

# COUNCIL MEETING AGENDA



**6:00 pm on Monday December 11, 2023**

Livestreaming at <https://www.bendigo.vic.gov.au/about-us/council/council-meetings#live-stream>  
Broadcast live on Phoenix FM 106.7 \*\*\*

If you would like to attend, please register your interest through the following link:  
<https://www.bendigo.vic.gov.au/about-us/council/council-meetings#register-attend-meeting>

or call the box office on 5434 6100 no later than 5pm on the day of the meeting.

Photo ID is a requirement of entry to the Public Gallery.

Copies of the City of Greater Bendigo Council's Agendas & Minutes  
can be obtained online at <https://www.bendigo.vic.gov.au/about-us/council/council-meetings>



## 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.

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## 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
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## 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.



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This Council Meeting is conducted in accordance with the

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

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- 1. ACKNOWLEDGEMENT OF COUNTRY**
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- 3. OPENING STATEMENT**
- 4. MOMENT OF SILENT REFLECTION**
- 5. ATTENDANCE AND APOLOGIES**
- 6. LEAVE OF ABSENCE**

**6.1. Leave of Absence**

Council resolved (**Resolution No. 2023-181**) to grant Cr Rod Fyffe OAM leave of absence for the Nov 2023-Jan 2024 Council Meetings.

**7. SUSPENSION OF STANDING ORDERS**

**RECOMMENDED MOTION**

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

**8. COMMUNITY RECOGNITION**

## 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 provided 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.

## **10. RESUMPTION OF STANDING ORDERS**

### **RECOMMENDED MOTION**

That Standing Orders be resumed.

## **11. WARD REPORTS**

**11.1. Eppalock Ward - Cr Evans**

**11.2. Lockwood Ward - Cr Williams**

**11.3. Whipstick Ward - Cr Sloan**

## 12. DECLARATIONS OF CONFLICT OF INTEREST

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

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

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

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

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

## 13. CONFIRMATION OF PREVIOUS MINUTES

### 13.1. Confirmation of Previous Minutes

#### RECOMMENDED MOTION

That the Minutes of the Council Meeting held on November 20, 2023, as circulated, be taken as read and confirmed.

Previous minute location:

<https://www.bendigo.vic.gov.au/about-us/council/council-meetings#past-meetings>

## 14. PETITIONS AND JOINT LETTERS

### 14.1. Petition seeking widening of Sedgwick Road, Mandurang and incorporation of cycling lane

Author:	Ian McLauchlan, Manager Engineering
Responsible Director:	Brian Westley, Director Presentation and Assets

#### Purpose

To provide a response to the petition received on 6 October 2023, requesting road widening and cycling lanes along Sedgwick Road in Mandurang.

#### Recommended Motion

That Council advise the lead petitioner that:

1. Widening of Sedgwick Road between McCalman Place and Storys Road will be considered as a potential future road safety project, subject to securing funding through the Federal Blackspot Program.
2. Officers will investigate the suitability of the following for both Sedgwick Road and Sutton Grange Road:
  - a. A further speed zone reduction from 100 km/hr to 80 km/hr; and/or
  - b. Installation of additional cyclist advisory signage.

#### Background

Sedgwick Road (the Road) is a rural municipal road approximately 10.5km in length with a seal width varying between 7.5m to 10m. The Road extends from the Nankervis Road intersection through to the municipal boundary. Adjacent land use is predominately rural living. The heavily vegetated road includes several curves and crests, which impacts opportunities for road widening. Sections of the road bisect the Greater Bendigo National Park (the National Park).

Several historical complaints have been received regarding the Road relating to intersection safety, driver behaviour, pavement maintenance and road width.

Several crashes have also been recorded on the Road over the last 10 years, including a Fatal or Serious Injury (FSI) incident involving a cyclist within the section of Road between McCalman Place and Storys Road.



In 2019 funding was secured via the Federal Government Blackspot Program to undertake re-alignment of the Nankervis Road intersection and widening of the Road between McCalman Place and Storys Road (the Project). Preparation of the detailed design subsequently identified that the Project could not be completed using available funding, or within specified timeframes, due to required vegetation removal and crown land re-classification. An increase in Program funding for the Project to address this shortfall (i.e. estimated increase from \$843,000 to \$2.8 Million) was also not supported due to a material change in the Project Benefit Cost Ratio (BCR).

Accordingly, a Project scope variation was lodged and subsequently approved focusing available funding on the re-alignment of the Nankervis Road intersection, with minor delineation (line marking improvements) and limited shoulder sealing (maximum of 0.5m additional width) between McCalman Place and Storys Road. This Project is scheduled to be completed as part of the City's 2023/24 Capital Works Program (CWP).

In 2020 the speed limit along a 7km section of the Road between Nankervis Road and Claremont Place, Sedgwick was permanently reduced from 100 km/hr to 80 km/hr. Consideration will be given to the further extension of this 80 km/hr speed limit from Claremont Place through to the municipal boundary (i.e. remainder of the Road the associated continuation along Sutton Grange Road).

In June 2023, a further crash occurred within the section of Road between McCalman Place and Storys Road involving a cyclist. This incident led to the current petition being received, calling for widening of the Road to provide for dedicated cycling lanes in both directions.

In principle, City Officers support the requested widening of the Road as it is considered to respond to historical crashes and will lead to improved road safety outcomes. However, as this upgrade was unable to be accommodated within the current approved Project, a further funding application will need to be submitted. It is also noted that the current cost estimate for widening works, and significant removal of native vegetation, will result in a relatively low BCR. The Project are considered to have a lower BCR when assessed against other eligible safety projects.

Historically the City has been highly successful in obtaining funding under the Program, with over \$10 Million being secured since 2019/20 to deliver 20 separate road safety improvement projects. Despite this, given the significant cost and low BCR of the requested widening works, funding success via the Program is not guaranteed.

Alternative delivery of the requested widening works under the City's recurrent sealed road renewal CWP is not being recommended, as no sections of the road

pavement currently exceed specified intervention levels, nor are likely to be recommended for delivery for the foreseeable future.

Should sections of the Road required renewal in the future, the requested additional seal width may be able to be accommodated during design and delivery of these works (e.g. consistent with previous works completed under the CWP between Nankervis Road and Pearces Road).

Installation of additional advisory signage along the Road to raise driver awareness of the potential presence of cyclists is also being considered as a potential interim safety improvement.

## **Background**

Several sections of the Road have been subject to historical safety interventions including widening works, intersection improvements and speed limit reductions.

In general, the current pavement condition along the Road is good, with no segments identified for renewal for the foreseeable future. Recent upgrades and improvements have therefore typically been funded using external federal Program grants in response to historical FSI incidents or recorded crash history.

A traffic count undertaken on the Road in 2019 indicated average usage by 1966 Vehicles Per Day (VPD) and an 85<sup>th</sup> percentile speed of 99.7 km/hr, noting that this count was undertaken prior to the aforementioned speed zone reduction.

Anecdotally the Road is also used by recreational cyclists, however statistics concerning this level of use have not been captured. The Road is not specifically identified as a priority cycling route within any of the City's strategies, which focus on providing a protected separated cycling network predominately in the urban area. Provision of cycling lanes in isolation of any broader pavement renewal or Blackspot project is therefore not considered to be a priority.

Two serious crashes along the road involved cyclists, with a fatality recorded in 2017 and a serious injury in 2023. Both the incidents occurred within the section of Road between McCalman Place and Storys Road.

In 2019 the City identified a potential project for the Program involving treatment of the section of the Road between McCalman Place and Storys Road, as well as the Nankervis Road intersection.

The City subsequently undertook investigations for the re-alignment of the Nankervis Road intersection, pavement widening and wire rope barrier installation. A

successful funding application was lodged as part of the 2019/20 Program which secured \$843,643 for delivery of these improvements.

Preparation of the Projects detailed design identified that road widening would require removal of 605 roadside trees. This removal would incur significant vegetation offset costs, which was not originally included within the project estimate.

Further, it was also identified that the Road formation would need to be extended into the adjacent Greater Bendigo National Park, with such encroachment requiring conversion of this area of crown land to road reservation. This encroachment represents significant challenges and was also likely to result in additional costs and delays in the context of attaining regulatory approval from the crown land manager.

A revised Project construction cost estimate was subsequently prepared identifying an increase from the original figure of \$840,000 to \$2.8 Million. This cost escalation materially impacted the BCR for the Project and the revised funding application was unsuccessful.

In consultation with funding representatives the decision was made to revise the Project scope to fit within the available budget whilst still achieving some of the originally proposed road safety improvements. The revised scope provided improvements to the Nankervis Road intersection, with minor delineation improvements (line-marking) being undertaken along the section of Road between McCalman Place and Storys Road. This revised scope of works was subsequently approved in August 2022, with delivery scheduled to be completed by the end of the 2023/24 financial year.

In July 2023 a further serious crash occurred on the Road within the section between McCalman Place and Storys Road. This crash involved another cyclist being struck by a vehicle. In response to this incident a request for further reduction of the speed limit for this section of the Road to 60km/hr was received as well as a subsequent petition calling for the widening of the Road.

It is understood that the petition is specifically calling for the widening of the section of Road between McCalman Place and Storys Road, however several other sections of the Road also maintain a seal width in the order of 7.5m and may therefore be considered for future widening. These other sections of the Road do not however have recently recorded FSI incidents or a supporting crash history, hence are unlikely to be eligible under the Program.

Previous Council decision dates: The petition calling for widening of the Road to incorporate a dedicated cycling lane was tabled at the Council meeting on 23 October 2023, with a subsequent resolution that the petition be received and that a response be prepared within two (2) meetings.

## **Report**

The City maintains an ongoing commitment and focus on supporting safe travel across the local road network as articulated within its recently adopted Road Safety Action Plan. Consistent with this approach, consideration will be given to lodgement of a future Program application seeking funding to deliver the requested widening works along targeted sections of the Road where crashes have occurred.

Should sections of the Road require renewal in the future, accommodation of the additional seal width can be made during design and delivery of these works (e.g. consistent with previous works completed under the CWP between Nankervis Road and Pearces Road). While widening works may be considered in the future, further interim safety improvement may be available to try and reduce the risk to cyclists and drivers using the Road.

Consideration may however be given to extending the existing 80km/hr speed zone beyond Claremont Place through to the municipal boundary (inclusive of Sutton Grange Road). If further assessment determines that it is appropriate to implement this extension, a submission will be made to Department of Transport and Planning/VicRoads for consideration and approval.

Installation of advisory signage along the Road to raise driver awareness of the potential presence of cyclists may also being considered as a low-cost intervention. Such signage has been utilised on other local roads within the municipality.

Recent crashes on the Road provide a timely reminder to all road users of the important role which they play in contributing to road safety. In particular, all road users including drivers, pedestrians and cyclists should exercise due consideration and care when travelling on our local and arterial road network, by maintaining good situational awareness, complying with all relevant laws and regulations and choosing roads, routes or paths which best suit observed conditions and road use activities.

### ***Priority/Importance***

It is unlikely that any sections of the Road will be nominated for renewal as part of the City's annual capital works program for the foreseeable future.

The amendment of crown land classification to recognise the existing road pavement as well as accommodate potential future widening is a low to medium priority. Current focus is upon the design and delivery of approved safety projects which need to be delivered over the next three years.

Officers will progressively work towards resolution of the crown land reclassification as well as re-visit vegetation removal and offset requirements, with the aim of potential submission of a widening project to the Program in the future.

As any future widening project will likely have a relatively low BCR, its comparative priority when evaluated against other outstanding safety projects both locally and nationally is also expected to be low.

### ***Options Considered***

Several options have been identified with respect to mechanisms to facilitate the petitioners request for Road widening improvements along the Road, namely:

1. Submission of new Blackspot project:

A review of available FSI crash statistics has confirmed that the section of the Road between McCalman Place and Storys Road will remain eligible for funding consideration under the Program for the next 5 years (assuming that no future FSI incidents occur).

A further Blackspot project submission for this section of the Road may therefore be prepared and submitted, subject to resolution of vegetation offsets, crown land re-classification, refinement of the detailed design, updating of the project BCR and prioritisation against other municipal road safety improvements.

2. Withdraw current Project and re-application for additional funding:

Originally it was proposed to withdraw the Project and pursue a new application inclusive of the requested widening works following resolution of crown land reclassification and updated costs estimates. It was subsequently identified that this may jeopardise potential delivery of the Nankervis Road intersection upgrade given the expiration of eligible crash history at this intersection (i.e. under the Program eligible crashes must have occurred within the 5 years preceding any funding application).

Accordingly, the decision was made to proceed with the proposed Nankervis Road intersection upgrade along with minor delineation improvements for other sections of the road identified within the original scope.

3. Deliver widening works as part of the City's annual CWP:



Widening of the Road may be achieved in conjunction with broader pavement renewal works when various sections of the Road reach specified intervention levels.

Such widening would be delivered in stages as funding is made available through the City's annual CWP. Based upon the current condition of the Road pavement, it is unlikely that any pavement renewal projects will be nominated within the CWP for the foreseeable future.

4. Implement alternative safety interventions:

a. New advisory signage

Improving driver awareness of local road conditions and/or the presence of cyclists along the Road may be achieved through the installation of new advisory road signage.

Given the anecdotal popularity of the Road for use by recreational cyclists, this is considered to be a low-cost treatment which could contribute towards broader road safety until such time that pavement widening can be effected through either the Program or future CWP pavement renewal works.

b. Further speed limit reduction

Officers are investigating the suitability of alternate safety interventions in the form of a further speed zone reduction from 100 km/hr to 80 km/hr for Sedgwick Road and Sutton Grange Road, between Boyd Lane and the municipal boundary and/or the installation of

### ***Timelines***

Delivery of the current Project is required to be completed by the end of the 2023/24 financial year. Signage and speed zone reduction interventions could potentially be delivered concurrently within the next 6 to 9 months, subject to Department of Transport and Planning approval.

Negotiation and implementation of crown land re-classification could take between 2 to 5 years to finalise, subject to the level of support and acceptance by the responsible government departments / land manager.

Design refinement and obtaining approvals for vegetation removal and associated offsets may take 1 to 2 years to resolve, however this can be undertaken in parallel with the crown land re-classification.

The timeframe for submission of the requested widening project to the Program is subject to the above considerations as well as a priority/favourable BCR being identified. As such an indicative timeframe for submission cannot be provided.

If successful in obtaining funding for a future project under the Program, approved works are typically required to be delivered within a 2-year timeframe.

### **Communications/Engagement**

The City's traffic engineers have met on several occasions with Program representatives to discuss safety improvements proposed along the Road as well as options for either withdrawal or modification of the Project scope.

Several historical complaints have been received regarding the Road, most of which relate to intersection safety, reported Hoon driving behaviour, requests for pavement maintenance or calls for road widening.

Officers have previously engaged with landowners adjacent to the Nankervis Road intersection as part of planning for delivery of the current Project.

Previous correspondence and communications have occurred between officers and the lead petitioner regarding the status and scope of pending safety improvement works, challenges in effecting the requested pavement widening and the mechanism of securing funding to deliver these works.

### **Financial Sustainability**

The previous cost estimate to complete widening works between McCalman Place and Storys Road was in the order of \$2.1 Million. Given observed recent escalation in construction costs, the current estimate for this work could now be in the order of \$2.5 million, however further refinement of the detailed design and determination of actual vegetation offset costs is required.

Revised approved Program funding for the current Project is approximately \$777,000. This funding will be predominantly used to undertake re-alignment and safety improvements of the Nankervis Road and Sedgwick Road intersection as well as some minor delineation improvements along the Road between McCalman Place and Storys Road.

Further funding to facilitate delivery of requested widening works will need to be sourced via a future Program submission. Under the Program conditions, no funding co-contribution can be made by Council (i.e. project must be fully Program funded).

The annual allocation of sealed road pavement renewal funding within the City's CWP is typically between \$1 to \$3 Million. Allocation of the required \$2.1 to \$2.5 million towards widening of the Road would result in limited funding being available to deliver other higher priority sealed road pavement renewal works (e.g. Howard Street) which have reached intervention levels.

### **Risk Assessment**

Given recent FSI incidents and general crash history along the Road there is a demonstrable risk to drivers and cyclists. This risk predominately relates to run-off road incidents and collisions between vehicles and cyclists in areas where sight distances are impacted (e.g. curves) and where limited or no sealed shoulders are available to enable increased separation between vehicles and cyclists.

The City maintains an ongoing commitment and focus on supporting safe travel across the local road network as articulated within its recently adopted Road Safety Action Plan.

Any future submission to the Program will need to be supported by a documented risk assessment outlining the issues being addressed as well as the anticipated reduction in crash likelihood.

### **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

#### ***Secondary Council Plan Reference(s)***

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

Goal 3 - Everyday walking and cycling is easier for all ages and abilities.

#### ***Other Reference(s)***

Walk, Cycle Greater Bendigo – Walking and Cycling Strategy 2019

Greater Bendigo Road Safety Action Plan 2023 – 2027

Speed Zoning Technical Guidelines – Edition 2

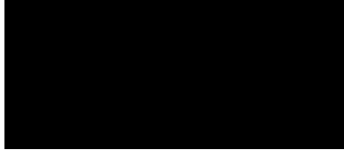
### **Conflict of Interest**

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

### **Attachments**

1. Sedgwick Road Petition [14.1.1 - 2 pages]

Gavin Hicks



**Request: To widen Sedgwick Road in Mandurang and Sedgwick and incorporate a regular cycling lane**

We the unsigned residents and rate payers of Bendigo City Council, formally request to widen Sedgwick Road in Mandurang and Sedgwick and incorporate a regular cycling lane. Sedgwick Road is very dangerous for cyclists because of the blind spots, narrow sections, multiple bends, and poor visibility for motorists. The concern comes as the writer was hit by a car early afternoon road on June 1<sup>st</sup>, this year and attained a broken neck and four broken back bones among other multiple injuries and has no recollection of the week before, or the four days after the accident occurred. The police at the scene noted that the driver and local resident, Graeme Dawson, was driving within the speed limit and that poor visibility played a role.

It has also recently come to my attention that elite cyclist, Jason Lowndes, was killed in the same location after a car collision 6 years ago. As noted by Bendigo County court<sup>1</sup> the driver, Billie Rodda, was identified as driving within the speed limit and Judge Wendy Wilmoth stated, "There were no warning signs as to the likely presence of cyclists and there was no dedicated bike lane nor any opportunity for either Mr Lowndes or you to veer left." Hence had the road been widened the death could have been prevented.

It is our view that another tragedy must not occur for Sedgwick Road to be widened. If Bendigo is to promote itself as a cycling friendly<sup>2</sup> and a eco-friendly community<sup>3</sup> then better roads need to be designed to accommodate Bendigo's ever increasing demands for cyclists.

This is a joint letter and there are 120 signatures on the next page.

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<sup>1</sup> <https://www.abc.net.au/news/2019-10-15/driver-set-to-escape-jail-over-death-of-road-cyclist/11605292>

<sup>2</sup> <https://treadlie.com.au/bendigo-becomes-australias-first-bicycle-friendly-community/>

<sup>3</sup> <https://www.bendigo.vic.gov.au/About/Council/Current-Councillors/Jennifer-Alden>



John Matthews	Gretchen Mallare	Greg Croft
Wendy Matthews	Greg Carter	Angelo Bonacci
Paul Dixon	Donna Todd	Lyn McCarthy
Leanne Dixon	Lani Bullen	Ga Ga Gahrez
Judy Walton	Mack and	Rica Elosia Fe
Brian Walton	Anna Clarkson	Alex tractor
Edward Barkla	Louise Williams	Gary Doherty
Marc Cincota	Mitch Cumstein	Lynley mc Donald
Wendy Cincota	Jonathan Rollonson	Jac Tremayne
Tanya Harris	Mark Jankovskis	Hey le Hoc
Nigel Harris	Andrew Hicks	Melissa Faye
Ken Sanaglang	Barb Hicks	Bridget O'Hallaran
Gene Sangalang	Tanaka Blok	Melissa Wilkie
Russell Weekley	Kerana Turner	Andrew Wilkie
Regina rich	Joe Jach	Lynette Fagen
Marie Levic	Heather McInnes	Nat Wingrave
Bernie Ordea	Annette and	Elizabeth Blanks
Renelle McManus	Laurie Steel	Alyssa Creepy
Donna Trang Nguyen	Julian Coventry	Georgie Lanyon
Dan and	David Yates	Karl Lanyon
Tanaka Blok	Tammy Isbister	Vince Christian Ramirez
Tim Blok	Leah Cripps	Riogibb Rivera
Miranda Blok	Ben Shue	Ghian Basillio
Travis Blok	Markcus Brown	Pat Basillio
Jared Blok	Melinda Stroud	Ivy Lei
Dale Blok	Reagan Stroud	Bernie Odea
Fifi Hall	Naomi Hough	Simon Miller
Belinda Eddy	Harry kay	Sheena Co Si
Mitchell Hogg	Shane kelvin	Anna Boland
Georgia Evans	Trang van Nguyen	Steve Foster
Bridget O'Hallaren	Kevin de Vries	Jason Shields
Gavin Hicks	Jacqui vine	Lillian Neives- Caligdong
Marie Hicks	Myrtle Darby	Georgia Evans
Julianna Hicks	Melissa Barnes	Catrina Gonzaga
Alannah Hicks	Noel Sens	Marc Gonzaga
Alexandria O'Shanessy	Carolyn Maree	Frankie Serona
Arnel Aquino	Troy Carter	Eiknara Serona
Romano Sibug	Murray Newham	
Fifi Hall		
Joseph Mallare		

## **14.2. Petition to Save Bendigo East Pool 2023**

### **Purpose**

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

### **Summary**

The following petition has been received from residents and ratepayers as outlined below:

We support the appeal to retain Bendigo East Swimming Pool as a year-round, heated aquatic facility, because it is the only outdoor, public pool in Bendigo shallow enough to stand for its entire length. This is critically important for less confident and able swimmers, such as the disabled, aged and beginners, to feel safe while swimming. Clients drive many miles to use this specific pool. If this swimming pool is closed, it will discriminate against these vulnerable swimmers and deprive them of the important and enormous benefits to health and well-being that is gained by water exercise.

We sincerely request Council to re-examine the decision to cease using Bendigo East Swimming Pool, as detailed in the Community Aquatic Facilities Strategy 2023.

Signatures - 1093

### **Recommended Motion**

That Council receive the petition and a response be prepared within three (3) meetings.

### **Conflict of Interest**

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

### **Attachments**

1. Petition to Save Bendigo East Pool - December 2023 [**14.2.1** - 16 pages]
2. Save Bendigo East Pool Change org Petition signatures [**14.2.2** - 17 pages]

# Petition to Save Bendigo East Pool

Jim Evans

[REDACTED]

[REDACTED]

Claire Cooper

[REDACTED]

[REDACTED]

RECEIVED

- 4 DEC 2023

*City of Greater Bendigo*

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@mille

# Petition to Save Bendigo East Swimming Pool

We support the appeal to retain Bendigo East Swimming Pool as a year-round, heated aquatic facility, because it is the only outdoor, public pool in Bendigo shallow enough to stand for its entire length. This is critically important for less confident and able swimmers, such as the disabled, aged and beginners, to feel safe while swimming. Clients drive many miles to use this specific pool. If this swimming pool is closed it will discriminate against these vulnerable swimmers and deprive them of the important and enormous benefits to health and well-being that is gained by water exercise.

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Name (print)	Signature	Postcode	Comment	Date
JAMES VICTOR EVANS	<i>James V Evans</i>	3550	Save the heated pool	31/10/23
CORAL ROSEMARY EVANS	<i>Coral R Evans</i>	3550	Keep open all year heated!	31/10/23
CLAIRE COOPER	<i>Claire Cooper</i>	3463	Great, unique pool	31/10/23
CHRIS JACOBSEN	<i>Chris Jacobsen</i>	3551	Add solar/heat pump - needed for school term	1/11/23
DAVID GRIMES	<i>David Grimes</i>	3550	Best pool in Bendigo Well used	31/10/23
ONE ANDERSON	<i>One Anderson</i>	3551	Best pool + staff	31/10/23
PETER BUTLER	<i>Peter Butler</i>	3550	Most family/child friendly pool in BGO - it will get better!	31/10/23
CLARE DULLARD	<i>Clare Dullard</i>	3550	Loves swimming outside!	1/11/23
PAUL SKINNON	<i>Paul Skinnon</i>	3556	BEST POOL IN BENDIGO	1/11/23
SALLY RIPPES	<i>Sally Rippes</i>	3551	Keeps community alive + well	1/11/23
MARKUS BROWN	<i>Markus Brown</i>	3551	Cleanest + friendliest big pool	2/11/23
MARTHA LANDELLS	<i>Martha Landells</i>	3550	Beautiful. Clean. Great staff!	2/11/23
CINDY MORRISSEY	<i>Cindy Morrissey</i>	3551	Best pool in Bendigo awesome in winter	2/11/23
HAR PINGLE	<i>Har Pingle</i>	3550	Keeps community alive	2/11/23
JANET SIMMIE	<i>J. E. Simmie</i>	3550	Keep community pool open	2/11/23
TOM CARBOON	<i>T. Carboon</i>	3550	Save the heated pool	2/11/23
JENNY UPTON	<i>J. Upton</i>	3550	The best outdoor heated pool ever	2/11/23
MISCHA GRAPP	<i>Mischa Grapp</i>	3550		2/11/23
MICHAEL MCCARTHY	<i>Michael McCarthy</i>	3463	Best pool all year round	2/11/23
JAW SLEP	<i>JAW SLEP</i>	3551	BEST STAFF	2/11/23
BONNIE McDermid	<i>Bonnie McDermid</i>	3550	Best Pool!	2-11-23
DONNA DUNN	<i>Donna Dunn</i>	3550	At least all year round pool.	2-11-23



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# Petition to Save Bendigo East Swimming Pool

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Name (print)	Signature	Postcode	Comment	Date
GREG BARBER	<i>[Signature]</i>	3551	Such a great facility! Please keep!	2/11/23
HANS TRACKSDORF	<i>[Signature]</i>	3556	BEST PATRONISED OUTDOOR FACILITY IN BENDIGO	2/11/23
MICHAEL PERRY	<i>[Signature]</i>	3515		3/11/23
Bronwyn Perry	<i>[Signature]</i>	3515	BEST POOL IN BENDIGO	3/11/23
Matt McCarthy	<i>[Signature]</i>	3551	AWESOME COMMUNITY ASSET	3/11/23
Brendan Curran	<i>[Signature]</i>	3551	The only pool and heat pool this side of town	3/11/23
LILL DALGLIESH	<i>[Signature]</i>	3551	12m x 5 open means true community building	"
HAYDEN SYMES	<i>[Signature]</i>	3551	GREAT ASSET FOR BENDIGO	03-11-23
Wendy Matthews	<i>[Signature]</i>	3556	GREAT POOL, ASSET FOR AREA	3-11-23
Rebecca Beagley	<i>[Signature]</i>	3555	Best pool and community in Bendigo	3/11/23
Dorothy Box	<i>[Signature]</i>	3555	Very good access to the pool	3/11/23
Robin Cranburn	<i>[Signature]</i>	3551	Great pool, beautiful clean	3/11/23
JAN QUOTT	<i>[Signature]</i>	3463	GREAT DEPTH	3/11/23
LEE MEAD	<i>[Signature]</i>	3463	I travel to swim here b/c its great	3/11/23
Mathew Jones	<i>[Signature]</i>	3556	One of the best pools in the region.	3/11/23
AMELIA BOURKE	<i>[Signature]</i>	3550	Best Pool In Bendigo	3/11/23
GEOFF RODINSON	<i>[Signature]</i>	3551	Apart from swimming, the pool attracts	3/11/23
BRETT HOULDEN	<i>[Signature]</i>	3550	Best Pool in Bendigo	3/11/23
Sabine Falquet	<i>[Signature]</i>	3557	Great access to pool at school	3/11/23
Janet King	<i>[Signature]</i>	3551	Great pool - very clean - friendly	3/11/23
MICHAEL STOKES	<i>[Signature]</i>	3556		2/11/23
AORIEENNE STOKES	<i>[Signature]</i>	3556	This pool is the heart + soul of Bendigo Pools.	

