/2011. No further planning permission is required to use the site as a Medical Centre. However, a number of shortcomings exist within the original permit that relate to the use component of the site. These relate to no controls being placed on the number of practitioners that operate from the site.

To correct this shortcoming, the assessment of this application has been undertaken as an Omnibus permit. This process provides an avenue for the permissions given under permit DU/767/2011 to be rolled over into any permit issued under this application; correcting the omission in the original permit, cancelling the original permit and resulting in only one permit that controls the medical centre use for the site. In essence, this would 'tidy up' the planning approvals relating to the site into a single permit.

In considering this application, the responsible authority is not able to consider if the Medical Centre use for the site is appropriate. This permission already exists and will remain so, no matter the outcome of this application.

- *Development of an expanded Medical Centre*

The proposal seeks to expand the existing Medical Centre by making the following changes:

- Internal alterations to the existing building (noting that this does not require planning approval).
- External demolition of rear lean to (later addition to the 1930 constructed building):
 - No changes to the external fabric of the original 1930's building.
- Refurbish the ground floor to include:
 - Three consulting rooms (note that a maximum of two will be utilised at a time, with three provided to allow for three different professionals to operate out of their own room over the course of the week. Only two will be present on site at any given time).
 - Two nurse rooms.
 - Enlarged reception and waiting room, with separate areas to provide increased privacy for patients and larger circulation spaces for accessibility requirements for patients in a hospital bed.
- Construct a second floor addition, comprising staff facilities of:
 - Office space.
 - Kitchen.
 - Meeting room.
 - Staff toilets.

Car parking spaces within the site will be reduced from five to four, required by increased space requirements of accessible spaces since the issue of DU/767/2011.

The extension to the rear of the Medical Centre is proposed to be in a contemporary style, clad in a mix of sheet metal, brick and fibre cement sheeting. Figures 3 to 10 below show the proposed development plans.

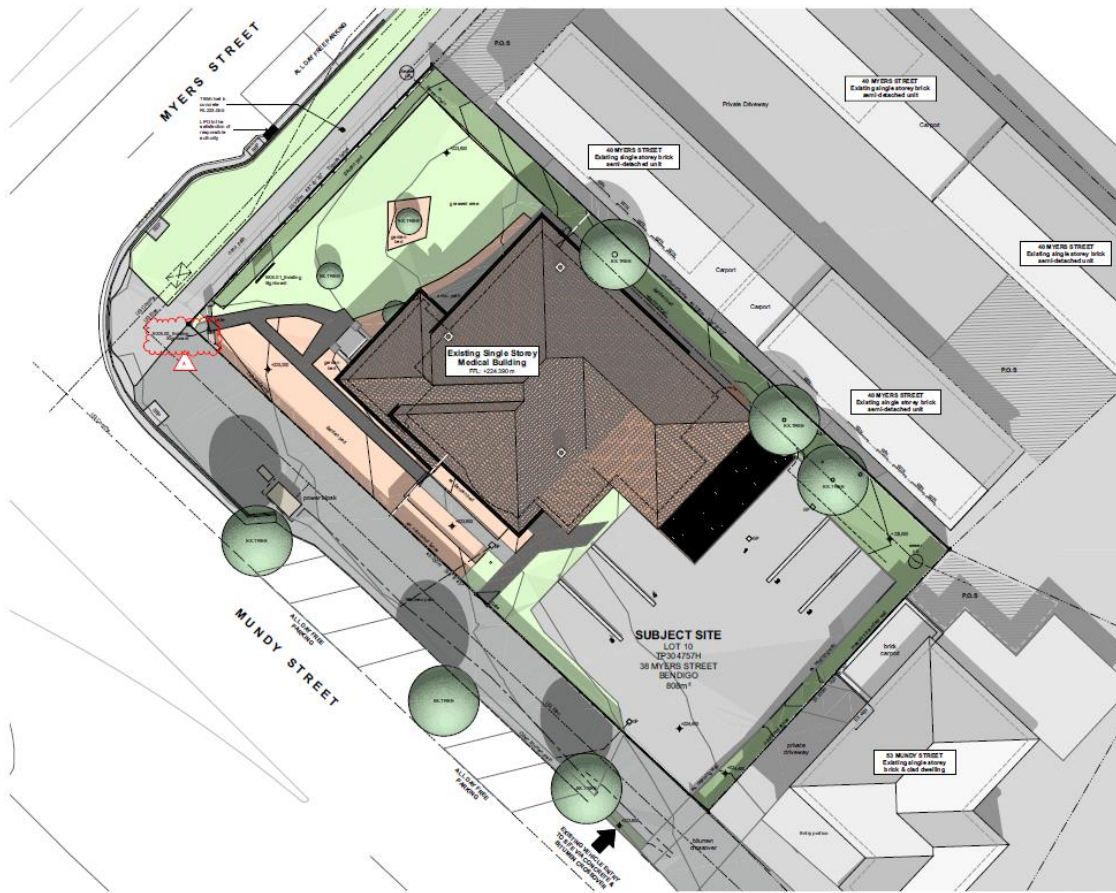


Figure 3: Existing site plan

[illegible]

Figure 5: Proposed site works plan (showing proposed car parking)

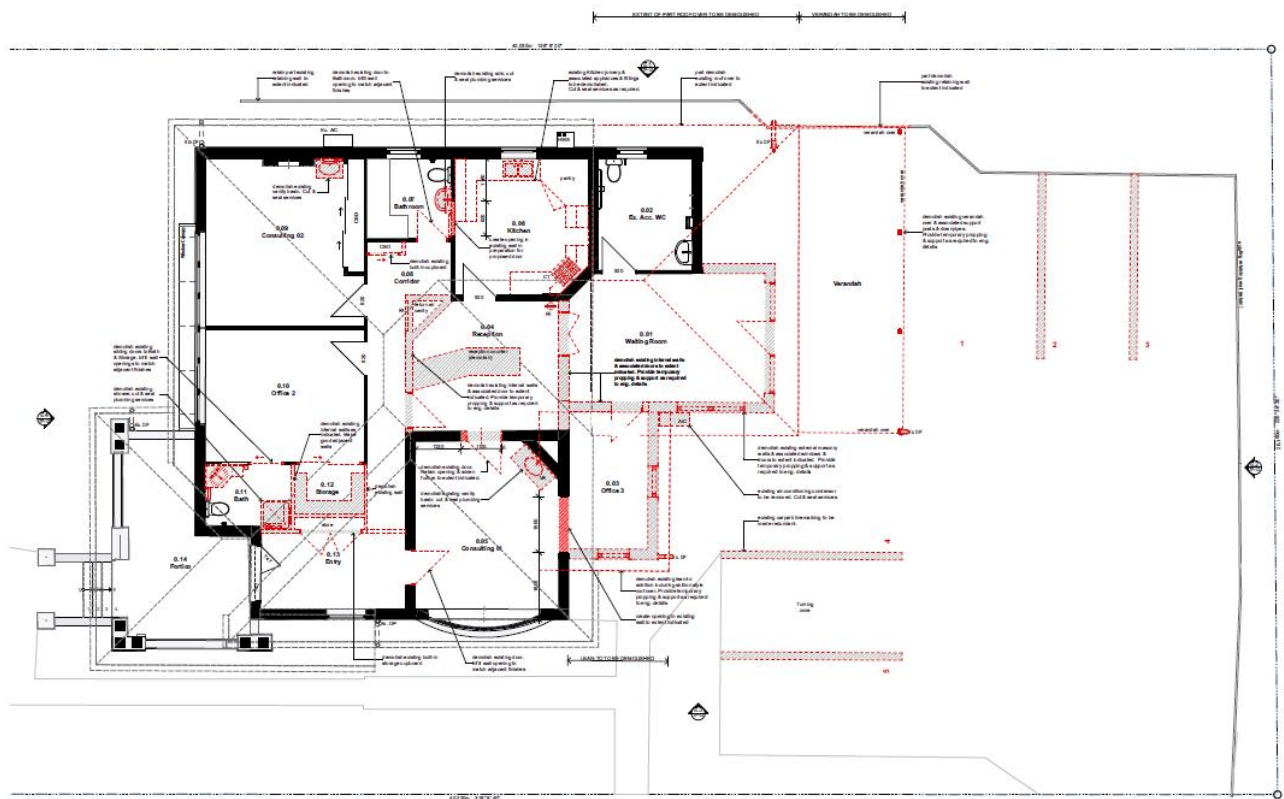


Figure 6: Existing floor and demolition plan

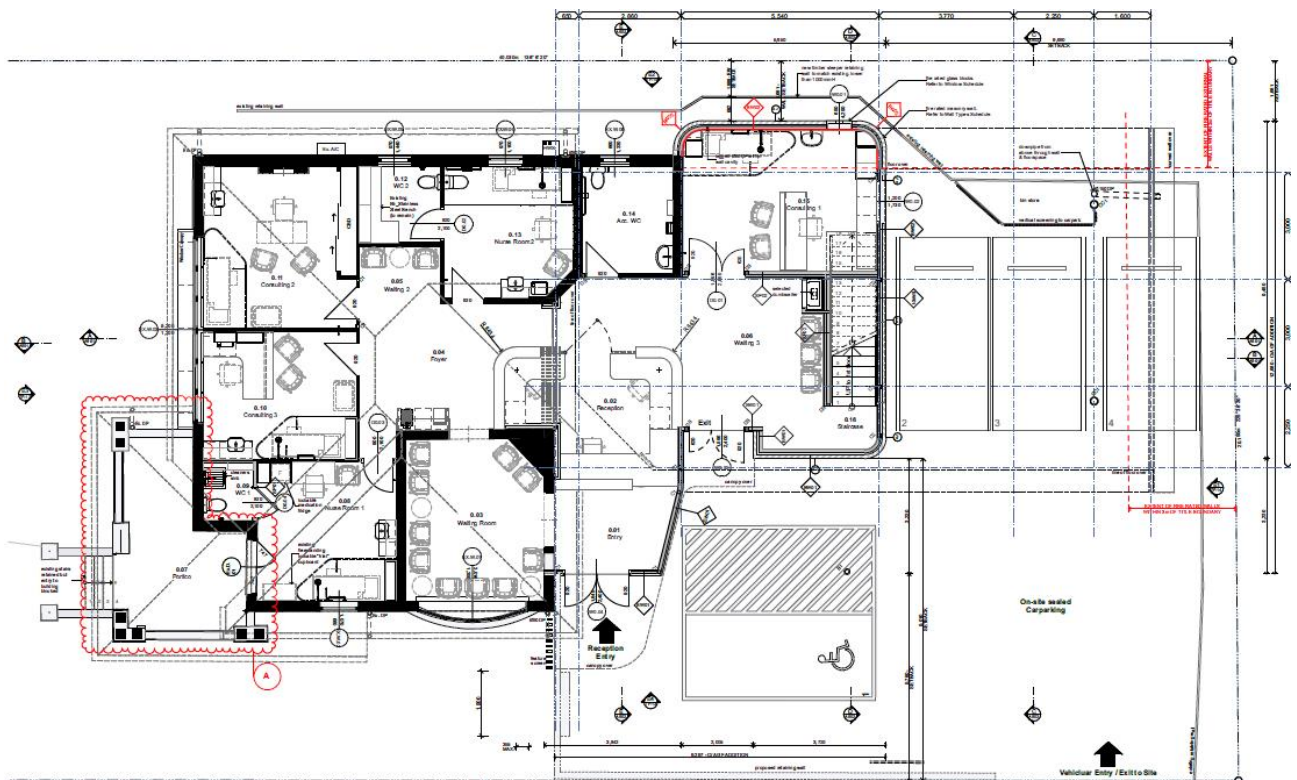


Figure 7: Proposed ground floor plan

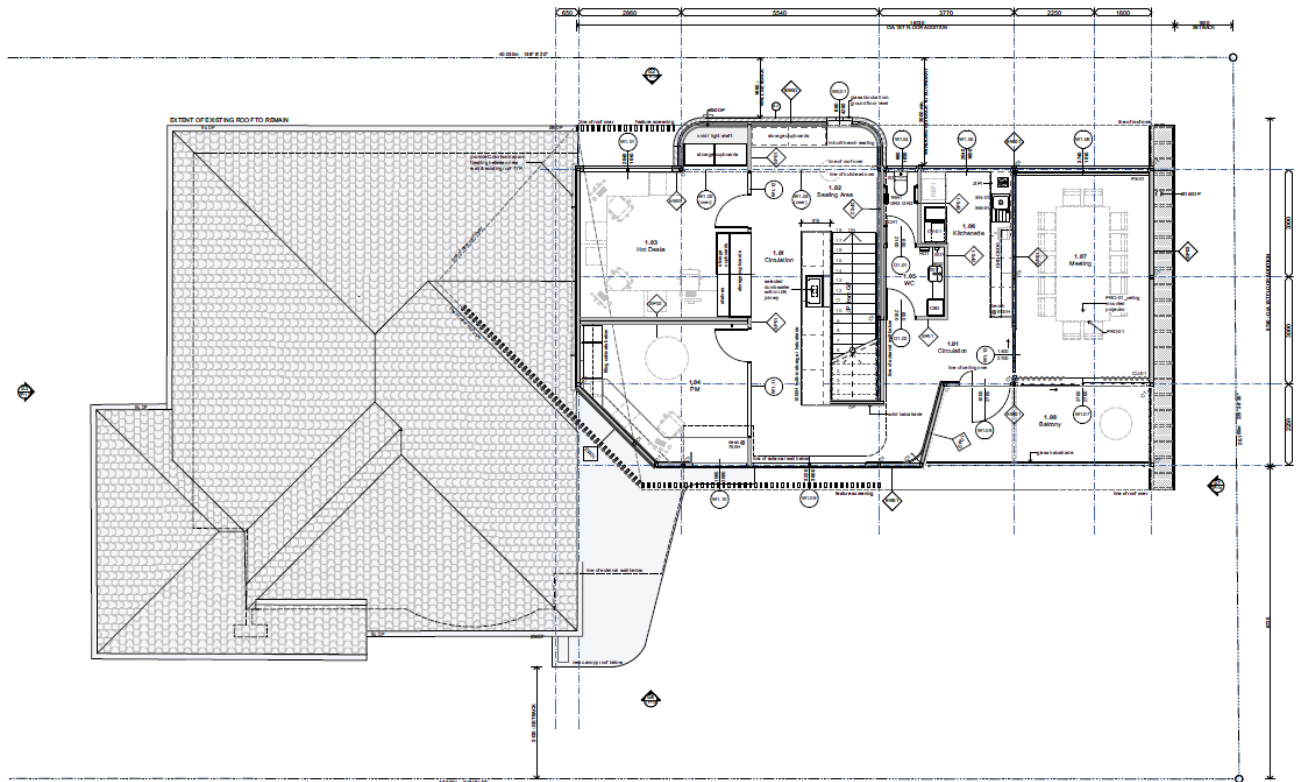


Figure 8: Proposed first floor plan

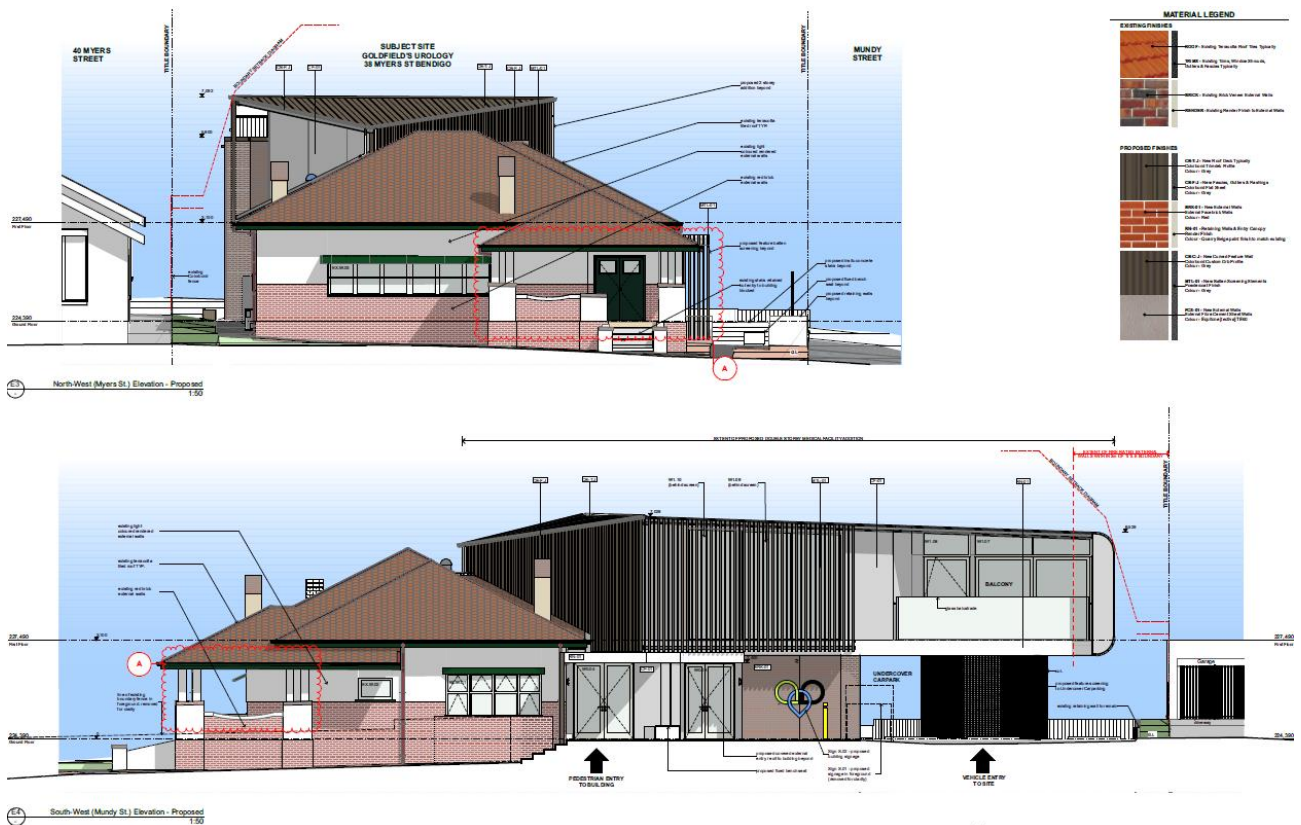


Figure 9: Elevations (Myers and Mundy Streets)

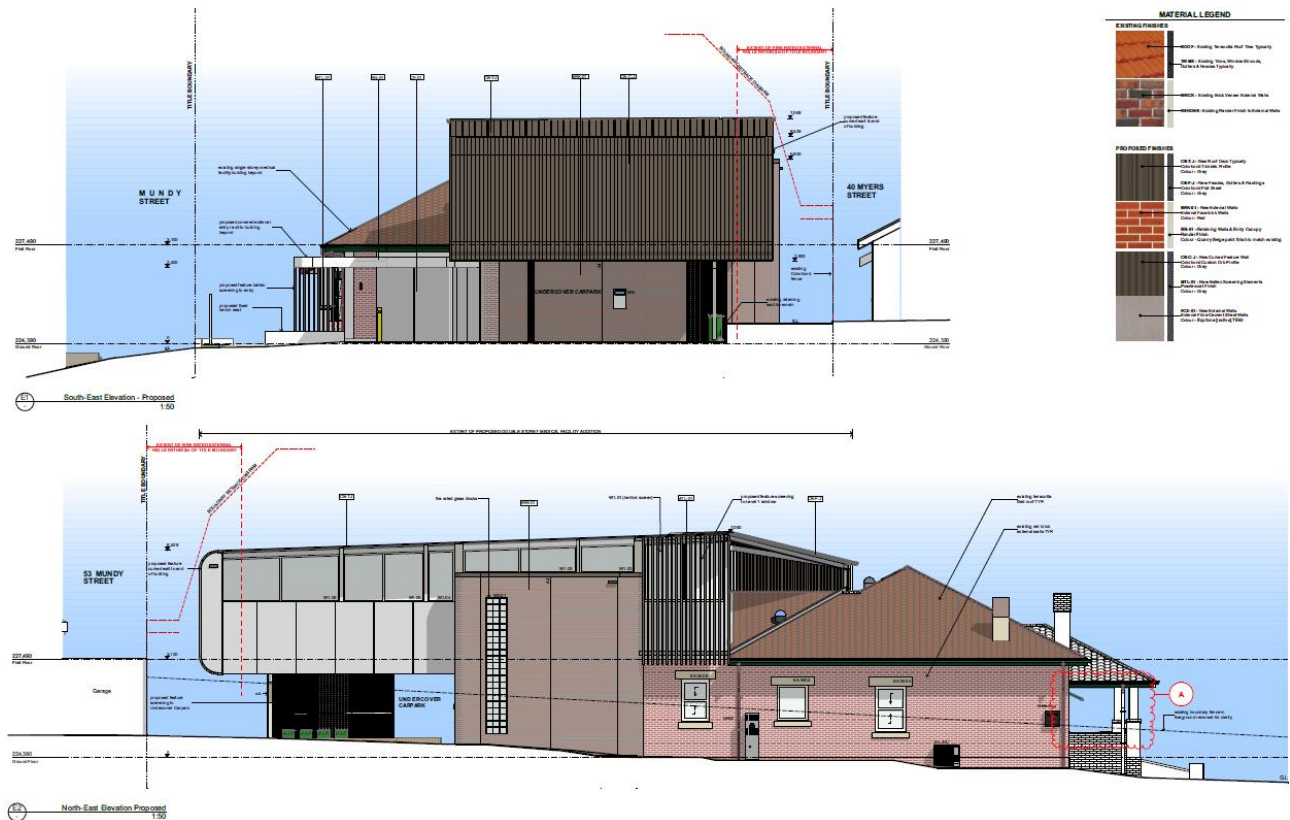


Figure 10: Elevations (residential interfaces)

- *Display of business identification signage*

The proposal seeks to display two new business identification signs on the site (noting that the existing sign on the Myers Street frontage will remain in place), described as follows:

- Sign 1 – Existing 1.125 square metre sign on Myers Street frontage to remain.
- Sign 2 – New sign on the Mundy Street frontage.
 - 1.5m wide and 0.75m high, with sign area of 1.125m².
 - Shown at Figure 11 below.
- Sign 3 – New sign to be placed on the Mundy Street façade, adjacent entry
 - To present as the logo for Goldfields Urology only
 - Refer to Figure 12 below



Figure 11: Sign 1 and 2 content

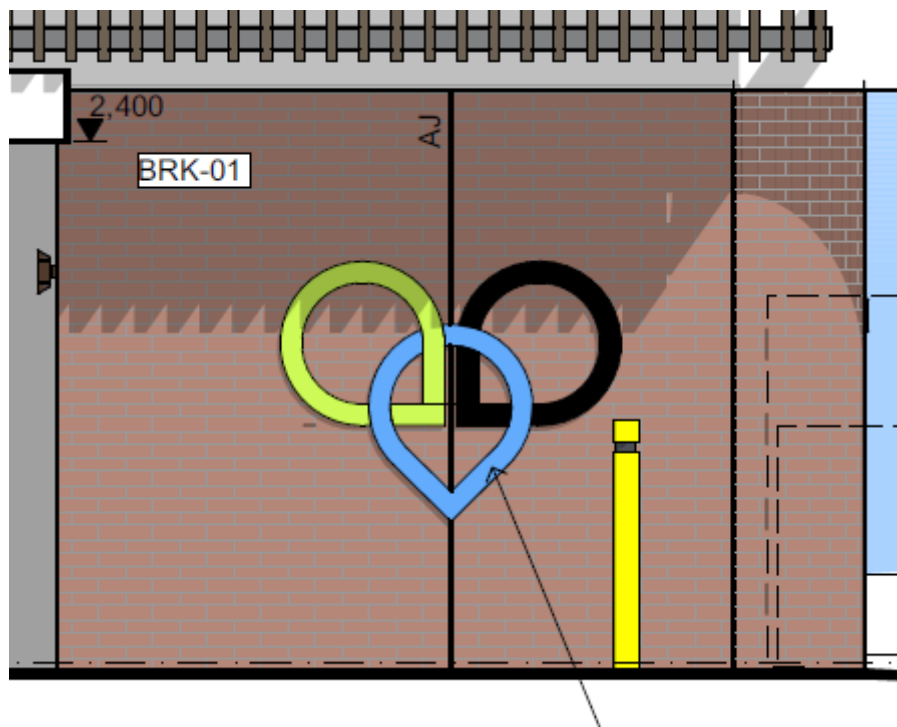


Figure 12: Sign 3 logo

- *Reduction of car parking requirements*

In accordance with Planning Scheme requirements, the proposed use of the land for two medical practitioners requires 8 car spaces to be provided. 4 car spaces are proposed to be provided on site, with the proposal seeking a reduction of 4 spaces.

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.

Please note that planning permission is not required to use the land for a medical centre. Use was approved under planning permit DU/767/2011.

Clause	Permit Trigger
Clause 32.08-9 General Residential Zone	<ul style="list-style-type: none"> Construct a building or construct or carry out works associated with a section 2 use.
Clause 43.01-1 Heritage Overlay	<ul style="list-style-type: none"> Demolish or remove a building. Construct a building or construct or carry out works. Construct or display a sign.
Clause 52.05-13 Signs	<ul style="list-style-type: none"> Display business identification signage.
Clause 52.06-3 Car parking	<ul style="list-style-type: none"> Reduce the standard car parking requirements.

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

Municipal Planning Strategy

- 02.03 – Strategic directions
- 02.03-1 – Settlement
- 02.03-5 – Built environment and heritage
- 02.03-7 – Economic development
- 02.04 – Strategic framework plans

Planning Policy Framework

- 11.03-1L – Activity centres
- 11.01-1L-02 – 10 minute neighbourhoods – Greater Bendigo
- 15.01-1S – Urban design
- 15.01-1L-03 – Signs
- 15.01-2S – Building design
- 15.03-1S – Heritage conservation
- 15.03-1L – Post contact heritage conservation – Greater Bendigo
- 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

- 32.08 – General Residential Zone
- 43.01 – Heritage Overlay – Schedule 9
- 43.02 – Parking Overlay – Precinct 1
- 52.05 – Signs
- 52.06 – Car Parking
- 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/CommunicationReferrals

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

Referral	Comment
Heritage Advisor (internal referral)	<p>The initial referral response from the City's Heritage Advisor notes the following:</p> <p><u><i>Not contributory</i></u> – <i>Building was built outside of the era detailed in statement of significance.</i></p> <p><u><i>Demolition</i></u> <i>Demolition to the rear of the building to allow the addition is supported as no significant fabric is being removed.</i></p> <p><u><i>Additions</i></u> <i>Whilst the contemporary style, materials and height are okay, the design of the of new addition could respond better to scale and form of the existing building and immediate surrounding context.</i></p>

A recessed, unobtrusive link is generally preferred by the Design Guidelines for large double storey additions such as this proposal. It is unclear why the roof forms of the new and the old building has been chosen as a design response rather than connected through a link.