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## Petition to Save Bendigo East Swimming Pool

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Name (print)	Signature	Postcode	Comment	Date
LIZ FOSTER		3550	Convenient, accessible pool for all.	4/11/23
SARAH KETTERER		3550	" " "	4/11/23
PERCY KETTERER		3550	" " "	4/11/23
Dustin Ketterer		3550	for routine pool	4/11/23
Melissa Maloney		3551	Swim 2 times a week	4/11/23
Michelle McKinnon		3551	Community pools are required!	4/11/23
YELANA JENNINGS		3550	HAVE A WINTER OUTDOOR POOL IS A MUST!	5/11/23
NOIR MITTIG		3550	DONT VOTE FOR JOHNSON	5/11/23
Norma Mittig		3550		
Judy Whitlock		3550	Vote to stay open	5/11/23
Sullivan Whitlock		3550	Where I WANT TO swim	5/11/23
Mat Boyle		3551	Need to swim close to work	5/11/23
R ROBERTSON		3510	v. convenient.	5/11/23
O Barber		3551	I love this pool	5/11/23
O Barber		3551	This pool is the best please don't close it	5/11/23
RAEBAN BARBER		3551	GREAT FOR SCHOOLS & FAMILIES	5/11/23
Rob Campbell		3550	great facility, great location	6/11/23
W GIBSON		3551	great pool	6/11/23
John Harold		3550	Essential for community	6/11/23
ROSALIE HARVEY		3550	I love this pool!	6/11/2023
Lesley Hutchison		3065	From Melb, swim here best outdoor	6/11/23
Eamon Clancy		3065	Best outdoor in state!	6/11/2023
PAUL ENGLEFIELD		3550		9/11/23



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# Petition to Save Bendigo East Swimming Pool

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Name (print)	Signature	Postcode	Comment	Date
ROB CLARK	<i>Rob Clark</i>	3515	great pool	6/11/23
Jan Williams	<i>Jan Williams</i>	3351	Vote to stay open	6-11-23
Phil Bertoldi	<i>Phil Bertoldi</i>	3550	Please keep open	6-11-23
Jane Upton	<i>Jane Upton</i>	3550	please retain as heated pool all year round	6-11-23
Heather Busbane	<i>Heather Busbane</i>	3550		6-11-23
Pileen O'Brien	<i>Pileen O'Brien</i>	3550		6-11-23
Helen Whitman	<i>Helen Whitman</i>	3463	Best pool in Bendigo	6-11-23
Leanne Robertson	<i>Leanne Robertson</i>	3551		6-11-23
ADAM SGAROTO	<i>Adam Sgaroto</i>	3550	BEST KEEP	6-11-23
GRAHAM KATUSTAW	<i>Graham Katustaw</i>	3550	LOVE OUR POOL	6-11-23
Janelle Beagley	<i>Janelle Beagley</i>	3550	A popular and beautiful pool. <sup>keep it open</sup>	6-11-23
Malcolm Douglas	<i>Malcolm Douglas</i>	3550	A Public Health Asset	6-11-23
PARYL ANDERSON	<i>Paryl Anderson</i>	3315	Speak to some users!	6-11-23
Andreas Cini	<i>Andreas Cini</i>	3450	great pool	6-11-23
Freya Nicoletti	<i>Freya Nicoletti</i>	3550	WE LOVE BESC!	6-11-23
Zarah Reynolds	<i>Zarah Reynolds</i>	3550	Best pool ever!	6-11-23
Holly Grainger	<i>Holly Grainger</i>	3550	great family pool	6-11-23
KATH GRIBBLE	<i>Kath Gribble</i>	3550	The best health benefits <sup>summer + winter</sup>	7-11-23
MARC DURHAM	<i>Marc Durham</i>	3550	The pleasure of my day	7-11-2023
Sandra Dexter	<i>Sandra Dexter</i>	3550	lovely pool, outdoors, shady, community	7-11-2023
Sharyn Cubbs	<i>Sharyn Cubbs</i>	3550	Excellent pool, community - keep me well	7-11-23

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Name (print)	Signature	Postcode	Comment	Date
CATHIE SHEARER	<i>C. Shearer</i>	3550	Our wonderful pool!	7.11.2023
Richard Deacon	<i>[Signature]</i>	3551	" " "	
Rosalind Deacon	<i>[Signature]</i>	3551	This pool caters for EVERYONE - the best!	7/11/23
Dianne Elliott	<i>Diane Elliott</i>	3550	Have been using it since 1979!	7-11-23
Sophie Robbins	<i>[Signature]</i>	3550	Such a lovely pool	7/11/23
Amelie Crole	<i>[Signature]</i>	3550	Has been a highlight of my time in Bendigo?	7/11/23
Adam Howman	<i>[Signature]</i>	3551	Dont kill off a community asset	7/11/23
Kim Collins	<i>[Signature]</i>	3550	A "great good place" save it!	7/11/23
Denise McFarlane	<i>[Signature]</i>	3551	Why would you close part of the community's soul?	7/11/23
Rohan Sinclair	<i>[Signature]</i>	3450	Increase need due to global warming	7/11/23
<i>[Signature]</i>	<i>[Signature]</i>	3555	FAB POOL!!	7/11/23
PHIL COCCIN	<i>[Signature]</i>	3550	Once its gone, we can't get it back	7/11/23
Lynnda Wright	<i>[Signature]</i>	3551	The best + most inclusive pool in Bendigo	7/11/23
Eleanor Kate	<i>[Signature]</i>	3550		7/11/23
Mary Trass	<i>[Signature]</i>	3550	BENDIGO EAST IS MORE THAN	
CHRIS BARKER	<i>[Signature]</i>	3550	I need a pool	8-11-23
Barbara Taylor	<i>[Signature]</i>	3551	Not so deep great for rehab. all yr!	8-11-23
CHRIS DICKSON	<i>[Signature]</i>	3550	Great pool for the community	8/11/23
Brian Hargreaves	<i>[Signature]</i>	3551	Beautiful pool + staff	8/11/23
RHYS MCGREAVES	<i>[Signature]</i>	3551	"	8/11/23
<i>[Signature]</i>	<i>[Signature]</i>	3550	Wonderful	8/11/23
<i>[Signature]</i>	<i>[Signature]</i>	3550	Keep it open	8/11/23



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Name (print)	Signature	Postcode	Comment	Date
Natasha Ward	CP. Ward	3551	please keep open in winter	
AMN ADAMSALL	by hand	3450	Please keep open in winter	
CHRIS TUONG	[Signature]	3550	Open in winter	
ANNE ROZINSKI	[Signature]	3551	GREAT FOR COMMUNITY BONDING.	8/11/23
Josh Ketterer	[Signature]	3550	Unique pool with a great community feel	8/11/23
HEATHER LONG	[Signature]	3551	Great for me & 4 grandkids	8/11/23
Janelneson	[Signature]	3551	Always my preference year round <sup>Large focus on health recovery</sup>	8/11/23
Oli Doyle	Oli Doyle	3555	Our favourite pool	8/11/23
Sara Vanzella	[Signature]	3550	It's our FAVOURITE POOL!	8/11/23
Kyle Addlen	[Signature]	3517		8/11/23
Angela Nurdy	[Signature]	3550	Quiet, restful, peaceful place of enjoyment	9/11/23
KEN TOWNROW	[Signature]	3551	WE WATCH THE GRAND KIDS SWIM	9/11/23
HELEN TOWNROW	[Signature]	3551	BRING my GRAND KIDS HEAR TO SWIM	9/11/23
SALLY AND CHRIS PLITON	[Signature]	3550	COMMUNITY WELLBEING my pool!	9.11.23
PATRICE MCCARTHY	[Signature]	3550	I LOVE BENDIGO EAST POOL!	9/11/23
Dianna Turnbull	[Signature]	3551	Amazing swim all seasons	9/11/23
Frances Gray	[Signature]	3550	All year outdoor swimming a must	9/11/23
DEREK de VRIESSE	[Signature]	3450	Love this pool!	9/11/23
SNOW HOWE	[Signature]	3550	This is a great local family pool	9/11/23
ROD HOLMBERG	[Signature]	3550	Keep it upgrade	8/11/23
BRENT NALLY	[Signature]	3550	Best pool in Bendigo	9/11/23

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# Petition to Save Bendigo East Swimming Pool

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Name (print)	Signature	Postcode	Comment	Date
Kerry Anne Hamilton		3556		11/11/23
Benjamin McNaughton		3556		11/11/23
JOSH COLLINS		3056	Heard how good it was on ABC	
Lachlan PIERER		3551	so had to drop by for a dip!	11/11/23
STEPHEN FREEMANTLE		3550		11/11/23
Jess Jose		3550	Awesome outdoor pool!	11/11/23
LISA MCANULIEFE		3550		11/11/23
Ash McAnuliefe		3550		11/11/23
Jane Dunstan		3451	Is there a group forming?	13/11/23
Rowie PARKIN		3550	if so see front office for my contact details.	13/11/23
			PLEASE ADD YOUR CONTACT DETAILS TO LIST @ OFFICE!	
KAREN CROOK		3550		13/11/23
Peter Hughes		3550	wonderful "Community" pool	12/11/23
Athila Barasif		3551	Best pool for me	12/11/23
Evan (Gingell)		3550		12/11/23
From Soham		3463		12/11/23
Abbig Lockwood		3550	So many other reasons to keep it all year!	13/11/23
Linda Whillane		3550		13/11/23



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Name (print)	Signature	Postcode	Comment	Date
Jennifer Jenkins <small>(Bendigo swimming centre)</small>		3550	This pool is incredibly special	14/11/2023
Winee Frances		3450	Great pool	14/11/2023
Pirane Hall		3551	Only year round outdoor heated pool - should be saved	14/11/2023
Kate Thurgood		3550	The best pool in Bendigo	14/11/23
Luke Rodda		3551		14/11/23
Lucy Rodda		3551		14/11/23
Bowie Thurgood		3550		14/11/23
JEFF SWAN		3550	POOL REQUIRED LONG TERM	14/11/23
Shay Macdonald		3551	Should be keeping facilities, not closing	15/11/23
GAVIN FIEDLER		3550		15-11-23
Tim Lovell		3551	Training pool for last Kyra	15-11-23
Debbie Macdonald		3550	Keep as is great pool & staff	15-11-23
DONNA Todd		3550	Love the pools environment	15-11-23
JAYNE Aksoo		2229	YOU CAN'T DISSOLVE HISTORY	15-11-23
NICK WALSH		3550	BEST POOL IN TOWN	15-11-23
ANNE FITZGERALD		3550		15/11/23
Helen M KEECH		3550	Best outdoor pool	15/11/23
Tony Mellor		3551	Keep this pool!	15/11/23
ANTHONY ARJON		3551	Especially special for p/o rehabilitation	15/11/23
Rob Braby		3551	Too good an asset to lose	"
Janet Jiricek		3550	Great pool + community	"
Bryde O'Rourke		3551	Great pool	"

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Name (print)	Signature	Postcode	Comment	Date
BRIAN SHAWMAN		3550	GREAT POOL AND YEAR ROUND	9/11/23
Angus McSwain		3515	GREAT POOL - OUTDOOR	9/11/23
Temple Wardell		3551	KIDS SWIM HERE ALL YEAR ROUND	9/11/23
Rob Harrison		3516	Best pool in Bendigo lots of history	10/11/23
Alison Barrett		3550	Fantastic facility	10/11/23
Kat Brown-Dele Cruz		3550	Beautiful iconic pool.	10/11/2023
David Jones		3550	Lap-swimmers pool = great community	"
Kris Greene		"	There is a need	"
Ernie Williams		3550	DIVING NEED FOR PEOPLE WITH PHYSICAL ENDS	10/11/2023
Trish Condliffe		3551	Fantastic pool, family pool	10/11/2023
Kate Booth		3550	Love this pool, great for families	10/11/2023
Kate Bond		3550	Great Pool	10/11/23
CAMERON KNOTT		3550	FAMILY POOL WITH STRONG LOCAL INVOLVEMENT	10/11/23
JAMES ARCHER		3550		10/11/23
THERESA ARCHER		3550	great family pool to socialise	11/11/23
David Beer		3556	Love this place!	10/11/23
Carolyn Peat		3550	Best pool around Bendigo	11/11/23
Stephen Morris		3550	Only the best	11/11/23
Taylor Zoe Heavey		3550	BEST POOL GREAT COACHES	11/11/23
Annabelle Smith		3550	The best pool in Bendigo.	
Martin Smith		3550	FAVORITE PLACE TO SWIM	
Kate Parker		3523	Fantastic year round community	11-11-23

ASSET



## Petition to Save Bendigo East Swimming Pool

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Name (print)	Signature	Postcode	Comment	Date
Maggie Burke		3550	children, adults everyone grateful	15/11
Andrew Hill		3550	Best Pool in CROC	15/11
Carlene Egan		3550	Please keep open - such an asset	15/11
Peter Egan		3551		
STAN ALUZEK		3250	Please keep warm & Open	16/11
DAVID MASSIE		3472	PLEASE KEEP HEATED FOR EVERYONE	16/11
ALISON MCCULLAGH		3350		16/11
Emma Fraser		3551		16/11
SANDRA PASCOE		2229	VISITING FROM SYDNEY! Great!	16/11
Jakobi Coll		3550	BSE	16/11
LIAM DICKINS		3550	SAVE OUR POOL!!!	15/11
JACINTA BLENCOWE		3551	Keep it open and heated.	16/11
Patricia DiDonato		3550	KEEP IT OPEN	16/11
Milly Shepherd		3555	Keep heated & open. It's Great.	16/11
Ruby Loverso		3550		15/11
HAYLEY LETHBRAN		3551		
Steph Jelbart		3550		16/11
Raquel Corbett		3553		
JORJA POLGLASE		3550	Great community feel!	16/11
Anne Colvin		3551		16/11
Brendan Russell		3550		16/11
Jacob Murphy		3551	Great pool & community	18/11

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Name (print)	Signature	Postcode	Comment	Date
KANE GAVD.		3550	PLEASE KEEP OPEN ALL YEAR ROUND.	15/11/23
Imogen Coffey		3950	Please keep pool open ☺	15/11/23
Keira Grant		3550	This was my childhood :)	16/11/2023
Ella Lindrea		3550	it's a good pool!	16/11/2023
Morgan Mansfield		3550	best pool in Bendigo	16/11/23
Dorothy Lodge		3551	people need their jobs!!	16/11/23
Mary Mapleweedy		3550	love this pool!	16/11/23
EMMA SHIPP		3550	I love this pool x0	16/11/23
Grace Purkitt		3550	keep it!	16/11/23
charlize Clough		3550	" "	16/11/23
Rick Jackel		3550	Keep it Open!	16/11/23
Alli Campbell		3550	keep it open and heated all year!	18/11/23
Tim Whitfort		3550	GREAT POOL. PLEASE KEEP OPEN & HEATED	17/11/23
Rob Burns		3551	keep open and heated	17/11/23
JOHN TWEET		3448	GROWING CITY, DONT CLOSE CRITICAL INFRASTRUCTURE	19/11/23
TOMMY GUILD		3450	LOVE THIS POOL	17/11/23
Lyn Wingrave		3550	i dont swim but realize this is	18/11/23
Kate Lanyon		3570	an important facility for general	18/11/23
Georgie Latta		3550	CHILDHOOD POOL MEMORIES	18/11/23
Jemi Jenneroy		3550	Best pool in Bendigo	18/11/23
Ivy Dela Cruz		3550	" "	18/11/23
Michelle Barclay		3552	We love this outdoor facility. Warm	18/11/23
Melinda			year round	



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## Petition to Save Bendigo East Swimming Pool

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Name (print)	Signature	Postcode	Comment	Date
Natalie Waters-Hughes		3550		16/11/23
Manok Sutton		3555		16/11/23
Kara Strey		3551		16/11/23
Eve Muddo		3551		16/11/23
Chantelle Sleep		3555		16/11/23
Jacinda Tilmant		3556		16/11/23
Carol Rider		3550	I loved going to that pool	16.11.23
Umae Doherty		3550		16/11/23
Clare Chalmer		3550		16/11/23
Surani Ninellawatte		3550		16/11/23
Ashleigh Rogers		3438		16/11/23
Chiv Barrow		3551	That pool is fantastic, heated - don't close	16/11/23
Karina McMillan		3517		16/11/23
Christine Grygierczyk		3551		16/11/23
Haley Minceo		3550		
Paul Bynche		3550	Great Pool.	16/11/23
Ashlee Griffin		3555	Amazing Pool!	20.11.23
Robyn Williams		3555	Good family pool	20.11.23
Gill Plunkie		3550		20/11/23
Caitlin Cox		3551		20/11/23
Thomas Puelan		3551	Best family pool in Bendigo	20/11/23
Ann Ford		3550	GREAT FAMILY POOL.	20/11/23

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## Petition to Save Bendigo East Swimming Pool

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Name (print)	Signature	Postcode	Comment	Date
MARK DELA CRUZ		3550		18/11/2023
PETER BAUER		3550	HANDY TO HOME.	18/11/2023
Annie Knott		3550		
NICOLE PORTER		3550	walking distance + small for families	19-11-23
GARRY DAVEN		3550		19-11-23
Jim Kuhlman		3551	Amazing pool. would be crazy to lose	19-11-23
Kim Kuhlman		3551	My favourite pool in Bendigo. Save it!	19/11/23
Cheryle Parker		3550	It's a community pool for everyone!	20/11/23
Anna Williams		3451	It's a fantastic pool	20/11/23
Jaime Cail		3550		20/11/23
BRIDGET FINCH		3551		20/11/23
Andre Sardone		3551		20-11-23
Bec Lagodzki		3551		20-11-23
Jess Jose		3550		20-11-23
Sara Hancock		3550	great pool	20.11.23
WANEY LOVIE		3551	favourite pool in Bendigo!	24.11.23
BOB LECHE		3551		25.11.23
Matt Goulton		3550	The "community" pool	
ANGUS MORGAN		3551		25/11/23
Lynette Sommerfeld		3551	Favourite outdoor pool do not like noisy indoor & heated pools	22/11/23



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# Petition to Save Bendigo East Swimming Pool

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Name (print)	Signature	Postcode	Comment	Date
ANNE BEGG	<i>anne begg</i>	3551	Best all year pool. Please retain!	23/11/23
Carol Sheldon	<i>Carol Sheldon</i>	3219	Best Pool Ever	23/11/23
Mark Sheldon	<i>M Sheldon</i>	3219		
Helen Leach	<i>Helen Leach</i>	3550	Please retain!!	" "
Lochlan Rodet	<i>Lochlan Rodet</i>	3550		25/11/23
MARGARET MANGAM	<i>M Mangam</i>	3550	Best Pool in Bagg	23/11/23
Ros Cheney	<i>Ros Cheney</i>	3550	Keeps me exercised.	25/11/23
Geoff Warrick	<i>Geoff Warrick</i>	3551	GOOD PLACE TO BE AT	23/11/23
Sandra Wassen	<i>Sandra Wassen</i>	3551	Great Pool.	23/11/23
Lilly McMaster	<i>Lilly McMaster</i>	3551	Fun to swim in: love it!	23/11/23
Nash McMaster	<i>Nash McMaster</i>	3551	good pool too much memories	23/11/23
Kevin Perez	<i>Kevin Perez</i>	3550	Best Pool in Bendigo	23/11/23
PAT SLATTERY	<i>P Slattery</i>	3550	This pool is essential!	25-11-23
DANIEL HARRISON	<i>Daniel Harrison</i>	3550	Best pool!	26/11/23
ELEANOR LAZARUS	<i>Eleanor Lazarus</i>	3550	I love the pool	26/11/23
Tom Penniv	<i>Tom Penniv</i>	3551	Great pool	26/11/23
STEPH PAV	<i>Steph Pav</i>	3550	Love this pool!	
EVG TAYLOR	<i>Evg Taylor</i>	3550	Leave pool open all year.	26/11/23
GREG TAYLOR	<i>Greg Taylor</i>	3550	Keep the pool	26/11/23
Richard HERZ	<i>Richard Herz</i>	3550	Add solar panels ↓ costs	26/11/23
Bron Bull	<i>Bron Bull</i>	3551		

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Name (print)	Signature	Postcode	Comment	Date
Rebecca O'Dwyer	<i>[Signature]</i>	3472	Drive 50 minutes to come here	25/11/23
CHRIS ODWYER	<i>[Signature]</i>	3472	Use pool for walking after op.	" " "
KIERAN RANSOM	<i>[Signature]</i>	3550	A member for 40 years	25/11/23
Shayla Gibbs	<i>[Signature]</i>	3550	9 Regency Place	28/11
Peter Gibbs	<i>[Signature]</i>	3550	9 Regency Place	28/11
RAY CHALKLEY	<i>[Signature]</i>	3555	43 WADE ST GORDEN SQUARE	28/11
CHERYL HESSE.	<i>[Signature]</i>	3550	140 FOREST ST BENDIGO.	28/11
MORRIS HESSE	<i>[Signature]</i>	3550	" " " " "	28/11
RHYS HESSE	<i>[Signature]</i>	3550	C1- " " " "	29/11
LEAH HESSE	<i>[Signature]</i>	3550	C1- " " " "	29/11
CAROLYN STANFORD	<i>[Signature]</i>	3551	HAPPY TO HELP KEEP THIS POOL OPEN!	30-11-23
Anne Henshall	<i>[Signature]</i>	3550	Very happy to assist to keep open especially for those who use this for therapy.	30-11-23

Name	City	Post Code	Signed On
Claire Cooper	Maldon		11/7/2023
Mitchell Hogg	Melbourne	3000	11/8/2023
Nicky Rose	Maldon	3463	11/8/2023
Amy Purdue	Melbourne	3000	11/8/2023
Kayleen Kelly	Melbourne	3001	11/8/2023
Gail Hughes	Bendigo	3550	11/8/2023
Hayden Shearer	Huntly	3551	11/8/2023
Evelyn Delves	Bendigo	3550	11/8/2023
Lansberry Ann	Strathdale	3550	11/8/2023
Leah Elvey	Huntly	3551	11/8/2023
Chris Quinn		3550	11/8/2023
Paige McAuliffe	Strathfieldsaye	3551	11/8/2023
Petra Mcloughlin	Melbourne	3550	11/8/2023
Emma Boxshall	Bendigo	3550	11/8/2023
Andrea Byrnd	Bendigo	3550	11/8/2023
Deb Thomas	Melbourne	3004	11/8/2023
Beth Flack	Bendigo	3550	11/8/2023
Danielle Couch	MYRTLE CREEK	3551	11/8/2023
Winter Beriman	Bendigo	3550	11/8/2023
Lisa Coyle		3918	11/8/2023
Manorama Sh	Melbourne	3051	11/8/2023
Shannon McAuliffe	Bendigo	3555	11/8/2023
Graham Skinner		3556	11/8/2023
Adriane Couch	Bendigo	3050	11/8/2023
Emily Byrne	Bendigo	3550	11/8/2023
Kate Macdonald	Kennington	3550	11/8/2023
Cathy Studham	Melbourne	3004	11/8/2023
Carolyn Sutton	Bendigo	3550	11/8/2023
Ebony Griffiths	Melbourne	3001	11/8/2023
Julie Crowe		3550	11/8/2023
eliza elsom	Melbourne	3065	11/8/2023
Katrina Arthur	Melbourne	3001	11/8/2023
Rhett Butler	EAGLEHAWK	3556	11/8/2023
June Havea	Bendigo	3550	11/8/2023
Sophie Rogers	Bendigo	3550	11/8/2023
Jenny Porlai	Bendigo	3550	11/8/2023
Heather Wallace	Heathcote	3523	11/8/2023
Annick G	Bendigo	3550	11/8/2023
Jacinta wright	Bendigo	3550	11/8/2023
Paris Craig	Bendigo	3550	11/8/2023
Emma Lacey	White hills	3550	11/8/2023
Jill Ryan	Bendigo	3550	11/8/2023
Nick Seidenman	Bendigo	3555	11/8/2023
Julie Mollison	Melbourne	3000	11/8/2023
Bridget Fitzgibbon	Bendigo	3555	11/8/2023
Kate Ellis	Perth	6800	11/8/2023

Lisa Wohnsdorf	Melbourne	3463	11/8/2023
Suzanne Birthisel	Melbourne	3000	11/8/2023
Kim Windebank	Melbourne	3001	11/8/2023
Sally Bentley	Cohuna	3568	11/8/2023
Amelia Bourke		3550	11/8/2023
Kate Payne	Mandurah	6180	11/8/2023
Jessica Eastman	Bendigo	3551	11/8/2023
Megan Merrett	Strathfieldsaye	3551	11/8/2023
Karen Lunney	Melbourne	3000	11/8/2023
Sharon McIntosh	Junortoun	3551	11/8/2023
Teesh Facey	Ironbark	3550	11/8/2023
Liana Elias Elias	Bendigo	3550	11/8/2023
Jayne Lawson		3516	11/8/2023
Sonja Stikkelorum	Tilburg	4651	11/8/2023
noelene mccreadie		812	11/8/2023
Emily Lenaghan	Bendigo	3550	11/8/2023
Donna Nativo	Melbourne	3082	11/8/2023
Denise McFarlane	Bendigo	3551	11/8/2023
Jessica X	Brisbane	4000	11/8/2023
Zenda McConnell	Epsom	3551	11/8/2023
Linda Gibson	Bendigo	3550	11/8/2023
Suzanne McLean	Melbourne	3463	11/8/2023
Kate Pentreath		3550	11/8/2023
Leonie Thomsen	Bendigo	3550	11/8/2023
Ani Shay	Melbourne	3065	11/8/2023
Erin Scott	Bendigo	3550	11/8/2023
Melinda Stroud	Epsom	3551	11/8/2023
Bree Bortolotto	Strathfieldsaye	3551	11/8/2023
Joanne Pickles	Kialla	3631	11/8/2023
Danielle Cameron	Melbourne	3001	11/8/2023
Stacey Cox	Junortoun	3551	11/8/2023
Alice Scott	Melbourne	3004	11/8/2023
Sharna A'Vard	Bendigo	3550	11/8/2023
Stacey mcgregor	Eaglehawk	3556	11/8/2023
Sarah Hipwell	Bendigo	3551	11/8/2023
Jenny Johnston	Kennington	3550	11/8/2023
Erin Henderson	Bendigo	3550	11/8/2023
Kylie Chalmers	Bendigo	3550	11/8/2023
Bella Tuohey	Melbourne	3001	11/8/2023
Georgie Lanyon	Bendigo	3550	11/8/2023
april scullie	bendigo	3555	11/8/2023
jenni jennings		3551	11/8/2023
Samantha Anderson	Melbourne	3000	11/8/2023
Peter De Salvo	Melbourne	3004	11/8/2023
Meaghan Keogh	Lancefield	3435	11/8/2023
Shiloh Austin	Melbourne	3004	11/8/2023
Joanne Borchard	Melbourne	3001	11/8/2023



Deb Hammer	Melbourne	3000	11/8/2023
Linda Preece	Melbourne	3001	11/8/2023
Jenna McNamara	Bendigo	3551	11/8/2023
Patrick Eid	Illawong	2234	11/8/2023
Robyn Curry	Melbourne	3001	11/8/2023
Kristy Nihill	Runnymede	3558	11/8/2023
Colinda Mannix	Collingwood	3066	11/8/2023
Steven Knapman	Bendigo	3550	11/8/2023
Nardine Cahoon	Bendigo	3550	11/8/2023
Khambria Clarkson	Marshalltown	50158	11/8/2023
T Kwok		4109	11/8/2023
Hayley Jacobsen	Bendigo	3551	11/8/2023
Claudia Cox	Melbourne	3001	11/9/2023
Yvonne Bahen	Melbourne	3006	11/9/2023
Cameron Henderson		3015	11/9/2023
Belinda Davies	Bendigo	3550	11/9/2023
Michelle Strauch	Melbourne	3001	11/9/2023
Cameron White	Melbourne	3070	11/9/2023
Lara Taylor		2460	11/9/2023
Geoffrey Elsegood	Melbourne	3000	11/9/2023
Brooke Brauer		3550	11/9/2023
Jack Sides	Melbourne	3001	11/9/2023
Spinks Ben	Perth	6000	11/9/2023
Alan Townsend	Bendigo	3550	11/9/2023
Hannah farrell	Melbourne	3000	11/9/2023
judy hills	Bendigo	3556	11/9/2023
Bianca Comer	Bendigo	3550	11/9/2023
Rick Oates	East Bendigo	3550	11/9/2023
Lauren Price	Melbourne	3001	11/9/2023
Hannah Gretgrix	Bendigo	3550	11/9/2023
Amanda Abley	Bendigo	3000	11/9/2023
Jason Sharp	Bendigo	3551	11/9/2023
Beverley Harvey	Melbourne	3000	11/9/2023
Mark Reid	Melbourne	3000	11/9/2023
Val Stratford	Jackass Flat	3556	11/9/2023
Kona Kitt	Melbourne	3000	11/9/2023
Jaime Childs	Melbourne	3001	11/9/2023
Bec Hogan	Bendigo	3550	11/9/2023
Kade and Andrea Rowe	Melbourne	3000	11/9/2023
Louise Garside	Melbourne	3000	11/9/2023
Mon Bonney	Bendigo	3556	11/9/2023
Paula Hare	Melbourne	3000	11/9/2023
Tegan Malone	Bendigo	3551	11/9/2023
Deb Spear	Melbourne	3001	11/9/2023
Rod Morris	Melbourne	3006	11/9/2023
Caterina Brew	Melbourne	3001	11/9/2023
Louise Gibson	Brisbane	4103	11/9/2023

Melissa Moloney	Junortoun	3551	11/9/2023
Andy Matthews	Melbourne	3001	11/9/2023
Nadia Teuma	Strathfieldsaye	3551	11/9/2023
Lauren Williams	Melbourne	3550	11/9/2023
Madeline Walter	Bendigo	3550	11/9/2023
Lauren Wedlick	Bendigo	3550	11/9/2023
Carly Horsfall	Bendigo	3001	11/9/2023
Hannah eames		3555	11/9/2023
Rebeca McCulloch	Bendigo	3551	11/9/2023
Lesley Childs	Burlington	3660	11/9/2023
Lindy Finnen	Bendigo	3551	11/9/2023
Josh Pell	North Bendigo	3550	11/9/2023
Kim Wright	Melbourne	3000	11/9/2023
Joshua McLeod	Melbourne	3000	11/9/2023
Nadia Wesolek	Strathfieldsaye	3551	11/9/2023
Geoff Dempster	Melbourne	3001	11/9/2023
Michael Pilcher	Melbourne	3001	11/9/2023
Kade Rowe	Melbourne	3000	11/9/2023
Lisa Hanson	Bendigo	3550	11/9/2023
Ash McAuliffe	Melbourne	3001	11/9/2023
Marita Austin	Junortoun	3551	11/9/2023
Jamie Price	Bendigo	3550	11/9/2023
Robyn Lougoon	Sydney	2000	11/9/2023
Shasta Maher	Melbourne	3004	11/9/2023
Libby Nuttall	Melbourne	3001	11/9/2023
Grace Scalora	Melbourne	3001	11/9/2023
Marnie Lake	Melbourne	3001	11/9/2023
Amber Weston	Bendigo	3550	11/9/2023
Leanne Bonney	Bendigo	3555	11/9/2023
Melissa McEniry	Melbourne	3004	11/9/2023
Emily Finnemore	Melbourne	3000	11/9/2023
Nick McEniry	Bendigo	3550	11/9/2023
Nathan Meade	Quarry Hill	3550	11/9/2023
Rachael Austin-Pearson	bendigo	3515	11/9/2023
Kerryn Moroney	Melbourne	3001	11/9/2023
Nicole Birks	Junortoun	3551	11/9/2023
MaryAnne Hickmott	Sandhurst	3977	11/9/2023
Rhylee Kellow	Melbourne	3000	11/9/2023
Kate Schoder	Bendigo	3550	11/9/2023
Peter Lorenz	Melbourne	3081	11/9/2023
Leigh Fisher	Melbourne	3053	11/9/2023
Zoe Porlai	Bendigo	3550	11/9/2023
Chelsey Pawsey	Melbourne	3006	11/9/2023
James Svensen	Melbourne	3006	11/9/2023
Mary Hogarth		3444	11/9/2023
Sharon Whiley	Bendigo	3550	11/9/2023
Louise Svensen	Melbourne	3001	11/9/2023

Dianne Stephens	Bendigo	3555	11/9/2023
Melanie Hynes	Bendigo	3555	11/9/2023
Kerry Brown	Hawthorn	3122	11/9/2023
Aaron Macumber	Bendigo	3550	11/9/2023
Angela Lucas	Mckenzie Hill	3451	11/9/2023
Marcia Arnold	Melbourne	3000	11/9/2023
Stacey Andrews	Melbourne	3000	11/9/2023
Felicity Jackman	Bendigo	3550	11/9/2023
Kylie LIESCHKE	Sydney	2000	11/9/2023
Carmen Morrow	Bendigo	3550	11/9/2023
Matt Stagg	Strathfieldsaye	3551	11/9/2023
Nick Morrow	Melbourne	3001	11/9/2023
Jamie-Lee Hope	Melbourne	3004	11/9/2023
Laura Fitt	East Bendigo	3550	11/9/2023
Susan Borserio	Bendigo	3550	11/9/2023
Katie Bond	Sydney	2000	11/9/2023
Majella Clarke	Essendon	3040	11/9/2023
Sharon Hall	Ballarat	3350	11/9/2023
Jessie Dole	Westmeadows	3049	11/9/2023
Tanya Harms	Melbourne	3001	11/9/2023
Claire Farnsworth	Melton West	3337	11/9/2023
Prue Bond	Melbourne	3065	11/9/2023
Judi Elliott	Strathdale	3550	11/9/2023
Trevor Birks		3551	11/9/2023
Julia Feiss	Sunbury	3429	11/9/2023
Mitchell Barri	Melbourne	3000	11/9/2023
marguerita murphy	Bendigo	3551	11/9/2023
Daniel Rowell	Melbourne	3001	11/9/2023
Regan Smith	Bendigo	3550	11/9/2023
Samantha Hamilton	Melbourne	3001	11/9/2023
Penny Watt	Melbourne	3001	11/9/2023
Meleah Hogan	Bendigo	3551	11/9/2023
Elizabeth Morrow	Melbourne	3004	11/9/2023
Yvonne Fabry	Melbourne	3001	11/9/2023
Marc Frochot	East Bendigo	3550	11/9/2023
Bernadette Sporn	Melbourne	3051	11/9/2023
Donna Stebbins	Strathfieldsaye	3552	11/9/2023
Sharon Knobel	Gerogery	2642	11/9/2023
Sandy Brown	Junortoun	3551	11/9/2023
Peter Clarke	Melbourne	3004	11/9/2023
Jo & Russ	Melbourne	3004	11/9/2023
Kimberley Galvin	Melbourne	3006	11/9/2023
Lynn Maher	Bendigo	3550	11/9/2023
Katrina Knight	Bendigo	3550	11/9/2023
Mark Hynes	Bendigo	3555	11/9/2023
Kane Fitzpatrick	Sydney	2000	11/9/2023
Susan Qualtrough	Welshpool	3966	11/9/2023

Anne Cahill	Melbourne	3001	11/9/2023
mackenzie couch	junortoun	3551	11/9/2023
Olga Davenport	Melbourne	3000	11/9/2023
Jodie Bennett	Melbourne	3000	11/9/2023
Elisha Slingo	Bendigo	3551	11/9/2023
imogen ash	Melbourne	3001	11/9/2023
Josh Sloane		3551	11/9/2023
daisy mckimmie	melbourne	3000	11/9/2023
Nadia Smith	Bendigo	3550	11/9/2023
Kerry-Anne Hamilton	Eaglehawk	3556	11/9/2023
Michael Mantzaris	Greystanes	2145	11/9/2023
Leanne White	Preston	3072	11/9/2023
Hayley Donat	Bendigo	3550	11/9/2023
Danyelle Hunter	Axe Creek	3551	11/9/2023
Aaron Smith	Bendigo	3550	11/9/2023
Michelle Robertson	Melbourne	3001	11/9/2023
Shahbaz Khan	Canberra	2602	11/9/2023
bronte flanagan	melbourne	3551	11/9/2023
Laura Kennedy	Bendigo	3555	11/9/2023
Katie Moloney	Strathdale	3550	11/9/2023
Dani J	Bendigo	3550	11/9/2023
Judi Flack	Melbourne	3001	11/9/2023
Jessica Naismith	Bendigo	3550	11/9/2023
Karen Borserio	Melbourne	3001	11/9/2023
Melissa Moon	EPSOM	3551	11/9/2023
Vicki Fisher	Epsom	3551	11/9/2023
Paul Doncovio	Sydney	2000	11/9/2023
Paige Freemantle	Melbourne	3001	11/9/2023
Nicarrah Khong	Melbourne	3000	11/9/2023
Amy Peters	Marong	3515	11/9/2023
Sue Nielsen	Bendigo	3550	11/9/2023
Louise Purdon	Bendigo	3555	11/9/2023
Samantha Borserio	Bendigo	3551	11/9/2023
Peter Kennedy	Melbourne	3550	11/9/2023
Laura Marshall	Wandin	3551	11/9/2023
Brock Pinner	Melbourne	3001	11/9/2023
Cam Ladd	Melbourne	3001	11/9/2023
Harmony Davies	Bendigo	3550	11/9/2023
Aaron Hearps	Strathfieldsaye	3551	11/9/2023
Sharon Pfeiffer	Sedgwick	3551	11/9/2023
Amy Cunniff	Melbourne	3000	11/9/2023
Nathan Cail	Melbourne	3001	11/9/2023
Cindy Purdon	Bendigo	3555	11/9/2023
Heather Slater	Bendigo	3550	11/9/2023
Kerry Rowell	Melbourne	3001	11/9/2023
Jasmine Ponsold	Caulfield North	3161	11/9/2023
Naomi Morel	Melbourne	3004	11/9/2023

Ashley Bennallack	Melbourne	3001	11/9/2023
Leanne Cullen	Strathfieldsaye	3551	11/9/2023
Mark Anderson	Melbourne	3001	11/9/2023
Darrell Billett	Melbourne	3004	11/9/2023
Mary Appleton	Bendigo	3550	11/9/2023
Bret Leversha	Junortoun	3551	11/9/2023
Mel Ryan	Melbourne	3001	11/9/2023
Jimmy Teuma	Bendigo	3551	11/9/2023
Liz Varney	Melbourne	3141	11/9/2023
Rhiann Caldwell	Junortoun	3551	11/9/2023
Claire Pertzelt	Bendigo	3550	11/9/2023
Jayne Demeo	Melbourne	3000	11/9/2023
Lauren Bell	Melbourne	3004	11/9/2023
Lyn Waterson	Bendigo	3551	11/9/2023
Adam Place	Bendigo	3551	11/9/2023
Dean Sheldrick	Melbourne	3001	11/9/2023
Roland Wiltshire	Melbourne	3001	11/9/2023
Paige Ellis	Melbourne	3001	11/9/2023
Therese Worme	Melbourne	3550	11/9/2023
Lachlan McIntosh			11/9/2023
Ken Preston	Bendigo	3550	11/9/2023
Peter Linford	South Belgrave	3160	11/9/2023
Anthony Peters	Bendigo	3550	11/9/2023
Mikaela Florence	Melbourne	3000	11/9/2023
Michael Purdon	Sydney	2000	11/9/2023
Tanika Murray	Melbourne	3051	11/9/2023
Brad King	Bendigo	3556	11/9/2023
Donna Heard	Bendigo	3550	11/9/2023
Anthony McAliece	Melbourne	3001	11/9/2023
Bryley Savage	Bendigo	3550	11/9/2023
Shelley Hall	Kingston	K7M	11/9/2023
Sarah Evans	White Hills	3550	11/10/2023
Anita Watts	Melbourne	3000	11/10/2023
Carolyn Keglevich	Bendigo	3550	11/10/2023
Rox Hayes	Melbourne	3001	11/10/2023
Liz Findlay	Melbourne	3550	11/10/2023
Lanika Thompson	Melbourne	3001	11/10/2023
Cynthia Wilkinson	Sydney	2000	11/10/2023
Rachel Mason	Bendigo	3550	11/10/2023
Corinne Leversha		3551	11/10/2023
Linda Whillance	Bendigo	3000	11/10/2023
Mark Lockwood	Melbourne	3001	11/10/2023
Tom Pain	Bendigo	3550	11/10/2023
Cheryl Axell	Strathfieldsaye	3551	11/10/2023
Jodie Rasmussen	Strathfieldsaye	3555	11/10/2023
Amanda Downing	bendigo	3550	11/10/2023
Erin Field	Quarry Hill	3550	11/10/2023

Heather Downing	Bendigo	3550	11/10/2023
Rob Ketterer	Melbourne	3001	11/10/2023
Belind Pinner	Junortoun	3551	11/10/2023
Nicole McPhee	Bendigo	3550	11/10/2023
Faye Lougoon	Bendigo	3550	11/10/2023
Georgina Moloney	Melbourne	3001	11/10/2023
Alison Dullard	Bendigo	3550	11/10/2023
Michelle Fredricks	Bendigo	3550	11/10/2023
Anna Mulquiny	Tatura	3616	11/10/2023
Camille Sier	Bendigo	3550	11/10/2023
Mitchell Keuken	Melbourne	3001	11/10/2023
Brenda Baker	Bendigo	3550	11/10/2023
Maree Hobbs	Melbourne	3001	11/10/2023
brendan jackman	Melbourne	3000	11/10/2023
Amanda Hall	Bendigo	3550	11/10/2023
Tony Day	Pascoe Vale	3044	11/10/2023
Josie Roberts	Melbourne	3000	11/10/2023
Geoffrey Flack	Junortoun	3551	11/10/2023
Emily Murphy	Bendigo	3551	11/10/2023
David Burgess	Brisbane	4171	11/10/2023
Jon Turton	Melbourne	3000	11/10/2023
Fiona Shanahan	Melbourne	3001	11/10/2023
Helen Mason	Melbourne	3000	11/10/2023
Emily Ryan	Melbourne	3000	11/10/2023
Tim Shanahan	Melbourne	3001	11/10/2023
Janine Gerber	Melbourne	3000	11/10/2023
Kristy Lowe	Golden Square	3555	11/10/2023
Margaret Hardingham	Melbourne	3000	11/10/2023
Kathryn Spry-erland		3000	11/10/2023
Ross Freemantle	Strathfieldsaye	3551	11/10/2023
Cassandra Argus	Bendigo	3550	11/10/2023
Peter Taylor	Sydney	1001	11/10/2023
Amy Clark	Bendigo	3550	11/10/2023
Chris Bruce	Melbourne	3001	11/10/2023
Anastasia Christopoulos	Bendigo	3550	11/10/2023
Carla Anderson	Kennington	3550	11/10/2023
Casey trotter	Hamilton	3300	11/10/2023
Nick Whatley	Cohuna	3568	11/10/2023
Derek G Devrieze	Melbourne	3001	11/10/2023
Kate Kyne	Epsom	3551	11/10/2023
Nicki Waters		3550	11/10/2023
Ingrid Woodward	Bendigo	3550	11/10/2023
Luci Wright	Longlea	3551	11/10/2023
Lisa S	Melbourne	3000	11/10/2023
Mary Leversha	Sydney	2000	11/10/2023
Sharon Michell		3555	11/10/2023
Rob Beswick-Davison	Junortoun	3551	11/10/2023

Piper Downing-Mooney	Bendigo	3556	11/10/2023
Jodie Kovesy	Mandurang South	3551	11/10/2023
Sarah Lea	Bendigo	3550	11/10/2023
Renee Williams	Bendigo	3000	11/10/2023
Marie Bonne	Bendigo	3550	11/10/2023
Maree Cahill	Bendigo	3550	11/10/2023
Anita Pinch	Melbourne	3004	11/10/2023
Mary Murphy	East Bendigo	3550	11/10/2023
Martina Thomson	Bendigo	3550	11/10/2023
Kathy McEncroe	Bendigo	3550	11/10/2023
Sarah Adams	Bendigo	3556	11/10/2023
Fern Noske	Melbourne	3006	11/10/2023
Katie Felini	Bendigo	3550	11/10/2023
Llevelyse Shepley	Eaglehawk	3556	11/10/2023
Tim Douglas	Melbourne	3001	11/10/2023
Brian Bell	Melbourne	49	11/10/2023
Nardia Dazkiw	Melbourne	3187	11/10/2023
Andrew Gallagher	Strathdale	3550	11/10/2023
Nicole van Oosterwijck	East Bendigo	3550	11/10/2023
Gail fowler	Bendigo	3550	11/10/2023
Yvonne Besanko	Golden Square	3555	11/10/2023
Helen Hughan	Melbourne	3004	11/10/2023
Chelsea Mazzarino	Bendigo	3551	11/10/2023
Karen Pascoe	Melbourne	3000	11/10/2023
Jo-Anne Russell		3550	11/10/2023
Kylie Pearson	Melbourne	3000	11/10/2023
Dianne Tarran	Melbourne	3000	11/10/2023
Stephanie Asher	Mooroolbark	3138	11/10/2023
Ann Churchill	Melbourne	3001	11/10/2023
Ashlea Thomson	Brisbane	4169	11/10/2023
Kathy Job	Bendigo	3550	11/10/2023
Feda M	Sydney	2000	11/10/2023
Ebonee Vanscolina	Brisbane	4000	11/10/2023
Chloe Pyke	Melbourne	3001	11/10/2023
Carol Rose	Bendigo	3555	11/10/2023
Natalie Westbtook	Kennington	3550	11/10/2023
Tara O'Connor	Melbourne	3004	11/10/2023
Michelle Warwick	Huntly	3551	11/10/2023
Maree Conway	Bendigo	3550	11/10/2023
Kaye Crapper	Bendigo	3551	11/10/2023
Hayley Soulsby	Melbourne	3053	11/10/2023
Richelle Hilson	Ironbark	3550	11/10/2023
Jude Hocking	Bendigo	3550	11/10/2023
Jan Falconer	Bendigo	3550	11/10/2023
Hayley Pepperell	Flora Hill	3550	11/10/2023
Sally Warhurst	Bendigo	3550	11/10/2023
Deidre ryan	Melbourne	3001	11/10/2023

Erika Adams	Bendigo	3550	11/10/2023
Katie Webb	Bendigo	3551	11/10/2023
Nola Cowled	Melbourne	3001	11/10/2023
Matt Charlton	Junortoun	3551	11/10/2023
Zoe Moroni	Bendigo	3550	11/10/2023
James Burston	Melbourne	3135	11/10/2023
Jess Roberts	Spring Gully	3550	11/10/2023
Jack Bowyer	Melbourne	3001	11/10/2023
Ivy Hodson	Bendigo	3550	11/10/2023
Keshia frame	Melbourne	3008	11/10/2023
Christina Capuano	Melbourne	3001	11/10/2023
Donna Gay	Melbourne	3006	11/10/2023
Kerry Waterman	Bendigo	3555	11/10/2023
Jan Eccles	Ascot	3551	11/10/2023
Annaleise Osborne	Bendigo	3550	11/10/2023
Lisa O'Shea	Melbourne	3000	11/10/2023
Sarah Esposito	Bendigo	3550	11/10/2023
Gemma Gibson	Bendigo	3551	11/10/2023
Alisa Conlan	Melbourne	3065	11/11/2023
IAN CLARK	East Bendigo	3550	11/11/2023
Scott Harrison	Melbourne	3006	11/11/2023
Arjwan Hasan	Sydney	2000	11/11/2023
Sonia Szewczuk	Cairns	4868	11/11/2023
Iain Stewart	Bendigo	3550	11/11/2023
Nikki Rundle	Strathfieldsaye	3551	11/11/2023
Denise Grant	Melbourne	3000	11/11/2023
Marnie Grewar	Bendigo	3550	11/11/2023
Gordon Beach	Melbourne	3000	11/11/2023
Elizabeth Coulton	Melbourne	3001	11/11/2023
Karen Nebenfuehr	Melbourne	3004	11/11/2023
Frances Chandler	Bendigo	3555	11/11/2023
Julie Smith			11/11/2023
Russ McMillan	Nanneella	3561	11/11/2023
Donna Wagner	Bendigo	3551	11/11/2023
Wendy Lazzarotto	Melbourne	3000	11/11/2023
Clark Regina	Bendigo	3550	11/11/2023
Peter Boyle		3556	11/11/2023
Paris Mouzos		3877	11/11/2023
Alexandra WHalen		3550	11/11/2023
Phill Grant	Melbourne	3000	11/11/2023
Sharon Good	Kangaroo Flat	3555	11/11/2023
Billy Baker	Sydney	2000	11/11/2023
Carolyn Borme	Brock	76066	11/11/2023
Jayne Alexander	Melbourne	3001	11/11/2023
Kristy Keighran	Bendigo	3550	11/11/2023
Tracey Hughes	Bendigo	3550	11/11/2023
Rosalie Rogers	White Hills	3550	11/11/2023



Jason moorby		3156	11/11/2023
Kirsten Hill	Melbourne	3008	11/11/2023
Nigel Preston	Flora Hill	3550	11/11/2023
Lyndall Grant	Melbourne	3008	11/11/2023
Joanne Campione	Tweed Heads	2485	11/11/2023
Katherine Rottmann	Eaglehawk	3556	11/11/2023
Holly Pedler	Melbourne	3550	11/11/2023
Douglas Kennedy		2337	11/11/2023
Karen Falconer	Melbourne	3004	11/11/2023
Susan Faux	Melbourne	3000	11/11/2023
LISA BOWLES	bendigo	3550	11/11/2023
David Farquharson	Bendigo	3550	11/11/2023
Ian Barr	Melbourne	3000	11/11/2023
Jason Priestley	Melbourne	3001	11/11/2023
Sue O'Connor	Strathfieldsaye	3551	11/11/2023
Denise Bain		3557	11/11/2023
Lilla Joos		2030	11/11/2023
elizabeth brawn	liverpool	1871	11/11/2023
Mrs Suzanne Dullard	Eaglehawk	3556	11/11/2023
Steph Kenealy	Melbourne	3006	11/11/2023
Tracy Hansen	Bendigo	3550	11/11/2023
Barbara Hey	Burleigh Heads	4220	11/11/2023
Eloise Whitfield	Sydney	2000	11/11/2023
Lynsey York	Bendigo	3550	11/11/2023
Taneka Ruschmeyer	Melbourne	3001	11/11/2023
Hifsa Iqbal	Perth	6004	11/11/2023
Debra Mount	Melbourne	3550	11/11/2023
Heather Cox	Melbourne	3004	11/11/2023
Carolyn Wyatt	Melbourne	3001	11/11/2023
Tim Stringer	Melbourne	3088	11/11/2023
Rebecca Wiegard	Melbourne	3065	11/11/2023
Bridget Waters	Bendigo	3550	11/11/2023
Naomi Roberts	Melbourne	3053	11/11/2023
Joanna Quinlan	Maiden Gully	3555	11/11/2023
Madi Craven	Brisbane	4101	11/11/2023
Kezia Thomas	Bendigo	3550	11/11/2023
Dakota Craven	Melbourne	3065	11/11/2023
Robyn Robertson	Melbourne	3001	11/11/2023
Claire Proctor	Maiden Gully	3551	11/11/2023
Gordon Falk	Wodonga	2000	11/11/2023
Jan walklate	Melbourne	3000	11/11/2023
Kelli Chamberlain	Melbourne	3006	11/11/2023
Bridget Simes	Melbourne	3000	11/11/2023
Stephen Webster	Melbourne	3001	11/11/2023
Jane Leahy	Ironbark	3550	11/11/2023
Janet Jiricek		3550	11/11/2023
Tricia Geary	Epsom	3551	11/11/2023

Alice Belfrage	Bendigo	3550	11/11/2023
Ben Harrison	Sutton grange	3448	11/11/2023
Genee Chamberlain	Melbourne	3001	11/11/2023
Paul McDonald	Adelaide	5000	11/11/2023
Joanne Ellery	Melbourne	3000	11/11/2023
Megan Rodwell			11/11/2023
Sandra Sayers	Melbourne	3000	11/11/2023
Donna Forbes		3550	11/11/2023
Tepaeru Ngature	Sydney	2000	11/11/2023
Jeanette Watson	Fremantle	6160	11/11/2023
John Apolinarr	Sydney	2000	11/11/2023
Stacey Macdonald		3085	11/11/2023
Alix Lane	Bendigo	3551	11/11/2023
Kristy Bateman	Bendigo	3551	11/11/2023
Tamara Adams	Melbourne	3000	11/11/2023
Jenny Eddy	Melbourne	3000	11/11/2023
Kate O'Sullivan	Melbourne	3451	11/11/2023
Gen Rodda	Melbourne	3001	11/11/2023
Anna F	Bendigo	3551	11/11/2023
Lois Mitchell	Melbourne	3001	11/11/2023
Anna Leahy	Melbourne	3000	11/11/2023
Megan Pyke	Strathfieldsaye	3551	11/11/2023
Petrea Corcoran	Melbourne	3121	11/11/2023
Amy Templeton	Melbourne	3001	11/11/2023
Fiona P	Bendigo	3550	11/11/2023
Kristin Slingo	Bendigo	3551	11/11/2023
Lindsay Hamilton	Melbourne	3001	11/11/2023
Gail Paxton	Springfield Lakes	4300	11/12/2023
Stacie Wright	Melbourne	3001	11/12/2023
CHRISTINE RITCHIE		3551	11/12/2023
Ben Taylor-rose	Brisbane	4101	11/12/2023
Fraser Walsh	Brisbane	4032	11/12/2023
Alison Preston	Fitzroy North	3068	11/12/2023
James Kipper		2548	11/12/2023
diane dole		3556	11/12/2023
Sanela Nuhanovic	Melbourne	3000	11/12/2023
Margaretha Beach	Strathdale	3550	11/12/2023
Kaye Lane	Melbourne	3000	11/12/2023
Julie Robinson	Sydney	2000	11/12/2023
Paul Ludeman		3550	11/12/2023
Peter Robinson	Bendigo	3000	11/12/2023
jane dunstan	Castlemaine	3451	11/12/2023
Georgina Lane	Bendigo	3550	11/12/2023
Jessie Mackin	Bendigo	3550	11/12/2023
Tara Carrington	East Bendigo	3550	11/12/2023
Kaye Robins		3551	11/12/2023
Catherine Farley	Strathfieldsaye	3551	11/12/2023

Wendy Jackson	Melbourne	3001	11/12/2023
Carolyn Robinson	Melbourne	3000	11/12/2023
Louise Murrhiy	Melbourne	3001	11/12/2023
Stewrt Scoble	Bendigo	3551	11/12/2023
Genevieve Fells	Bendigo	3550	11/12/2023
Jan Doherty	Bendigo	3551	11/12/2023
Alison Torney	Epsom	3551	11/12/2023
Debbie McDowall	Melbourne	3065	11/12/2023
Johanna Winchcomb	Castlemaine	3450	11/12/2023
Kristi Mitchell	Melbourne	3001	11/12/2023
Belinda Dean	Bendigo	3550	11/12/2023
Maria Moraca	Flora Hill	3550	11/12/2023
Jan Lewis	Bendigo	3550	11/12/2023
Cherie Varney	Bendigo	3555	11/12/2023
Ronalda Cowcher	Melbourne	3001	11/12/2023
Carolyn Donovan	Bendigo	3550	11/12/2023
Hana Tepic	Balwyn North	3104	11/12/2023
Wendy Donaldson	Bendigo	3001	11/12/2023
Sara Fletcher	Kennington	3550	11/12/2023
Joanne Thomas	Melbourne	3001	11/12/2023
Edith Theuns	Flora Hill	3550	11/12/2023
Cornelis Norbart	Melbourne	3000	11/12/2023
Jacqueline Lennon	Melbourne	3004	11/12/2023
Rob Ellis	Melbourne	3000	11/12/2023
Mark Trevean		3551	11/12/2023
Michelle Pearce	Melbourne	3001	11/12/2023
Alyssa Creely	Melbourne	3006	11/12/2023
Lyn Turner	Bendigo	3550	11/12/2023
Tes Lapham		3550	11/13/2023
Tara Leckie	Bendigo	3550	11/13/2023
Wendy Franzi		3556	11/13/2023
Kylie Cox	Melbourne	3001	11/13/2023
bhp inc	Canberra	2611	11/13/2023
Sharnie Curnow	Bendigo	3550	11/13/2023
Bec Allen	Strathdale	3550	11/13/2023
nicky ramm		3550	11/13/2023
slasnx sn	Canberra	2600	11/13/2023
Mary Preston	Bendigo	3550	11/13/2023
Carmen Moreno	Pennant Hills	1715	11/13/2023
Keira Gordon	Albury	2640	11/13/2023
Lorraine Bartlett	Chiswick	3806	11/13/2023
Wajahat Ali			11/13/2023
Katie Maher		3550	11/13/2023
Louise Reidy	Bendigo	3550	11/13/2023
Sally Reiffel	Bendigo	3550	11/13/2023
Lauren Schulz	Melbourne	3000	11/13/2023
Maree O'Connor	Bendigo	3550	11/13/2023

Carmel Moore	Melbourne	3002	11/13/2023
Peta Comfort			11/13/2023
Marni Pollock	Bendigo	3550	11/13/2023
Kathi Smith	Bendigo	3550	11/13/2023
Lee Bramley		3556	11/13/2023
Sophie MCKELLAR	Bendigo	3550	11/13/2023
Darren Mills	Melbourne	3004	11/13/2023
Georgie McGrath	Bendigo	3550	11/13/2023
Roseanna Moylan	Melbourne	3000	11/13/2023
Paul Smith	Melbourne	3001	11/13/2023
Jayne Dixon	Bendigo east	3550	11/13/2023
Michele Brett	Melbourne	3001	11/13/2023
belinda eddy	Bendigo	3550	11/13/2023
Megan Draper	seabrook	3030	11/13/2023
Sally Lowndes		3551	11/13/2023
Kylie Dean	Brisbane	4006	11/13/2023
Mark Adams	Junortoun	3551	11/13/2023
Jan Freemantle	Golden Square	3555	11/13/2023
Tam Boyd	Boort	3537	11/13/2023
Lorraine Grinton	Bendigo	3551	11/13/2023
Bev Sutherland	Melbourne	3001	11/13/2023
Paula Saxon	Melbourne	3001	11/13/2023
Genevieve Hoskin	Strathfieldsaye	3551	11/14/2023
Kate Athorn	Strathfieldsaye	3551	11/14/2023
Jodi Joss		3551	11/14/2023
M R			11/14/2023
Elizabeth Shelton	Melbourne	3006	11/14/2023
Meagan D Daley	Strathfieldsaye	3551	11/14/2023
Rachael Stalley	Brisbane	4000	11/14/2023
Sharan Ermel	Bendigo	3550	11/14/2023
Kirrilee Miller	Strathdale	3550	11/14/2023
Glenn Purdy	Bendigo	3556	11/14/2023
Jasmine Concol	Melbourne	3004	11/14/2023
Penny Hammill	KangarooFlat	3555	11/14/2023
Ben Edwards	Melbourne	3051	11/14/2023
Kerry Smith	Bendigo	3550	11/14/2023
Mandy Ferguson	Shelbourne	3515	11/14/2023
Adrienne Bermingham Bermingham		3550	11/14/2023
Mr Jumbarrawa	Bendigo	3550	11/14/2023
Cindy Taylor		3551	11/14/2023
Michael Richardson J.P.	Sydney	2000	11/14/2023
Peter Costello	Bendigo	3555	11/15/2023
Fran Sokel	Ascot	3551	11/15/2023
Kristy Morley	Melbourne	3001	11/15/2023
Ella Hudson	Melbourne	3000	11/15/2023
Mike Lowther	White Hills	3550	11/15/2023
Sam Stevens		3350	11/15/2023

Janette Van den Berg	Melbourne	3001	11/15/2023
Joy Foster	Melbourne	3001	11/15/2023
Richmond Foster	Melbourne	3001	11/15/2023
Lauren Stevens	Bendigo	3550	11/15/2023
Cloud Byrne	Good Coast	1234	11/15/2023
Mavis Taig	Melbourne	3001	11/15/2023
Kellie Ellis	Melbourne	3000	11/15/2023
yeet yeetus			11/16/2023
Leanne Kellett	Melbourne	3008	11/16/2023
Michelle Robertson	Melbourne	3004	11/16/2023
Katy Katy	Sydney	2000	11/16/2023
Elaine Clark	Melbourne	3001	11/16/2023
Jean Ormond	Montrose	3765	11/16/2023
Jon Jugueta		2155	11/16/2023
Joaquin Silva			11/17/2023
Julieanne Isherwood	Innaloo	6018	11/17/2023
issy hall	Brisbane	4000	11/17/2023
Richard Garward	Springvale	3171	11/17/2023
Jodi hocking	Dingee	3571	11/17/2023
Rachel Thomsen	Melbourne	3001	11/17/2023
June Quinn	Maldon	3463	11/17/2023
Douglas Simmonds	Brisbane	4000	11/17/2023
P.S. Jones	Shepparton	3630	11/18/2023
Ashleigh Ripper	Melbourne	3000	11/18/2023
Mark Dela Cruz	Bendigo	3550	11/18/2023
Tam Davis	Bendigo	3550	11/18/2023
Kate McGrath	Kennington	3550	11/18/2023
Rebecca Hemsley	Palmyra	6157	11/18/2023
Roman Gaidier	Budgewoi	2262	11/18/2023
Brooke Wilson	Balnarring	3926	11/18/2023
Lainey Kint	Melbourne	3000	11/18/2023
Ashley A		5251	11/18/2023
Reilly Fitzgerald	Sydney	2000	11/19/2023
John Nimmo	Elizabeth Bay, Sydney	2011	11/19/2023
Roy Winters	Brisbane	4000	11/19/2023
Shae Hecimovic		3015	11/19/2023
Ray Koschel	Toorak	3142	11/19/2023
Nicole Jones	Melbourne	3001	11/19/2023
P. S. Jones.	Shepparton	3630	11/19/2023
David Goodwin	Melbourne	3001	11/20/2023
Phillip Carlin	Bendigo	3550	11/20/2023
Amy McGowan	Melbourne	3809	11/20/2023
Julie Jackson	Burleigh	4220	11/20/2023
jason grasso	mentone	3194	11/20/2023
Michelle Hayward		3551	11/21/2023
Son Jons	Sydney	4000	11/21/2023
Breanna Wickham	Melbourne	3001	11/21/2023

Debra Butt	Melbourne	3205	11/21/2023
Ruth Turner	Bendigo	3550	11/21/2023
Malihe Khoo Mortezaie	Ringwood East	3135	11/21/2023
Emma Willcocks	Brisbane	4000	11/21/2023
Tony Lucas	Geelong	3217	11/22/2023
Dara Knezevic	Sydney	2000	11/22/2023
charlotte coulson	Victoria	3550	11/22/2023
Lani Bullen	Bendigo	3555	11/22/2023
Patricia Moebus		3049	11/22/2023
Daniel O'Brien	Adelaide	5038	11/23/2023
Elly Neilsen		2088	11/23/2023
Luka Todorovic	Melbourne	3001	11/23/2023
Leonard Brown	Surry Hills	2010	11/23/2023
Craig Cameron	Beverly Hills	2209	11/23/2023
Michael Morris	Newport	3015	11/23/2023
Ivanova Molina		3032	11/23/2023
Teodora M.	Edinburgh	EH1	11/23/2023
Lyn Brownjohn		5560	11/23/2023
Steven Tubb	Sale	3850	11/24/2023
F.L. Ross	Melbourne	3199	11/24/2023
kevin brandie	bendigo	3550	11/24/2023
Elena Umana	Perth	6000	11/24/2023
James Pead	Valley View, Adelaide, SA	5093	11/24/2023
Roseanne Showler	Huntly	3551	11/24/2023
Victoria Juniper	Melbourne	3053	11/25/2023
Seb L	Melbourne	3065	11/25/2023
Jacob Biggs	Sydney	2000	11/25/2023
Al Mal	Melbourne	3066	11/25/2023
Julie de Graaff	Bendigo	3550	11/25/2023
Sara Osman	Homebush	2140	11/25/2023
Leyla Rashid	Yennora	2161	11/26/2023
Margaret McDonald		3551	11/26/2023
A.D. L		2326	11/27/2023
Hermione Granger	Melbourne	3051	11/27/2023
Sarah Bailey		2262	11/27/2023
Alicia Walker	Paralowie	5108	11/27/2023
Christine WALLACE	Sussex Inlet	2540	11/27/2023
Ben Thomson	Sydney	2000	11/27/2023
sara groenewold	Brisbane	4000	11/28/2023
John Nimmo	Sydney	2000	11/28/2023
Kristen Ryan		2558	11/28/2023
Gyorgyi Szabo		4030	11/28/2023
Madilyn Liddell	Glebe	2037	11/28/2023
Catherine Jones	White Hills	3550	11/28/2023
Tammy Wood	Adelaide	5000	11/28/2023
Damian Draper	Melbourne	3006	11/29/2023
Tom Upton	Bendigo	3550	11/29/2023

Lynn Smith	Perth	6004	11/30/2023
Sheree M		2234	11/30/2023
Wayne Carroll	Sydney	2000	11/30/2023
Jill Dillon-Cole	Perth	6015	11/30/2023
Louise Murray	Melbourne	3003	11/30/2023
SUE JEAUVONS		3550	11/30/2023
Dianne Linton	Serpentine	3571	11/30/2023
Debra Price	Bendigo	3550	11/30/2023
Arthur Theodoropoulos		2206	12/1/2023
Jenelle Back-Sercombe	Airds	2560	12/1/2023
Matilda Miller	Noosaville	4566	12/1/2023
Belinda Cas	Sydney	2001	12/1/2023
Jeffrey Betyou	Melbourne	3030	12/1/2023
Nichole Ballard	Bunbury	6230	12/1/2023
Gabi Fitzgerald	Cranbourne North	3977	12/1/2023
Helen Smith	East Bendigo	3550	12/1/2023
Emily Faulkner		4116	12/1/2023
ANNETTE O'BRIEN	Sydney	2060	12/2/2023
Mick lxxxx		6168	12/2/2023
Alex Radakovic		2567	12/2/2023
Bella Millar		3977	12/2/2023
Jessica Meager	Laurieton	2443	12/2/2023
Josh Hartwell	Axedale	3551	12/2/2023
Bengt Davidsson		4124	12/2/2023
Donna Phythian		2766	12/2/2023
Tayissa Astley	Adelaide	5107	12/3/2023
Nivin Elalfi	Mandurah	6210	12/3/2023
Sean Kelly	Melbourne	3000	12/3/2023
Dalia Mohamed	Maroochy River	4561	12/3/2023
Loz Galea	Leichardt	2038	12/3/2023

## **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.

#### **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 November 2023 [**15.1.1** - 1 page]



Capital Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price (ex GST)	Practical Completion	Budget
CT000685	Municipal Baths – Boardwalk & Feature Fencing	DC & GJ Lightburn t/as GDL Excavations	Craig Niemann	06-Nov-23	\$862,358.09	12-Apr-24	\$926,125.00
CT000687	Municipal Baths – Hardscape	DC & GJ Lightburn t/as GDL Excavations	Craig Niemann	06-Nov-23	\$529,598.35	12-Apr-24	\$931,205.00
CT000688	Mandurang Cricket Nets	SEF Services Pty Ltd	Stacy Williams	08-Nov-23	\$309,258.26	31-Mar-24	\$410,000.00
Service Contracts							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price (ex GST)	Contract Term & Options	Budget
CT000684	Asbestos Auditing Service for Council Owned and Managed Buildings	Safety Systems Bendigo Pty Ltd	Brian Westley	16-Nov-23	Schedule of Rates	3 Years with the option of 1 x 2 years	\$100,000.00 per year
Contracts Awarded at Council							
Contract No	Project	Successful Contractor	Delegated Officer	Date Signed	Price (ex GST)	Practical Completion / Contract Term & Options	Budget

## 15.2. Audit and Risk Committee reappointment of Chair for 2024

Author:	Rosemary Broad, Risk & Assurance Officer
Responsible Director:	Jessica Howard, Director Corporate Performance

### Purpose

To approve the reappointment of Jovana Obradovic-Tantra as the Chairperson of the Audit and Risk Committee for a second year from October 1, 2023, to October 1, 2024.

### Recommended Motion

That Council approve the reappointment of Jovana Obradovic-Tantra as the Chairperson of the Audit and Risk Committee for a second term from October 1, 2023, to October 1, 2024.

### Executive Summary

Jovana Obradovic-Tantra has completed one year as the Chairperson of the Audit and Risk Committee (the Committee) from October 1, 2022, to October 1, 2023, and would like to be considered for a second appointment from October 1, 2023, to October 1, 2024.

### Report

As outlined in the Audit and Risk Committee Charter, the Committee comprises seven members, which include three Councillors and four independent external members appointed by Council. In accordance with the *Local Government Act 2020* (Vic) (the Act), Committee members must:

1. include members who are Councillors of the Council
2. consist of a majority of members who are not Councillors of the Council and who collectively have:
  - expertise in financial management and risk;
  - experience in public sector management.
3. not be a member of Council staff.

The Chairperson of the Committee must be an independent member and will be appointed in accordance with Section 53 of the Act and then be approved by Council.

At the Audit and Risk Committee meeting held on November 9, 2023, Stephen Brown, an independent member of the Committee, nominated Jovana Obradovic-Tantra for the Chairperson role from October 1, 2023, to October 1, 2024. As there were no other nominations, CEO Craig Niemann noted that Jovana Obradovic-Tantra will be the preferred Chair until approved by Council resolution.

Jovana Obradovic-Tantra is currently serving her second term on the Committee. She is a governance professional, with over 15 years' experience in a wide array of industries including ports, transport, warehousing, heavy industry, construction and manufacturing. She started her own compliance consultancy in 2016 servicing a variety of local government clients.