Other considerations:

- *Car Parking - Car parking remains unchanged from the current configuration and therefore is acceptable.*
- *Signs - Signage is an acceptable size, location and style for the heritage context and is supported.*
- *Fencing - Low and open style is supported.*

These concerns were raised with the applicant through the Request for Further Information request described above.

Following the applicant's submission of a response to the Request for Further Information, a further referral was made to the City's Heritage Advisor. The response noted the following:

Whilst there has been additional written detail provided in addition to the original written design response which explains the design rationale, there appears to have been no changes to the addition from the original plans.

It is acknowledged that there are constraints and competing needs for the proposal to meet car parking planning scheme requirements and also project brief requirements on site and therefore this has contributed to the need to arrange an overlapping roof form so that each of the buildings parts is embracing the other, rather than separated by a link (as recommended by the Heritage Design Guidelines).

However, the heritage position remains that whilst the contemporary style, materials and height are okay, the design of the of new addition could respond better to scale and form of the existing building and immediate surrounding context.

In summary, the City's Heritage Advisor maintains a level of concern with how the proposed extension interacts with the heritage significance of the precinct. Namely that the extension could respond better to the scale and form of the existing building and immediate surrounding context.

These comments are discussed further below, when assessing the merits of the application in balance with all other planning considerations that must be taken into

	account within this application.
Traffic Engineer (internal referral)	No objection – Subject to standard conditions relating to the formation of the on-site car parking area.
Development Engineer (internal referral)	No objection.

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:

- Medical centre use is not appropriate for the site:
 - Site should resume its residential use.
 - More appropriate vacant commercial buildings within the CBD which could accommodate this use.
- Built form:
 - Overshadowing of properties to the north-east and south-east.
 - Overlooking of properties to the north-east and south-east.
 - Impacts to airflows to properties to the north-east.
 - Not sympathetic to the neighbourhood character of the area.
 - Bulk and height of the extension is an overdevelopment of the area.
- Heritage impacts:
 - Built form not in keeping with heritage character of area.
- Excessive number of practitioners.
- Not enough car spaces provided and reliance on on-street parking.
- Compliance with Greater Bendigo Planning Scheme:
 - Inconsistent with the Bendigo Hospital Precinct policy.
 - Inconsistent with Council policy to promote inner city living.

A formal consultation meeting was held on 9 May 2023 to discuss the issues raised in the objections with the applicant. No resolution was reached as a result of this meeting, with no objections withdrawn.

The objections are discussed through the planning assessment.

Planning Assessment

The planning assessment for an application of this nature requires consideration of a broad range of matters. The key matters for consideration are:

- How the existing use as a Medical Centre is to be considered as part of this application.
- Whether the proposed partial demolition and development are acceptable in a heritage context.
- Whether the development is consistent with the surrounding built form character.
- Whether the reduction of carparking is acceptable.
- Whether amenity impacts to adjoining properties are acceptable.
- Objector concerns.

How is the existing use as a Medical Centre to be considered as part of this application?

Planning permit DU/767/2011 was issued on 22 December 2011, allowing for the *'Demolition of the existing shed, Use of existing dwelling as a Medical Practice and Erection of Two Business Identification Signs'* at the subject site. This permit is still active, providing planning approval for the ongoing operation of Goldfields Urology from 38 Myers Street, Bendigo.

As part of the processing of this application, the existing planning permit has been identified for cancellation if a new planning permit is issued as a result of this application. The intent of this process is to ensure that only one permit exists for the ongoing operation of the Medical Centre on the subject site, with all relevant conditions from the original permit rolled into any approval that may be granted for this application. To achieve this, it is required that the preamble for this application include the 'Use' trigger for purposes of continuity only.

However, it must be noted that the consideration of the merits of the site being used as a Medical Centre (then Practice) were undertaken in the consideration of the 2011 permit. The Medical Centre use is an existing use on the site and is not able to be considered as part of this application or factored into the decision making.

Whether the proposed partial demolition and development is acceptable in the existing heritage context?

Under the provisions of the Heritage Overlay, planning approval is required to *'Demolish or remove a building'* and to *'Construct a building or construct or carry out works'*. This includes partial demolition as it applies to the later rear addition to the dwelling. The purpose of the Heritage Overlay is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*

- *To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

The site is located within the Myers Street Heritage Precinct (HO9) and is not considered to be contributory to the heritage precinct.

The Statement of Significance for the precinct states the following:

“The streets, Bramble, McLaren and Mollison, provide the important residential base of this precinct with continuity of period and form of the housing within each being underscored by individually important house designs such as those listed above. The railway contains them but also provides a buffer which allows a visual focus on these streets because of their isolation and orientation towards it. The Gravel Hill School also serves as a visual focus because of its scale, its surrounding mature trees and its construction period which is related to that of the rest of the precinct.

The important St. Paul's block is linked to this precinct by the related period of the Albert Bush complex at the Williamson Street corner which offers commercial and ecclesiastical elements to the otherwise mainly residential precinct.”

In assessing an application to partially demolish a building, the Heritage Overlay requires that any Heritage Design Guidelines incorporated into the planning scheme must be considered. In this case, the *City of Greater Bendigo Heritage Design Guidelines (September 2020)* apply. In assessing an application for partial demolition, the City of Greater Bendigo's objectives are as follows:

- *To encourage the retention of a significant or contributory heritage buildings or places unless it is structurally unsound and beyond repair*
- *To encourage the retention of original elements that contribute to the significance of a heritage place including but not limited to windows, doors, chimneys, verandahs, shopfronts, fences, outbuildings and trees*
- *Allow the demolition of non-contributory buildings in heritage precincts provided the replacement building positively contributes to the heritage significance of the precinct.*
- *Where demolition is supported, ensure any replacement building displays design excellence and positively contributes to the heritage significance of the place*
- *Allow for partial demolition where the fabric is of no significance or reveals original fabric or will assist in long term conservation of the building*
- *To encourage the retention of the three dimensional form; retention of the façade only is not supported*
- *Require archival recording of sites by a heritage professional where demolition is supported, as appropriate.*

(emphasis added)

These objectives have been developed in direct reference to strategies detailed within Clause 15.03-1L: Post contact heritage conservation – Greater Bendigo.

In determining if the proposed partial demolition is appropriate, consideration has been given to the aspects of the building proposed for removal, noting that planning policy seeks to retain original building fabric. No original fabric of the 1930's building would be removed, with the partial demolition removing later additions to the building estimated as being constructed in the 1950s or 1960s. As such, officer assessment of the partial demolition is to support this aspect of the proposal.

In respect of the proposed alterations and additions, the '*City of Greater Bendigo Heritage Design Guidelines (September 2020)*' seek that the following objectives are met:

- To encourage additions and alterations that retain and protect the main architectural style, structure and significance of the heritage place.
- To ensure integration of new development by encouraging design that respects the heritage place through its setting, location, bulk, form, height, materials and appearance.
- To encourage alterations and additions to heritage places that are concealed from the public realm, or if this cannot be achieved, do not dominate the heritage place.
- To ensure that additions and alterations to a heritage place do not detract from the significance or views of adjoining heritage places and/or precincts.
- To encourage additions and alterations that avoid demolition of a heritage place and/or contributory elements; retaining facades only is discouraged.

(emphasis added)

These objectives have been developed in direct reference to strategies detailed within Clause 15.03-1L: Post contact heritage conservation – Greater Bendigo.

Under the provision of the Heritage Overlay, the subject site is not subject to any internal building controls. As such, the internal changes to the existing 1930's building do not require a planning permit and as such have not been (and cannot be) considered as part of this application.

The focus of the assessment of the merits of the proposal is focused on the external changes proposed. As a starting point, no external changes are proposed to the original fabric of the 1930s dwelling.

The whole consideration of this application in regard to the Heritage Overlay is in relation to the proposed two storey addition to the rear of the existing building. The applicant has advised that the extension is required to provide additional space for the broader operation of the medical centre in support of the administration of patient files and to provide broader training opportunities to urology specialists facilitated by the Medical Centre operator.

The building design proposed for the addition was a point of objection for both the City's Heritage Advisor as well as within a number of objections. The decision by the applicant to construct a two storey form on the site was driven by a desire to retain a number of car parking spaces within the site, evidenced by the location of three carparking spaces within the undercroft of the addition. Discussion with the applicant indicates that the operation of the site requires on-site parking as they regularly have patients in the advanced stages of life, with some in a poor state of health. Carparking in the immediate vicinity of the centre is essential to provide access to the services offered. This is further evidenced by the need for some patients to be transported to the site in a hospital bed via patient transport services.

The concerns raised by the City's Heritage Advisor primarily relate to the lack of a break or separation in the existing building and proposed extension. This design response is not in accordance with the design objectives listed (and emphasised) above.

In assessing the impact of the proposal in respect to the Heritage Overlay it is important to firstly understanding the heritage significance of the site and the surrounding area. The opposite sides of both Mundy and Myers Street are not located within the Heritage Overlay as shown in Figure 13 below.



Figure 13: Heritage Overlay as it applies to surrounding area

Further, the subject site is identified as being non-contributory to the Myers Street Heritage Precinct (HO9). The two adjoining properties at 40 Myers Street and 53 Mundy Street are also identified as being non-contributory. The contributory housing within this precinct is predominately located along Bramble, Mollison and McLaren Streets. This housing is predominately Victorian or Edwardian in style, constructed of brick or timber. None of the surrounding properties align with this heritage character.

52 Bramble Street is an individually listed dwelling under the Heritage Overlay. This site sits higher than the subject site, with the proposed development not observable when viewing 52 Bramble Street from the public domain.

Noting this context, the proposed addition to the rear of the existing building will not result in a tangible impact to the Heritage Character sought to be protected by this heritage precinct listing. As such, the objectives that relate to the design of the built form must be given less weight when balancing the competing planning controls that are under consideration with this application.

The City's Heritage Advisor advised that the contemporary style, materials and height of the addition were acceptable, but maintained a position that the design of the new addition could respond better to the scale and form of the existing building and immediate surrounding context. Acknowledging that there are constraints and competing needs for the proposal to meet car parking requirements along with project brief requirements, referral advice maintained a position that if a link cannot be achieved between the old and new forms, then it is recommended that the design be revised to greater address the scale and form of the existing building and immediate surrounding context.

The inclusion of a break is the starting point for any assessment of a large or double storey addition within the Heritage Overlay. The applicant detailed that this design response was not achievable in this instance as it would significantly compromise patient movements within the ground floor of the centre. The proposed addition at ground floor level provides an enlarged waiting room, sized to allow a patient to enter on a hospital bed and to be maneuvered around the various rooms within the centre in accordance with access space requirements. The applicant has advised that to accommodate these space requirements and maintain a level of carparking within the site that responds to the required demand, the removal of the link was necessary. Once these design constraints were identified within the ground floor, the focus of the design response was to employ design measures to reduce the impact of the addition to the public realm to achieve an acceptable design outcome within a heritage setting.

The addition is located to the rear of the building, behind the line of the existing building, maintains the existing setback to the north-eastern boundary and achieves a setback of 1.6 metres to the south-eastern boundary. The design incorporates a sloping roof, as opposed to a much harsher vertical transition, which allows for a more gradual height increase from the existing building and assists in reducing the dominance of the building within the streetscape. The addition incorporates a contemporary form and the open nature of the carparking area below the addition assists in reducing the overall bulk of the building. To aid in the delineation of the addition, in response to the lack of a built form break, the design of the proposal has specifically chosen different materials and colours than those present in the existing building. This design selection ensures that the new built form is easy to read as an extension to the existing building as is intended by the objectives listed above. When viewing the overall building from the street, it will be easily

identifiable what is the original building and what is new (including where this transition occurs). The bulk, scale and setbacks of the addition are in keeping with residential development and will not detract from the surrounding area. These are all design considerations which the Heritage Design Guidelines and relevant policy framework encourage in order to allow for the appropriate integration of additions within a heritage setting.

Further, the application seeks a moderate increase in the signage proposed on site. The existing sign on the Myers Street frontage, approved under the existing permit, will be retained. A second sign displaying the same information is proposed as part of this application to be placed at the Mundy Street frontage to the site, adjacent the existing vehicle entry point. A business logo is also proposed to be placed on the Mundy Street Façade of the building, adjacent to the main entry to the medical practice. This increase in signage within the Heritage Overlay is consistent with the consideration for signage within the Heritage Design Guidelines.

Officer assessment is that the extent of demolition, alterations and additions appropriately respond to the heritage setting and relevant planning policy framework, when balanced with other planning policy considerations.

Whether the development is consistent with the surrounding built form character?

The built form proposed must also be considered in a broader context under the requirements of the General Residential Zone. Specifically, the decision guidelines require consideration of *'the design, height, setback and appearance of the proposed building and works'*.

These considerations are guided by local policy contained in Clauses 15.01-1S: Urban Design and 15.01-2S: Building design. The key strategies for consideration relevant to this application under these clauses are:

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *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, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*
- *Ensure development responds and contributes to the strategic and cultural context of its location.*
- *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*

The proposed design response has derived from the needs of the medical centre to provide considerate care to its patients, the carparking requirements of the site and how the proposal relates to the surrounding properties (context).

As outlined above, the two storey design has derived from the need to retain four carparking spaces on site. The form, design and siting of the building has been discussed above. The siting of the addition to the rear of the existing building minimises its impact of the public domains along both Mundy and Myers Streets. In addition to this, the siting of the addition allows for car parking to the rear (which is somewhat concealed), and for an appropriate level of landscaping to surround the building and car parking spaces.

Consideration is also required to be given to impacts on adjoining properties, including privacy, overshadowing and setbacks. The applicant has utilised the requirements specified in ResCode to shape how these amenity issues should be addressed. By also adopting the ResCode setbacks to the adjoining residential properties and the appropriate consideration of solar access requirements, the design has been appropriately sited to meet policy objectives. These are considered in more detail below.