***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**

Nil

### 15.3. Audit and Risk Committee Bi-Annual Chairperson Report

Author:	Rosemary Broad, Risk & Assurance Officer
Responsible Director:	Jessica Howard, Director Corporate Performance

#### **Purpose**

The purpose of this report is to brief Council on the report from the Chairperson of the Audit and Risk Committee.

#### **Recommended Motion**

That Council note the Audit and Risk Committee Chairperson Report.

#### **Executive Summary**

The Audit and Risk Committee (the Committee) provides Council with a bi-annual report on the activities of the Committee and how the Committee has discharged its responsibilities throughout the year.

#### **Background**

The role of the Committee is to assist Council, management and staff by providing independent advice and guidance on the following:

- Internal control systems;
- Arrangements in place to safeguard assets and resources;
- The overall effectiveness of the use of Council assets and resources;
- Compliance with legislative requirements and Council's policies and procedures;
- The management of risks by the organisation, ensuring Risk Management Policy and Framework are actively integrated into all areas of the organisation;
- Review of insurance adequacy and coverage;
- Organisational effectiveness in terms of program efficiency and economy against the Corporate Plan;
- The effectiveness of the internal and external audit functions and the communication between the external auditor, internal audit, management and the Council; and
- To provide timely advice to Council on any matters which may be referred to it by Council.

The Committee Charter requires that the Chairperson provide Council with a summary of the activities and achievements of the Committee during the year.

## **Report**

The Audit and Risk Committee Chairperson's Report is attached.

## **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. Bi-Annual Chairperson Report 1 April 2023 to 30 Sept 2023 [**15.3.1** - 11 pages]



City of Greater Bendigo  
Audit and Risk Committee Report

**City of Greater Bendigo  
Audit and Risk Committee  
Biannual Activity and Performance Report**

**1 April 2023 - 30 September 2023**



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## 1. Introduction

The role of the Audit and Risk Committee (Committee) is set out in the Audit and Risk Committee Charter, adopted by Council on 19 August 2020. The Audit and Risk Committee (the Committee) has been established to strengthen Council's governance, risk management, financial management and to drive continuous improvement. Pursuant to section 53(2) of the Local Government Act 2020 (the Act), the Committee is an advisory committee and does not have any delegated powers, including executive powers, management functions, or delegated financial responsibility.

The Committee is an advisory committee of the Council established to assist the Council to discharge its responsibilities under the Act to:

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

The Committee engage with management in discharging its responsibilities and formulating its advice to the Council. The Committee operates to advise the Council on how best to fulfil its responsibilities and facilitate decision making by providing a forum for improving communication between the Council members and senior management, finance, risk and compliance managers, internal auditors and external auditors.

The Council authorises the Committee, within its responsibilities, to:

- endorse key documents and reports that must be approved by Council, including annual financial reports, annual performance statements, new or revised policies and other documents that assist in maintaining a strong internal control environment.
- endorse the 3 year Strategic Internal Audit Plan, which will then be adopted by Council. The Committee will have the authority to make necessary changes throughout the year to adapt to new information and risks as they arise.
- obtain any information it requires from any official or external party (subject to any legal obligation to protect information).
- discuss any matters with the Victorian Auditor General's Office (VAGO), or other external parties (subject to confidentiality considerations).
- request the attendance of any official, including Councillors and Council Officers at Committee meetings.
- obtain legal or other professional advice at the City's expense, as considered necessary to meet its responsibilities, subject to prior agreement with the Chief Executive Officer.
- obtain legal or other professional advice at the City's expense, as considered necessary to meet its responsibilities, subject to prior agreement with the Chief Executive Officer





## 2. Purpose of the biannual activity report

This report meets the reporting requirements to Council as required by section 54(5) of the Local Government Act 2020 (Act). The report provides Council and the community with a summary of the matters that the Audit and Risk Committee has addressed in the reporting period in discharging its responsibilities under its Charter and under the Act.

Further, the report provides Council with the Committee's findings and recommendations for the period. This report provides an overview of the activity of the Audit and Risk Committee from 1 April 2023 to 30 September 2023.

## 3. Audit and Risk Committee Membership

The Committee comprises of seven members, four independent members and three Councillors. In addition to the members, other attendees include the CEO, Director Corporate Performance, Manager Financial Strategy, Manager Governance, Risk and Assurance Advisor and Internal and External Auditors.

### Independent Members:



**Jovana Obradovic-Tantra- Chair of the Committee**  
**October 2018 – Current**

Jovana is currently serving her second term on the council's Audit and Risk Committee (ARC).

She is a governance professional, with over 15 years' experience in a wide array of industries including ports, transport, warehousing, heavy industry, construction, and manufacturing. She started her own compliance consultancy in 2016 servicing a variety of SMEs and local government clients.

She understands the shifting risk landscape faced by local government and proactively works with the ARC towards better outcomes for the council.



**Stephen Brown**  
**October 2020 – Current**

Stephen has held senior management and executive positions in the banking and finance industry during his career of over thirty years. In addition to his executive work Stephen is also an experienced Board Director.

He is a Graduate of the Australian Institute of Company Directors, a registered Company Auditor and a Fellow of the Chartered Accountants Australia and New Zealand.



**Rob Stephenson**  
**October 2021- Current**

Rob Stephenson is a qualified accountant, with broad experience during more than thirty years employed in professional roles in Bendigo. His roles have included public accounting, non-bank finance and member-service sectors, including as Head of La Trobe University's Bendigo Campus, and most recently, as Interim CEO of Be.Bendigo.

Since finishing his role at La Trobe, Rob has become more deeply involved in a range of Community Boards and organisations, with a focus on Leadership Development, Learning and Education. Rob is a Fellow of the Royal Society of Arts, CPA Australia and Institute of Managers & Leaders, and Member of Australian Institute of Company Directors and International Leadership Association.



**Tony Ridley**  
**October 2022 – July 2023**

Tony was born and educated in Castlemaine, he has lived and worked worldwide in various senior and executive roles, supporting Government and Multinational entities. He has held senior positions within the Commonwealth, advised some of Australia's leading companies, consulted on behalf of many Fortune 500 entities, and supported major projects nationwide.

Tony holds a Master of Science (MSc) in Security & Risk Management, is a Chartered Security Professional (CSyP), a Certified Anti-Terrorism Specialist (CAS) and is currently studying for a Doctorate in Public Safety. Additionally, he is a vetted member of the Security Institute (MSyI), member of the Business Continuity Institute (BCI), the International Association of Criminal Analysts (IACA), and ASIS International. Tony is also an Indonesian and Malay linguist, albeit slightly rusty. He is also a decorated veteran.

Councillor Members:



**Mayor Cr Andrea Metcalf**  
**November 2019 – Current**

Cr Metcalf is a lifelong resident of Bendigo and is returning to Council for a second term. She is focused on being accessible to the community and looks forward to hearing from and meeting with residents throughout this term. So as the community understands her decision making, Cr Metcalf also looks forward to continuing her record on speaking to most matters before Council.

Cr Metcalf is passionate about support for the business community in the wake of the COVID-19 pandemic and also wants to see the development of a sustainable outcome to manage waste as the Eaglehawk Landfill approaches the end of its life. She also understands the importance of community facilities and is a keen supporter of Greater Bendigo's rural communities, and wants to help them develop and maintain their unique characteristics.

Cr Metcalf lives with her husband Jason and has two adult children.



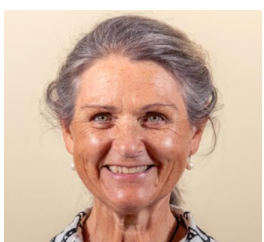


**Cr Margaret O'Rourke**

**December 2016 - Current**

This is Cr O'Rourke's second Council term. Her focus will be to support our business community to recover and thrive following the COVID-19 pandemic. She is also interested in the health and wellbeing of families and seeing the continued development of open space and recreational facilities to support this. She believes advocacy to State and Federal governments will be critical to driving the continued success of Greater Bendigo and the region. Her focus will also be on sustainably managing growth, protecting our environment, and ensuring the differing needs of rural communities are understood and met.

Cr O'Rourke is a long-time Bendigo resident and lives with her husband and two teenage daughters. She is a former manager of Telstra Countrywide and her current Board appointments include Deputy Chair at Bendigo Kangan Institute and Director at Goulburn Murray Water.



**Cr Julie Sloan**

**December 2021 - Current**

Cr Julie Sloan has lived in the Whipstick Ward for 21 years and joins Council for the first time. Her vision for the Whipstick Ward and wider municipality is of a healthy, engaged and inclusive community that is proud of its culture, environment, animal welfare, and vibrant economic growth.

Her favourite parts of her ward include the forests, parks and lakes, native wildlife, family and community spaces, art and culture precincts, recreation reserves, local eateries, markets and friendly local traders. Cr Sloan is interested in supporting strategies that encourage economic and employment growth in small business, local construction and manufacturing industries.

Other issues important to Cr Sloan include sustainable environmental outcomes, considering animals and the environment in decision making, reconciliation and healing initiatives, community arts and culture hubs and interconnected cycling and pedestrian networks across the municipality and outlying towns.

## 4. Audit and Risk Committee Attendance

The Committee met twice during the period on 18 May 2023 and 14 September 2023 with attendance outlined below:

Member	Meetings Attended
Jovana Obradovic-Tantra (Chair)	2 of 2
Stephen Brown	2 of 2
Rob Stephenson	2 of 2
Tony Ridley	1 of 1
Mayor Cr Andrea Metcalf	1 of 2
Cr Margaret O'Rourke	2 of 2
Cr Julie Sloan	2 of 2



## 5. Key Activities for the Reporting Period

### 18 May 2023

Matter considered	Summary
Review of actions arising from previous meeting	The Committee reviewed the status of actions arising in previous Committee meetings.
Quarterly Finance Report	The report showed an operating surplus against budget. The rate cap of 3.5% has been built into the draft 2023/2024 budget.
Interim Management Letter from External Auditor	The interim report for year ending 30 June 2023 was presented. Audit actions on IPPE Processes and Employee Masterfile Audit Trail have been completed.
Internal Audit - Status Report	Council's internal auditors reported on the status of the internal audit program.
Review of actions arising from previous internal audits	The Committee reviewed the status of the implementation of agreed management actions arising from previous internal audits.
Review of relevant reports and publications	Recent relevant reports and publications were presented to the Committee.
Commonwealth Games	Update on the 2026 Commonwealth Games progress.
Bi-Annual Chairperson Report	The Bi-Annual Chairperson report was presented to the Committee.
Gender Equality Action Plan (GEAP)	An update on the Gender Equality Action Plan was tabled.
Report by the Chief Executive Officer	The CEO provided an overview of the following items: <ul style="list-style-type: none"> <li>• Appointment of new Director Corporate Performance, Jessica Howard</li> <li>• 2023-2024 proposed budget was considered by Council on the 22 May 2023</li> <li>• City will exit Home Support Services by 30 June, 2023</li> </ul>
Councillor and Delegated Committee Member Expenses Report	A report was tabled on the Councillor and Delegated Committee Member Expenses.



#### 14 September 2023

<b>Matter considered</b>	<b>Summary</b>
Review of actions arising from previous meeting	The Committee reviewed the status of actions arising in previous Committee meetings.
Draft Financial Statements and Performance Statement	The City has prepared draft annual Financial Statements for the financial year ending 30 June 2023.
Draft Management Letter from External Auditor	Two new findings have been added on Negative Leave Management and Suppliers without ABN'S. One finding remain outstanding, with four resolved.
Closing Report – External Auditor	The report was approved by the Auditor General with no changes.
Quarterly Finance Report	The report showed an operating surplus against budget.
Internal Audit - Status Report	Council's internal auditors reported on the status of the internal audit program.
Review of relevant reports and publications	Recent relevant reports and publications were presented to the Committee.
Report on Past Issues Management of Contaminated Land Audit	The review of a previous audit confirmed that all eleven actions were deemed to be completed.
Meeting without Management	A meeting without management was held by the Audit and Risk Committee.
Review of actions arising from previous internal audits	The Committee reviewed the status of the implementation of agreed management actions arising from previous internal audits.
Climate Change Report	A report was tabled on the results of a Climate Change Risk Assessment for the City's operations.
Report by the Chief Executive Officer	The CEO provided an overview of the following items: <ul style="list-style-type: none"> <li>• State Government announced early in July 2023 the Commonwealth Games had been cancelled</li> <li>• Galkangu- GovHub was officially opened to the public on 10 July 2023</li> <li>• Davidson has been appointed as the consultants for the CEO recruitment.</li> </ul>
Self-Assessment Questionnaire	Results of the Self-Assessment Questionnaire was tabled for review.
State Government Local Government Areas	A report on State Government oversight of Local Government Areas was tabled.





## 6. Internal Audit

AFS and Associates were appointed as the Internal Auditor on July 1, 2019 with a renewal of the contract on July 1, 2022 for a further 12 months (ending June 30, 2024). The internal audit function provides an independent review of the effectiveness and efficiency of selected internal control processes and forms a key component of the Council's Governance and Risk Management Framework. The Internal Audit actions are reported and monitored by the Audit and Risk Committee at each meeting.

Below is an overview of the Internal Audits undertaken in 2021/22:

2021/22	
Occupational Health and Safety and Wellbeing (including working alone and WorkCover claim management)	<b>September 2021</b>
Fees and Charges	<b>November 2021</b>
Past Issues Follow Up— Portable and Attractive Assets	<b>February 2022</b>
Developer Contributions Planning	<b>March 2022</b>
Business Continuity Management/ Disaster Recovery Planning/Emergency Management	<b>May 2022</b>
Past Issues Follow Up – Contract Management	<b>May 2022</b>

Below is an overview of the Internal Audits scheduled for 2022/23:

2022/23	
Low Value Procurements (including Purchasing Cards)	<b>11- 15 July 2022</b>
Community and Stakeholder Engagement (service coverage to be confirmed at scoping)	<b>2 – 10 November 2022</b>
Workforce and Succession Planning (including Gender Equity)	<b>February 2023</b>
Payroll	<b>March 2023</b>
Past Issues Follow Up – Management of Contaminated Land	<b>May 2023</b>



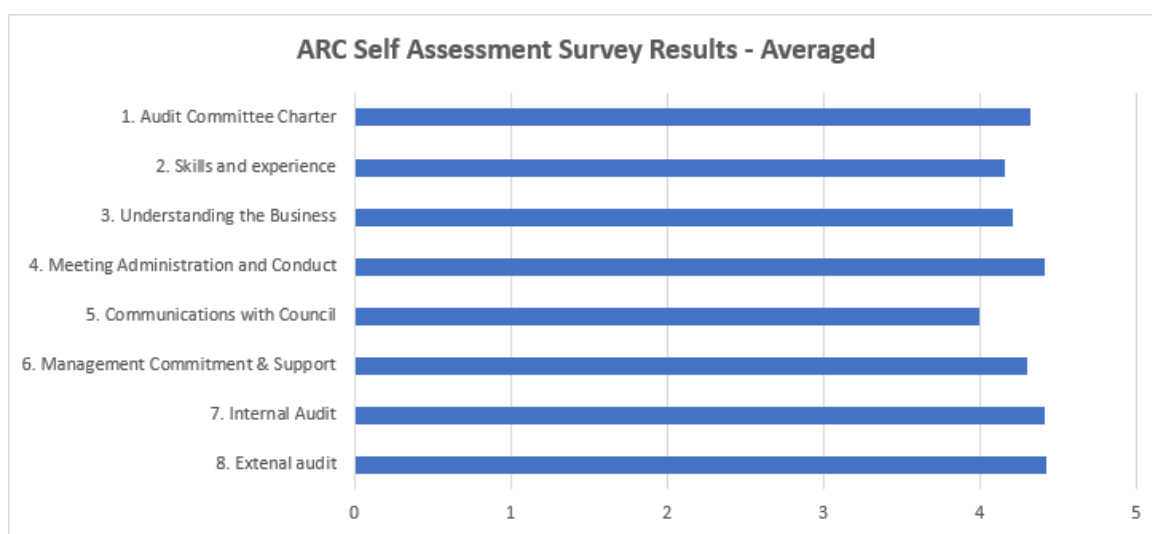
Below is an overview of the Internal Audits scheduled for 2023/24:

2023/2024	
Native Vegetation removal	July 2023
Past Issues Follow Up – Waste Management	October 2023
Procurement and Tendering Processes	October 2023
Organisation Culture	April 2024
Strategy, Business and Service Planning and Implementation Framework and Processes	June 2024

### 7. Audit and Risk Committee Annual Performance

As outlined in the Audit and Risk Committee Charter (S5.1.2) the Chairperson will prepare a report to Council on the Committee’s activities twice per annum including the Committee’s findings and recommendations. One of these reports will be prepared after the meeting at which the annual financial report and the annual performance statement have been considered and recommended to Council for adoption. This report should also include how the Committee has discharged its responsibilities as set out in the ARC Charter and to report on the ARC’s annual self- assessment of the Committee’s performance (refer S4.1.1 of the ARC Charter).

The ARC Self-Assessment Survey has 8 sections with several questions in each. For reporting the average of the responses and of each of the sections has been averaged and is outlined in the graph below:





The comments in the Self-Assessment were positive regarding the level that the Committee is operating at, and the information that is being provided, with strong commitment and support from Management. With some large Agendas recently, there was some feedback on whether additional meeting time needs to be scheduled. This will be discussed with the Committee to find a suitable outcome.

## 8. Meeting schedule for 2023

The Committee's meeting schedule for the remainder of 2023 is as follows:

- 10 November 2023

The Committee's meeting schedule for 2024 is as follows:

- 15 February 2024
- 15 May 2024
- 18 September 2024
- 14 November 2024

This report provides an overview of the requirements of the Audit and Risk Committee Charter and Committee Workplan and I am pleased to report that the Committee has met its objectives during the reporting period.

Jovana Obradovic-Tantra

Chair

On behalf of the Audit & Risk Committee



#### **15.4. November Audit and Risk Committee Meeting Draft Minutes**

Author:	Ryan Millard, Acting Manager - Governance
Responsible Director:	Jessica Howard, Director Corporate Performance

#### **Purpose**

The Audit and Risk Committee (Committee) Charter requires that the minutes of Committee meetings are provided to Council for information at the first available opportunity following each Committee meeting.

#### **Recommended Motion**

That Council:

1. Note the unconfirmed minutes of the Audit and Risk Committee meeting held on November 9, 2023; and
2. Note that the minutes will be tabled for confirmation at the next Audit and Risk Committee meeting, to be held on February 15, 2024.

#### **Executive Summary**

The Committee Charter requires that the minutes of Committee meetings are provided to Council for information at the first available opportunity following each Committee meeting.

Minutes from the Committee meeting held on November 9, 2023 are attached to this report for information.

#### **Background**

Council is committed to good governance, public transparency and accountability to the City of Greater Bendigo's community. The Committee has been established to strengthen Council's governance, risk management, financial management and to drive continuous improvement.

#### **Report**

The Committee Charter requires that the minutes of Committee meetings are provided to Council for information at the first available opportunity following each Committee meeting.

The Committee Chairperson has reviewed the unconfirmed minutes of the September 14, 2023 Committee meeting and has approved their release. The unconfirmed minutes of the meeting are attached to this report.

**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. Audit and Risk Committee Minutes 9 Nov 2023 DRAFT [15.4.1 - 7 pages]

**City of Greater Bendigo**

**Audit And Risk Committee meeting minutes**

**Meeting held 1:00 pm Thursday November 9, 2023**

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 Minutes - Audit and Risk Committee - November 9, 2023
 

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## **1. INTRODUCTION**

### **1.3. Attendance and Apologies**

#### **Attendees:**

- Stephen Brown (Acting Chair)
- Robert Stephenson
- Dan Butel
- Jovana Obradovic-Tantra - via Teams
- Cr Julie Sloan
- Cr Margaret O'Rourke via Teams initially and in person from 2.00pm
- Craig Niemann, Chief Executive Officer
- Jessica Howard, Director Corporate Performance
- Nathan Morsillo, Manager Financial Strategy
- Ryan Millard, Acting Manager Governance
- Rosemary Broad, Acting Risk and Assurance Advisor
- Rebecca Watkins, Risk and Assurance Administration Officer
- Brad Ead (AFS and Associates Pty Ltd), Internal Auditor

#### **Apologies:**

- Mayor Cr Andrea Metcalf
- Mark Eeles, Coordinator Financial Planning and Operations
- Erin Nankivell, Internal Auditor, AFS and Associates Pty Ltd
- Nick Walker, External Auditor, HLB Mann Judd
- Jess Clarke-Hong, Manager Governance

## **2. DECLARATIONS**

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

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

- Stephen Brown declared he is an employee of the Bendigo and Adelaide Bank
- Stephen Brown declared his is on the Board of Directors of Vision Super
- Robert Stephenson declared he is currently Advocacy lead of Be.Bendigo
- Cr O'Rourke declared that she is a customer of AFS and Associates Pty Ltd

## **3. STANDING ITEMS**

### **3.1. Previous Minutes**

**Presenter:** Stephen Brown, Acting Chair

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Minutes - Audit and Risk Committee - November 9, 2023

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**Resolution:** The minutes of the Audit and Risk Committee held on September 14, 2023 and previously circulated be adopted with the following changes:

Section 4.1- Should read "To provide the Audit and Risk Committee with inputs in line with the recommended Option 1 - Receive an annual update on the governance, planning and parameters being considered for the budget and/or the forward financial plan."

Moved: Jovana Obradovic-Tantra

Seconded: Robert Stephenson

### 3.2. Appointment of new Chair for following year

**Presenter:** Craig Niemann, CEO

- Nomination for the position of Chairperson of the Committee was declared open for 2024.
- Independent members were invited to nominate for the role of Chairperson.
- Stephen Brown nominated Jovana Obradovic-Tantra for the position.
- With no other nominations Jovana Obradovic-Tantra was appointed for the 2024 year with the term concluding on October 1, 2024, subject to Council approval in accordance with the Committee Charter.

### 3.3. Risk and Assurance Update

**Presenter:** Rosemary Broad, Acting Risk and Assurance Advisor

- Taken as read.
- Officers discussed the successful Business Continuity Plan exercise held recently at the City.

### 3.4. Actions Management

**Presenter:** Rosemary Broad, Acting Risk and Assurance Advisor

**Outcomes/Actions:**

**Action:** Fraud eLearning data should more clearly show progress of staff completions compared to previous quarter in the Risk and Assurance Report.

**Response:** Noted and will be addressed in future Risk and Assurance Reports.

**Action:** Review Strategic Risks and where needed, update any mention of the Commonwealth Games.

**Response:** A review will be undertaken of the Strategic Risks to remove mention of the Commonwealth Games, noting there is still work involved in the funding of similar projects, hence some updates will await that to be further progressed.

**Action:** Review the Gifts and Hospitality Register.

**Response:** In future, the Register will be included within the Councillors and Delegated Committee Member Expenses Report for each Committee meeting. The Governance team will work to ensure complete data regarding gift recipients and offerors is captured going forward.

**Action:** To review and ensure all outstanding and overdue audit actions have an adequate comment on progress from last quarter.

**Response:** The Secretariat of the Audit and Risk Committee will review comments and actions to ensure adequacy and that overdue items consider requesting (and justifying) an extended due date for completion.

### 3.5. Finance Update

**Presenter:** Nathan Morsillo, Manager Financial Strategy

- The City's operating result as at September 30, 2023 is a surplus, slightly favourable to budget.
- The Quarterly Finance Report will be tabled at the November Council meeting in detail.
- Valuation objections (to the Valuer-General) were noted as reduced from last year.
- General Debtors amount has increased due to invoices from Department of Transport exceeding 120 days (part of grant arrangements). Almost all have been resolved since the end of the quarter.
- Within the Rates reporting, it was noted that the City continues to engage with ratepayers for a variety of payment arrangements. Payment arrangements are categorised as short term by agreement, or those more formally designated as related to financial hardship arrangements (in line with the City's Financial Hardship Guidelines).

### 3.6. External Auditor Update

**Presenter:** External Auditor (not in attendance)

- It was noted that Nick Walker from HLB Mann Judd has been appointed as the City's audit service provider leading into the 30 June 2024 year end.

### 3.7. Internal Auditor Update

**Presenter:** Brad Ead (AFS), Internal Auditor

- Status Update report was tabled.
- The Organisational Culture Audit will be delayed to later in 2024 and the Livestock Exchange Audit will be brought forward.
- The Livestock Exchange Audit scope will be circulated to the Committee out of session once finalised.

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Minutes - Audit and Risk Committee - November 9, 2023

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- The Native Vegetation Audit report, assessing the City's compliance and management of native vegetation removal, was tabled. The report found that the City's management of native vegetation removal, to the extent it is controlled by the City, occurs in line with the principles of the relevant guidelines. A review of applications for native vegetation removal and planning permits issued found clear documentation of native vegetation impacts and appropriate assessment occurring.

The three minor recommendations made in the report have been accepted by City management and will be reported on in future Committee meetings.

The Past issues Waste Management report was tabled, noting all 8 audit actions are complete.

### **3.8. CEO Report**

**Presenter:** Craig Niemann, CEO

- Taken as read.
- Andrew Cooney has been successful in the role of Chief Executive Officer and will commence December 16, 2023.
- Municipal Electoral Boundary Review process has been undertaken but is still not resolved. A decision by the Minister may not be made until 2024.
- This meeting is Craig Niemann's last as Chief Executive Officer. The Committee offered thanks to Craig for his significant contribution and leadership over the years.

### **3.9. Councillor and Delegated Committee Member Expenses Report**

**Presenter:** Ryan Millard, Acting Manager Governance

- The report was taken as read.

### **3.10. ARC Workplan 2023**

**Presenter:** Stephen Brown, Acting Chair

- For information only.

### **3.11. Internal Control Environment 2024 to 2027**

**Presenter:** Stephen Brown, Acting Chair

- For information only.

## **4. GENERAL ITEMS**

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**4.1. ARC Biannual Report****Presenter:** Stephen Brown, Acting Chair

- The report was taken as read.

**4.2. Update on Developer Contributions Planning Audit Actions****Presenter:** Rob Anderson, Coordinator Development Contributions and Infrastructure Planning

- Rob Anderson provided the Committee with a presentation on progress of the framework and management of the City's Development Contribution Plans.
- The Committee remarked on the significant progress Rob and the team have made in this space.

**4.3. Information Technology Report****Presenter:** Josh Saunders, IT Cybersecurity Analyst

- The report was taken as read.
- The Committee noted that there will be an update on Cyber Security at the meeting in February 2024.

**4.4. WHS Overdue Audit Actions****Presenter:** Anna Connolly, WHS Coordinator

- A review on the progress of outstanding audit actions was provided to the Committee with a road map provided for completion.
- The Committee commented on the great progress that has been made in the City's WHS space.

**5. URGENT BUSINESS**

Nil.

**6. CLOSE OF MEETING**

There being no further business, the meeting closed at 2.55pm.

## 15.5. Councillor Appointment to Committees 2023/24

Author:	Tiffany O'Connell, Governance Officer - Mayoral Support
Responsible Director:	Jessica Howard, Director Corporate Performance

### Purpose

This report is for Council to endorse representatives on various Council and community committees for the 2023/24 Mayoral term.

### Recommended Motion

That Council make appointments to committees as outlined in this report effective from December 11, 2023.

### Executive Summary

Councillor representation on various Council and community committees is an important community engagement process.

### Background

The appointment of Councillor representatives on Council and community committees is reviewed annually.

The committees and groups have been classified into the one of the six following types:

1. Strategic Planning Governance
  - These are developing or implementing a key Council strategy.
  - Inclusive of advisory and working groups supporting the developing or implementing of a key Council strategy.
  - Example: Arts and Creative Industries Advisory Committee.
2. Legislated Committee
  - These are required for Local Government under legislation.
  - Examples: Community Asset Committees, Audit and Risk Committee, Municipal Emergency Management Planning Committee.
3. Independent Community Group / Organisation
  - These are independent of Council however they have requested a Councillor join their group to provide support.
  - Example: Bendigo Agricultural Show Society.

4. Integrated Community Group / Organisation

- These are independent boards or committees that are operationally integrated with, or reliant on support from, the City of Greater Bendigo.
- Examples: Bendigo Stadium Limited, Bendigo Easter Festival Committee, Bendigo Tourism.

5. Community Advisory or Reference Group to Council

- These are administered by the City and provide advice or support to Council on a specific matter or service.
- Examples: Disability Inclusion Reference Group, Heritage Advisory Committee, Farming Advisory Committee.

6. Delegated Committee of Council

- These are established by Council (pursuant to Section 63 of the *Local Government Act 2020*).

Previous Council decision dates: November 22, 2022

## Report

Councillor representatives for 2023/24 are:

Name of Committee	Type of Committee	2023 / 24 Appointment/s
<b>Arts and Creative Industries Advisory Committee</b>	Strategic Planning Governance	Deputy Mayor Cr Evans
<b>Audit and Risk Committee</b>	Legislated Committee	Mayor Cr Metcalf Cr O'Rourke Cr Sloan
<b>Bendigo Agricultural Show Society CoM</b>	Independent Community Group/Organisation	Cr Penna
<b>Bendigo Art Gallery Board</b>	Integrated Community Group/Organisation	Cr Alden
<b>Bendigo Easter Festival Reference Group</b>	Community Advisory or Reference Group	Cr Williams
<b>Bendigo Livestock Exchange Stakeholders Group</b>	Community Advisory or Reference Group	Cr Williams

<b>Bendigo Regional Manufacturing Group</b>	Independent Community Group/Organisation	Cr O'Rourke
<b>Bendigo Safe Community Forum</b>	Independent Community Group/Organisation	Mayor Cr Metcalf
<b>Bendigo Tourism Board Incorporated (Inc)</b>	Integrated Community Group/Organisation	Deputy Mayor Cr Evans
<b>Bendigo Trust (Bendigo Heritage Attractions)</b>	Integrated Community Group/Organisation	Mayor Cr Metcalf Ryan Millard, Coordinator Legal Services (or delegate)
<b>Bendigo Writers Festival</b>	Integrated Community Group/Organisation	Cr Alden
<b>Calder Highway Improvement Committee</b>	Independent Community Group/Organisation	Cr Penna
<b>Central Victorian Greenhouse Alliance (CVGA) Board</b>	Independent Community Group/Organisation	Cr Alden
<b>Creative City of Gastronomy Advisory Committee</b>	Strategic Planning Governance	Mayor Cr Metcalf Cr Alden
<b>Cultural Diversity and Inclusion Plan Steering Committee</b>	Strategic Planning Governance	Cr Sloan
<b>Disability Inclusion Reference Committee (DIRC)</b>	Community Advisory or Reference Group	Deputy Mayor Cr Evans
<b>Economic Development Implementation Steering Committee</b>	Strategic Planning Governance	Mayor Cr Metcalf
<b>Farming and Agribusiness Advisory Committee</b>	Community Advisory or Reference Group	Cr Alden Cr Williams

<b>Finance Committee</b>	Legislated Committee	Mayor Cr Metcalf Deputy Mayor Cr Evans Cr Alden Cr Fagg Cr Fyffe OAM Cr O'Rourke Cr Penna Cr Sloan Cr Williams
<b>Fosterville Gold Mine Environmental Review Committee</b>	Independent Community Group/Organisation	Cr Penna
<b>Goldfields Library Corporation Ordinary Library Board Meeting</b>	Integrated Community Group/Organisation	Cr Fyffe OAM
<b>Greater Bendigo Climate Collaboration</b>	Strategic Planning Governance	Mayor Cr Metcalf
<b>Greater Bendigo Coalition for Gender Equity</b>	Strategic Planning Governance	Cr Sloan
<b>Greater Bendigo Environment Partnership</b>	Strategic Planning Governance	Cr Sloan
<b>Healthy Greater Bendigo Partnership Group</b>	Strategic Planning Governance	Mayor Cr Metcalf
<b>Heritage Advisory Committee</b>	Community Advisory or Reference Group	Cr Fagg
<b>Integrated Municipal Emergency Management Planning Committee</b>	Legislated Committee	Mayor Cr Metcalf
<b>Municipal Association of Victoria</b>	Independent Community Group/Organisation	<b>Rep:</b> Cr O'Rourke <b>Sub Rep:</b> Cr Fyffe OAM
<b>National Chinese Museum of Australia Limited, trading as Golden Dragon Museum</b>	Independent Community Group/Organisation	Cr O'Rourke
<b>Positive Ageing Advisory Committee</b>	Community Advisory or Reference Group	Cr Penna

<b>Public Spaces Advisory Committee</b>	Strategic Planning Governance	Cr Fagg (or delegate)
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### **Communications/Engagement**

Detailed discussions with Councillors reviewing the information and overarching principles applied when determining representatives on each of the committees.

### **Policy Context**

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

- Outcome 1 - Lead and govern for all
  - 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**

Nil

## 15.6. Council Meeting Dates 2024

Author:	Belinda Campbell, Governance Officer
Responsible Director:	Jessica Howard, Director Corporate Performance

### Purpose

The purpose of this report is to nominate the Council Meeting dates for 2024.

### Recommended Motion

That Council endorse the 2024 Council Meeting dates as outlined in this report.

### Executive Summary

It is proposed that the Council Meeting dates for 2024, as detailed in this report, be confirmed and advertised.

### Report

Item 6.6.1 of Council's Governance Rules requires that at or before the last Council Meeting each calendar year, Council must schedule the date, time and place of all Council Meetings for the following calendar year.

It is proposed that the following Council Meeting dates for January 2024 through to December 2024 be adopted. The dates are generally based on Council Meetings being held on the 4<sup>th</sup> Monday of every month.

The schedule of Council Meetings will be posted on the City of Greater Bendigo website and be made available from the Customer Service Centres.

The consistent monthly meeting is considered by the Council to continue to have several advantages:

- Certainty for the community and interested parties;
- Ensuring meeting agendas are available in a timely manner to the community;  
and
- Opportunities to engage with the community between Council Meeting.

**Proposed Council Meeting 2024 dates:**

- Monday January 29
- Monday February 26
- Monday March 25
- Monday April 22
- Monday May 27
- Monday June 24
- Monday July 22
- Monday August 26
- Monday September 16
- Monday October 14
- TBC – November 6 (to elect Mayor and Deputy Mayor)
- TBC – Monday November 25
- TBC – Monday December 16

All Meetings will commence at 6:00pm at the Bendigo Town Hall, unless otherwise notified.

**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)***

[Governance Rules](#)

**Conflict of Interest**

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

**Attachments**

Nil



## 15.7. Update to Instrument of Delegations

Author:	Rebecca Maple, Legal Services Support Officer
Responsible Director:	Jessica Howard, Director Corporate Performance

### Purpose

The purpose of this report is to seek endorsement of an updated suite of instruments that govern delegations of authority.

### Recommended Motion

That Council approve the attached:

- S6 Instrument of Delegation from Council to members of Council staff;
- S18 Instrument of Sub-Delegation from Council to Members of Council Staff – *Environmental Protection Act 2017*.

Each instrument of delegation will come into force immediately upon the common seal of Council being affixed to the instrument.

### Executive Summary

The S6 instrument delegates certain powers directly from Council to members of Council staff and is updated to reflect legislative and organisational changes. The updated instrument requires approval from Council.

The S18 instrument delegates certain powers under the *Environment Protection Act 2017* (Vic) (the EP Act) directly from Council to members of Council staff and has been updated to reflect organisational changes. The updated instrument requires approval from Council.

### Background

An instrument of delegation is a written document that specifies what powers are delegated and to whom.

Delegations empower employees with the authority to make binding decisions on behalf of the Council. This enables timely decisions to be made on the front line, by employees or committees with the specialised knowledge required. For example, most decisions on planning permit applications are made by planning officers with the right level of expertise or qualification, subject to appropriate oversight.

Council currently delegates:

- Duties and powers to the CEO (subject to several limitations). The delegation is set out in the S5 Instrument of Delegation from Council to Chief Executive Officer authorised by Resolution of Council on 19 August 2020 and reviewed and approved by Council on 19 July 2021;
- Legislative powers to specific members of staff. These delegations are set out in the S6 Instrument of Delegation from Council to Members of Council Staff authorised by Resolution of Council on 26 September 2022; and
- S18 Instrument of Sub-Delegation from Council to Members of Council Staff under the EP Act authorised by Resolution of Council on 26 September 2022.

## **Report**

The S6 instrument relates to Council powers, duties and functions within various Acts and Regulations (or specific parts of those Acts or Regulations), which contain a specific power of delegation. This delegates certain powers directly from Council to Council staff due to the legislation referred to containing specific powers of delegation.

The S18 sub-delegates Council's powers (delegated to it by the EP Act) to members of Council staff so Council officers can exercise powers related to wastewater management systems (including septic tanks) and regulation of noise from residential construction.

The primary amendments are due to:

- Healthy Communities and Environments Directorate realignment (S6 and S18);
- amendment to regulations 25(a) and (b) of the Planning and Environment Regulations 1987, to refer to the public availability requirements (S6);
- Reference to 'delivery of memorial' has been removed from s 181 of the *Planning and Environment Act 1987* (S6).

The updated instruments were amended to incorporate internal restructures, changes in position titles and other information provided by work units.

## **Communications/Engagement**

A period of consultation was undertaken with units impacted by the Healthy Communities and Environments Directorate realignment. With the feedback received, the instruments were revised prior to a final draft being developed. The suite of instruments was then considered by the Executive Management Team.

## **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  
Goal 4 - Leadership that sets a standard for good governance and integrity in action, working in partnership with regional Councils

### ***Other Reference(s)***

Adherence to legislative obligations under *Local Government Act 2020*  
Delegations and Authorisations Policy

## **Conflict of Interest**

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

## **Attachments**

1. S6 Instrument of Delegation from Council to Members of Staff [**15.7.1** - 213 pages]
2. S18 Instrument of Sub-delegation from Council to Members of Council Staff - Environment Protection Act 2017 [**15.7.2** - 9 pages]



***S6 Instrument of Delegation – Members of Staff***

**Greater Bendigo City Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

## Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. declares that:
  - 2.1 this Instrument of Delegation is authorised by a resolution of Council passed on 11 December 2023; and
  - 2.2 the delegation:
    - 2.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
    - 2.2.2 remains in force until varied or revoked;
    - 2.2.3 is subject to any conditions and limitations set out in subparagraph 3.3, and the Schedule; and
    - 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.3 the delegate must not determine the issue, take the action or do the act or thing:
    - 2.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
    - 2.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
      - (a) policy; or
      - (b) strategyadopted by Council;



- 2.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
- 2.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

APPROVED under the COMMON SEAL )  
of the GREATER BENDIGO CITY COUNCIL )  
in the presence of: )

.....  
Chief Executive Officer

.....  
Full name

.....  
Date

.....  
Usual address



## SCHEDULE



## RELIANSYS® DELEGATIONS EXPORT FROM LIBRARY

### S6 INSTRUMENT OF DELEGATION MEMBERS OF STAFF

EXPORT: 28 NOVEMBER 2023

#### **Delegation Sources**

- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584721	Domestic Animals Act 1994	s 41A(1)	Power to declare a dog to be a menacing dog	Manager Safe Environments, Coordinator Local Laws and Animal Services, Director Healthy Communities and Environments	Council may delegate this power to a Council authorised officer
584722	Food Act 1984	s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	Manager Community and Environmental Health, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	If s 19(1) applies

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584723	Food Act 1984	s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	If s 19(1) applies
585221	Food Act 1984	s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator	If s 19(1) applies  Only in relation to temporary food premises or mobile food premises

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			specified process	Environmental Health, Team Leader Environmental Health	
584724	Food Act 1984	s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	Manager Community and Environmental Health, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	If s 19(1) applies
584725	Food Act 1984	s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	Manager Community and Environmental Health, Environmental	If s 19(1) applies

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
584726	Food Act 1984	s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental	If s 19(1) applies

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Health	
584727	Food Act 1984	s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	Manager Community and Environmental Health, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	Where Council is the registration authority
584728	Food Act 1984	s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	Manager Community and Environmental Health, Environmental Health Officer, Coordinator Environmental Health, Team	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Leader Environmental Health	
584729	Food Act 1984	s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	Manager Community and Environmental Health, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	Where Council is the registration authority
584730	Food Act 1984	s 19CB(4)(b)	Power to request copy of records	Manager Community and Environmental Health, Environmental Health Technician, Environmental	Where Council is the registration authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
584731	Food Act 1984	s 19E(1)(d)	Power to request a copy of the food safety program	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	Where Council is the registration authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
595091	Food Act 1984	s 19EA(3)	Function of receiving copy of revised food safety program	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	Where Council is the registration authority
584732	Food Act 1984	s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Administration	Where Council is the registration authority



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Systems and Support Officer, Coordinator Environmental Health, Team Leader Environmental Health	
595092	Food Act 1984	s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	Manager Community and Environmental Health, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	Where Council is the registration authority
595093	Food Act 1984	s 19IA(2)	Duty to give written notice to the	Manager Community	Where Council is the

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			proprietor of the premises	and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
584733	Food Act 1984	s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	Manager Community and Environmental Health, Environmental Health Officer, Coordinator Environmental Health, Team Leader	Where Council is the registration authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Environmental Health	
595094	Food Act 1984	s 19N(2)	Function of receiving notice from the auditor	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Administration Systems and Support Officer, Coordinator Environmental Health, Team Leader Environmental Health	Where Council is the registration authority
584734	Food Act 1984	s 19NA(1)	Power to request food safety audit reports	Manager Community and Environmental	Where Council is the registration authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Health, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
584735	Food Act 1984	s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	Manager Community and Environmental Health, Coordinator Environmental Health, Team Leader Environmental Health	
584736	Food Act 1984	s 19UA	Power to charge fees for conducting a food safety assessment or inspection	Manager Community and Environmental Health,	Except for an assessment required by a declaration under s 19C or an inspection under ss

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	38B(1)(c) or 39.
584737	Food Act 1984	s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader	Where Council is the registration authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Environmental Health	
584738	Food Act 1984	s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	Where Council is the registration authority
584739	Food Act 1984	s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food	Manager Community and Environmental Health, Environmental Health Officer,	Where Council is the registration authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			safety program of the premises	Coordinator Environmental Health, Team Leader Environmental Health	
584740	Food Act 1984		Power to register or renew the registration of a food premises	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	Where Council is the registration authority  Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
585289	Food Act 1984	s 36A	Power to accept an application	Manager Community	Where Council is the



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			for registration or notification using online portal	and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	registration authority
585290	Food Act 1984	s 36B	Duty to pay the charge for use of online portal	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental	Where Council is the registration authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Health, Team Leader Environmental Health	
584741	Food Act 1984	s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	Where Council is the registration authority
584742	Food Act 1984	s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration	Not delegated	Where Council is the registration authority <hr/> Fees are determined in the

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			under s 38AB(1)		Council's annual budget process.
584743	Food Act 1984	s 38A(4)	Power to request a copy of a completed food safety program template	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	Where Council is the registration authority
584744	Food Act 1984	s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	Manager Community and Environmental Health, Environmental Health Technician,	Where Council is the registration authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
584745	Food Act 1984	s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	Where Council is the registration authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584746	Food Act 1984	s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	Where Council is the registration authority
584747	Food Act 1984	s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator	Where Council is the registration authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Environmental Health, Team Leader Environmental Health	
584748	Food Act 1984	s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	Where Council is the registration authority
584749	Food Act 1984	s 38D(3)	Power to request copies of any audit reports	Manager Community and Environmental	Where Council is the registration authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
584750	Food Act 1984	s 38E(2)	Power to register the food premises on a conditional basis	Manager Community and Environmental Health, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental	Where Council is the registration authority  not exceeding the prescribed time limit defined under s 38E(5)



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Health	
584751	Food Act 1984	s 38E(4)	Duty to register the food premises when conditions are satisfied	Manager Community and Environmental Health, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	Where Council is the registration authority
584752	Food Act 1984	s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator	Where Council is the registration authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Environmental Health, Team Leader Environmental Health	
585291	Food Act 1984	s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	Where Council is the registration authority
595095	Food Act 1984	s 38G(2)	Function of receiving notice from proprietor if there is a	Manager Community and Environmental	Where Council is the registration authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			change of the food safety program type used for the food premises	Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
585292	Food Act 1984	s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team	Where Council is the registration authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Leader Environmental Health	
595096	Food Act 1984	s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
584753	Food Act 1984	s 39A	Power to register, or renew the registration of a food premises despite minor defects	Manager Community and Environmental Health, Environmental	Where Council is the registration authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	Only if satisfied of matters in s 39A(2)(a)-(c)
595097	Food Act 1984	s 39A (6)	Duty to comply with a direction of the Secretary	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Health	
595098	Food Act 1984	s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	Where Council is the registration authority
584754	Food Act 1984	s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	Manager Community and Environmental Health, Environmental Health Technician, Environmental	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
584755	Food Act 1984	s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	Where Council is the registration authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584756	Food Act 1984	s 40D(1)	Power to suspend or revoke the registration of food premises	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	Where Council is the registration authority
595099	Food Act 1984	s 40E	Duty to comply with direction of the Secretary	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator	



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Environmental Health, Team Leader Environmental Health	
585293	Food Act 1984	s 40F	Power to cancel registration of food premises	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	Where Council is the registration authority
595100	Food Act 1984	s 43	Duty to maintain records of registration	Manager Community and Environmental	Where Council is the registration authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
584757	Food Act 1984	s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team	Where Council is the registration authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Leader Environmental Health	
584758	Food Act 1984	s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	Where Council is the registration authority
595101	Food Act 1984	s 45AC	Power to bring proceedings	Manager Community and Environmental Health, Coordinator Environmental	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Health, Team Leader Environmental Health	
584759	Food Act 1984	s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	Manager Community and Environmental Health, Coordinator Environmental Health, Team Leader Environmental Health	Where Council is the registration authority
584760	Heritage Act 2017	s 116	Power to sub-delegate Executive Director's functions, duties or powers	Not delegated	Must first obtain Executive Director's written consent  Council can only sub-delegate if the Instrument of Delegation

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
					from the Executive Director authorises sub-delegation
585276	Local Government Act 1989	s 185L(4)	Power to declare and levy a cladding rectification charge	Chief Executive Officer	<hr/> The only member of staff who can be a delegate is the CEO
584761	Planning and Environment Act 1987	s 4B	Power to prepare an amendment to the Victorian Planning Provisions	Director Strategy and Growth, Manager Strategic Planning	If authorised by the Minister
584762	Planning and Environment Act 1987	s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	Director Strategy and Growth, Manager Strategic Planning, Coordinators in the Strategic Planning Unit	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584763	Planning and Environment Act 1987	s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	Director Strategy and Growth, Manager Statutory Planning, Manager Strategic Planning, Coordinators in the Strategic Planning Unit, Strategic Planner	
584764	Planning and Environment Act 1987	s 4(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	Director Strategy and Growth, Manager Statutory Planning, Manager Strategic Planning, Coordinators in the Strategic Planning Unit, Strategic Planner	
584765	Planning and	s 8A(2)	Power to prepare amendment to the planning scheme where the	Director Strategy and Growth,	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Environment Act 1987		Minister has given consent under s 8A	Manager Statutory Planning, Manager Strategic Planning, Coordinators in the Strategic Planning Unit, Strategic Planner	
584766	Planning and Environment Act 1987	s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	Director Strategy and Growth, Manager Strategic Planning, Coordinators in the Strategic Planning Unit	
584767	Planning and Environment Act 1987	s 8A(5)	Function of receiving notice of the Minister's decision	Director Strategy and Growth, Manager Statutory Planning, Manager Strategic Planning, Coordinators in the	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Strategic Planning Unit, Strategic Planner	
584768	Planning and Environment Act 1987	s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	Director Strategy and Growth, Manager Statutory Planning, Manager Strategic Planning, Coordinators in the Strategic Planning Unit, Strategic Planner	
584769	Planning and Environment Act 1987	s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	Director Strategy and Growth, Manager Strategic Planning	



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584770	Planning and Environment Act 1987	s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	Director Strategy and Growth, Manager Strategic Planning, Coordinators in the Strategic Planning Unit, Senior Strategic Planner, Strategic Planner	
584772	Planning and Environment Act 1987	s 12B(1)	Duty to review planning scheme	Director Strategy and Growth, Manager Strategic Planning, Coordinators in the Strategic Planning Unit	
584773	Planning and Environment Act 1987	s 12B(2)	Duty to review planning scheme at direction of Minister	Director Strategy and Growth, Manager Strategic Planning,	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Coordinators in the Strategic Planning Unit	
584774	Planning and Environment Act 1987	s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	Director Strategy and Growth, Manager Strategic Planning, Coordinators in the Strategic Planning Unit	
584775	Planning and Environment Act 1987	s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	Director Strategy and Growth, Manager Strategic Planning, Coordinators in the Strategic Planning Unit, Senior Strategic Planner, Strategic Planner	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584776	Planning and Environment Act 1987	s 17(1)	Duty of giving copy amendment to the planning scheme	Director Strategy and Growth, Manager Strategic Planning, Coordinators in the Strategic Planning Unit, Senior Strategic Planner, Strategic Planner	
584777	Planning and Environment Act 1987	s 17(2)	Duty of giving copy s 173 agreement	Manager Statutory Planning, Coordinator Planning, Senior Planner, Subdivision Officer, Planner	
584778	Planning and Environment Act 1987	s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	Manager Strategic Planning, Coordinators in the Strategic Planning Unit, Senior	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Strategic Planner, Strategic Planner	
584779	Planning and Environment Act 1987	s 18	Duty to make amendment etc. available in accordance with public availability requirements	Manager Strategic Planning, Coordinators in the Strategic Planning Unit, Senior Strategic Planner, Strategic Planner	Until the proposed amendment is approved or lapsed
584780	Planning and Environment Act 1987	s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	Director Strategy and Growth, Manager Strategic Planning, Chief Executive Officer, Coordinators in the Strategic Planning Unit, Senior Strategic Planner, Strategic Planner	Power to not give notice is delegated only to Chief Executive Officer and Director.

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584781	Planning and Environment Act 1987	s 19	Function of receiving notice of preparation of an amendment to a planning scheme	Manager Strategic Planning, Coordinators in the Strategic Planning Unit	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
584782	Planning and Environment Act 1987	s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	Manager Strategic Planning, Coordinators in the Strategic Planning Unit	Where Council is a planning authority
584783	Planning and Environment Act 1987	s 21(2)	Duty to make submissions available in accordance with public availability requirements	Manager Strategic Planning, Coordinators in the Strategic Planning Unit, Senior	Until the end of 2 months after the amendment comes into operation or lapses

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Strategic Planner, Strategic Planner	
584784	Planning and Environment Act 1987	s 21A(4)	Duty to publish notice	Manager Strategic Planning, Coordinators in the Strategic Planning Unit, Senior Strategic Planner, Strategic Planner	
584785	Planning and Environment Act 1987	s 22(1)	Duty to consider all submissions received before the date specified in the notice	Manager Strategic Planning, Coordinators in the Strategic Planning Unit, Senior Strategic Planner, Strategic Planner	Except submissions which request a change to the items in s 22(5)(a) and (b)
628708	Planning and Environment Act 1987	s 22(2)	Power to consider a late submission	Manager Strategic Planning, Coordinators in the	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			Duty to consider a late submission, if directed by the Minister	Strategic Planning Unit	
584786	Planning and Environment Act 1987	s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	Manager Strategic Planning, Coordinators in the Strategic Planning Unit	
584787	Planning and Environment Act 1987	s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	Manager Strategic Planning, Coordinators in the Strategic Planning Unit	
584788	Planning and Environment Act 1987	s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	Manager Strategic Planning, Senior Planner, Coordinators in the Strategic Planning	Includes to instruct legal providers or consultants with the required expertise to

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Unit, Planner	represent Council.  Planner may only exercise power subject to prior consultation with Coordinator in the Strategic Planning Unit.
584789	Planning and Environment Act 1987	s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	Manager Strategic Planning, Coordinators in the Strategic Planning Unit, Senior Strategic Planner, Strategic Planner	
584790	Planning and Environment Act 1987	s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	Manager Strategic Planning, Coordinators in the Strategic Planning Unit, Senior	During the inspection period



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Strategic Planner, Strategic Planner	
584791	Planning and Environment Act 1987	s 27(2)	Power to apply for exemption if panel's report not received	Manager Strategic Planning, Coordinators in the Strategic Planning Unit, Senior Strategic Planner, Strategic Planner	
584792	Planning and Environment Act 1987	s 28(1)	Duty to notify the Minister if abandoning an amendment	Manager Strategic Planning, Coordinators in the Strategic Planning Unit	Note: the power to make a decision to abandon an amendment cannot be delegated
585294	Planning and Environment Act 1987	s 28(2)	Duty to publish notice of the decision on Internet site	Manager Strategic Planning, Coordinators in the Strategic Planning Unit, Senior	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Strategic Planner, Strategic Planner	
585295	Planning and Environment Act 1987	s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	Manager Strategic Planning, Coordinators in the Strategic Planning Unit, Senior Strategic Planner, Strategic Planner	
584793	Planning and Environment Act 1987	s 30(4)(a)	Duty to say if amendment has lapsed	Manager Strategic Planning, Coordinators in the Strategic Planning Unit	
584794	Planning and Environment Act 1987	s 30(4)(b)	Duty to provide information in writing upon request	Manager Strategic Planning, Coordinators in the Strategic Planning	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Unit	
584795	Planning and Environment Act 1987	s 32(2)	Duty to give more notice if required	Manager Strategic Planning, Coordinators in the Strategic Planning Unit	
584796	Planning and Environment Act 1987	s 33(1)	Duty to give more notice of changes to an amendment	Manager Strategic Planning, Coordinators in the Strategic Planning Unit, Senior Strategic Planner, Strategic Planner	
584797	Planning and Environment Act 1987	s 36(2)	Duty to give notice of approval of amendment	Manager Strategic Planning, Senior Planner, Coordinators in the Strategic Planning	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Unit, Planner	
584798	Planning and Environment Act 1987	s 38(5)	Duty to give notice of revocation of an amendment	Manager Strategic Planning, Coordinators in the Strategic Planning Unit	
584799	Planning and Environment Act 1987	s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	Director Strategy and Growth, Manager Strategic Planning, Coordinators in the Strategic Planning Unit	
584800	Planning and Environment Act 1987	s 40(1)	Function of lodging copy of approved amendment	Manager Strategic Planning, Coordinators in the Strategic Planning Unit, Senior Strategic Planner,	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Strategic Planner	
584801	Planning and Environment Act 1987	s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	Manager Strategic Planning, Coordinators in the Strategic Planning Unit, Senior Strategic Planner, Strategic Planner	
585296	Planning and Environment Act 1987	s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	Manager Strategic Planning, Coordinators in the Strategic Planning Unit, Senior Strategic Planner, Strategic Planner	
584802	Planning and Environment Act 1987	s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability	Manager Statutory Planning, Manager Strategic Planning,	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			requirements	Coordinator Planning, Coordinators in the Strategic Planning Unit, Senior Strategic Planner, Strategic Planner	
585224	Planning and Environment Act 1987	s 46AW	Function of being consulted by the Minister	Director Strategy and Growth, Manager Strategic Planning	Where Council is a responsible public entity
585225	Planning and Environment Act 1987	s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy  Power to endorse the draft Statement of Planning Policy	Director Strategy and Growth, Manager Strategic Planning	Where Council is a responsible public entity

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585163	Planning and Environment Act 1987	s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	Director Strategy and Growth, Manager Strategic Planning, Coordinators in the Strategic Planning Unit	Where Council is a responsible public entity
585164	Planning and Environment Act 1987	s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	Director Strategy and Growth, Manager Strategic Planning, Coordinators in the Strategic Planning Unit	Where Council is a responsible public entity
585165	Planning and	s	Power to agree to a lower rate of standard levy for a class of	Director Strategy and Growth,	Where Council is the planning authority, the municipal Council

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Environment Act 1987	46GI(2)(b)(i)	development of a particular type of land than the rate specified in a Minister's direction	Manager Statutory Planning, Manager Strategic Planning	of the municipal district in which the land is located and/or the development agency
585226	Planning and Environment Act 1987	s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	Manager Strategic Planning, Coordinator Development Contributions and Infrastructure Planning	
585227	Planning and Environment Act 1987	s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	Director Strategy and Growth, Manager Strategic Planning, Coordinator Development Contributions and	



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Infrastructure Planning	
585228	Planning and Environment Act 1987	s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	Director Strategy and Growth, Manager Strategic Planning	
585229	Planning and Environment Act 1987	s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	Manager Strategic Planning, Coordinator Development Contributions and Infrastructure Planning	
585230	Planning and Environment Act 1987	s 46GP	Function of receiving a notice under s 46GO	Manager Strategic Planning, Coordinator Development Contributions and Infrastructure	Where Council is the collecting agency

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Planning	
585231	Planning and Environment Act 1987	s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	Manager Strategic Planning, Coordinator Development Contributions and Infrastructure Planning	
585232	Planning and Environment Act 1987	s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	Manager Strategic Planning, Coordinator Development Contributions and Infrastructure Planning	
585233	Planning and Environment Act 1987	s 46GR(2)	Power to consider a late submission	Manager Strategic Planning, Coordinator Development	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			Duty to consider a late submission if directed to do so by the Minister	Contributions and Infrastructure Planning	
585234	Planning and Environment Act 1987	s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	Manager Strategic Planning, Coordinator Development Contributions and Infrastructure Planning	
585235	Planning and Environment Act 1987	s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-	Manager Strategic Planning	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			general		
585236	Planning and Environment Act 1987	s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	Manager Strategic Planning	
585237	Planning and Environment Act 1987	s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	Director Strategy and Growth, Manager Strategic Planning	
585238	Planning and Environment Act 1987	s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	Director Strategy and Growth, Manager Strategic Planning	
585239	Planning and	s 46GU	Duty not to adopt an	Director Strategy	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Environment Act 1987		amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	and Growth, Manager Strategic Planning, Coordinator Development Contributions and Infrastructure Planning	
585240	Planning and Environment Act 1987	s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution  Power to specify the manner in which the payment is to be made	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Subdivision Officer	Where Council is the collecting agency
585241	Planning and	s	Power to enter into an	Director Strategy and Growth,	Where Council is the collecting

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Environment Act 1987	46GV(3)(b)	agreement with the applicant	Manager Strategic Planning	agency
585242	Planning and Environment Act 1987	s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	Director Strategy and Growth, Manager Strategic Planning	Where Council is the development agency
585243	Planning and Environment Act 1987	s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	Director Strategy and Growth, Manager Strategic Planning	Where Council is the collecting agency
585244	Planning and Environment Act 1987	s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	Director Strategy and Growth, Manager Strategic Planning, Coordinator Development Contributions and Infrastructure	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Planning	
585245	Planning and Environment Act 1987	s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	Director Strategy and Growth, Manager Strategic Planning, Coordinator Development Contributions and Infrastructure Planning	Where Council is the collecting agency
585166	Planning and Environment Act 1987	s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	Director Strategy and Growth, Manager Strategic Planning	Where Council is the collecting agency
585246	Planning and Environment Act 1987	s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the	Director Strategy and Growth, Manager Strategic	Where Council is the collecting agency

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			agreement of the development agency or agencies specified in the approved infrastructure contributions plan	Planning	
585247	Planning and Environment Act 1987	s 46GY(1)	Duty to keep proper and separate accounts and records	Director Strategy and Growth, Manager Financial Strategy, Manager Strategic Planning	Where Council is the collecting agency
585248	Planning and Environment Act 1987	s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	Director Strategy and Growth, Manager Financial Strategy, Manager Strategic Planning, Coordinator Development Contributions and Infrastructure Planning	Where Council is the collecting agency



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585249	Planning and Environment Act 1987	s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	Director Strategy and Growth, Manager Strategic Planning	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is that planning authority
585250	Planning and Environment Act 1987	s 46GZ(2)(a)	Function of receiving the monetary component	Director Strategy and Growth, Manager Strategic Planning	Where the Council is the planning authority  This duty does not apply where Council is also the collecting agency
585167	Planning and Environment Act 1987	s 46GZ(2)(b)	Duty to forward any part of the monetary component that is	Director Strategy and Growth,	Where Council is the collecting agency under an approved

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			imposed for the provision of works, services or facilities to the development agency that is specified in the plan,as responsible for those works, services or facilities	Manager Strategic Planning	infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency
585251	Planning and Environment Act 1987	s 46GZ(2)(b)	Function of receiving the monetary component	Director Strategy and Growth, Manager Strategic Planning	Where Council is the development agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585252	Planning and Environment Act 1987	s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	Director Strategy and Growth, Manager Strategic Planning	Where Council is the collecting agency under an approved infrastructure contributions plan
585168	Planning and Environment Act 1987	s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	Director Strategy and Growth, Manager Strategic Planning	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585253	Planning and Environment Act 1987	s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	Director Strategy and Growth, Manager Strategic Planning	Where Council is the development agency specified in the approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
585254	Planning and Environment Act 1987	s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	Director Strategy and Growth, Manager Strategic Planning	Where Council is the collecting agency under an approved infrastructure contributions plan
585169	Planning and Environment Act 1987	s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the	Director Strategy and Growth,	If any inner public purpose land is vested in Council under the

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	Manager Strategic Planning	Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)  Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
585255	Planning and Environment Act 1987	s 46GZ(9)	Function of receiving the fee simple in the land	Director Strategy and Growth, Manager Strategic Planning	Where Council is the development agency under an approved infrastructure contributions plan

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
					This duty does not apply where Council is also the collecting agency
585256	Planning and Environment Act 1987	s 46GZA(1)	Duty to keep proper and separate accounts and records	Director Strategy and Growth, Manager Strategic Planning	Where Council is the development agency under an approved infrastructure contributions plan
585170	Planning and Environment Act 1987	s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	Director Strategy and Growth, Manager Strategic Planning	Where Council is a development agency under an approved infrastructure contributions plan
585257	Planning and Environment Act 1987	s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	Director Strategy and Growth, Manager Strategic Planning, Coordinator Development	Where Council is a development agency under an approved infrastructure contributions plan

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Contributions and Infrastructure Planning	
585171	Planning and Environment Act 1987	s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	Director Strategy and Growth, Manager Strategic Planning, Coordinator Development Contributions and Infrastructure Planning	If the VPA is the collecting agency under an approved infrastructure contributions plan  Where Council is a development agency under an approved infrastructure contributions plan
585258	Planning and Environment Act 1987	s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	Director Strategy and Growth, Manager Strategic Planning, Coordinator Development Contributions and	Where Council is the development agency under an approved infrastructure contributions plan

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Infrastructure Planning	
585259	Planning and Environment Act 1987	s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	Director Strategy and Growth, Manager Strategic Planning, Coordinator Development Contributions and Infrastructure Planning	Where Council is the collecting agency under an approved infrastructure contributions plan
585172	Planning and Environment Act 1987	s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	Director Strategy and Growth, Manager Strategic Planning, Coordinator Development Contributions and Infrastructure Planning	Where Council is the collecting agency under an approved infrastructure contributions plan



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585173	Planning and Environment Act 1987	s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	Director Strategy and Growth, Manager Strategic Planning, Coordinator Development Contributions and Infrastructure Planning	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
585260	Planning and Environment Act 1987	s 46GZE(2)	Function of receiving the unexpended land equalisation amount	Director Strategy and Growth, Manager Strategic Planning	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
					agency
585261	Planning and Environment Act 1987	s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	Director Strategy and Growth, Manager Strategic Planning	Where Council is the collecting agency under an approved infrastructure contributions plan
585262	Planning and Environment Act 1987	s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	Director Strategy and Growth, Manager Strategic Planning	Where Council is the development agency under an approved infrastructure contributions plan
585263	Planning and Environment Act 1987	s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	Director Strategy and Growth, Manager Strategic Planning	Where Council is the development agency under an approved infrastructure

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Planning	contributions plan
585264	Planning and Environment Act 1987	s 46GZF(3)	Function of receiving proceeds of sale	Director Strategy and Growth, Manager Strategic Planning	Where Council is the collection agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the development agency
585265	Planning and Environment Act 1987	s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	Director Strategy and Growth, Manager Strategic Planning	Where Council is the collecting agency under an approved infrastructure contributions plan
585266	Planning and	s 46GZF(6)	Duty to make the payments	Director Strategy	Where Council is the collecting

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Environment Act 1987		under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	and Growth, Manager Strategic Planning	agency under an approved infrastructure contributions plan
585267	Planning and Environment Act 1987	s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	Director Strategy and Growth, Manager Strategic Planning	Where Council is the collecting agency under an approved infrastructure contributions plan
585174	Planning and Environment Act 1987	s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	Director Strategy and Growth, Manager Strategic Planning	Where Council is a collecting agency or development agency
585268	Planning and Environment Act 1987	s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	Director Strategy and Growth, Manager Strategic Planning	Where Council is a collecting agency or development agency