Colour and material selection has largely been driven by the requirements of the Heritage Design Guidelines as discussed above. Material choice has been undertaken to provide some differentiation from the existing building to ensure the addition is clearly identifiable as a later addition. A contemporary design aesthetic has also been chosen to ensure that this differentiation exists. The contemporary design style has been chosen to reference more recent builds within the surrounding area, including the medical centre at 84 Mollison Street and Galkangu on Lyttleton Terrace. As this site is located at the transition point between the commercial and residential areas of the Bendigo City Centre, this design choice is considered appropriate.

As such, officer assessment is that the design of the addition is appropriate in respect to the surrounding built form character of the area.

Whether the reduction in carparking is acceptable.

As a result of the proposed extension and additional consulting rooms, the application is seeking to reduce the required number of car parking spaces to allow for two practitioners (at any one time) to operate from the site. This change results in an increase in statutory car parking requirements from 5 to 8 spaces as stipulated within Clause 52.06: Car parking. The application proposes to provide 4 spaces within the site (a reduction of 1 space from existing conditions to accommodate the increased space requirements for accessible parking spaces). As such, the application is seeking a reduction of 4 car parking spaces.

The site is located within the Parking Overlay – Schedule 1 area that applies to the City Centre. The Parking Overlay sets out car parking rates that differ from the standard rates

contained within Clause 52.06 of the Planning Scheme, along with additional decision guidelines to be considered. It also allows for the consideration of a financial contribution from the permit holder as part of any waiver to reduce car parking provision on site. The Parking Overlay does not specify a specific rate for a medical centre and as such the column B rate (listed in Clause 52.06) of 3.5 spaces per 100 square metres of gross floor space is applicable. This results in a requirement for 11 spaces for the site. This rate, however, has not been adopted for this application. The intent of these different rates is to require reduced carparking requirements on well located properties, such as within the Bendigo City Centre. Therefore, the standard medical centre carparking rate has been adopted for this assessment.

In determining if a car parking reduction is appropriate, a range of policies must be considered. In relation to the site, these relate to Clause 11.01-1L-02 – 10 minute neighbourhoods – Greater Bendigo and Clause 18.02-4L-03 – Car parking – Greater Bendigo.

Specifically, Clause 18.02-4L-03 – Car parking – Greater Bendigo requires that when assessing an application to reduce car parking that the following be considered:

- *The 10 minute neighbourhood principles set out in Clause 02.03-1 are met.*
- *There are off-site car parking alternatives.*
- *Bicycle parking and end of trip facilities are provided above the rates specified in Clause 52.34.*
- *The site is highly accessible, safe and functional.*
- *Pedestrian or cycling infrastructure is provided.*
- *Car parking demand will be managed through a transport management plan.*
- *The proposal enables the reuse of a heritage building.*

(emphasis added)

A Car Parking Demand Assessment was provided as part of the application. The main justification provided to support the reduction relates to how the site operates. The nature of urological services means that the practitioners spend their week working from various locations. It is common for a Urologist to only work a couple of days each week from their consulting rooms with the rest of the week visiting off-site facilities or undertaking procedures at hospitals/day surgeries elsewhere. This work schedule is likely to result in only limited times where both practitioners are working on site at any given time. Further, urologists generally service an older demographic with consultations taking longer than would be the standard with a general practice. As a result, it is expected that car parking demand will be less than standard statutory car parking rates.

The Car Parking Demand Assessment (written in November 2022, prior to the opening of the new Galkangu offices) identified an average car parking vacancy rate of 30% within this area of the City Centre (Extracted from the City of Greater Bendigo '*Bendigo City Centre Parking Futures Action Plan (April 2020)*'). This assessment indicates an acceptable level of on-street car parking availability in the area. It is expected that

carparking take up has increased since the opening of Galkangu. However, it is still expected that capacity exists within the area to provide on-street parking provision for the subject site.

It is the officer's assessment that the reduction in car parking sought by the proposed expansion of the medical centre is appropriate for the location and availability of car parking for patients with respect to how the centre operates.

Under the provisions of the Parking Overlay, a cash-in-lieu payment is able to be sought as a contribution to the delivery of public off-street car parking facilities. The *Bendigo CBD Parking Precinct Plan (2009)* identifies a future multi-deck car parking facility to be located between St Andrews Avenue and Mundy Street (to the rear of the former City Offices, now Galkangu). As this site is located within 200 metres of the subject site, it is deemed to be a short walk, appropriate for a medical centre. As such, a nexus exists between the proposed development and the proposed car parking facility. A cash-in-lieu payment is therefore reasonable and has been included as a condition below. This contribution has been set at two spaces (50% of the reduction sought) to account for the reduced demand on parking due to the nature of urological services as described above.

Whether amenity impacts to adjoining properties are appropriate?

A range of amenity concerns were raised throughout the notice and consultation processes undertaken throughout the assessment of this application. These primarily focus on a non-residential use occurring within a residential area. It is important to reiterate that the consideration of 'use' is not able to be undertaken with this assessment. Amenity concerns specifically related to overlooking, overshadowing and impacts to airflow.

Under the Greater Bendigo Planning Scheme, amenity impacts associated with a medical centre on adjoining landowners is considered under the decision guidelines of the General Residential Zone. This assessment is not undertaken using the objectives and standards of ResCode (Clause 54 or 55), but is undertaken in respect of the following decision guidelines for '*Non-residential use and development*':

- *Whether the use or development is compatible with residential use*
- *Whether the use generally serves local community needs.*
- *The scale and intensity of the use and development.*
- *The design, height, setback and appearance of the proposed buildings and works.*
- *The proposed landscaping.*
- *The provision of car and bicycle parking and associated accessways.*
- *Any proposed loading and refuse collection facilities.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

These guidelines are not measurable to the same extent as appears in ResCode, providing a level of subjectivity to the assessment of any impacts. However, as the site is in the General Residential Zone and adjoins residential uses, the standards within

ResCode have been adopted as a pseudo assessment framework in considering the impacts to adjoining properties.

Objectors raised concerns with regards to the impacts to air flow around units within 40 Myers Street, located to the north-east. The concern related to the restriction of airflows that would result with a two storey building being built 1.68m from the common boundary between the two properties. The backwall of the adjoining property is setback approximately 1.5m from the boundary fence, resulting in an overall separation of approximately 3.15m. Officer assessment is that the current arrangement of the dwellings on the adjoining property is the main determinant in the restriction of air flows to units within 40 Myers Street. A 0.9m eave protrudes from the rear wall of the single storey units towards the fence line, resulting in 0.6m of clear access to the sky from the 1.8m high fence line. The construction of the addition to the Medical Centre is unlikely to result in any measurable further reduction in an already poor outcome. Further, the design of the addition provides an open undercroft in the location of the three car parking spaces, resulting in the ability of south-westerly winds to flow under the addition to the Medical Centre and onto the shared boundary fence. Finally, the impediment to air flows by development of this nature is not specifically identified as a consideration under the Planning Scheme, specifically in relation to ResCode. Submitted plans also demonstrate that side and rear setbacks, as set by ResCode, have been met by the proposal. Officer assessment is that the proposal will not result in unreasonable amenity impacts with regards to air flow.

Both adjoining residential properties listed concern with overshadowing impacts of the proposal. To aid assessment of this aspect, the applicant submitted shadow diagrams prepared in accordance with the requirements of ResCode. The assessment showed that there is no overshadowing impact to 40 Myers Street in either the existing or proposed scenarios. This property is located to the north-east of the subject site and as such casts a shadow towards the subject site. However, some impacts to 53 Mundy Street will result from the proposed addition. These impacts only occur in the afternoon as shown within the submitted 1500hrs model. Figure 14 below shows the extent of this impact.

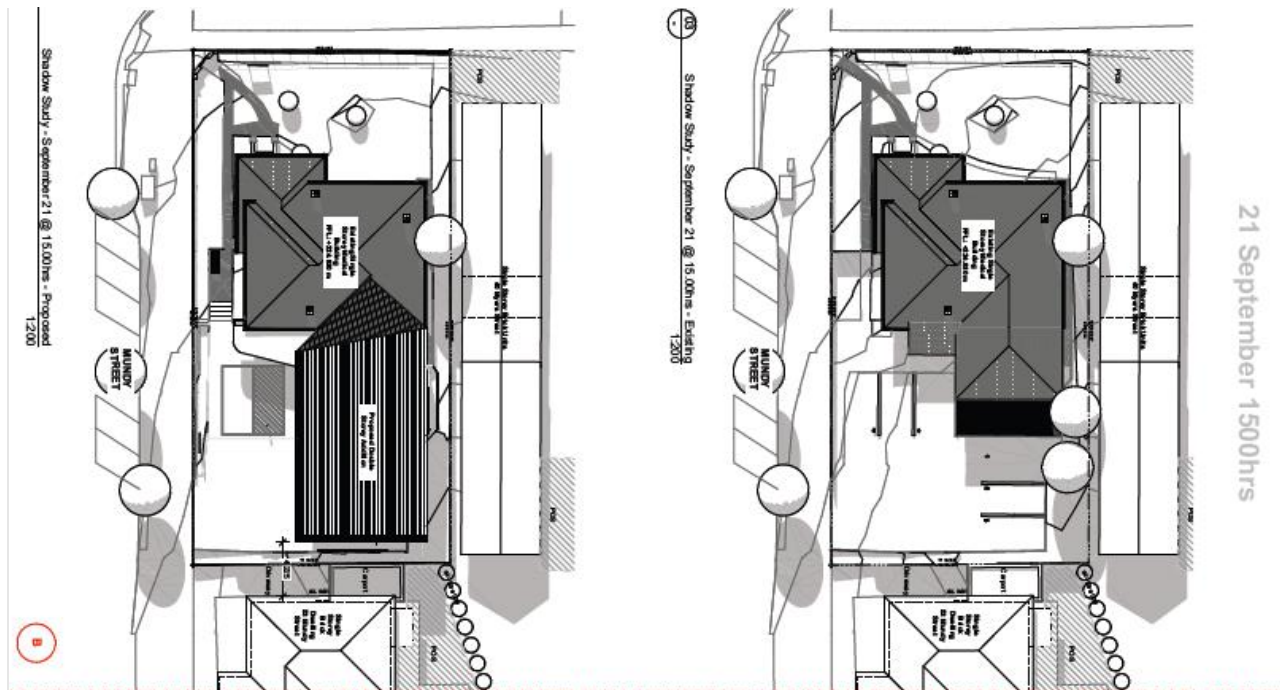


Figure 14: Overshadowing impact to 53 Mundy Street (1500hrs on 21 September)

The Secluded Private Open Space for 53 Mundy Street is provided to the north of the existing dwelling, immediately adjacent to the area proposed for development within the subject site. It has an area of 27 square metres. When assessing overshadowing impacts in accordance with ResCode, 75% of this private open space must not be overshadowed by the proposal for a period of at least 5 hours (or only 25% of impacts are allowable within any 5 hour period). At 3pm, 10 square metres of 53 Mundy Street is affected by shadow, representing the largest impact throughout the stipulated modelling period. This equates to 37% of the private open space.

However, there is no overshadowing impact from 9am through to 1pm (4 hours). Impacts commence from 1pm, increasing to the 37% impact at 3pm. The key 25% impact doesn't occur until after 2pm, meaning that at least 5 hours (9am-2pm) with less than 25% impact to the private open space is achieved, as is required by the ResCode overshadowing standard. Whilst there is some impact, this impact is within the thresholds set by the Planning Scheme when assessing overshadowing impacts. Officer assessment is that this level of impact is reasonable and supported in the context of this application.

Adjoining residential properties raised concerns with overlooking from the first floor addition. The submitted plans show that no windows are to be placed along the south-eastern elevation as it abuts 53 Mundy Street. As such, there is no opportunity for overlooking to result. Any views from the upper floor balcony would also be blocked by the solid wall. High level windows are proposed along the north-east elevation as it presents towards 40 Myers Street. These windows are proposed with a bottom window sill height of 1.8m above the floor level. This design feature satisfies the ResCode standard for overlooking. As such, officer assessment is that the proposal satisfactorily protects adjoining properties from any overlooking.

Overall, the proposed building addition has been appropriately designed in accordance with the requirements of the Greater Bendigo Planning Scheme to protect adjoining properties from undue amenity impacts.

Objector concerns.

Objector concerns relating to amenity impacts and car parking have been discussed above.

A number of objections raised concerns to the proposal not being consistent with local policy detailed within the Greater Bendigo Planning Scheme. This specifically related to the proposal being contrary to Clauses 11.03-6L-01: Bendigo City Centre and 11.03-6L-02: Bendigo Hospital Precinct. These concerns namely relate to the establishment of a medical centre in a former dwelling outside the Bendigo Hospital Precinct.

As a starting point for this discussion, it is important to note the previous discussion above about the consideration of use within this application. Approval for the use of the site for a medical centre already exists and cannot be further considered under this application. As such, the applicability of these clauses to this application is not relevant.

Further, the mapped area for Clause 11.03-6L-01: Bendigo City Centre does not contain the subject site. Therefore, the strategies listed under this clause are not applicable to the assessment, even if use was to be considered under this application.