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585269	Planning and Environment Act 1987	s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	Director Strategy and Growth, Manager Strategic Planning	
584803	Planning and Environment Act 1987	s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584804	Planning and Environment Act 1987	s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	Director Strategy and Growth, Manager Statutory Planning, Manager Strategic Planning, Coordinator	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Planning, Coordinator Development Contributions and Infrastructure Planning	
584805	Planning and Environment Act 1987	s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	Director Strategy and Growth, Manager Statutory Planning, Manager Strategic Planning, Manager Engineering	
584806	Planning and Environment Act 1987	s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584807	Planning and Environment Act 1987	s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	Director Strategy and Growth, Manager Statutory Planning	
584808	Planning and Environment Act 1987	s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	Director Strategy and Growth, Manager Statutory Planning	
584809	Planning and Environment Act 1987	s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	Director Strategy and Growth, Manager Statutory Planning, Manager Strategic Planning	
584810	Planning and Environment Act 1987	s 46Q(1)	Duty to keep proper accounts of levies paid	Director Strategy and Growth,	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Manager Strategic Planning	
584811	Planning and Environment Act 1987	s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	Director Strategy and Growth, Manager Statutory Planning, Manager Strategic Planning	
584812	Planning and Environment Act 1987	s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	Director Strategy and Growth, Manager Statutory Planning, Manager Strategic Planning	



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584813	Planning and Environment Act 1987	s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	Director Strategy and Growth, Manager Statutory Planning, Manager Strategic Planning	Only applies when levy is paid to Council as a 'development agency'
584814	Planning and Environment Act 1987	s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	Director Strategy and Growth, Manager Statutory Planning, Manager Strategic Planning	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
584815	Planning and Environment Act 1987	s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved	Director Strategy and Growth, Manager Strategic	Must be done in accordance with Part 3

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			development contributions plan	Planning, Coordinator Development Contributions and Infrastructure Planning	
584816	Planning and Environment Act 1987	s46Q(4)(e)	Duty to expend that amount on other works etc.	Director Strategy and Growth, Manager Strategic Planning	With the consent of, and in the manner approved by, the Minister
584817	Planning and Environment Act 1987	s 46QC	Power to recover any amount of levy payable under Part 3B	Director Strategy and Growth, Manager Statutory Planning	
585175	Planning and Environment Act 1987	s 46QD	Duty to prepare report and give a report to the Minister	Director Strategy and Growth, Manager Strategic Planning, Coordinator	Where Council is a collecting agency or development agency

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Development Contributions and Infrastructure Planning	
584820	Planning and Environment Act 1987	s 47	Power to decide that an application for a planning permit does not comply with that Act	Manager Statutory Planning, Coordinator Planning	
584821	Planning and Environment Act 1987	s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	Manager Statutory Planning, Coordinator Planning	
584822	Planning and Environment Act 1987	s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	Manager Statutory Planning, Coordinator Planning, Senior	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Planner, Planner	
584823	Planning and Environment Act 1987	s 50(4)	Duty to amend application	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584824	Planning and Environment Act 1987	s 50(5)	Power to refuse to amend application	Manager Statutory Planning, Coordinator Planning	
585274	Planning and Environment Act 1987	s 50(6)	Duty to make note of amendment to application in register	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584825	Planning and	s 50A(1)	Power to make amendment to	Manager Statutory	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Environment Act 1987		application	Planning, Coordinator Planning	
584826	Planning and Environment Act 1987	s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584827	Planning and Environment Act 1987	s 50A(4)	Duty to note amendment to application in register	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584828	Planning and Environment Act 1987	s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584829	Planning and Environment Act 1987	s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584830	Planning and Environment Act 1987	s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584831	Planning and Environment Act 1987	s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584832	Planning and Environment Act 1987	s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584833	Planning and Environment Act 1987	s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584834	Planning and Environment Act 1987	s 52(1)(d)	Duty to give notice of the application to other persons who	Manager Statutory Planning, Coordinator	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			may be detrimentally effected	Planning, Senior Planner, Planner	
584835	Planning and Environment Act 1987	s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584836	Planning and Environment Act 1987	s 52(3)	Power to give any further notice of an application where appropriate	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584837	Planning and Environment Act 1987	s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584838	Planning and Environment Act 1987	s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584839	Planning and Environment Act 1987	s 54(1)	Power to require the applicant to provide more information	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584840	Planning and Environment Act 1987	s 54(1A)	Duty to give notice in writing of information required under s 54(1)	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584841	Planning and Environment Act 1987	s 54(1B)	Duty to specify the lapse date for an application	Manager Statutory Planning, Coordinator	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Planning, Senior Planner, Planner	
584842	Planning and Environment Act 1987	s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584843	Planning and Environment Act 1987	s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584844	Planning and Environment Act 1987	s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584845	Planning and Environment Act 1987	s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	Manager Statutory Planning, Coordinator Planning	
584846	Planning and Environment Act 1987	s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584847	Planning and Environment Act 1987	s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584848	Planning and	s 57A(4)	Duty to amend application in	Manager Statutory	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Environment Act 1987		accordance with applicant's request, subject to s 57A(5)	Planning, Coordinator Planning, Senior Planner, Planner	
584849	Planning and Environment Act 1987	s 57A(5)	Power to refuse to amend application	Manager Statutory Planning, Coordinator Planning	
584850	Planning and Environment Act 1987	s 57A(6)	Duty to note amendments to application in register	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584851	Planning and Environment Act 1987	s 57B(1)	Duty to determine whether and to whom notice should be given	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584852	Planning and Environment Act 1987	s 57B(2)	Duty to consider certain matters in determining whether notice should be given	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584853	Planning and Environment Act 1987	s 57C(1)	Duty to give copy of amended application to referral authority	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584854	Planning and Environment Act 1987	s 58	Duty to consider every application for a permit	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584855	Planning and Environment Act 1987	s 58A	Power to request advice from the Planning Application Committee	Manager Statutory Planning, Coordinator	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Planning	
584856	Planning and Environment Act 1987	s 60	Duty to consider certain matters	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584857	Planning and Environment Act 1987	s 60(1A)	Duty to consider certain matters	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
585176	Planning and Environment Act 1987	s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584858	Planning and	s 61(1)	Power to determine permit	Manager Statutory	The permit must not be

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Environment Act 1987		application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	Planning, Coordinator Planning, Senior Planner	<p>inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</p> <hr/> <p>Power is subject to the following conditions:</p> <p>(a) Delegates may only approve an application if four (4) or fewer valid objections have been received;</p> <p>(b) Delegates may only refuse an application:</p> <p style="padding-left: 40px;">(i) where an application has been inactive for a period of 6 months or more and the applicant has failed to provide reasonable justification for a lack of</p> <p style="padding-left: 80px;">action;</p> <p style="padding-left: 40px;">(ii) where an application is for a use or development which</p>

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
					is prohibited; or  (iii) where an application is inconsistent with; or there is no approved Development Plan.
584859	Planning and Environment Act 1987	s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	Manager Statutory Planning, Coordinator Planning, Senior Planner	
585277	Planning and Environment Act 1987	s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	Not delegated	
584862	Planning and Environment Act 1987	s 61(4)	Duty to refuse to grant the permit if grant would authorise a	Manager Statutory Planning,	



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			breach of a registered restrictive covenant	Coordinator Planning, Senior Planner	
584863	Planning and Environment Act 1987	s 62(1)	Duty to include certain conditions in deciding to grant a permit	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584864	Planning and Environment Act 1987	s 62(2)	Power to include other conditions	Manager Statutory Planning, Coordinator Planning	
584865	Planning and Environment Act 1987	s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584866	Planning and Environment Act 1987	s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	Manager Statutory Planning, Coordinator Planning	
584867	Planning and Environment Act 1987	s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584868	Planning and Environment Act 1987	s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584869	Planning and Environment Act 1987	s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584870	Planning and Environment Act 1987	s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584871	Planning and Environment Act 1987	s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	Manager Statutory Planning, Coordinator Planning, Senior	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Planner, Planner	
584872	Planning and Environment Act 1987	s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	This provision applies also to a decision to grant an amendment to a permit - see s 75
584873	Planning and Environment Act 1987	s 64(3)	Duty not to issue a permit until after the specified period	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	This provision applies also to a decision to grant an amendment to a permit - see s 75
584874	Planning and Environment Act 1987	s 64(5)	Duty to give each objector a copy of an exempt decision	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	This provision applies also to a decision to grant an amendment to a permit - see s 75
584875	Planning and	s 64A	Duty not to issue permit until the	Manager Statutory	This provision applies also to a

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Environment Act 1987		end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	Planning, Coordinator Planning, Senior Planner, Planner	decision to grant an amendment to a permit - see s 75A
584876	Planning and Environment Act 1987	s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584877	Planning and Environment Act 1987	s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	Manager Statutory Planning, Coordinator Planning, Senior	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Planner, Planner	
584878	Planning and Environment Act 1987	s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
584879	Planning and Environment Act 1987	s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
584880	Planning and Environment Act 1987	s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to	Manager Statutory Planning, Coordinator	If the recommending referral authority did not object to the grant of the permit or the

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			grant and a copy of any notice given under s 64 or 65	Planning, Senior Planner, Planner	recommending referral authority did not recommend a condition be included on the permit
584881	Planning and Environment Act 1987	s 69(1)	Function of receiving application for extension of time of permit	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584882	Planning and Environment Act 1987	s 69(1A)	Function of receiving application for extension of time to complete development	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584883	Planning and Environment Act 1987	s 69(2)	Power to extend time	Manager Statutory Planning, Coordinator Planning, Senior	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Planner	
584884	Planning and Environment Act 1987	s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584885	Planning and Environment Act 1987	s 71(1)	Power to correct certain mistakes	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	Senior Planner and Planner have delegation only to make corrections following consultation with the Planning Coordinator or Manager Statutory Planning.
584886	Planning and Environment Act 1987	s 71(2)	Duty to note corrections in register	Manager Statutory Planning, Coordinator Planning	



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584887	Planning and Environment Act 1987	s 73	Power to decide to grant amendment subject to conditions	Manager Statutory Planning, Coordinator Planning	
584888	Planning and Environment Act 1987	s 74	Duty to issue amended permit to applicant if no objectors	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584889	Planning and Environment Act 1987	s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584890	Planning and	s 76A(1)	Duty to give relevant determining referral authorities	Manager Statutory Planning,	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Environment Act 1987		copy of amended permit and copy of notice	Coordinator Planning, Senior Planner, Planner	
584891	Planning and Environment Act 1987	s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
584892	Planning and Environment Act 1987	s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584893	Planning and Environment Act 1987	s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
584894	Planning and Environment Act 1987	s 76D	Duty to comply with direction of Minister to issue amended permit	Manager Statutory Planning, Coordinator Planning	
584895	Planning and Environment Act 1987	s 83	Function of being respondent to an appeal	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	The ability to settle a matter at VCAT (at a Compulsory Conference or Hearing) is limited to the settlement being generally in accordance with a decision of Council or the

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
					Delegated Planning Panel.
584896	Planning and Environment Act 1987	s 83B	Duty to give or publish notice of application for review	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584897	Planning and Environment Act 1987	s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	Not delegated	
584898	Planning and Environment Act 1987	s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	Manager Statutory Planning, Coordinator Planning	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584899	Planning and Environment Act 1987	s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	Manager Statutory Planning, Coordinator Planning	
584900	Planning and Environment Act 1987	s 84(6)	Duty to issue permit on receipt of advice within 3 business days	Manager Statutory Planning, Coordinator Planning	
585270	Planning and Environment Act 1987	s 84AB	Power to agree to confining a review by the Tribunal	Manager Statutory Planning, Coordinator Planning	
584901	Planning and Environment Act 1987	s 86	Duty to issue a permit at order of Tribunal within 3 business days	Manager Statutory Planning, Coordinator Planning	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584902	Planning and Environment Act 1987	s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning	
584903	Planning and Environment Act 1987	s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	Manager Statutory Planning, Coordinator Planning	
584904	Planning and Environment Act 1987	s 91(2)	Duty to comply with the directions of VCAT	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584905	Planning and	s 91(2A)	Duty to issue amended permit to	Manager Statutory Planning,	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Environment Act 1987		owner if Tribunal so directs	Coordinator Planning	
584906	Planning and Environment Act 1987	s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	Manager Statutory Planning, Coordinator Planning	
584907	Planning and Environment Act 1987	s 93(2)	Duty to give notice of VCAT order to stop development	Manager Statutory Planning, Coordinator Planning	
584908	Planning and Environment Act 1987	s 95(3)	Function of referring certain applications to the Minister	Manager Statutory Planning, Coordinator Planning	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584909	Planning and Environment Act 1987	s 95(4)	Duty to comply with an order or direction	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584910	Planning and Environment Act 1987	s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	Manager Parks and Open Space, Directors, Manager Property Services, Manager Engineering, Manager Active and Healthy Communities, Chief Executive Officer	
584911	Planning and Environment Act 1987	s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	Manager Parks and Open Space, Directors, Manager Property Services, Manager	



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Engineering, Manager Active and Healthy Communities, Chief Executive Officer	
584912	Planning and Environment Act 1987	s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	Manager Statutory Planning, Coordinator Planning	
584913	Planning and Environment Act 1987	s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584914	Planning and Environment Act 1987	s 96F	Duty to consider the panel's report under s 96E	Manager Statutory Planning, Coordinator	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Planning	
584915	Planning and Environment Act 1987	s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996	Not delegated	
584916	Planning and Environment Act 1987	s 96H(3)	Power to give notice in compliance with Minister's direction	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584917	Planning and	s 96J	Duty to issue permit as directed	Manager Statutory	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Environment Act 1987		by the Minister	Planning, Coordinator Planning	
584918	Planning and Environment Act 1987	s 96K	Duty to comply with direction of the Minister to give notice of refusal	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
585148	Planning and Environment Act 1987	s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584919	Planning and Environment Act 1987	s 97C	Power to request Minister to decide the application	Director Strategy and Growth, Chief Executive Officer	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584920	Planning and Environment Act 1987	s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584921	Planning and Environment Act 1987	s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	Director Strategy and Growth, Manager Statutory Planning, Chief Executive Officer	
584922	Planning and Environment Act 1987	s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584923	Planning and Environment Act 1987	s 97L	Duty to include Ministerial decisions in a register kept under s 49	Manager Statutory Planning, Coordinator	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Planning	
584924	Planning and Environment Act 1987	s 97MH	Duty to provide information or assistance to the Planning Application Committee	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584925	Planning and Environment Act 1987	s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	Manager Statutory Planning, Directors, Coordinator Planning, Chief Executive Officer	
584926	Planning and Environment Act 1987	s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	Manager Statutory Planning, Coordinator Planning	
584927	Planning and Environment Act 1987	s 97P(3)	Duty to comply with directions of VCAT following an application	Manager Statutory Planning,	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			for review of a failure or refusal to issue a certificate	Coordinator Planning	
584928	Planning and Environment Act 1987	s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Manager Statutory Planning, Coordinator Planning	
584929	Planning and Environment Act 1987	s 97Q(4)	Duty to comply with directions of VCAT	Manager Statutory Planning, Coordinator Planning	
584930	Planning and Environment Act 1987	s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	Manager Statutory Planning, Coordinator Planning	
584931	Planning and Environment Act 1987	s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	Director Strategy and Growth, Chief Executive Officer	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584932	Planning and Environment Act 1987	s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	Director Strategy and Growth, Chief Executive Officer	
584933	Planning and Environment Act 1987	s 101	Function of receiving claim for expenses in conjunction with claim	Director Strategy and Growth, Chief Executive Officer	
584934	Planning and Environment Act 1987	s 103	Power to reject a claim for compensation in certain circumstances	Director Strategy and Growth, Chief Executive Officer	
584935	Planning and Environment Act 1987	s.107(1)	Function of receiving claim for compensation	Director Strategy and Growth, Chief Executive Officer	
584936	Planning and Environment Act 1987	s 107(3)	Power to agree to extend time for making claim	Director Strategy and Growth, Chief Executive Officer	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
595102	Planning and Environment Act 1987	s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	Director Strategy and Growth, Chief Executive Officer	
584937	Planning and Environment Act 1987	s 114(1)	Power to apply to the VCAT for an enforcement order	Manager Statutory Planning, Compliance Officer, Coordinator Planning	
584938	Planning and Environment Act 1987	s 117(1)(a)	Function of making a submission to the VCAT where objections are received	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584939	Planning and Environment Act 1987	s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	Manager Statutory Planning, Compliance Officer, Coordinator Planning	



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584940	Planning and Environment Act 1987	s 123(1)	Power to carry out work required by enforcement order and recover costs	Director Strategy and Growth, Manager Statutory Planning, Compliance Officer, Coordinator Planning	
584941	Planning and Environment Act 1987	s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	Director Strategy and Growth, Chief Executive Officer	Except Crown Land
584942	Planning and Environment Act 1987	s 129	Function of recovering penalties	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning	
584943	Planning and	s 130(5)	Power to allow person served	Director Strategy	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Environment Act 1987		with an infringement notice further time	and Growth, Manager Statutory Planning, Compliance Officer, Coordinator Planning	
584944	Planning and Environment Act 1987	s 149A(1)	Power to refer a matter to the VCAT for determination	Director Strategy and Growth, Manager Statutory Planning, Manager Property Services	
584945	Planning and Environment Act 1987	s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	Manager Statutory Planning, Coordinator Planning	
584946	Planning and Environment Act 1987	s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for	Manager Statutory Planning, Coordinator	Where Council is the relevant planning authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	Planning	
584947	Planning and Environment Act 1987	s 171(2)(f)	Power to carry out studies and commission reports	Manager Statutory Planning, Coordinator Planning	
585275	Planning and Environment Act 1987	s 171(2)(g)	Power to grant and reserve easements	Manager Statutory Planning, Coordinator Planning, Manager Engineering, Conveyancing Services Officer	Delegation for Conveyancing Services Officer to lodge documents.

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585271	Planning and Environment Act 1987	s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	Director Presentation and Assets, Manager Engineering, Conveyancing Services Officer, Chief Executive Officer	Where Council is a development agency specified in an approved infrastructure contributions plan <hr/> Manager Engineering and Conveyancing Services Officer have delegation only for drainage easements.
585272	Planning and Environment Act 1987	s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	Director Presentation and Assets, Manager Engineering, Conveyancing Services Officer, Chief Executive Officer	Where Council is a collecting agency specified in an approved infrastructure contributions plan <hr/> Manager Engineering and Conveyancing Services Officer have delegation only for drainage easements.
585273	Planning and Environment Act 1987	s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of	Director Presentation and Assets, Manager	Where Council is the development agency specified in an approved infrastructure

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	Engineering, Conveyancing Services Officer, Chief Executive Officer	contributions plan Manager Engineering and Conveyancing Services Officer have delegation only for drainage easements.
584948	Planning and Environment Act 1987	s 173(1)	Power to enter into agreement covering matters set out in s 174	Director Strategy and Growth, Chief Executive Officer	
585223	Planning and Environment Act 1987	s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	Where Council is the relevant responsible authority
584949	Planning and		Power to decide whether	Director Strategy	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Environment Act 1987		something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	and Growth, Manager Statutory Planning, Coordinator Planning	
584950	Planning and Environment Act 1987		Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning	
584951	Planning and Environment Act 1987	s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with	Director Strategy and Growth, Manager Statutory Planning, Director Presentation and	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			Division 2 of Part 9	Assets, Manager Property Services, Coordinator Planning, Manager Engineering, Conveyancing Services Officer, Subdivision Officer	
584952	Planning and Environment Act 1987	s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Conveyancing Services Officer, Chief Executive Officer, Subdivision Officer	
584953	Planning and	s 178A(1)	Function of receiving application	Director Strategy	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Environment Act 1987		to amend or end an agreement	and Growth, Manager Statutory Planning, Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	
584954	Planning and Environment Act 1987	s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	
584955	Planning and Environment Act 1987	s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to	Director Strategy and Growth, Manager Statutory	



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			the proposal	Planning, Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	
584956	Planning and Environment Act 1987	s 178A(5)	Power to propose to amend or end an agreement	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	
584957	Planning and Environment Act 1987	s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	Director Strategy and Growth, Manager Statutory Planning, Coordinator	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Planning, Conveyancing Services Officer, Subdivision Officer	
584958	Planning and Environment Act 1987	s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	
584959	Planning and Environment Act 1987	s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Conveyancing	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Services Officer, Senior Planner, Subdivision Officer, Planner	
584960	Planning and Environment Act 1987	s 178C(4)	Function of determining how to give notice under s 178C(2)	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	
584961	Planning and Environment Act 1987	s 178E(1)	Duty not to make decision until after 14 days after notice has been given	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Conveyancing	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Services Officer, Senior Planner, Subdivision Officer, Planner	
584962	Planning and Environment Act 1987	s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	If no objections are made under s 178D  Must consider matters in s 178B
584963	Planning and Environment Act 1987	s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Conveyancing	If no objections are made under s 178D  Must consider matters in s 178B

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Services Officer, Subdivision Officer	
584964	Planning and Environment Act 1987	s 178E(2)(c)	Power to refuse to amend or end the agreement	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	If no objections are made under s 178D  Must consider matters in s 178B
584965	Planning and Environment Act 1987	s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	After considering objections, submissions and matters in s 178B

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584966	Planning and Environment Act 1987	s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	After considering objections, submissions and matters in s 178B
584967	Planning and Environment Act 1987	s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	After considering objections, submissions and matters in s.178B
584968	Planning and	s 178E(3)(d)	Power to refuse to amend or	Director Strategy and Growth,	After considering objections, submissions and matters in s

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Environment Act 1987		end the agreement	Manager Statutory Planning, Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	178B
584969	Planning and Environment Act 1987	s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	
584970	Planning and Environment Act 1987	s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	Director Strategy and Growth, Manager Statutory Planning,	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	
584971	Planning and Environment Act 1987	s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	
584972	Planning and Environment Act 1987	s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	Director Strategy and Growth, Conveyancing Services Officer, Subdivision Officer	



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584973	Planning and Environment Act 1987	s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	
584974	Planning and Environment Act 1987	s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	
584975	Planning and	s 179(2)	Duty to make copy of each agreement available in	Director Strategy and Growth,	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Environment Act 1987		accordance with the public availability requirements	Manager Statutory Planning, Coordinator Planning	
584976	Planning and Environment Act 1987	s 181	Duty to apply to the Registrar of Titles to record the agreement	Director Strategy and Growth, Manager Statutory Planning, Coordinator Legal Services, Lawyer, Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	
584977	Planning and Environment Act 1987	s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	Director Strategy and Growth, Manager Statutory Planning, Coordinator Legal	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Services, Lawyer, Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	
584978	Planning and Environment Act 1987	s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	Director Strategy and Growth, Manager Statutory Planning, Coordinator Legal Services, Lawyer, Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	
584979	Planning and Environment Act 1987	s 182	Power to enforce an agreement	Director Strategy and Growth, Manager Statutory	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Planning, Coordinator Planning	
584980	Planning and Environment Act 1987	s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	Director Strategy and Growth, Manager Statutory Planning, Coordinator Legal Services, Lawyer, Coordinator Planning, Conveyancing Services Officer, Subdivision Officer	
584981	Planning and Environment Act 1987	s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584982	Planning and Environment Act 1987	s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning	
584983	Planning and Environment Act 1987	s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning	
584984	Planning and Environment Act 1987	s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be	Director Strategy and Growth, Manager Statutory	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			amended or ended in accordance with Council's decision	Planning, Coordinator Planning	
584985	Planning and Environment Act 1987	s 184G(2)	Duty to comply with a direction of the Tribunal	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning	
584986	Planning and Environment Act 1987	s 184G(3)	Duty to give notice as directed by the Tribunal	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning	
628712	Planning and Environment Act 1987	s 185B(1)	Duty to comply with a request from the Minister to provide the	Director Strategy and Growth,	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			name, address, email address or telephone number of any person to whom the Minister is required to give notice	Manager Statutory Planning, Coordinator Planning	
584987	Planning and Environment Act 1987	s 198(1)	Function to receive application for planning certificate	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Subdivision Officer	
584988	Planning and Environment Act 1987	s 199(1)	Duty to give planning certificate to applicant	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Subdivision Officer	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584989	Planning and Environment Act 1987	s 201(1)	Function of receiving application for declaration of underlying zoning	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning, Subdivision Officer	
584990	Planning and Environment Act 1987	s 201(3)	Duty to make declaration	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning	
584991	Planning and Environment Act 1987		Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	Manager Statutory Planning, Coordinator Planning	



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584992	Planning and Environment Act 1987		Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	Manager Statutory Planning, Coordinator Planning	
584993	Planning and Environment Act 1987		Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584994	Planning and Environment Act 1987		Power to give written authorisation in accordance with a provision of a planning scheme	Manager Statutory Planning, Coordinator Planning	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584995	Planning and Environment Act 1987	s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584996	Planning and Environment Act 1987	s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
585001	Residential Tenancies Act 1997	s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Health, Team Leader Environmental Health	
585002	Residential Tenancies Act 1997	s 522(1)	Power to give a compliance notice to a person	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Director Healthy Communities and Environments, Team Leader Environmental Health	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585003	Residential Tenancies Act 1997	s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	Manager Community and Environmental Health, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
585004	Residential Tenancies Act 1997	s 525(4)	Duty to issue identity card to authorised officers	Director Healthy Communities and Environments	
585005	Residential Tenancies Act 1997	s 526(5)	Duty to keep record of entry by authorised officer under s 526	Manager Community and Environmental Health, Environmental Health Technician, Environmental	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
585006	Residential Tenancies Act 1997	s 526A(3)	Function of receiving report of inspection	Manager Community and Environmental Health, Coordinator Environmental Health, Director Healthy Communities and Environments, Team Leader Environmental Health	
585007	Residential Tenancies Act 1997	s 527	Power to authorise a person to institute proceedings (either	Manager Community and Environmental	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			generally or in a particular case)	Health, Director Healthy Communities and Environments	
585008	Road Management Act 2004	s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	Director Presentation and Assets, Manager Engineering, Conveyancing Services Officer, Traffic and Infrastructure Engineer	Obtain consent in circumstances specified in s 11(2)
585009	Road Management Act 2004	s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	Chief Executive Officer	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585010	Road Management Act 2004	s 11(9)(b)	Duty to advise Registrar	Director Presentation and Assets, Manager Engineering, Conveyancing Services Officer, Traffic and Infrastructure Engineer	
585011	Road Management Act 2004	s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	Director Presentation and Assets, Manager Engineering, Conveyancing Services Officer, Traffic and Infrastructure Engineer	Subject to s 11(10A)
585012	Road Management	s 11(10A)	Duty to inform Secretary to Department of Environment,	Director Presentation and	Where Council is the

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Act 2004		Land, Water and Planning or nominated person	Assets, Manager Engineering, Conveyancing Services Officer, Traffic and Infrastructure Engineer	coordinating road authority
585013	Road Management Act 2004	s 12(2)	Power to discontinue road or part of a road	Director Presentation and Assets, Manager Engineering, Conveyancing Services Officer, Traffic and Infrastructure Engineer	Where Council is the coordinating road authority
585014	Road Management Act 2004	s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	Director Presentation and Assets, Manager Engineering,	Power of coordinating road authority where it is the discontinuing body



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Conveyancing Services Officer, Traffic and Infrastructure Engineer	Unless s 12(11) applies
585015	Road Management Act 2004	s 12(5)	Duty to consider written submissions received within 28 days of notice	Director Presentation and Assets, Manager Engineering, Conveyancing Services Officer, Traffic and Infrastructure Engineer	Duty of coordinating road authority where it is the discontinuing body  Unless s 12(11) applies
585016	Road Management Act 2004	s 12(6)	Function of hearing a person in support of their written submission	Director Presentation and Assets, Manager Engineering, Conveyancing Services Officer,	Function of coordinating road authority where it is the discontinuing body  Unless s 12(11) applies

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Traffic and Infrastructure Engineer	
585017	Road Management Act 2004	s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	Director Presentation and Assets, Manager Engineering, Conveyancing Services Officer, Traffic and Infrastructure Engineer	Duty of coordinating road authority where it is the discontinuing body  Unless s 12(11) applies
585018	Road Management Act 2004	s 12(10)	Duty to notify of decision made	Director Presentation and Assets, Manager Engineering, Conveyancing Services Officer, Traffic and Infrastructure	Duty of coordinating road authority where it is the discontinuing body  Does not apply where an exemption is specified by the regulations or given by the

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Engineer	Minister
585019	Road Management Act 2004	s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	Director Presentation and Assets, Manager Engineering	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
585020	Road Management Act 2004	s 14(4)	Function of receiving notice from the Head, Transport for Victoria	Director Presentation and Assets, Manager Engineering	
585021	Road Management Act 2004	s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	Director Presentation and Assets, Manager Engineering	
585022	Road Management Act 2004	s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public	Director Presentation and Assets, Manager	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	Engineering	
585023	Road Management Act 2004	s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	Director Presentation and Assets, Manager Engineering	
585024	Road Management Act 2004	s 15(2)	Duty to include details of arrangement in public roads register	Director Presentation and Assets, Manager Engineering	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585025	Road Management Act 2004	s 16(7)	Power to enter into an arrangement under s 15	Director Presentation and Assets, Manager Engineering	
585026	Road Management Act 2004	s 16(8)	Duty to enter details of determination in public roads register	Director Presentation and Assets, Manager Engineering	
585027	Road Management Act 2004	s 17(2)	Duty to register public road in public roads register	Director Presentation and Assets, Manager Engineering, Transportation Engineer, Conveyancing Services Officer, Traffic and Infrastructure	Where Council is the coordinating road authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Engineer	
585028	Road Management Act 2004	s 17(3)	Power to decide that a road is reasonably required for general public use	Director Presentation and Assets, Manager Engineering, Transportation Engineer, Conveyancing Services Officer, Traffic and Infrastructure Engineer	Where Council is the coordinating road authority
585029	Road Management Act 2004	s 17(3)	Duty to register a road reasonably required for general public use in public roads register	Director Presentation and Assets, Manager Engineering, Transportation Engineer, Conveyancing Services Officer,	Where Council is the coordinating road authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Traffic and Infrastructure Engineer	
585030	Road Management Act 2004	s 17(4)	Power to decide that a road is no longer reasonably required for general public use	Director Presentation and Assets, Manager Engineering, Transportation Engineer, Conveyancing Services Officer, Traffic and Infrastructure Engineer	Where Council is the coordinating road authority
585031	Road Management Act 2004	s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	Director Presentation and Assets, Manager Engineering, Transportation Engineer,	Where Council is the coordinating road authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Conveyancing Services Officer, Traffic and Infrastructure Engineer	
585032	Road Management Act 2004	s 18(1)	Power to designate ancillary area	Director Presentation and Assets, Manager Engineering	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
585033	Road Management Act 2004	s 18(3)	Duty to record designation in public roads register	Director Presentation and Assets, Manager Engineering	Where Council is the coordinating road authority
585034	Road Management Act 2004	s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	Director Presentation and Assets, Manager Engineering, Transportation	



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Engineer, Conveyancing Services Officer, Traffic and Infrastructure Engineer	
585035	Road Management Act 2004	s 19(4)	Duty to specify details of discontinuance in public roads register	Director Presentation and Assets, Manager Engineering, Transportation Engineer, Conveyancing Services Officer, Traffic and Infrastructure Engineer	
585036	Road Management Act 2004	s 19(5)	Duty to ensure public roads register is available for public inspection	Director Presentation and Assets, Manager	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Engineering, Transportation Engineer, Conveyancing Services Officer, Traffic and Infrastructure Engineer	
585037	Road Management Act 2004	s 21	Function of replying to request for information or advice	Director Presentation and Assets, Manager Engineering	Obtain consent in circumstances specified in s 11(2)
585038	Road Management Act 2004	s 22(2)	Function of commenting on proposed direction	Director Presentation and Assets, Manager Engineering	
585039	Road Management Act 2004	s 22(4)	Duty to publish a copy or summary of any direction made	Director Presentation and	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			under s 22 by the Minister in its annual report.	Assets, Manager Engineering	
585040	Road Management Act 2004	s 22(5)	Duty to give effect to a direction under s 22	Director Presentation and Assets, Manager Engineering	
585041	Road Management Act 2004	s 40(1)	Duty to inspect, maintain and repair a public road.	Director Presentation and Assets, Manager Works, Manager Engineering	
585042	Road Management Act 2004	s 40(5)	Power to inspect, maintain and repair a road which is not a public road	Director Presentation and Assets, Manager Works, Manager Engineering	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585043	Road Management Act 2004	s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	Director Presentation and Assets, Manager Works, Manager Engineering	
585044	Road Management Act 2004	s 42(1)	Power to declare a public road as a controlled access road	Director Presentation and Assets, Manager Engineering	Power of coordinating road authority and sch 2 also applies
585045	Road Management Act 2004	s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	Director Presentation and Assets, Manager Engineering	Power of coordinating road authority and sch 2 also applies
585046	Road Management Act 2004	s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government	Director Presentation and Assets, Manager	Where Council is the coordinating road authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			before road is specified	Engineering	If road is a municipal road or part thereof
585047	Road Management Act 2004	s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	Director Presentation and Assets, Manager Engineering	Where Council is the coordinating road authority  If road is a municipal road or part thereof and where road is to be specified a freight road
585048	Road Management Act 2004	s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	Director Presentation and Assets, Manager Engineering	Where Council is the responsible road authority, infrastructure manager or works manager

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585049	Road Management Act 2004	s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	Director Presentation and Assets, Manager Engineering	
585050	Road Management Act 2004	s 49	Power to develop and publish a road management plan	Director Presentation and Assets, Manager Engineering	
585051	Road Management Act 2004	s 51	Power to determine standards by incorporating the standards in a road management plan	Director Presentation and Assets, Manager Engineering	
585052	Road Management Act 2004	s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management	Director Presentation and Assets, Manager Engineering	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			plan		
585053	Road Management Act 2004	s 54(2)	Duty to give notice of proposal to make a road management plan	Director Presentation and Assets, Manager Engineering	
585054	Road Management Act 2004	s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	Director Presentation and Assets, Manager Engineering	
585055	Road Management Act 2004	s 54(6)	Power to amend road management plan	Director Presentation and Assets, Manager Engineering	
585056	Road Management	s 54(7)	Duty to incorporate the amendments into the road	Director Presentation and	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Act 2004		management plan	Assets, Manager Engineering	
585057	Road Management Act 2004	s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	Director Presentation and Assets, Manager Engineering	
585058	Road Management Act 2004	s 63(1)	Power to consent to conduct of works on road	Director Presentation and Assets, Manager Engineering	Where Council is the coordinating road authority
585059	Road Management Act 2004	s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the infrastructure manager



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585060	Road Management Act 2004	s 64(1)	Duty to comply with cl 13 of sch 7	Director Presentation and Assets, Manager Engineering	Where Council is the infrastructure manager or works manager
585061	Road Management Act 2004	s 66(1)	Power to consent to structure etc	Director Presentation and Assets, Manager Engineering	Where Council is the coordinating road authority
585062	Road Management Act 2004	s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	Director Presentation and Assets, Manager Engineering	Where Council is the coordinating road authority
585063	Road Management Act 2004	s 67(3)	Power to request information	Director Presentation and Assets, Manager	Where Council is the coordinating road authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Engineering	
585064	Road Management Act 2004	s 68(2)	Power to request information	Director Presentation and Assets, Manager Engineering	Where Council is the coordinating road authority
585065	Road Management Act 2004	s 71(3)	Power to appoint an authorised officer	Director Presentation and Assets, Manager Engineering	
585066	Road Management Act 2004	s 72	Duty to issue an identity card to each authorised officer	Director Presentation and Assets, Manager Engineering	
585067	Road Management Act 2004	s 85	Function of receiving report from authorised officer	Director Presentation and Assets, Manager	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Engineering	
585068	Road Management Act 2004	s 86	Duty to keep register re s 85 matters	Director Presentation and Assets, Manager Engineering	
585069	Road Management Act 2004	s 87(1)	Function of receiving complaints	Director Presentation and Assets, Manager Engineering	
585070	Road Management Act 2004	s 87(2)	Duty to investigate complaint and provide report	Director Presentation and Assets, Manager Engineering	
595103	Road Management Act 2004	s 96	Power to authorise a person for the purpose of instituting legal proceedings	Director Presentation and Assets, Manager Engineering	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585071	Road Management Act 2004	s 112(2)	Power to recover damages in court	Director Presentation and Assets, Manager Engineering	
585072	Road Management Act 2004	s 116	Power to cause or carry out inspection	Director Presentation and Assets, Manager Works, Manager Engineering	
585073	Road Management Act 2004	s 119(2)	Function of consulting with the Head, Transport for Victoria	Director Presentation and Assets, Manager Works, Manager Engineering	
585074	Road Management Act 2004	s 120(1)	Power to exercise road management functions on an arterial road (with the consent of	Director Presentation and Assets, Manager	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			the Head, Transport for Victoria)	Works, Manager Engineering	
585075	Road Management Act 2004	s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	Director Presentation and Assets, Manager Works, Manager Engineering	
585076	Road Management Act 2004	s 121(1)	Power to enter into an agreement in respect of works	Director Presentation and Assets, Manager Works, Manager Engineering	
585077	Road Management Act 2004	s 122(1)	Power to charge and recover fees	Director Presentation and Assets, Manager Works, Manager Engineering	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585078	Road Management Act 2004	s 123(1)	Power to charge for any service	Director Presentation and Assets, Manager Works, Manager Engineering	
585079	Road Management Act 2004	sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	Director Presentation and Assets, Manager Works, Manager Engineering	
585080	Road Management Act 2004	sch 2 cl 3(1)	Duty to make policy about controlled access roads	Director Presentation and Assets, Manager Works, Manager Engineering	
585081	Road Management Act 2004	sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	Director Presentation and Assets, Manager	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Works, Manager Engineering	
585082	Road Management Act 2004	sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	Director Presentation and Assets, Manager Works, Manager Engineering	
585083	Road Management Act 2004	sch 2 cl 5	Duty to publish notice of declaration	Director Presentation and Assets, Manager Works, Manager Engineering	
585084	Road Management Act 2004	sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non- road infrastructure or related works on a road reserve	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the infrastructure manager or works manager

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585085	Road Management Act 2004	sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the infrastructure manager or works manager
585086	Road Management Act 2004	sch 7 cla 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585087	Road Management Act 2004	sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the infrastructure manager or works manager
585088	Road Management Act 2004	sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the infrastructure manager or works manager

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585089	Road Management Act 2004	sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the coordinating road authority
585090	Road Management Act 2004	sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the coordinating road authority
585091	Road Management Act 2004	sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the coordinating road authority
585092	Road Management Act 2004	sch 7 cl 12(5)	Power to recover costs	Director Presentation and Assets, Manager	Where Council is the coordinating road authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Works, Manager Engineering	
585093	Road Management Act 2004	sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the works manager
585094	Road Management Act 2004	sch 7 cl 13(2)	Power to vary notice period	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the coordinating road authority
585095	Road Management Act 2004	sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the infrastructure manager

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585096	Road Management Act 2004	sch 7 cl 16(1)	Power to consent to proposed works	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the coordinating road authority
585097	Road Management Act 2004	sch 7 cl 16(4)	Duty to consult	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the coordinating road authority, responsible authority or infrastructure manager
585098	Road Management Act 2004	sch 7 cl 16(5)	Power to consent to proposed works	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the coordinating road authority
585099	Road Management	sch 7 cl	Power to set reasonable	Director	Where Council is the

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Act 2004	16(6)	conditions on consent	Presentation and Assets, Manager Works, Manager Engineering	coordinating road authority
585100	Road Management Act 2004	sch 7 cl 16(8)	Power to include consents and conditions	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the coordinating road authority
585101	Road Management Act 2004	sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the coordinating road authority
585102	Road Management Act 2004	sch 7 cl18(1)	Power to enter into an agreement	Director Presentation and Assets, Manager Works, Manager	Where Council is the coordinating road authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Engineering	
585103	Road Management Act 2004	sch7 cl 19(1)	Power to give notice requiring rectification of works	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the coordinating road authority
585104	Road Management Act 2004	sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the coordinating road authority
585105	Road Management Act 2004	sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the coordinating road authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585106	Road Management Act 2004	sch 7A cl 2	Power to cause street lights to be installed on roads	Director Presentation and Assets, Manager Works, Manager Engineering	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
585107	Road Management Act 2004	sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the responsible road authority
585108	Road Management Act 2004	sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the responsible road authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585109	Road Management Act 2004	sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	Director Presentation and Assets, Manager Works, Manager Engineering	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)
585110	Planning and Environment Regulations 2015	r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	Manager Strategic Planning, Coordinator Planning	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
585111	Planning and Environment Regulations 2015	r.21	power of responsible authority to require a permit applicant to verify information (by statutory	Manager Statutory Planning, Coordinator	



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	Planning, Senior Planner, Planner	
585159	Planning and Environment Regulations 2015	r.25(a)	Duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	Where Council is the responsible authority
585160	Planning and Environment Regulations 2015	r.25(b)	Function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available in accordance with the public availability requirements	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	Where Council is not the responsible authority but the relevant land is within Council's municipal district

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585112	Planning and Environment Regulations 2015	r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	Manager Statutory Planning, Coordinator Planning	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
585149	Planning and Environment (Fees) Regulations 2016	r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	Manager Strategic Planning	
585220	Planning and Environment (Fees) Regulations 2016	r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	Manager Statutory Planning, Coordinator Planning	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585150	Planning and Environment (Fees) Regulations 2016	r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	Manager Statutory Planning, Manager Strategic Planning	
585113	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 7	Function of entering into a written agreement with a caravan park owner	Manager Community and Environmental Health, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
585114	Residential Tenancies (Caravan Parks and Movable Dwellings	r 10	Function of receiving application for registration	Manager Community and Environmental Health,	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Registration and Standards) Regulations 2020			Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, System and Support Officer, Team Leader Environmental Health	
585286	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 11	Function of receiving application for renewal of registration	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, System and	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Support Officer, Team Leader Environmental Health	
585115	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
585151	Residential Tenancies (Caravan Parks and Movable Dwellings	r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with	Manager Community and Environmental Health,	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Registration and Standards) Regulations 2020		these regulations	Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Director Healthy Communities and Environments, Team Leader Environmental Health	
585116	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Environmental Health, Team Leader Environmental Health	
585287	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	Manager Safe Environments, Director Healthy Communities and Environments	
585288	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Health, Team Leader Environmental Health	
585117	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(4) & (5)	Duty to issue certificate of registration	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
585118	Residential Tenancies (Caravan Parks and Movable Dwellings	r 14(1)	Function of receiving notice of transfer of ownership	Manager Community and Environmental Health,	



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Registration and Standards) Regulations 2020			Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
585119	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 14(3)	Power to determine where notice of transfer is displayed	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Environmental Health	
585120	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 15(1)	Duty to transfer registration to new caravan park owner	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
585121	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards)	r 15(2)	Duty to issue a certificate of transfer of registration	Manager Community and Environmental Health, Environmental Health Technician,	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Regulations 2020			Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
585122	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585123	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 17	Duty to keep register of caravan parks	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
585124	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 18(4)	Power to determine where the emergency contact person's details are displayed	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Environmental Health, Team Leader Environmental Health	
585125	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 18(6)	Power to determine where certain information is displayed	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
585126	Residential Tenancies (Caravan Parks and	r 22(1)	Duty to notify a caravan park owner of the relevant	Manager Community and Environmental	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Movable Dwellings Registration and Standards) Regulations 2020		emergency services agencies for the caravan park, on the request of the caravan park owner	Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
585127	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 22(2)	Duty to consult with relevant emergency services agencies	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Leader Environmental Health	
585128	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
585129	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and	r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	Manager Community and Environmental Health, Environmental	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Standards) Regulations 2020			Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
585130	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 25(3)	Duty to consult with relevant floodplain management authority	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental	



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Health	
585131	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 26	Duty to have regard to any report of the relevant fire authority	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
585132	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	Manager Community and Environmental Health, Environmental Health Technician, Environmental	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
585133	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
585134	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
585135	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 41(4)	Function of receiving installation certificate	Manager Community and Environmental Health, Environmental Health Technician, Environmental Health Officer, Coordinator	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Environmental Health, Team Leader Environmental Health	
585136	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	Municipal Building Surveyor, Coordinator Building Services, Building Inspector, Manager Safe Environments, Manager Community and Environmental Health, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Health	
585137	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	Municipal Building Surveyor, Coordinator Building Services, Building Inspector, Manager Safe Environments, Manager Community and Environmental Health, Environmental Health Officer, Coordinator Environmental Health, Team Leader Environmental Health	
585138	Road Management (General) Regulations	r 8(1)	Duty to conduct reviews of road management plan	Director Presentation and	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	2016			Assets, Manager Works, Manager Engineering	
585139	Road Management (General) Regulations 2016	r 9(2)	Duty to produce written report of review of road management plan and make report available	Director Presentation and Assets, Manager Works, Manager Engineering	
585217	Road Management (General) Regulations 2016	r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the coordinating road authority
585140	Road Management (General) Regulations 2016	r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or	Director Presentation and Assets, Manager Works, Manager	

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			repair under s 41 of the Act	Engineering	
585218	Road Management (General) Regulations 2016	r 13(1)	Duty to publish notice of amendments to road management plan	Director Presentation and Assets, Manager Works, Manager Engineering	where Council is the coordinating road authority
585141	Road Management (General) Regulations 2016	r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	Director Presentation and Assets, Manager Works, Manager Engineering	
585142	Road Management (General) Regulations 2016	r 16(3)	Power to issue permit	Director Presentation and Assets, Manager Works, Manager	Where Council is the coordinating road authority

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Engineering	
585143	Road Management (General) Regulations 2016	r 18(1)	Power to give written consent re damage to road	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the coordinating road authority
585144	Road Management (General) Regulations 2016	r 23(2)	Power to make submission to Tribunal	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the coordinating road authority
585219	Road Management (General) Regulations 2016	r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the coordinating road authority
585145	Road Management	r 25(1)	Power to remove objects,	Director	Where Council is the



RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	(General) Regulations 2016		refuse, rubbish or other material deposited or left on road	Presentation and Assets, Manager Works, Manager Engineering	responsible road authority
585146	Road Management (General) Regulations 2016	r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	Director Presentation and Assets, Manager Works, Manager Engineering	Where Council is the responsible road authority
585147	Road Management (General) Regulations 2016	r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	Director Presentation and Assets, Manager Works, Manager Engineering	
585215	Road Management (Works and	r 15	Power to exempt a person from requirement under cl 13(1) of	Director Presentation and	Where Council is the coordinating road authority and

RELIANSYS ID Code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
	Infrastructure) Regulations 2015		sch 7 of the Act to give notice as to the completion of those works	Assets, Manager Works, Manager Engineering	where consent given under s 63(1) of the Act
585216	Road Management (Works and Infrastructure) Regulations 2015	r 22(2)	Power to waive whole or part of fee in certain circumstances	Director Presentation and Assets	Where Council is the coordinating road authority



***S18 Instrument of Sub-Delegation  
under the Environment Protection Act 2017***

**Greater Bendigo City Council**

**Instrument of Sub-Delegation**

**to**

**Members of Council staff**



## Instrument of Sub-Delegation

By this Instrument of Sub-Delegation, in exercise of the power conferred by s 437(2) of the *Environment Protection Act 2017* ('Act') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described in column 3 of the Schedule;
2. this Instrument of Sub-Delegation is authorised by a resolution of Council passed on 11 December 2023 pursuant to a power of sub-delegation conferred by the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021;
3. the delegation:
  - 3.1 comes into force immediately the common seal of Council is affixed to this Instrument of Sub-Delegation;
  - 3.2 remains in force until varied or revoked;
  - 3.3 is subject to any conditions and limitations set out in sub-paragraph 5, and the Schedule; and
  - 3.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
4. this Instrument of Sub-Delegation is subject to the following limitations:
  - 4.1 the powers, duties and functions described in column 1 and summarised in column 2 of the Schedule are only delegated for the purpose of regulating:
    - 4.1.1 onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
    - 4.1.2 noise from the construction, demolition or removal of residential premises;
5. the delegate must not determine the issue, take the action or do the act or thing:



- 5.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
- 5.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
  - (a) policy; or
  - (b) strategy
 adopted by Council;
- 5.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
- 5.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

APPROVED under the COMMON SEAL )  
 of the GREATER BENDIGO CITY COUNCIL )  
 in the presence of: )

.....  
 Chief Executive Officer

.....  
 Full name

.....  
 Date

.....  
 Usual address



## SCHEDULE



## RELIANSYS® DELEGATIONS EXPORT FROM LIBRARY

### S18 INSTRUMENT OF SUB-DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 2017

**EXPORT: 28 NOVEMBER 2023**

#### **Delegation Sources**

- Environment Protection Act 2017

Reliansys ID code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584599	Environment Protection Act 2017	s 271	Power to issue improvement notice	Manager Safe Environments, Manager Community and Environmental Health, Team Leader Local Laws, Senior Local Laws Officer, Environmental Health Technician, Environmental Health Officer, Coordinator Local Laws and Animal Services, Coordinator Environmental Health, Team Leader Environmental Health	
584600	Environment Protection Act 2017	s 272	Power to issue prohibition notice	Manager Safe Environments, Manager Community and Environmental Health, Team Leader Local Laws, Senior Local Laws Officer, Environmental Health Technician, Environmental Health Officer, Coordinator Local Laws and Animal	



Reliansys ID code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Services, Coordinator Environmental Health, Team Leader Environmental Health	
584601	Environment Protection Act 2017	s 279	Power to amend a notice	Manager Safe Environments, Manager Community and Environmental Health, Team Leader Local Laws, Senior Local Laws Officer, Environmental Health Technician, Environmental Health Officer, Coordinator Local Laws and Animal Services, Coordinator Environmental Health, Team Leader Environmental Health	
584602	Environment Protection Act 2017	s 358	Functions of the Environment Protection Authority	Manager Safe Environments, Manager Community and Environmental Health, Directors, Team Leader Local Laws, Senior Local Laws	

Reliansys ID code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Officer, Environmental Health Technician, Environmental Health Officer, Coordinator Local Laws and Animal Services, Chief Executive Officer, Coordinator Environmental Health, Planning Compliance Officer, Team Leader Environmental Health	
584603	Environment Protection Act 2017	s 359(1)(b)	Power to do all things that are necessary or convenient to be done for or in connection with the performance of the Environment Protection Authority's functions and duties and to enable the Authority to achieve its objective.	Manager Safe Environments, Manager Community and Environmental Health, Directors, Team Leader Local Laws, Senior Local Laws Officer, Environmental Health Technician, Environmental Health Officer, Coordinator Local Laws and Animal Services, Chief Executive Officer, Coordinator Environmental Health, Planning	

Reliansys ID code	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
				Compliance Officer, Team Leader Environmental Health	
584604	Environment Protection Act 2017	s 359(2)	Power to give advice to persons with duties or obligations	Manager Safe Environments, Manager Community and Environmental Health, Directors, Team Leader Local Laws, Senior Local Laws Officer, Environmental Health Technician, Environmental Health Officer, Coordinator Local Laws and Animal Services, Chief Executive Officer, Coordinator Environmental Health, Planning Compliance Officer, Team Leader Environmental Health	

## 16. HEALTHY, LIVEABLE SPACES AND PLACES

### 16.1. CA 592F, Section M, 41 Turner Street, California Gully - Use and Development of the Land for Materials Recycling (Crushing and Screening Inert Building Waste), Reduction in Car Parking and Removal of Native Vegetation

Author:	Michael St Clair, Statutory Planner
Responsible Director:	Rachel Lee, Director Strategy and Growth

#### Summary/Purpose

Application No:	DU/395/2023
Applicant:	Allstone Quarries Pty Ltd
Land:	CA 592F, Section M, 41 Turner Street CALIFORNIA GULLY
Zoning:	Industrial 1 Zone
Overlays:	Bushfire Management Overlay Land Subject to Inundation Overlay 1
No. of objections:	19
Consultation meeting:	<p>No formal consultation meeting was undertaken. Issues raised by objectors were of a fundamental nature with the proposal and unable to be resolved through a consultation meeting.</p> <p>A process of exchange of written correspondence was undertaken between applicant and objectors to further explore issues raised. As a result of this process one objection was withdrawn.</p>
Key considerations:	<ul style="list-style-type: none"> <li>• Whether the proposed use is consistent with the requirements of the relevant clauses of the planning policy framework and the Industrial 1 Zone.</li> <li>• Whether the proposal has appropriately considered potential amenity impacts associated with air quality, noise and traffic impacts, and reduced these to an acceptable level.</li> <li>• Whether stormwater and any wastewater generated by the operation of the site can be appropriately managed.</li> <li>• Whether the extent of proposed native vegetation removal is acceptable and has been minimised to the greatest extent possible.</li> <li>• Whether the reduction of car parking is acceptable in respect of the proposed operation of the site.</li> <li>• Waiving of Bushfire Management Overlay requirements.</li> <li>• Objector concerns.</li> </ul>
Conclusion:	The management of land use conflicts is a key principle

	<p>underlying the provisions of the Greater Bendigo Planning Scheme.</p> <p>This application proposes the relocation of an existing crusher plant and associated machinery within a long established materials recycling facility. Land use conflicts with existing sensitive land uses to the south have been an ongoing management issue for the site. This application seeks to reduce these land uses conflicts to an acceptable level.</p> <p>The proposal, in consultation with the EPA, has satisfactorily demonstrated compliance with all requirements of the Greater Bendigo Planning Scheme to mitigate potential amenity impacts to surrounding sensitive land uses. The proposed land use and development accords with the relevant planning policy framework.</p> <p>It is recommended that Council determine to issue a Notice of Decision to grant a planning permit subject to the conditions included at the end of this report.</p>
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### **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 the land for a Materials Recycling (crushing and screening inert building waste) facility, reduction in car parking and removal of native vegetation'* at CA 592F Sec M, 41 Turner Street, CALIFORNIA GULLY 3556, subject to the conditions at the end of this report.

### **Background Information**

#### Site History

The ASQ Eaglehawk site has a long-established history for the processing and recycling of building materials, amongst other things. The site currently accepts a range of inert building waste streams for processing under a current Environment Protection Authority (EPA) Operating Licence (OL000300030). The site currently processes building waste including concrete, brick, rubble/sand, plasterboard, asphalt and glass.

The processing of these materials started in its current form in the 1970s, with the establishment of the existing crushing plant within the site. The operation of the site has largely remained unchanged since this time. However, concerns from surrounding residents have been raised with both the City and the EPA about its

operations. Concerns have primarily related to noise and dust/air quality impacts. The EPA, with limited involvement of staff from the City's Environmental Health team, has been working with the operator of the site over the last few years to address these concerns, including the placement of noise barriers around the south and eastern extent of the crushing plant's location. However, the EPA remained concerned with the location of the crusher plant, noting its proximity to nearby houses and the California Gully Primary School. As such, the relocation of the crusher plant was identified as the preferred solution to these concerns by the EPA. A more appropriate location within the broader ASQ Eaglehawk site to the west of the existing location was shown to meet requirements through acoustic assessment undertaken by the applicant. The EPA has confirmed support for this new location through their referral response detailed below. This is the option proposed under this application.

### Planning Permit History

Of relevance to this application, the glass washing facility was subject to an earlier application that was withdrawn. This previous application (DC/668/2022) underwent advertising to nearby residents, where it received in excess of 50 objections. There were numerous shortcomings with this application and following detailed discussions with the applicant, it was withdrawn. These shortcomings revolved around a lack of supporting documentation and an unclear description of what was proposed. This led to the engagement by ASQ Eaglehawk of a suitably qualified environmental consultant to prepare the required supporting assessments and subsequently the glass washing facility application in conjunction with this application for the crusher plant relocation were lodged. It was advised that this should occur concurrently to reduce any confusion within the community as to what was proposed to occur within the ASQ Eaglehawk site.

### [Link to Planning Permit Application DC/351/2023](#)

Separate to this application, but being considered concurrently, is Planning Permit Application DC/351/2023 which is seeking approval for a glass washing facility proposed to also be constructed within the site. This is proposed to be located south of the relocated crusher plant location.

## **Report**

### Subject Site and Surrounds

Nestled amongst a number of land holdings and with no street frontages, the subject site is formally identified as Crown Allotment 592F, Section M, Parish of Sandhurst. Figure 1 shows the subject site amongst the wider ASQ Eaglehawk site.



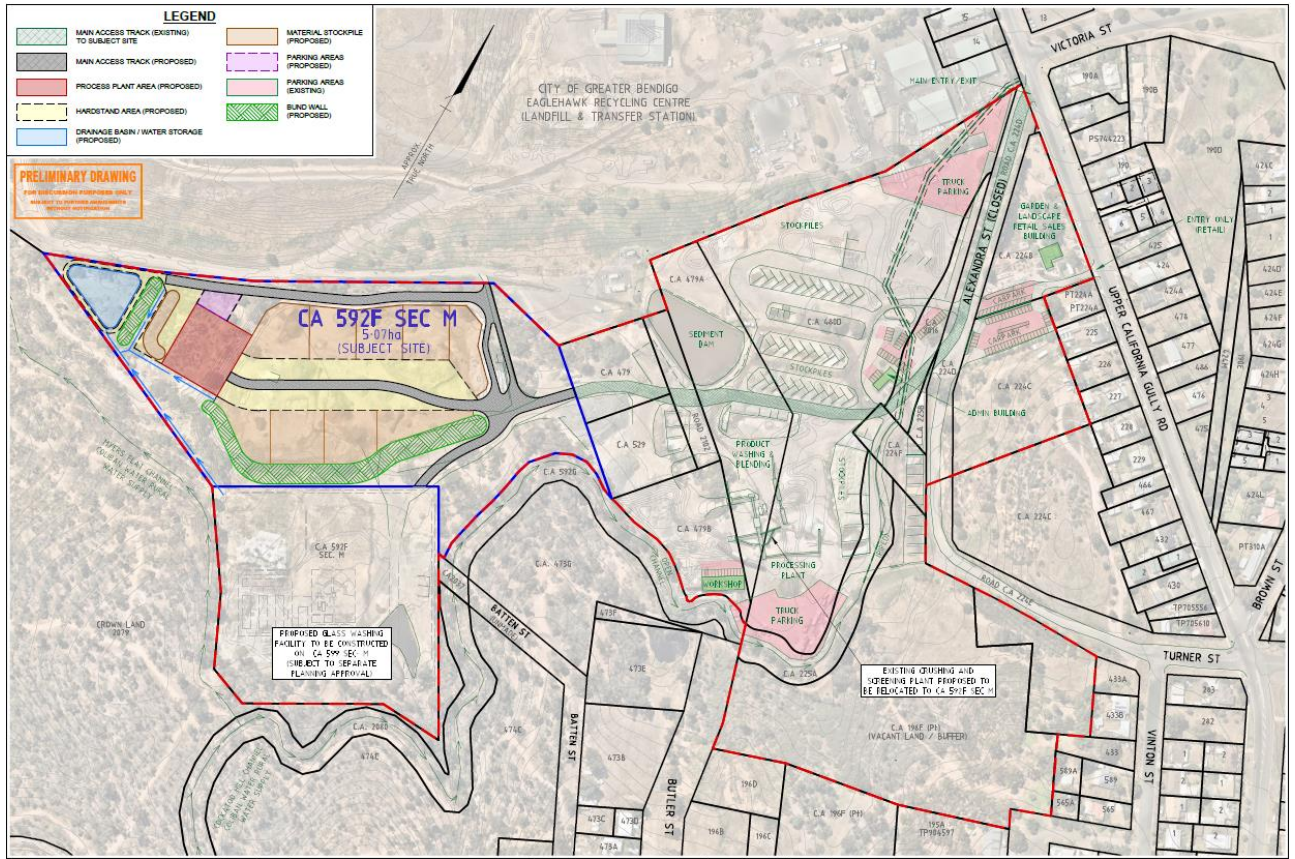


Figure 1: Subject site, and wider ASQ Eaglehawk plan

The site is irregular in shape with a maximum depth of approximately 240 metres, a maximum length of 461.77 metres and an overall site area of 5.05 hectares. Figure 2 provides an aerial view of the subject site showing its current state.



Figure 2: Aerial image of subject land parcel



The site is currently used for storage associated with the ASQ operations on the adjoining land, whilst it has been historically used as part of a wider historic mining operation. These previous uses have influenced the topography and layout of the site, including the presence of a depression in the western corner.

The site does not contain any permanent buildings or structures. Areas of native vegetation exist either side of the access track at the eastern extent of the site. Patches of native vegetation are also located along the north, south and western boundaries. Figure 8 below shows the extent of native vegetation within the site.

Vehicular access to the site is provided via an internal road network through ASQ's other land holdings, the wider materials recycling site and ultimately via Upper California Gully Road.

ASQ is a commercial recycling business with a focus on receiving concrete, brick, asphalt, plasterboard and glass. The product is then processed and passed onto commercial customers in the form of sustainable recycled building supplies.

The overall operation of ASQ ensures approximately 50,000 tonnes of waste is diverted from landfill each year. The operations were purchased by ASQ in 1999 from Clarks Stone Crushing, who had operated the materials recycling business on site since the 1970s. Figure 3 below shows an aerial image from 1978 showing the crushing plant established within the site.



Figure 3: Historic aerial image of subject site



The glass operations of the business are conducted in line with its relevant EPA approvals and consists of the receipt of up to 5,000 tonnes per annum from kerbside pickup collection from numerous local council areas including Macedon Ranges, Greater Bendigo, Mount Alexander and Central Goldfields.

The broader surrounding area comprises a mix of different land uses, synonymous with the area's historic development from mining activities in the 19<sup>th</sup> century.

Land to the north of the site is currently used as the Eaglehawk Landfill, owned and operated by the City of Greater Bendigo.

The closest sensitive land uses are located to the southeast, consisting of a number of dwellings fronting Batten Street and Butler Street; the closest being 36 Batten Street, situated approximately 150 metres from the eastern tip of the site. Whilst California Gully Primary School sits approximately 420 metres to the east.

A natural buffer, comprising of treed bushland, separates the site from these sensitive receptors. Figure 4 below shows this broader context.



**Figure 4: Aerial image showing the surrounding context**

### Proposal

The application seeks to use and develop the land for a Materials Recycling (crushing and screening inert building waste) facility, reduction in car parking and removal of native vegetation.



The applicant has advised that the impetus for this project is to relocate the existing crushing and screening plant from its existing location on the wider ASQ site to increase the separation distance between the plant and sensitive land uses. This is guided by their previous discussions with the EPA as outlined above.

The overall ASQ materials recycling facility currently processes 50,000 tonnes of concrete, brick, asphalt, plasterboard and glass per annum (which will not change as a result of the proposal).

The proposal comprises the following key components:

- Crushing and screening plant
- Water storage dam
- Internal road network
- Car parking
- 2 x bunds to mitigate potential off-site impacts.
- 10 x stockpile areas

Figure 4 below shows the proposed layout of the glass washing facility.

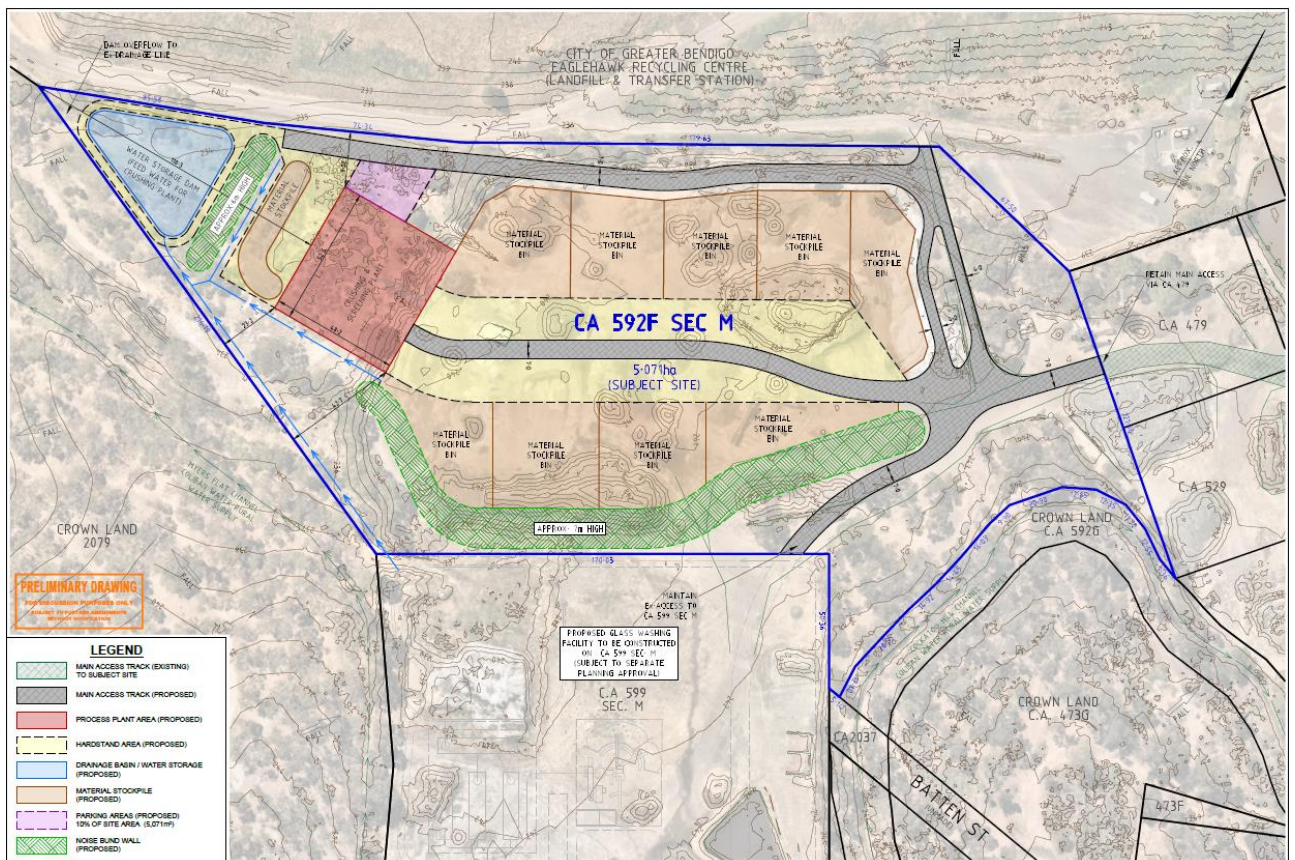


Figure 4: Proposed glass washing facility layout

### *Site Layout and Built Form*

The crushing plant (relocated from its current location) is proposed to be located within the area of depression land located to the western end of the subject site (shown in red above). The exact configuration of the plant would change with the task it is performing, however generally speaking the plant would cover a maximum area of 62 metres by 70 metres when extended to its maximum. At its highest point the plant is measured at 8.4 metres high, though for the most part it sits below this.