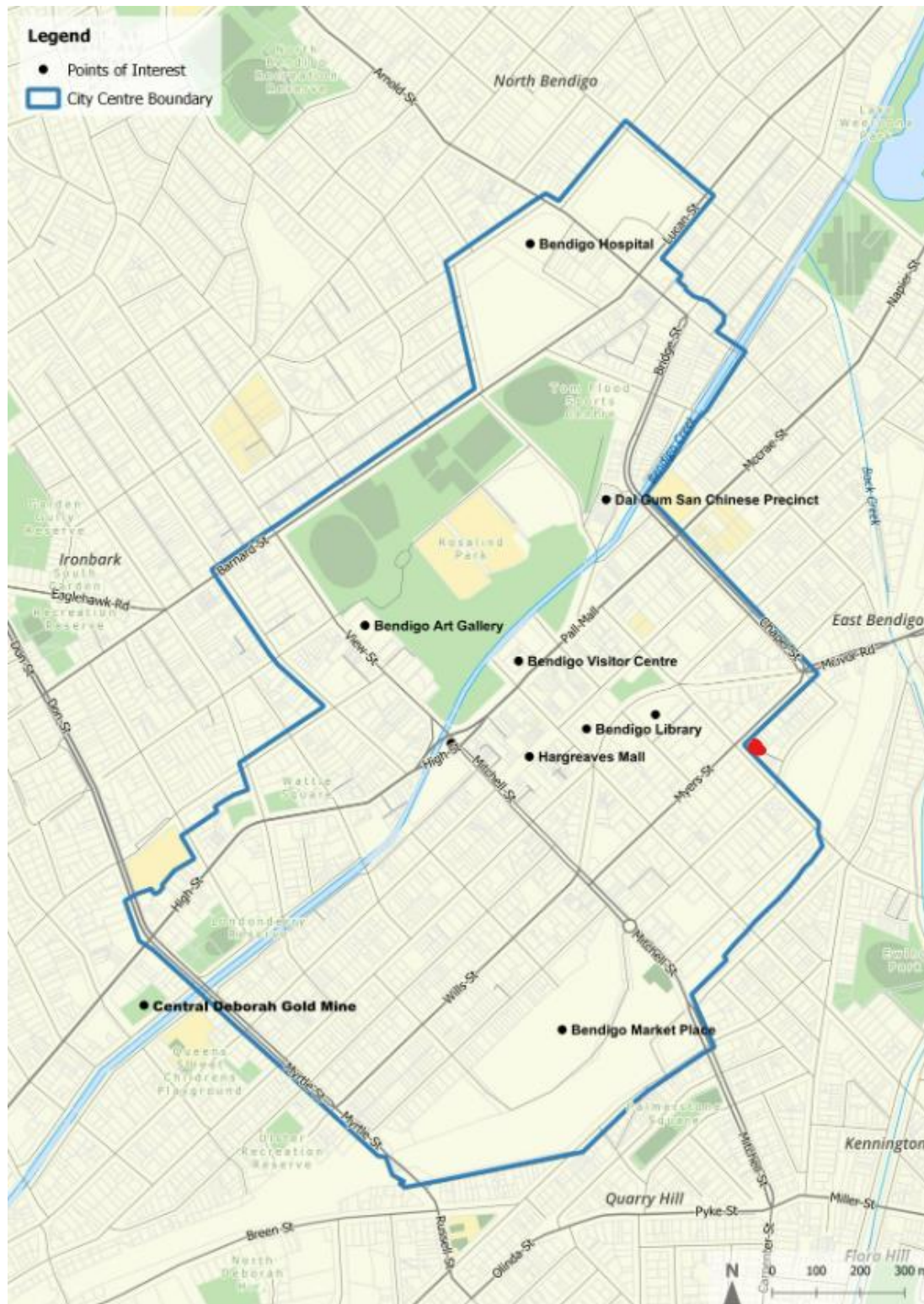


Figure 15: Bendigo City Centre Map (site highlighted red)

In relation to Clause 11.03-6L-02: Bendigo Hospital Precinct, this clause also only applies to the area shown within the map for the precinct. Strategies under this clause seek to direct the locating of medical centres with three or more practitioners to the Health Precinct and Bridge Street Activity Area. As the site (as shown in Figure 15) is outside the Hospital Precinct and is only proposing two practitioners, this clause does not apply.

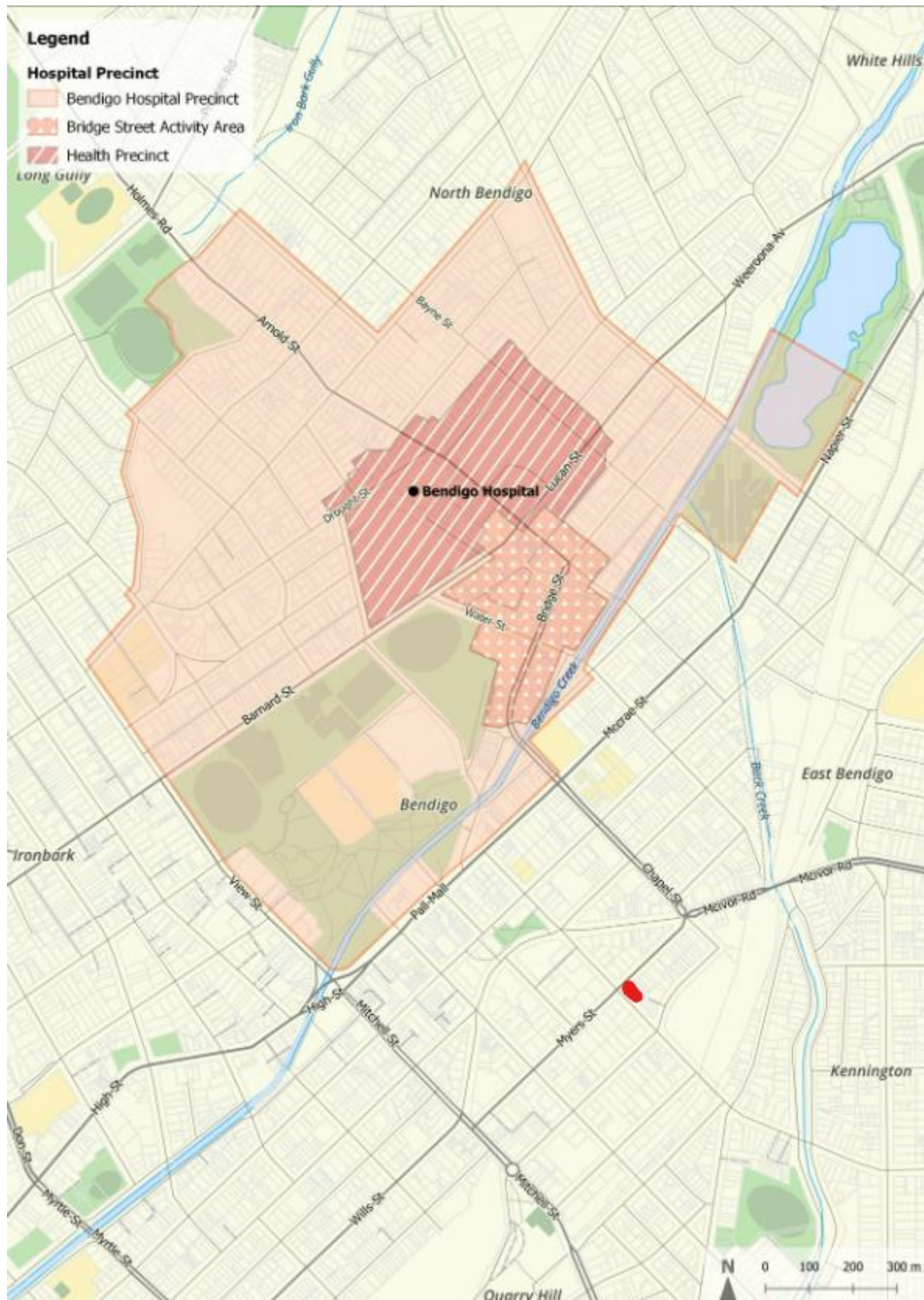


Figure 16: Bendigo Hospital Precinct Map (site highlighted red)

Officer assessment is that these clauses, even if they could be assessed in relation to the use of the site, are not relevant to the assessment of this application and therefore cannot be considered.

Conclusion

Officer assessment is that the application should be supported, subject to the conditions contained at the end of this report.

The application has come before Council for decision due to the number of objections raised throughout the assessment of the proposal. Objector concerns are detailed above and have been addressed throughout the subsequent discussion in this report.

The key reasons that the application is supported at officer level are summarised as follows:

- The use of the site as a medical centre is existing, with no consideration of this aspect able to be undertaken.
- The partial demolition of the rear later addition is supported as it is not original fabric of the building.
- The addition is appropriate from a Heritage context perspective noting that the site and immediate adjoining properties are non-contributory.
- The nature of the medical centre use associated with Urological services will not place undue demand on the surrounding on-street carparking provision in line with City policies.
- Amenity impacts have been assessed against the standards of ResCode and have been demonstrated to comply.
- The proposal is compliant with the Municipal Planning Statement, Planning Policy Framework, General Residential Zone, Heritage Overlay, relevant Particular Provisions and General Provisions of the Greater Bendigo Planning Scheme.

Approval of the proposal will aid in expanding much needed medical services to the residents of Greater Bendigo as the City's population ages. Amenity impacts to adjoining properties have been appropriately managed.

Options

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

Conflict of Interest

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

Proposed Notice of Decision Conditions

1. NO ALTERATION TO LAYOUT

The development and/or use(s) 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.

2. PERMIT DU/767/2011

This omnibus permit will not come into effect until permit DU/767/2011 is cancelled in accordance with section 62(2)(b) of the *Planning and Environment Act 1987*.

3. PRACTITIONER NUMBERS

Except with the prior written consent of the responsible authority, no more than 2 practitioners may operate from the medical centre at any one time.

The use permitted by this permit is limited to specialist medical consultants, in particular two Urologists, except with the prior written consent of the responsible authority.

4. DEMOLITION ACTIVITIES

All activities associated with the demolition permitted by this permit must be carried out to the satisfaction of the Responsible Authority and all care must be taken to minimise the effect of such activities on the amenity of the locality.

5. 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. A Works within Road Reserves permit must be obtained from the City of Greater Bendigo Engineering Department prior to any work commencing in the road reserve.

6. CAR PARK CONSTRUCTION

Before the occupation of the development, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be constructed to meet the following requirements and standards:

- (a) Properly formed to such levels that they can be used in accordance with the plans;
- (b) Surfaced with an all-weather-seal coat;
- (c) Drained;
- (d) Line marked to indicate each car space and all access lanes;
- (e) 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;
- (f) Accessible parking bays, where required by the BCA, must be provided in accordance with AS/NZ 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;

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.

7. **PARKING REDUCTION CASH IN-LIEU CONTRIBUTION**

Prior to the occupation of the development, the applicant or owner in satisfaction of this condition must either:

- (a) Pay the City of Greater Bendigo the amount of \$28,377.42 being payment in-lieu of providing 2 car spaces on site; or
- (b) Enter into a section 173 agreement outlining how the payment in-lieu of the provision of 2 spaces will be paid by annual instalment (commencing on the first anniversary of the completion of the development).

8. **CONSTRUCTION PHASE**

All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the Responsible Authority and all care must be taken to minimise the effect of such activities on the amenity of the locality.

9. **LOADING AND UNLOADING**

The loading and unloading of vehicles and the delivery of goods must at all times be undertaken within the boundaries of the subject land.

10. **GENERAL AMENITY**

The use permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality.

11. **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.

12. **BAFFLED LIGHTING**

Outdoor lighting, where provided, must be designed, baffled and located to the satisfaction of the responsible authority such that no direct light is emitted outside the boundaries of the subject land.

13. SIGNS NOT TO BE ALTERED

The location and details of the signs, as shown on the endorsed plans, must not be altered without the written consent of the responsible authority.

14. NO EXTERNAL SIGN ILLUMINATION

The signs permitted by this permit must not be floodlit or illuminated.

15. EXPIRY OF PERMIT

This permit will expire if the development permitted by the this permit is not completed within 2 years from the date hereof. The time within which the development must be 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.

Notes:

Noise Emissions:

Noise emissions from the land shall comply with EPA Publication 1826 – Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues at all times.

City of Greater Bendigo Engineering Note:

A Works within Road Reserves permit must be obtained from the City of Greater Bendigo Engineering Department prior to any work commencing in the road reserve.

CONSENT FOR WORK ON ROAD RESERVES

The applicant must comply with;

- The Road Management Act 2004,
- Road Management (Works and Infrastructure) Regulations 2005, and
- Road Management (General) Regulations 2005

with respect to any requirements to notify the Coordinating Authority and/or seek consent from the Coordinating Authority to undertake “works” (as defined in the Act) in, over or under the road reserve. The responsible authority in the inclusion of this note on this planning permit is not deemed to have been notified of, or to have given consent, to undertake any works within the road reserve as proposed in this permit.

Attachments

1. D C-783-2022 - Compilation of objections version 2 [16.3.1 - 32 pages]

16.4. Positive Ageing Advisory Committee members

Author:	Megan Goode, Connected Communities Officer – Positive Ageing
Responsible Director:	Stacy Williams, Director Healthy Communities and Environments

Purpose

This report seeks Councillor endorsement to finalise the recruitment process for the Positive Ageing Advisory Committee (PAAC) as per the Terms of Reference.

Recommended Motion

That Council:

1. Endorse the appointment of new committee members;and
2. Thank outgoing committee members for their contribution to the committee.

RESOLUTION - Resolution No. 2023-127

Moved: Cr Alden

Seconded: Cr O'Rourke

That the recommended motion be adopted.

CARRIED

Executive Summary

The Positive Ageing Advisory Committee (PAAC) comprises a maximum of 17 community representatives, appointed by Council resolution following an expression of interest process.

On 30 June 2023 five committee members finished their term. In addition, three committee members could not complete their full term. To fill vacancies, the City ran a public expression of interest process in May 2023.

17 applications were received and following an evaluation process, six new members are recommended for appointment to the committee for the next two years.

Background

The PAAC advocates for and provides feedback/advice on behalf of Greater Bendigo's older adults on matters related to positive ageing.

The Committee's objectives are:

- To increase opportunities for Greater Bendigo's older adults to participate in and contribute to activities across the Greater Bendigo community.
- Advocate for the improvement of physical and mental wellbeing of Greater Bendigo's older adults.
- To integrate the needs and interests of older adults into relevant City plans, projects and initiatives.

Committee meetings are held six times a calendar year.

New committee members will be appointed for a two-year term to align with the Positive Ageing Action Plan (2023-2025).

Previous Council decision dates:

- February 2017 – Council appointed five members for a two-year term and five members for a four-year term.
- 2019 - Council appointed five members for a two-year term and five members for a four-year term.
- 2021 - Council approved the extension of current committee members terms by one year due to an inability to contribute to the committee due to COVID-19. Council appointed five members for a three-year term.

Report

The Terms of Reference for the Positive Ageing Advisory Committee (attachment 16.4.3) states the following:

- The Committee shall not exceed 17 representatives and be appointed by Council resolution following an expression of interest process. Committee members should be aged 50 or above.

Composition of the Committee shall be at least:

- Community members that represent the diversity of older adult's interests, backgrounds, cultures, ages and experiences in Greater Bendigo;
- City of Greater Bendigo Councillor who shall chair meetings;
- Officers of the City of Greater Bendigo as deemed relevant

The Councillor Representative is currently Councillor Greg Penna.

City officers undertook an evaluation process of suitability of the applicants to make the recommendation to Council. The process considered the applicants responses to the following questions in the expression of interest;

1. Why would you like to join the Positive Ageing Advisory Committee?
2. Please explain your ability to represent the views and needs of older adults within Greater Bendigo?
3. List any organisations or groups that support older adults that you have been and/or are currently involved in?
4. Is there anything else you would like to add to your expression of interest?

Eight community members were shortlisted for interview for the six vacant roles.

Interviews considered the applicants responses to the following interview questions;

1. What is your experience with positive ageing?
2. How do you ensure you have collaborative working relationships with others?
3. What opportunities would you have to share the information you learn at the PAAC meeting with the committee groups you are involved with?
4. How will you ensure you represent the views of the community and not just personal views?
5. Are there particular areas of Council's work with older adults that you would like to have more information about?

The following applicants have been recommended for appointment for a two-year term:

1. Andrew Rimington
2. Carol McCabe
3. Carmel Williams
4. Kerrin Beecher
5. Stephen Mooney
6. Kerry Parry

(Further detail regarding the above applicants can be found in attachment 16.4.2)

Outgoing committee members are:

1. Tan See Tuang
2. David McRae
3. Anne Fahey
4. Ian Burdett
5. Jennifer Jones
6. Neil Drummond
7. Geraldine Stills and
8. Special mention to Ruth Hosking who joined the committee in 2010 and has made a significant contribution to the committee and community over time.

Timelines

Expression of interest was open from Friday 2 June – Tuesday 20 June 2023.

Interviews with shortlisted candidates were held from Wednesday July 5 - Friday July 7, 2023.

The new PAAC term will begin from September.

Communications/Engagement

Printed advertisements were published in Bendigo Advertiser and the Mclvor Times, as well as advertisement in the GB e-news update, on social media and promoted through positive ageing networks.

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 1 - Strengthened community health and wellbeing

Conflict of Interest

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

Attachments

1. Positive Ageing Advisory Committee - Terms of Reference 2023 [**16.4.1** - 5 pages]

17. STRONG, INCLUSIVE AND SUSTAINABLE ECONOMY

17.1. Potential Sale of part Lot S3 known as 26 Herriot St Heathcote to the Community Safety Building Authority for the CFA

Author:	Barry Maskell, Strategic Property Analyst
Responsible Director:	Brian Westley, Director Presentation and Assets

Purpose

Request that the City of Greater Bendigo Council:

- Authorise sale of 26 Herriot Street Heathcote (entire parcel, or part thereof, subject to design requirements) to the State Government, through the Community Services Building Authority (CSBA) under the exemptions provided for in S116 of the Local Government Act (**the ACT**); and
- Authorise City of Greater Bendigo Officers to dispose of any remaining surplus land at 26 Herriot Street Heathcote, not required by the CSBA, in accordance with obligations under S114 of the ACT.

Recommended Motion

THAT THE GREATER BENDIGO CITY COUNCIL, IN RELATION TO 26 HERRIOT STREET HEATHCOTE (being Lot S3 on PS 342275A in Certificate of Title Volume 10311 Folio 549), RESOLVE TO:

1. **DECLARE** that all of 26 Herriot Street Heathcote is **SURPLUS** with part, or all, of this parcel identified as being required by the Community Services Building Authority.
- 2.
3. **EXECUTE** any sale in line with the obligations under the Local Government Act 2020, noting that sale price will be subject to independent valuation.
4. **AUTHORISE** the Chief Executive to sign and seal all relevant sale documents.

RESOLUTION - Resolution No. 2023-128

Moved: Cr Evans

Seconded: Cr O'Rourke

That the recommended motion be adopted.

CARRIED

Background

The City owns a vacant freehold parcel of land at 26 Herriot St Heathcote. The property is bisected by a residential development but is held on one title known as Lot S3 on PS 342275A Certificate of Title Volume 10311 Folio 549. It is the view of City of Greater Bendigo Officers that the entirety of the parcel is surplus to the City's current and future needs.

CSBA have made a formal request to purchase part, or all, of the property to enable construction of the new Heathcote Emergency Services Facility (specific details to be resolved through the detailed design phase).

Any sale of land to the CSBA will be subject to an independent valuation to establish a sale price of which the market value is to be determined by the Valuer General of Victoria based upon the highest and best use of the site.

Any remaining portion not required by the CSBA, for the purposes of constructing the Heathcote Emergency Services Facility, is considered surplus to the City's current and future needs; although any decision regarding any residual land at this location will be subject to a future resolution.

Previous Council decision dates:

Council Meeting 21 March 1995

Pursuant to the provisions of Section 189 of the Local Government Act, the Council at that time determined that the properties are no longer required and directed that the land be sold.

Council Meeting 4 July 2007

Decision regarding the future use of this land could be considered by the Community Plan committee. Community suggestions regarding the future use of 30 Herriot Street Heathcote be referred to the appointed Heathcote Community Plan Implementation Committee for assessment in line with the priorities established by the community through the community planning process.

Report

26 Herriot St Heathcote (also includes 17 Pohlman St Heathcote) known as Lot S3 on PS 342275A Certificate of Title Volume 10311 Folio 549.



Strategies

Heathcote Township Plan 2019

The Heathcote Township Plan was adopted by Council in 2019. At this time the City was aware that the CFA and SES were seeking a new premises as the current one is no longer fit for purpose. The Township Plan did note that the City should work with the CFA/SES to find a new facility. The Township Plan did note that any new facility should be proximate to the town centre.

Additional Considerations:

- The O'Keefe Rail Trail must be protected.
- The construction of the extension of Station Street will be the responsibility of the CSBA as part of contract of sale and/or as part of their future development. The CSBA will only be required to construct the road along part of their boundary with the remaining road to be constructed as part of a future development with the agreement running with the land binding any future purchasers should the CSBA sell off any part not required by the CSBA.
- Suitable arrangements to be implemented regarding existing water stand infrastructure on site.
- Subject to sale of the land to CSBA, any development on this site will be subject to Statutory Planning and Building Regulation requirements.

Priority/Importance

High Priority:

The purchase of 26 Herriot Street Heathcote is a HIGH priority for the State Government and can be prioritised under the exemption provided in Section 116 of the Local Government 2020.

LEGAL

Any sale of Council owned freehold land must comply with the Local Government Act 2020.

Communications/Engagement

Extensive internal engagement has been undertaken with all impacted units across Council. The land has been deemed surplus following comprehensive internal consultation.

Without prejudice discussions have been held with CSBA representatives.

Financial Sustainability

Any sale will be commensurate with an independent valuation obtained through the Victorian Government Land Monitor.

CONCLUSION

A considerable amount of preliminary background research has been done to identify this property as surplus to Council requirements.

The request to purchase all, or part thereof, of this property by the CSBA has required this property to be fast tracked to facilitate delivery of this critical community infrastructure.

Policy Context

Primary Council Plan Reference

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

Outcome 3 - Strong, inclusive and sustainable economy

Outcome 5 - A climate resilient and healthy landscape

Secondary Council Plan Reference(s)

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

Goal 3 - Active community engagement and excellence in customer service

Goal 1 - Strengthened community health and wellbeing
Goal 7 - Sustainable population growth is planned for
Goal 8 - Targeted investment in services, facilities, and programs to communities most in need
Goal 3 - A transformed and revitalised City Centre
Goal 5 - A community that feels safe
Goal 7 - Emergencies are prevented or mitigated

Other Reference(s)

[City of Greater Bendigo Asset Plan 2022-2032](#)

[Local Government Act 2020](#)

- Division 2 - Constitution of a Council - S14 (Power to dispose of Property)
- Division 4 Powers in Relation to Land - S14, S114
- Community Engagement S55, S56

Valuations of Land Act 19--

[Subdivision Act 1988.](#)

[Community Engagement Policy \(March 2020\) - ECM 3304829](#)

[Public Open Space Contributions Policy \(August 2020\) ECM 4475024](#)

[Greater Bendigo Public Space Plan](#)

[Financial Plan 2021-2031](#)

Conflict of Interest

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

Attachments

Nil

18. ABORIGINAL RECONCILIATION

18.1. Renaming LaTrobe University Bendigo Athletics Complex

Author:	Vanessa Wait, Aboriginal Place Names Officer
Responsible Director:	Stacy Williams, Director Healthy Communities and Environments

Purpose

To endorse the renaming of LaTrobe University Bendigo Athletics Complex to Lar Birpa Athletics Complex.

Recommended Motion

That Council:

- Endorse the renaming of LaTrobe University Bendigo Athletics Complex to Lar Birpa Athletics Complex.
- Endorse the naming proposal of Lar Birpa Athletics Complex to be lodged with the Geographic Names Victoria for consideration and inclusion in VICNAMES.
- Emails all 74 submissions respondents informing them of:
 - Council's decision to recommend the proposed renaming
 - The opportunity for objectors to appeal to Geographic Names Victoria

RESOLUTION - Resolution No. 2023-129

Moved: Cr O'Rourke

Seconded: Cr Alden

That the recommended motion be adopted.

CARRIED

Executive Summary

It is recommended that LaTrobe University Bendigo Athletics Complex is renamed Lar Birpa Athletics Complex.

The proposed name has approval and support from Djaara and complies with the Naming Rules for places in Victoria: statutory requirements for naming roads, features and localities - 2022.

The naming proposal is consistent with relevant key Council plans and policies.

It is aligned to the 19 June 2019 Council notice of motion to support Aboriginal place naming of key public landmarks across Greater Bendigo.

Information about the proposed name has been provided to the community through a community consultation process in line with State Government's Naming rules for places in Victoria (2022). The consultation process was open from the 24 April and closed on the 24 May 2023.

Through the consultation process a total of 74 submissions were received, 51 in support and 23 objecting to the proposed name (see confidential **attachment 2.12.1** for details of all 74 submissions).

Objections received were not able to demonstrate valid reasons of how the proposed name did not comply with the Naming rules (see **attachment 2.12.2** for further details) and therefore it is recommended that Council adopts the name Lar Birpa Athletics Complex.

Background

At the 19 June 2019, Council meeting, Council endorsed a Notice of Motion to support Aboriginal dual naming of key public landmarks across Greater Bendigo and to explore a systematic approach to this work in the future.

Aboriginal Place Naming in Greater Bendigo must adhere to three key sources, these being:

- Geographic Names Victoria's Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities – 2022 (Naming Rules)
- The wishes and interests of Djaara and the Taungurung Land and Waters Council.
- The City's Place Interpretation and Naming Policy.

As a leading naming authority within the municipality, the City can submit naming proposals to Geographic Names Victoria to:

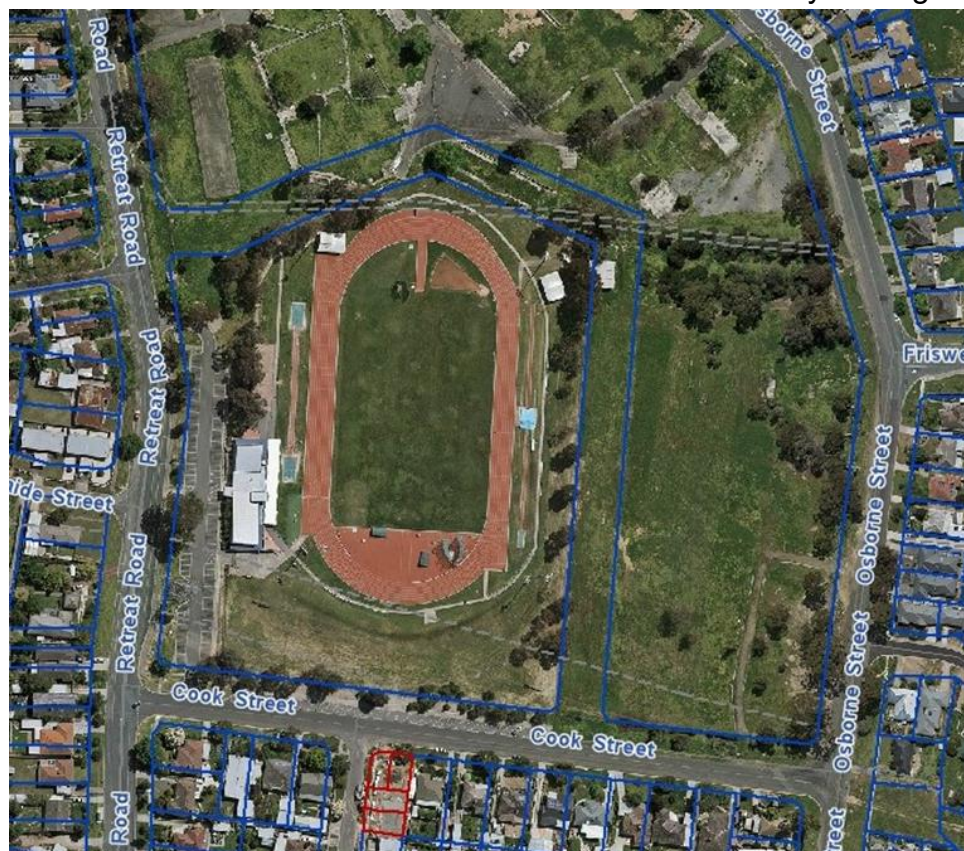
- name or rename roads,
- features and
- localities that they are responsible for.

Naming proposals must adhere to the Naming Rules.

The City has the following options for incorporating Aboriginal language into Place naming:

- Use of Aboriginal names when naming or re-naming roads, features and localities within Greater Bendigo
- Seek dual naming for specific local features (such as mountains, rivers and open space recreation reserves) to include both an Aboriginal and non-Aboriginal name
- Naming of Council-owned buildings in Djaara or Taungurung language (dependent upon the location within the municipality).

The City has taken over full ownership of Latrobe University Bendigo Athletics Track from Latrobe University. With this purchase there was an opportunity to rename this facility in line with the Council motion on the 19 June and other key strategic documents.



In 2021, consultation was undertaken with Djaara and the name Lar Bir Pa Bendigo Athletics Complex was approved and supported. Lar Bir Pa Bendigo Athletics Complex went out for 30 days community consultation in August 2021. A total of 55 submissions were received.

At the time of consultation, Geographic Names Victoria were reviewing the Naming Rules for places in Victoria – Statutory requirements for naming roads, features and localities – 2016.

The Naming Rules for places in Victoria – Statutory requirements for naming roads, features and localities – 2022 has since been released and replaces the previous 2016 edition.

The Naming Rules set out step by step information on naming or changing the boundaries of roads, features and localities in Victoria. The Naming Rules are the statutory guidelines provided under section 5 of the Geographic Place Names Act 1998.

The original naming proposal (Lar Bir Pa Bendigo Athletics Complex) does not comply with the 2022 Naming Rules due to its length and therefore needed to be revised. This meant that the City needed to restart the naming process for this site.

In 2023, further consultation with undertaken with Djaara and Geographic Names Victoria to develop a revised naming proposal. It was proposed that Latrobe University Bendigo Athletics Complex be renamed Lar Birpa Athletics Complex.

Lar Birpa means 'a place to run' in Dja Dja Wurrung language.

This naming proposal aligns with the City's strong commitment to promoting Aboriginal Place Naming and the use of Traditional Owner language in public spaces across the municipality. The proposal meets recommendations made by the Traditional Owners as part of a community engagement project in 2020 that new and existing Council-owned building be considered for future Aboriginal place naming.

Previous Council decision dates: 19 June 2019

Report

LaTrobe University Bendigo Athletics Complex (LUBAC) is in Flora Hill and has been jointly owned by LaTrobe University and managed by the City since early 1990's. In early 2019 the City purchased the land from LaTrobe University. The facility represents a key regional sports complex for the Greater Bendigo region.

Following its purchase, the facility required a new name that excluded reference to 'LaTrobe University'. This presented an opportunity to name another prominent community facility in Greater Bendigo using Traditional Owner Language.

During this process, it has been identified through Geographic Names Victoria that LaTrobe University Bendigo Athletics Complex is not currently registered, which puts public and operational safety for emergency response at risk; and causes confusion for transport, communication and mail services.

Now that the City is aware that the site is not registered, it is important that the Naming process is followed and that the new name is registered with Geographic Names Victoria to mitigate these risks moving forward.

The naming proposal aligns with the City's commitment to reconciliation with Aboriginal and Torres Strait Islander peoples and to key actions under *Barpangu*, the City's Reconciliation Plan 2021-2025. The proposed name of Lar Birpa Athletics Complex recognises Aboriginal heritage and promotes the reinstatement of Djaara language into the landscape.

The City is a naming authority for all Council owned and managed sites and must follow the Naming Rules when undertaking a Place Naming process.

As a naming authority for the naming of roads and features within the municipality, the City is undertaking the naming process in accordance with the Geographic Place Names Act 1998 and the Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities – 2022 (Naming Rules).

The Naming Rules are the statutory guidelines provided under section 5 of the Geographic Place Names Act 1988 and therefore mandatory for all naming authorities in Victoria.

The following process has been undertaken to date:

- An update of the 2021 process and formal request to Djaara to propose a name that complies with the Naming Rules for LaTrobe University Bendigo Athletics Complex
- Liaison with Geographic Names Victoria to ensure the proposed name complies with the 2022 Naming rules
- Stakeholder engagement with Athletics Bendigo on the proposed name and renaming process
- Development of a community engagement platform on City of Greater Bendigo's Let's Talk
- Community Consultation process undertaken for a 30 day period
- Two letter drops to 170 residents in the surrounding area of LaTrobe University Bendigo Athletics Complex advising them of the community consultation process and how to make a submission



Letter drop area

- Email update to the 55 participants of the 2021 process inviting them to make a submission
- Broader media release to advise that the community consultation process was open and how to make a submission
- A social media post was published on the City of Greater Bendigo's Facebook page on Wednesday 26 April. The post generated 66 link clicks to the Let's Talk page, 106 reactions, 94 comments and 4 shares.

Priority/Importance

Council needs formalise the decision on the naming proposal as per the process identified within the Naming Rules.

If Council agrees to adopt the proposed name, a naming proposal will be developed and submitted to Geographic Names Victoria. Community members who objected during the consultation process will be provided with the opportunity to appeal directly to Geographic Names Victoria.

If Council decides not to adopt the proposed name, then a revised naming proposal will need to go out for further public consultation.

The site needs to be officially named through Geographic Names Victoria to mitigate public safety concerns.

Supporting the use of Djaara and Taungurung language in place naming within the municipality aligns with Council's commitment to reconciliation with our Aboriginal and Torres Strait Islander community and to actions under the City's Reconciliation Plan (2021-2025), Barpangu.

Objective One of the Reconciliation Plan aims to recognise, acknowledge and celebrate the Traditional Owners and Aboriginal and Torres Strait Islander peoples across the municipality. Action 1.2 identifies working with the Traditional Owner Groups to promote Aboriginal place naming and the use of Djaara and Taungurung language in public spaces across the municipality consistent with recognised Country.

Place naming is one of the important ways that governments, industry and communities can work together to support the United Nations Sustainable Development Goals (SDGs). Most of the SDGs require standardised names of places and roads to deliver the work needed to achieve the goals, as well as for effective reporting.

SDG: Reduced Inequalities

Target 10.3 Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard

Support and encourage naming of places after minority groups and ensure equality in the naming of places

The [Victorian Aboriginal Affairs Framework 2018-2023](#) (the VAAF) is the Victorian Government's overarching framework for working with Traditional Owners, organisations and the wider community to drive action and improve outcomes.

This naming proposal supports the following VAAF goals:

- Goal 18 Aboriginal land, water and cultural rights are realised
- Goal 19 Aboriginal culture and language are supported and celebrated

Timelines

The renaming project commenced: February 2023

Stakeholder engagement (including Djaara) and development of Communications plan/Engagement tools: March/April 2023

Community Engagement opened: April 2023

Community Engagement closed: May 2023

Submissions Considered: June 2023

Council Decision: July/August 2023

Proposal to Geographic Names Victoria (if name adopted by Council): October 2023

Outcome from Geographic Names Victoria: December 2023

Communications/Engagement

Internal Engagement

- Active and Healthy Unit
- Communications Unit
- Engaged Communities Team

External Engagement

The City has consulted with Djaara on a suitable name for LaTrobe University Bendigo Athletics Complex and has received permission from Djaara for the use of 'Lar Birpa'.

The City has undertaken a public consultation process in accordance with the Naming Rules for Places in Victoria.

The naming proposal was released on Let's Talk Greater Bendigo on the 24 April at 8.20am and a media release was issued. An email was sent to the 55 community members who made a submission in 2021 providing an update and advising that they would need to submit a new submission to be considered as part of this process. Out of the 55 community members directly contacted a total of 14 submissions were received.

A letter drop was undertaken on the 24 April to 170 residents within the immediate area surrounding the facility, inviting them to make a formal submission. It was identified that there was a grammatical error in the proposed name in the correspondence, so a further letter drop was undertaken on the 28 April to the same residents with a correction.

The City received 74 formal submissions in total to the proposed name (this number does not include where an individual has submitted multiple times). Of the 74 submissions, 51 supported and 23 objected to the proposed name.

Objections received were not able to demonstrate valid reasons of how the proposed name did not comply with the Naming Rules (for further details see **attachment 2.12.2**).

The proposed name is in line with Council's policies and plans including its commitment to reconciliation.

It is recommended that Council adopts the name **Lar Birpa Athletics Complex**.

Financial Sustainability

All work undertaken within Community Partnerships budget due to successful operating Budget Submission for an Aboriginal Place Names Officer in 2020/2021 budget.

This budget will bid has been carried forward due to timing issues and will expire in 2024.

Ongoing support of Aboriginal Place Names would require a further budget submission for the 2024/2025.

Risk Assessment

The following risks have been identified in relation to Aboriginal place naming activities:

- extended or prolonged timelines for the completion of each naming project;
- difficulties in sourcing an appropriate Dja Dja Wurrung or Taungurung language name for a site;
- and difficulties in the implementation and adoption of new Aboriginal place names in the wider community or local media due to poor promotion, lack of communication or education about the name.
- If naming proposal is not adopted by Council, the naming process would be required to start again – extending resourcing.
- If sites are not correctly registered with Geographic Names Victoria, there is a public safety risk in terms of emergency response.

City staff will work to mitigate these risks by:

- Developing a Communications Plan to ensure a structured approach to community engagement and to build community support for Aboriginal place naming.
- Engage with Internal and external partners during the consultation to ensure all parties are informed of the process.
- Progressing naming proposals in accordance with the correct process and legislative requirements under the *Naming Rules for Places in Victoria* and the *Geographic Place Names Act 1998*.

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 4 - Aboriginal reconciliation

Secondary Council Plan Reference(s)

Goal 1 - Respecting and celebrating our Traditional Owners and Aboriginal and Torres Strait Islander Peoples and cultures through all levels of our organisation

Goal 2 - Strengthening our trust, relationships and partnerships with Traditional Owners and the Aboriginal and Torres Strait Islander community

Goal 3 - Enhanced wellbeing of our Aboriginal and Torres Strait Islander community

Other Reference(s)

Barpangu - Reconciliation Plan 2021-2025

Objective 1: Recognise, acknowledge and celebrate the Traditional Owners

ACTION: Work with the Traditional Owner Groups to promote Aboriginal place naming and the use of Dja Dja Wurrung and Taungurung language in public spaces across the municipality consistent with recognised Country

Social Justice Framework - 2022-2032

Core pillar of Action - Recognise Aboriginal and Torres Strait Islander Peoples/First Nation's peoples.

- The City of Greater Bendigo acknowledges the Dja Dja Wurrung and Taungurung Peoples as the Traditional Owners of the land and recognises other Aboriginal and Torres Strait Islander people as First Nations Peoples; and values their traditions, knowledge and culture.

Yilingga Marna Agreement

Opportunity: Project Investment

- For projects and activities that are categorised as 'negotiation activities' under the RSA, the City will engage DJAARA to provide Aboriginal place naming and the use of Dja Dja Wurrung language on site.

The use of Traditional Owner language supports a number of resolutions from International Frameworks including:

The United National Group of Experts on Geographic Names (UNGEGN)

UNGEGN was established to provide a cooperative framework, allow for follow up on conference resolutions and promote standardisation of geographical names across member states. Victoria complies with a number of [United Nations Group of Experts on Geographic Names](#) (UNGEGN) resolutions.

Naming authorities are required to indicate how the Naming Proposal aligns with particular UNGEGN resolutions. This Naming proposal aligns with the following:

- UNGEGN Resolution V/22 Aboriginal/ native geographical names
- UNGEGN Resolution VIII/1 Promotion of minority group and indigenous geographical names
- UNGEGN Resolution IX/5 Promotion of the recording and use of indigenous minority and regional language group geographical names

Conflict of Interest

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

Attachments

1. Let s Talk Feedback Summary [**18.1.1** - 4 pages]

19. A CLIMATE-RESILIENT BUILT AND NATURAL ENVIRONMENT

Nil

20. A VIBRANT, CREATIVE COMMUNITY

Nil

21. A SAFE, WELCOMING AND FAIR COMMUNITY

21.1. Disability Inclusion Reference Committee 2023

Author:	Nikki Williams, Coordinator Inclusive Communities
Responsible Director:	Stacy Williams, Director Healthy Communities and Environments

Purpose

This report seeks Councillor endorsement to finalise the recruitment process for the Disability Inclusion Reference Committee as per the Terms of Reference.

Recommended Motion

That Council:

1. Endorse the appointment of new committee members; and
2. Thank outgoing committee members for their contribution to the committee.

RESOLUTION - Resolution No. 2023-130

Moved: Cr Evans

Seconded: Cr O'Rourke

That the recommended motion be adopted.

CARRIED

Executive Summary

The Disability Inclusion Reference Committee (DIRC) comprises eight community representatives, four representatives from a local disability agency or network, up to three City Managers/Coordinators and one City staff member as support.

In June 2023, 12 committee member positions became vacant for a two-year term.

The vacant positions were for eight community representatives (people with disability or unpaid carer) and four representatives from a local disability-specific agency; or local organisations/networks that have influence on social inclusion for people with a disability.

To fill the vacancies, the City undertook an Expression of Interest process which resulted in 42 applications.

Following shortlisting, 22 applicants were interviewed by the Selection Panel in late June 2023.

The Selection Panel was unanimous in their decision to select 15 applicants for recommendation to Council for appointment to the DIRC.

Background

Establishing the Disability Inclusion Reference Committee (DIRC) was a key recommendation of the City's Community Access and Inclusion Plan (2015 – 2018).

The role of the DIRC is to provide access and inclusion advice to the City to ensure greater social inclusion of people with disabilities. The DIRC acts as a central point for City staff when advice is sought on matters relating to the needs and requirements of people with disabilities. The Committee assists the City to consider access and inclusion when developing policies, strategies and undertaking projects (capital and operational). The DIRC is currently supported by Outcome 7 (A safe, welcoming and fair community) of Mir wimbul 2021 - 2025.

Previous Council decision dates:

- 10 June 2015: Council adopted the Community Access and Inclusion Plan 2015 – 2018 with an action being to: Develop a Disability Advisory Group, or similar.
- 25 November 2015: Council endorsed the establishment of the DIRC and its Terms of Reference.
- 21 August 2019: Council endorsed the Greater Bendigo Disability Inclusion Reference Committee Member Appointments.
- 16 August 2021: Council endorsed the Greater Bendigo Disability Inclusion Reference Committee Member Appointments.

Report

In line with the DIRC's Terms of Reference, member positions become vacant after a two-year term and meetings are bi-monthly.

Cr Matthew Evans is the current Councillor representative.

Expressions of Interest were invited in accordance with the DIRC's membership criteria as per the Terms of Reference:

- Community representatives who are persons with diverse disabilities,
- Community representatives who are unpaid carers of persons who live with a disability, ideally with at least 1 carer of a child and 1 carer of an adult,
- Representatives from local disability-specific agencies; and
- Representatives from local organisations or networks that have influence on social inclusion for persons with a disability.

Membership should always weigh in favour of the number of community representatives and unpaid carers versus agency and City representation.

The Expression of Interest period for the vacant positions commenced on the 6th of May 2023 and closed on the 9th of June 2023.

42 Expressions of Interest were received for the 12 vacant positions.

In the Expression of Interest application, each applicant was asked to respond to three key questions to assist with the assessment of their knowledge and experience.

The key questions were:

1. Why do you want to be a member of the Disability Inclusion Reference Committee?
2. What is your personal or professional experience of disability and your understanding of the issues affecting people with a disability in our community?
3. What connections do you have to community networks or groups?

22 applicants were shortlisted for interviews.

Shortlisted candidates included:

- five unpaid carers,
- nine persons with disability and
- seven representatives from a local disability- specific agency and
- one representative from local organisation or network that has influence on social inclusion for people with a disability.

Other shortlisting considerations included:

- gender
- diverse disability types (e.g., intellectual, physical and sensory),
- age and
- the type of organisation the applicant was representing.

Interviews were conducted on the 27th and 28th of June 2023.

The Interview Panel consisted of Nikki Williams (Coordinator Inclusive Communities), Bernadette Wright (Current Chairperson of the DIRC) and Sophie Gardner (Acting Inclusive Communities Officer - Access & Inclusion).

For the current Chair's Expression of Interest application review/interview Vanessa Wait (Inclusive Communities Officer) stepped in as part of the Interview Panel.

The selection panel chose to recommend three additional members to the DIRC - two people with physical or intellectual disability and one carer.

This is due to acknowledgement of members' disability and how this can impact on availability for meetings. Several meetings have been cancelled over the last two years due to not having a quorum (the pandemic also influenced attendance).

The 15 successful members chosen to join the committee:

	Appointed member	Representing	New or returning member
1	Bernadette Wright	Person with a physical or intellectual disability	Returning
2	Stephanie Sayer	Person with a physical or intellectual disability	Returning
3	Mark Boyd	Person with a physical or intellectual disability	New
4	Pamela Scherger	Person with a physical or intellectual disability	New
5	Gabrielle Ashman	Person with a physical or intellectual disability	New
6	Claire Opie	Person with a physical or intellectual disability	New
7	Alex Reimers	Person with a physical or intellectual disability	New
8	Michael Taylor	Person with a physical or intellectual disability	New
9	Jessica Symes	Unpaid carer of a person with a disability	Returning
10	Jennifer Pinchbeck	Unpaid carer of a person with a disability	New
11	Ben Van Zeyl	Unpaid carer of a person with a disability	New
12	Kym Hart	Relevant Organisation rep - Gurri Wanyarra	New
13	Jasmine Noske	Relevant Organisation rep – Sports Focus	New
14	Rebecca Rosman	Relevant Organisation rep – Amicus	New
15	Justin Marshall	Relevant Organisation rep – Vision Australia	Returning
Councillor Representative/s			
Cr Matt Evans			
City Representatives			
Sophie Gardner/ Anthony Mercer		Inclusive Communities – Access & Inclusion Officer, DIRC Administrative Support	
Nikki Williams		Inclusive Communities Coordinator	
Anthony Petherbridge		Manager Strategic Planning	
Daniella McClure		Manager Property Services	
Toni Lyons		Coordinator Organisation Development	

It is the Selection Panel's opinion that these 15 applicants all satisfied the key selection criteria, and collectively offer an excellent mix of motivation, disability inclusion knowledge, personal experience, advocacy and leadership skills, and connections with the wider community as per the guidance provided in the Terms of Reference (see attachment 3.4.1).

It was the Panel's opinion that the remaining seven applicants, whilst having demonstrated knowledge and experience in their respective areas, did not satisfy one or more of the interview questions as strongly as the recommended applicants.

The appointment of the 15 recommended applicants will finalise the DIRC recruitment process for 2023, with all available positions being filled.

In accordance with the DIRC's Terms of Reference, community representatives and representatives from a local disability agency/network are appointed for a two-year term.

The seven short listed, but unsuccessful applicants, will receive written notification of the outcome, thanks for their interest in joining the Disability Inclusion Reference Committee and feedback if requested.

We would like to formally thank retiring members:

1. Liz March
2. Liz Wright
3. Adam English
4. Lord John Drake Cooper
5. Sara McQueenie

Priority/Importance

This initiative is of high importance as it represents and reflects the City's strategic commitment to people with disability in Greater Bendigo, a cohort which currently represents 26.2 per cent of the population (31,827 people).

Timelines

The new DIRC term and membership positions commence 31st August 2023 until June 2025.

Communications/Engagement

External consultation has occurred with the following:

Details of the Expression of Interest process were promoted via:

- Media Release
- E-News
- Radio
- Community newsletters
- Relevant email networks
- City's website,
- DIRC meeting
- Social media accounts.
- Officers responded to numerous enquiries from interested community members and service providers during the Expression of Interest period.

Internal consultation has occurred with:

- People and Culture Unit

- Communications Unit
- Community Partnerships Unit

Financial Sustainability

The Inclusive Communities Officer – Access and Inclusion (0.6 FTE) role convenes and facilitates the DIRC within existing resources.

Officers provide any disability-related support required for members to enable their participation.

The level of resources the City allocates in response to the various issues and opportunities arising out of the work of DIRC are responded to on an as needs basis within existing resources.

Risk Assessment

Appointing a new DIRC committee for two years, shows Council's commitment that our community is accessible and that people with disabilities can fully participate in community life.

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 7 - A safe, welcoming and fair community

Secondary Council Plan Reference(s)

Goal 4 - A community that values and engages with people of all ages, abilities, genders and sexualities

Other Reference(s)

Social Justice Framework 2022-2032

The key principles are:

- Human Rights
- Access and Inclusion
- Equity
- Participation in decision-making

These core principles are supported by seven pillars of action. The pillars that apply to the DIRC include:

Support Access and Inclusion - The City of Greater Bendigo services, programs and facilities are designed and delivered in a way that is available to all and incorporates diverse perspectives and skills, with a focus on reducing the barriers which may prevent access.

Enable Engagement and Participation - The City of Greater Bendigo engages the community to enable meaningful, equitable and informed input into decisions which affect their lives.

Conflict of Interest

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

Attachments

Nil

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:

- Online meeting with Shadow Minister for Commonwealth Games. David Southwick, MP.
- Presented on behalf of the City of Greater Bendigo at the Victorian Electoral Commission Public Hearing for the Electoral Structure Review.
- Bendigo Trust Board meeting.
- Ministerial Forum for Mayor on public disruptions.
- Met with Shadow Minister for Commonwealth Games. David Southwick MP and Member for Northern Victoria Gaelle Broad.
- Presented Epsom Primary School with their 5 Star Certified School status through Sustainability Victoria's ResourceSmart Schools Program.
- Presented trophies at the Badminton Competition.
- Heathcote Wine Show Dinner.
- Spoke at the Marong Kindergarten celebration and official announcement of \$5.5M being provided for the expansion of the service.
- Eastern Bendigo Landcare Network Launch.
- As Chair of Regional Cities Victoria travelled to Canberra to meet with Ministers and Ministerial representatives to advocate for Regional Cities Victoria priorities.
- Omari Bendigo Official Industry Launch.
- Elmore Field Days 60th Birthday Dinner.
- Golden Square Pool online Annual General Meeting.
- Spoke at Chief Executive Officer Craig Niemann's 40th Anniversary with Local Government celebration morning tea.
- Met with representatives from Wildlife Victoria.
- Participated as Chair of Regional Cities Victoria in the online Victoria Government inquiry into the rental and housing affordability crisis in Victoria.
- Chaired the Eaglehawk Table Tennis and Badminton meeting.
- As Chair of Regional Cities Victoria met online with The Hon. Steve Dimopoulos, Minister for Tourism, Sport and Major Events, Minister for Creative Industries regarding Regional Cities Victoria Commonwealth Games legacy document.
- Roundtable discussion regarding anti-social behaviour in the city centre.
- Chaired the Loddon Campaspe Group of Councils meeting.
- Strategy and Growth Strategic Workshop – Rural Areas Strategy.
- Spoke at the 76th Indian Independence Day celebrations in Bendigo.
- 5th Annual Heathcote Community Black Tie Ball.
- 170 Years celebration of Bendigo Baptist Church.
- Met with The Hon. Colin Brooks, Minister for Housing, Minister for Multicultural Affairs regarding regional housing fund.
- Spoke at the Long Gully Neighbourhood Centre Kitchen Opening.
- Spoke at The Old Church Village Lunch.
- Regional Cities Victoria Executive Management Group online meeting.
- Presentation to Grade 3/4 students at Eaglehawk North Primary School.
- Reception for the 76th Anniversary of India's Independence.
- As Regional Cities Victoria Chair spoke at the Australia China Business Council - Tourism and Visitor Economy meeting.

- Regional Cities Victoria Networking Function held at Parliament House.
- Regional Cities Victoria Annual Forum held at Melbourne Town Hall.
- Spoke at the 90th Birthday Inner Wheel Club of Bendigo.
- Spoke at the 32nd Anniversary - Filipino-Australian Social Club of Loddon Campaspe.
- Spoke at the Round 13 matches of the Victorian Wheelchair Football League held at Red Energy Arena.
- Spoke at the Asian Women's Collective Inauguration held at Strathdale Hall.
- Spoke at the Opening Ceremony 2023 National All Schools Netball Challenge held at Red Energy Arena.
- Local Councils Planning Reforms Consultation with Leader of the Victorian Greens, Spokesperson for Urban Planning Samantha Ratnam and Member for Western Region, Spokesperson for Local Government Sarah Mansfield.
- Assisted with Trophy Presentations at the 2023 National All Schools Netball Challenge.
- Met with The Hon. Jacinta Allan MP to discuss local matters.
- Spoke at the Australian Livestock Saleyards Association (ALSA) Conference.
- As Regional Cities Victoria Chair met online with The Hon. Catherine King Minister for Infrastructure, Transport, Regional Development and Local Government.
- Walking Tour of the City: Explore Bendigo as part of the Digital Summit.
- Bendigo Digital Summit Dinner.
- Spoke at the Digital Summit held at The Capital Theatre.
- Met with Mayor Cr Des Hudson and CEO Evan King from City of Ballarat.
- City of Greater Bendigo and City of Ballarat meeting with The Hon. Jacinta Allan MP.
- Spoke at the St Francis of the Fields Primary School's 5 Star Certified School status through Sustainability Victoria's ResourceSmart Schools Program.
- Spoke at the Annual Karen Wrist Tying Ceremony.
- Red Ribbon Rebellion.
- Spoken with residents, businesses and community groups regarding a wide range of issues.
- Participated in numerous radio, newspaper, television media interviews and photo opportunities.

25. CHIEF EXECUTIVE OFFICER'S REPORT

- Loddon Mallee RDA ran its usual Summit, with great representation from Federal, State & Local Government, along with a lot of Sectors and Industries, generating many conversations around projects
- Regional Cities forum was held in Melbourne at Parliament House last Thursday, with conversations around the importance of Local Government representation
- Many meetings since return from Leave, surrounding Circular Economy, Early Years, Big Housing Build, Commonwealth Games and Livestock Exchange projects and in general the needs of our community.

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 reports 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;

and

(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

RESOLUTION - Resolution No. 2023-131

Moved: Cr Fyffe

Seconded: Cr Williams

That the recommended motion be adopted.

CARRIED

27. CLOSE OF MEETING

There being no further business, this Council Meeting closed at 8:15 pm.