The plant is constructed of metal and is for the most part finished with muted colours including yellow and green.

A total of ten stockpile bins would be located on the site. Nine of which would be located to the east of the plant, above the depression and the tenth to the west, within the depression. The contents of these stockpiles would be dependent on the materials the plant is processing at the time.

Two bunds to mitigate noise are proposed. The larger bund would be located to the south/east of the stockpiles and reach a maximum height of 7 metres. A smaller bund would be located, within the depression, to the west of the crusher, providing acoustic protection to the properties to the west.

Figures 5-7 show photos of the existing plant to be relocated under this proposal.





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1. Version Date: 10/07/2023

**Figure 5: Aerial image of plant (note: containers positioned around southern end are not proposed to be relocated)**



**Figure 6: Discharge end of plant**



**Figure 7: Crusher plant**

### *Operational Use*

The overall ASQ site's materials recycling facility currently processes 50,000 tonnes of concrete, brick, asphalt, plasterboard and glass per annum and the crusher and screening plant is a critical part of this operation.

In compliance with current EPA approvals, ASQ has the capacity to store up to 33,000 tonnes of waste across the wider site (including the subject site) at any one time. This is broken down as follows:

- 15,000 tonnes of concrete
- 5,000 tonnes of brick
- 3,000 tonnes of rubble / sand
- 5,000 tonnes of plasterboard
- 5,000 tonnes of asphalt

In addition, ASQ has EPA approval to receive and process up to 5,000 tonnes of glass per annum from kerbside pickup collection from numerous local council areas including Macedon Ranges, Greater Bendigo, Mount Alexander and Central Goldfields.

The proposal will not change the volume of material processed by ASQ.

The number of staff members on site at any one time to operate the plant and its surrounding operation is 12. No change to existing staff numbers is proposed.

The facility is proposed to operate as follows:

- Monday to Friday – 7am to 5pm

- Saturday – 7am to 1pm

No operation is proposed on Sundays or gazetted public holidays.

#### *Access and Parking*

Vehicular access to the subject site is provided via existing accessways through the wider ASQ site, which already extend to the boundary of the subject site.

New accessways within the subject site are to be 7 metres in width and would be clearly defined and constructed. These accessways would run in an east/westerly direction through the centre of the subject site, along the northern border of the site and towards the south of the site providing access to Crown Allotment 599 Section M.

Staff members would continue to utilise and access the existing car parking arrangement on the adjoining ASQ sites. No additional parking is proposed or required to accommodate existing parking demand (which will not change as a result of the proposal).

#### *Native Vegetation Removal*

The proposed footprint would result in the loss of a total extent of 0.443 hectares of native vegetation.

Native vegetation designated for removal is located within 5 metres of travel paths and as such has been designated as an assumed loss in accordance with assessment requirements. This vegetation is not actually proposed for removal but must be considered as lost due to the potential degradation in health that may occur to the vegetation due to its proximity to the proposed development works. Figure 8 shows the extent of native vegetation impacts proposed, as well as the extent of native vegetation that has been avoided by the proposed layout.



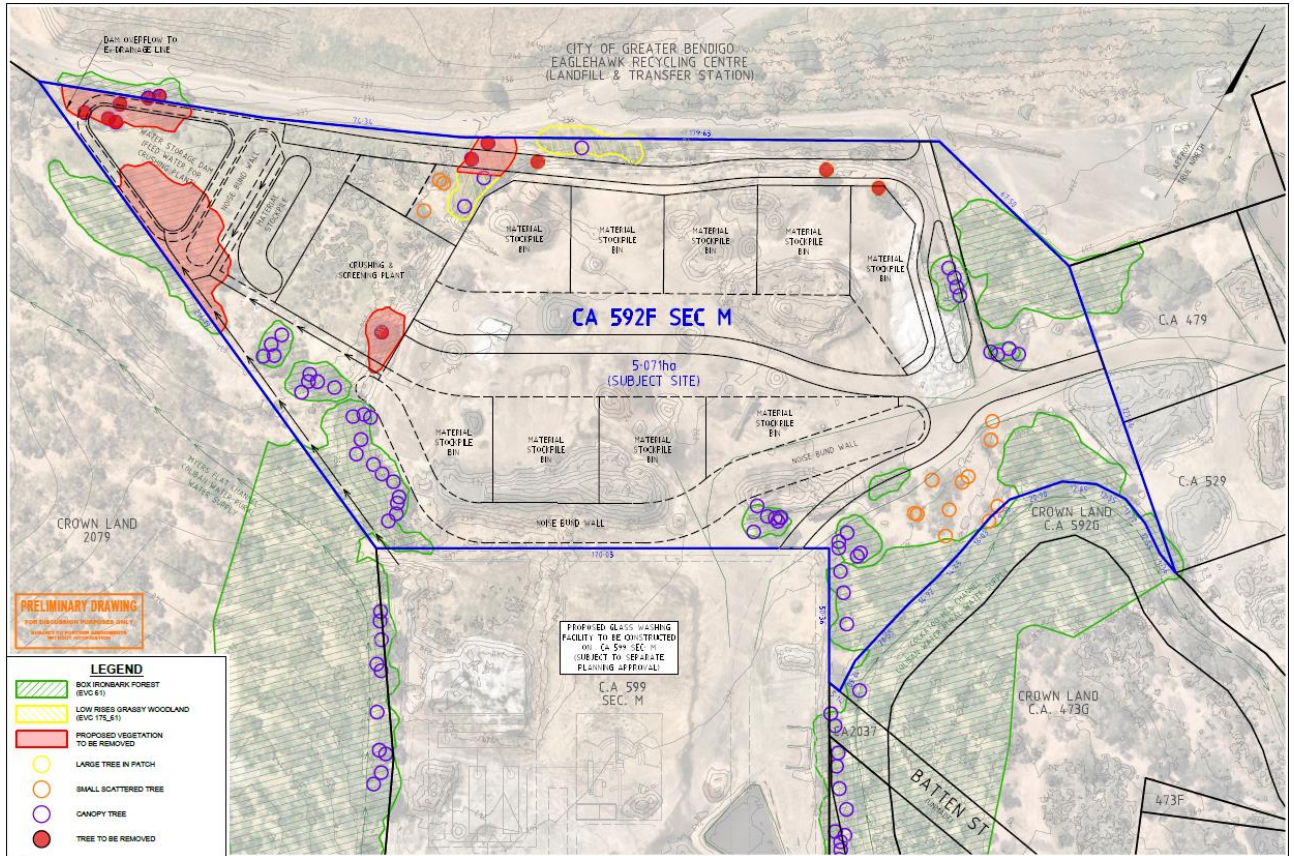


Figure 8: Extent of Native Vegetation impacts

## Planning Controls - Greater Bendigo Planning Scheme

### Why is a Planning Permit Required?

The following table lists all the relevant planning permit triggers that apply to this application.

Clause	Permit Trigger
Clause 33.01-1 Industrial 1 Zone	<ul style="list-style-type: none"> <li>A planning permit is required to use the land for materials recycling.</li> </ul>
Clause 33.01-4 Industrial 1 Zone	<ul style="list-style-type: none"> <li>A planning permit is required to construct a building or construct or carry out works.</li> </ul>
Clause 44.06-2 Bushfire Management Overlay	<ul style="list-style-type: none"> <li>A planning permit is required to construct a building or construct or carry out works associated with Industry (Materials recycling).</li> </ul>
Clause 52.06-3 Car Parking	<ul style="list-style-type: none"> <li>A planning permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.</li> </ul>

Clause	Permit Trigger
Clause 52.17-1 Native Vegetation	<ul style="list-style-type: none"> <li>A planning permit is required to remove, destroy or lop native vegetation, including dead native vegetation</li> </ul>

Note: No development is proposed within the area affected by the Land Subject to Inundation Overlay – Schedule 1. As such, no assessment against this overlay has been required.

A Cultural Heritage Management Plan was not required to support this application as the site is not mapped as containing Aboriginal Cultural Heritage Sensitivity.

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

Municipal Planning Strategy

- 02.03 Strategic directions
- 02.03-1 Settlement
- 02.03-2 Environment and landscape values
- 02.03-3 Environmental risks and amenity
- 02.03-7 Economic development
- 02.03-9 Infrastructure
- 02.04 Strategic framework plans

Planning Policy Framework

- 12.01-1S Protection of biodiversity
- 12.01-1L Protection of biodiversity – Greater Bendigo
- 13.02-1S Bushfire Planning
- 13.03-1L Floodplain Management – Greater Bendigo
- 13.04-1S Contaminated and Potentially Contaminated Land
- 13.05-1S Noise Management
- 13.06-1S Air Quality Management
- 13.07-1S Land Use Compatibility
- 14.02-2S Water Quality
- 15.01-1S Urban design
- 15.01-1L-01 Landscaping – Greater Bendigo
- 15.01-1L-02 Urban design in industrial areas - Greater Bendigo
- 17.01-1R Diversified Economy – Loddon Mallee South
- 17.03-1L Industrial Land Supply – Greater Bendigo
- 17.03-2S Sustainable Industry
- 18.02-4S Roads
- 19.03-3L Integrated water management – Greater Bendigo



19.03-5S Waste and Resource Recovery

Other Provisions

- 33.01 Industrial 1 Zone
- 44.06 Bushfire Management Overlay
- 52.06 Car Parking
- 53.02 Bushfire Planning
- 53.10 Uses and activities with potential adverse impacts
- 65 Decision Guidelines
- 71.02-3 Integrated decision making

**Policy Context**

***Primary Council Plan Reference***

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

Outcome 2 – Healthy, liveable spaces and places

***Secondary Council Plan Reference(s)***

Goal 7 – Sustainable population growth is planned for

**Consultation/Communication**

Referrals

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

Referral	Comment
Environment Protection Authority	EPA does not object to the proposal. EPA makes the following comments in relation to the documents submitted in support of the application: <ul style="list-style-type: none"> <li>• <i>An assessment of Noise Emissions and Recommendations for Noise Control was prepared by Watson Moss Growcott in December 2022, in response</i></li> </ul>

Referral	Comment
	<p><i>to an EPA Improvement Notice following a complaint regarding noise emission from the site made by a resident south of the subject site. Several attenuation measures were implemented on the crusher, in its current location. Following these measures, EPA North West Operations team provided written advice on 5 May 2023, stating that the improvement notice has been revoked and compliance has been achieved. However, the report states that full resolution of noise exceedances will require relocation of the crushing and screening plant, which is proposed to occur.</i></p> <ul style="list-style-type: none"> <li>• <i>In addition to the relocation of the crushing and screening plant, short-term and long-term noise reduction measures have been proposed. These include an extension of the existing shipping container noise barrier between the concrete processing plant area and the sensitive receptor locations, parking trucks away from the southern boundary of the site, eliminating reversing beepers, and reducing addition of noise contributions by not operating the concrete crushing and soil screening concurrently. EPA considers that the relocation of the crushing and screening operations, in conjunction with the additional short-term and long-term noise reduction measures, should be effective in minimising the noise risk posed by the use.</i></li> <li>• <i>An Air Quality Impact Assessment has been prepared by Helia EHS Pty Ltd in July 2023. The report includes dispersion modelling results and discussion relating to the operation of a crushing plant. The modelling AERMOD was run for 5 full years, and the pollutants were modelled under worst case conditions. The assessment found there were no excursions identified for the five representative sensitive receptors external to the site.</i></li> <li>• <i>An amendment to the existing EPA Licence is likely to be required to reflect the new location and any changes that were not originally captured.</i></li> </ul> <p><i>Before the use or development starts, the applicant must ensure that any obligations or duties that arise under the Environment Protection Act 2017 are met. This may include obtaining an EPA permission, approval or exemption, in accordance with the Environment Protection Regulations 2021.</i></p>

Referral	Comment
Country Fire Authority	<p>CFA does not object to the proposal.</p> <p>CFA recommends that the following occur for the proposed development:</p> <ul style="list-style-type: none"> <li>• Development of an Emergency Management Plan.</li> </ul>
Environmental Health	<p>Does not object to the proposal subject to conditions being imposed.</p> <p>Conditions relate to controlling hours of operation, Noise and Dust/Air Quality management.</p>
Development Engineer	<p>Does not object to the proposal.</p> <p>No conditions to be imposed in addition to the endorsement of submitted documentation supporting the application.</p>
Traffic Engineer	<p>Does not object to the proposal.</p> <p>No conditions to be imposed in addition to the endorsement of submitted documentation supporting the application.</p>
Biodiversity Officer	<p>No response received.</p> <p>Assessment of Native Vegetation impacts were undertaken by Planning officer in accordance with mandated requirements of the Greater Bendigo Planning Scheme.</p>

### Public Notification

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

As a result of advertising, 20 objections were received (one of which has subsequently been withdrawn), with the grounds of objection being:

- The location of the plant is too close to nearby sensitive uses contrary to both EPA and City documents.
- The proposal is contrary to Council's Environment Strategy.
- Health and amenity impacts associated with dust and noise emissions.
- Increase in traffic movements.
- Concerns with the amenity impact assessment modelling methodologies,
- How stormwater, wastewater and any contamination are to be managed.

- Reduced property values as a result of the proposal.
- Claims that the City of Greater Bendigo has vested interest in the proposal proceeding as this site will process glass collected by the City's waste services. Funding for the project has been earmarked from Sustainability Victoria.

A formal consultation meeting was not scheduled based on the nature of the concerns raised. Correspondence did, however, occur in the form of written correspondence between parties to determine if there were any opportunities to resolve the issues.

As a result of the exchange of written correspondence, one objection was withdrawn. This objector cited misinformation from other objectors being the reason for his original objection, which when clarified by the applicant, resulted in his objection being satisfied.

These remaining objections are all addressed directly through the Planning Assessment contained below.

### **Planning Assessment**

The issues raised throughout all the objections received primarily focus on health and amenity impacts from the proposed relocated crusher plant as part of the materials recycling facility. The following planning assessment has been shaped around these concerns in addition to directly assessing the proposal against the relevant planning policy. The key considerations are:

- Whether the proposed use is consistent with the requirements of the relevant clauses of the Planning Policy Framework and the Industrial 1 Zone.
- Whether the proposal has appropriately considered potential amenity impacts associated with air quality, noise and traffic and reduced these to an acceptable level.
- Whether stormwater and any wastewater generated by the operation of the site can be appropriately managed.
- Whether the extent of proposed native vegetation removal is acceptable and has been minimised to the greatest extent possible.
- Whether the reduction of car parking is acceptable in respect of the proposed operation of the site.
- Waiving of Bushfire Management Overlay requirements.
- Objector concerns.

Whether the proposed use is consistent with the requirements of the relevant clauses of the Planning Policy Framework and the Industrial 1 Zone.

The assessment of this application largely focuses on the question of whether the proposed relocation of the existing crusher plant is appropriate in this location within the Industrial 1 Zone and whether any potential amenity impacts of this new location can be reduced to an acceptable level.

It must be noted from the outset of this assessment that the existing location of the crusher plant has been in operation since the 1970s. This operation benefits from existing use rights and from a planning perspective is able to continue operating in this location. Should this application be refused, ASQ could continue with the existing operation of the crusher plant in its current location. The rationale behind this application is a desire from ASQ Eaglehawk, guided by their discussions with EPA, to address the existing operational issues by further reducing amenity impacts to an acceptable level to all surrounding sensitive land uses (dwellings and school) to meet compliance standards for noise generation.

In considering an application of this nature, the purpose of the Industrial 1 Zone must first be considered. The purpose of the Industrial 1 Zone is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

Under the Industrial 1 Zone, a Materials Recycling Facility requires a planning permit to both use and develop the land for this use.

#### *Use of the land for Materials Recycling Facility*

The main guiding policies within the Planning Scheme for the consideration of the appropriateness of the proposed relocation of the existing crusher plant are 13.07-1S: Land Use Compatibility, 17.03-2S: Sustainable Industry and 19.03-5S: Waste and Resource Recovery. The key strategies that guide decision making in these respects are:

- *Encourage technologies that increase recovery and treatment of resources to produce high value, marketable end products.*
- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.*

- Ensure waste and resource recovery facilities are sited, designed, built and operated so as to minimise impacts on surrounding communities and the environment.

(emphasis added)

The site forms part of ASQ Eaglehawk's long established resource and recovery operation. The operation is currently diverting up to 50,000 tonnes of inert building waste from being disposed into landfill. This reprocessing forms a small part of the City's overall policy direction to achieve a 'Zero Waste' economy.

The impetus behind this application is for existing ASQ Eaglehawk processes to be improved to achieve the strategies detailed above. The aim is to reduce amenity impacts to surrounding land uses to a safe and reasonable level. Whilst the premise of the application is positive through the relocation of the crusher plant further away from sensitive land uses, amenity impacts related to the new location must be considered against current requirements irrespective of the existing operations of the site.

To support this proposal, the applicant has provided a range of supporting assessments prepared by suitably qualified consultants. These include an Air Quality Assessment, Acoustic Assessment, Traffic Engineering Assessment and a Flora and Fauna Assessment. These are further supported by ASQ Eaglehawk's current EPA endorsed Environmental Management Plan. This body of work has been provided to support both the City and the EPA in their assessments of the proposed relocation of the crusher plant.

Clause 53.10: Uses and activities with potential adverse impacts, seeks '*To identify those types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood*'. The intent of this clause is ensure that threshold distances are met and in instances where the threshold distance cannot be met, require referral to the EPA to support the assessment of any application with potential adverse impacts. In this case, the proposed use is described as '*Other resource recovery or recycling operations*'; which has a threshold distance of '*None specified*' which required referral through to the EPA.

The above assessments, in conjunction with submitted plans, were formally referred to the EPA for review. The EPA employs technical experts with vast experience in reviewing assessments to support industrial applications. Further, as the EPA is the authority overseeing the existing Operating License for the site, they have an extensive history and understanding of ASQ's operations.

The EPA's response to the proposal is summarised above in the referral section of this report. This response detailed that the key considerations of noise and dust

impacts from the proposed relocated crusher plant have been adequately addressed. Potential amenity impacts from noise and dust (air quality) are discussed in more detail below.

The EPA used these considerations to determine if the proposed separation of the relocated crusher plant with nearby sensitive land uses was appropriate. By determining that the above factors met all relevant standards, the EPA was satisfied that the location of the crusher plant was appropriate to meet all required air quality and noise level standards for the prescribed hours of operation, in accordance with established operating requirements for the site.

Whilst the EPA is satisfied that the proposal is compliant, the City must also reach a position of support for the proposed relocated crusher plant. The City's Environmental Health team reviewed all submitted documentation to provide comments on the proposal. They also supported the proposal, subject to the inclusion of conditions in relation to the ongoing operation of the site. These conditions relate to specifying hours of operation, management of noise impacts and management of dust impacts. These conditions have been proposed to reflect the management actions identified within the submitted supporting documentation for the application.

All objectors raised concerns with the separation distance proposed, citing a requirement that a minimum separation distance of 500 metres should be provided for the proposed use. It must be clarified that this figure is incorrect. This figure was sourced by objectors from *EPA Publication 1518: Recommended Separation Distances for Industrial Residual Air Emissions – Guidelines (EPA, March 2013)*. The figure quoted relates to both a '*Prescribed industrial waste treatment facility*' and a '*Quarry with respirable crystalline silica*'. These use descriptions are the incorrect classification of the operations occurring on the site (confirmed by the EPA referral response).

Prescribed industrial waste treatment facilities are specialised facilities that manage specific chemical, hazardous or dangerous waste streams. The subject site does not have approval to receive any of these substances. Further, if any of these wastes were to be inadvertently delivered to the site, conditions within the EPA licence require that these types of waste be separated from the main waste streams and appropriately managed within an appropriately licensed facility within 14 days of receipt. The site also does not undertake quarrying activities.

The correct description for this facility is a '*Materials recovery and recycling facility*', with the recommended separation distance being 'case by case'. In this situation consultation with the EPA needed to occur in order to determine the appropriate separation distance. This determination is based on the types of materials to be

processed, the quantity of materials and the specific site constraints that exist. The EPA has confirmed that the separation proposed by this application is appropriate.

Objectors also raised concerns that the current zoning of the land as Industrial 1 is contrary to the findings of the *City of Greater Bendigo Industrial Land Needs and Gap Analysis (2019)*. This study made the following recommendation for the California Gully precinct (which contains the subject site):

*Consideration should be given to whether the entire precinct should be rezoned from predominantly Industrial 1 to Industrial 3 given its proximity to residential development. Zones allowing for sensitive uses may not be appropriate due to the location of the Eaglehawk Landfill 100m to the north-west.*

To understand how much weight to give this recommendation, it is important to understand the status of the *City of Greater Bendigo Industrial Land Needs and Gap Analysis (2019)*. This study was undertaken as a precursor piece of work to the *Greater Bendigo Industrial Land Development Strategy (May 2020)*, which was adopted by Council in June 2020. Whilst the *Greater Bendigo Industrial Land Development Strategy (May 2020)* has been adopted, the precursor work has not been. This is a key differentiation in how much weight should be given to each. By being adopted, the *Greater Bendigo Industrial Land Development Strategy (May 2020)* must be considered in this assessment (with the unadopted document being given no weight).

The *Greater Bendigo Industrial Land Development Strategy (May 2020)* provides a different recommendation for the land within California Gully. It states in relation to Industrial 1 land:

*Retain the existing function of the western precinct given its interface with the Eaglehawk Landfill.*

This confirms that City's adopted position as retaining this land as Industrial 1 zoning and supporting forms of industrial development as currently proposed.

Officer assessment of the proposed use of the land for a materials recycling facility is that it is appropriate in relation to the separation distance between the crusher plant and nearby sensitive land uses. Further discussion of the appropriateness of this is detailed below in respect to potential amenity impacts.

#### *Development of the land for Materials Recycling Facility*

The proposed development of the site has been guided by policy within the Planning Scheme related to urban design, reducing amenity impacts and minimising the loss



of native vegetation. Specifically, this policy relates to 12.01-2S: Native vegetation management, 13.05-1S: Noise management, 13.06-1S: Air quality management, 15.01-1S: Urban design and 15.01-1L-02: Urban design in industrial areas – Greater Bendigo.

Native vegetation impacts are specifically addressed in detail further below. In summary, the layout has been designed around the existing native vegetation to minimise any impacts to the greatest extent possible. This includes the location of access roads, positioning of material storage hoppers and the design of the noise bund.

In relation to noise and dust impacts, the layout of the development proposed for the site has been designed to minimise these amenity impacts. Primarily, this is through the location of the crusher within a low point with this site to reduce visual impact (due to its 8.4 metre height) and mitigate noise transmission. The location of the crusher plant to the western end of the site also increases distance between sensitive land uses and the piece of equipment generating the amenity impacts (crusher).

It must be noted that the site is currently being used for the informal storage of processed materials. This is occurring in an adhoc manner, typical of long established industrial sites in industrial zoned areas. This proposal is formalising the industrial uses on this land, through the development of clearly defined storage bins. This is an improvement of the visual presentation of this industrial use in this Industrial 1 zoned land. The layout is consistent with policy contained within Clause 15.01-1S: Urban design. In a local context, the layout of the development is consistent with the relevant controls of the *City of Greater Bendigo Good Design Guide for Industry (City of Greater Bendigo, 1997)* (noting this document is aimed at new industrial building development within industrial estates and largely does not focus on industrial development and areas such as this site).

Subject to the discussions above in relation to use and below in relation to amenity impacts, officer assessment is that the proposed development of the site is appropriate. Overall, the proposal is consistent with the purpose of the Industrial 1 Zone.

Whether the proposal has appropriately considered potential amenity impacts associated with air quality, noise and traffic impacts, and reduced these to an acceptable level.

The decision guidelines under the Industrial 1 Zone, for both use and development, place a high emphasis on potential amenity impacts of any proposal on surrounding land uses. It must be noted that the closest dwelling to the proposed location for the

crusher plant is 425 metres and California Gully Primary School at 640 metres (currently 260 metres and 213 metres respectively).

The main potential amenity impacts that relate to the proposal are air quality, noise and traffic. Each are addressed in turn below.

### *Air Quality*

A major concern raised through objections related to air quality impacts. Specific reference was made to health concerns from potential exposure to silica dust. The Planning Scheme at Clause 13.06-1S: Air quality requires consideration to be given to the protection and improvement of air quality. The applicable strategy that applies to this assessment is:

- *Ensure, wherever possible, that there is suitable separation between land uses that pose a human health risk or reduce amenity due to air pollutants, and sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital).*

To demonstrate compliance against this policy, the applicant submitted an Air Quality Assessment prepared by Helia. This assessment was prepared in accordance with the requirements of a Level 2 assessment under the *Guideline for Assessing and Minimising Air Pollution in Victoria (for air pollution managers and specialists)*, EPA Victoria, Publication 1961, February 2022.

The assessment found that:

*No specific recommendations are warranted in this report assuming Site operations (including industry best-practice controls) are implemented as considered in this report and the Site operates in accordance with relevant compliance obligations including its General Environmental Duty.*

Of note for context, the site is subject to a predominate south easterly wind for the majority of the year. This results in dust and any minor air pollution from the site being blown away from sensitive land uses and instead results in an air flow towards the Eaglehawk Landfill site.

The assessment was provided to the EPA for review as part of their referral and the following response in relation to air quality was provided:

*The assessment found there were no excursions identified for the five representative sensitive receptors external to the site.*

*The report comments that if All Stones Quarries has effective controls in place to minimise the potential risk of exposure, it is unlikely that there will be any potential human health or amenity impacts surrounding the site due to the proposed operations. It is not stated by the applicant what effective controls are in place in order to minimise the risk of dust having an adverse impact on the nearby sensitive receptors. For more information on how to manage the risk of dust and air pollution as a result of the use, EPA direct Council and the applicant to EPA Publication 1961 "Guideline for assessing and minimising air pollution".*

It should be noted that the site currently operates in accordance with an approved (by the EPA) Environmental Management Plan. This plan details how dust impacts are to be monitored and managed on an ongoing basis. These management processes are what the Helia report has used as the basis for its assessment that no further recommendations are warranted.

In addition to the EPA review of submitted documents, the City's Environmental Health team reviewed the application. They have consented to the proposal subject to the inclusion of an air quality condition. This condition would require the preparation of an Air Quality Management Plan should the City be of the view that the operation of the site is likely to be generating air pollution impacts in exceedance of applicable standards (noting that compliance against these requirements is also required under the EPA Operating License that controls the operation of the site).

It should be noted that the EPA does not currently have any concerns with air quality impacts from the existing location for the crusher plant. This proposal is seeking to increase separation distances, which will result in a further reduction in air quality impacts to surrounding sensitive land uses.

Silica dust is specifically raised as a concern by objectors. This pollutant is addressed within the submitted Air Quality assessment. In summary, the report concludes that the waste streams processed within the site produce negligible levels of respirable crystalline silica dust. This type of material forms less than 1% of the overall material produced by the site. Only a small portion of this material then becomes air borne, with only a small portion of this air borne material reaching any sensitive receptor. The resultant level of respirable silica dust is modelled to be so low that it is undetectable in any sampling methodology and is significantly below the defined Air Pollution Assessment Criteria stipulated in the above EPA guideline for assessing air pollution. As such, it has not been deemed to be a risk that requires any further consideration. The EPA and the City's Environmental Health team have concurred with this position.

Objectors also raised concerns that the proposal is not consistent with the *City of Greater Bendigo's Climate Change and Environment Strategy 2021-2026*.

Specifically, that the proposal does not contribute to achieving outcomes that provide the local community with clean air, water and a healthy natural environment. That these outcomes should not be '*subjugated*' (as indicated in objections received) to achieve a strategy of 'Zero Waste'. The application has sought to demonstrate that this outcome is achieved and has been accompanied by a range of assessments that detail how the proposal aids in providing clean air, water and a healthy natural environment. The City's assessment, supported by EPA review, has confirmed that this outcome will be achieved in accordance with current regulations and guidelines. Further, as the proposal is seeking to continue the site's operation it is an element in achieving the City's stated position to be a Zero Waste economy within the near future.

Officer assessment is that the proposal complies with the relevant planning policy and would not result in unreasonable amenity impacts in relation to air quality.

### Noise

Potential noise impacts are a primary consideration for an application of this nature and the EPA referral response indicated that it considers noise impacts to be the greatest risk associated with the use of the site, with crushing and screening operations the main noise generators. This is evidenced through the EPA issuing an Improvement Notice to ASQ Eaglehawk (relating to their existing operations) in relation to noise impacts following a complaint from a resident to the south of the current crusher plant location.

The Planning Scheme at Clause 13.05-1S: Noise management requires consideration to be given to the management of noise effects on sensitive land uses. The applicable strategy that applies to this assessment is:

*Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

To demonstrate compliance against this policy, the applicant submitted an Acoustic Assessment prepared by Watson Moss Growcott. This assessment was prepared in accordance with the requirements of EPA Publication 1826.4 '*Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*' (EPA, May 2021).

The assessment found that:

*Due to the characteristics of low frequency noise and the close proximity and elevation of Butler St relative to the ASQ site, it would not be realistically feasible to achieve a sufficient noise reduction to reduce resultant noise levels at 36 Butler St to achieve compliance with the overall dB(A) noise limits and the low frequency threshold levels with the crushing and screening plant in its present location.*

*Resolution of noise exceedances would therefore require relocation of the crushing and screening plant and associated loading activity to a more remote location at the north west of the ASQ site. Relocation of the plant is a long-term project involving planning approvals, and therefore short-term noise reduction strategies to provide benefits to residents before the relocation can occur need to be considered.*

*Short-term noise reduction strategies have been set out in the report.*

*Noise modelling has been conducted to assess the feasibility of achieving compliance with the noise limits and low frequency threshold guideline levels with the relocated crushing and screening plant operating concurrently with other noise sources on the overall site.*

*The results of this modelling have indicated marginal compliance with the site noise targets and marginal exceedance of the low frequency threshold levels with all sources at the site operating concurrently. It is therefore recommended that further acoustic investigations be undertaken to increase the margin for compliance with the noise limits and low frequency thresholds prior to relocating the crushing and screening plants in the new locations.*

*The report includes guidance regarding relevant considerations to pursue during the planning and design of the crushing and screening plant relocation to achieve this objective and minimise noise emission so far as reasonably practicable.*

For context, this assessment was completed in December 2022 specifically to address the EPA Improvement Notice. Short term measures in the findings above have already been implemented on site (no planning permit required), resulting in the installation of stacked containers around the southern side of the existing location of the crusher plant. This has been provided as a stop-gap measure to mitigate noise impacts in the short term whilst planning and EPA approvals are sought for the relocation of the crusher plant.

The submitted assessment identified that long term mitigation for noise impacts would only occur through the relocation of the crusher plant to the northwest within

the ASQ Eaglehawk site, coupled with other mitigation measures such as noise bunds. Hours of operation are also proposed to be limited for the site so that operations align with the defined 'Daytime' assessment period under the above the EPA guidelines. This outcome is what is proposed within this application.

The Acoustic Assessment was provided to the EPA for review as part of their referral. The EPA provided the following response in relation to noise:

*Noise is considered by EPA to be the greatest risk associated with the use of the site. The main noise producing activities conducted at the site are crushing and screening for recycling of waste materials.*

*An assessment of Noise Emissions and Recommendations for Noise Control was prepared by Watson Moss Growcott in December 2022, in response to an EPA Improvement Notice following a complaint regarding noise emission from the site made by a resident south of the subject site. Several attenuation measures were implemented on the crusher, in its current location. Following these measures, EPA North West Operations team provided written advice on 5 May 2023, stating that the improvement notice has been revoked and compliance has been achieved. However, the report states that full resolution of noise exceedances will require relocation of the crushing and screening plant, which is proposed to occur.*

*In addition to the relocation of the crushing and screening plant, short-term and long-term noise reduction measures have been proposed. These include an extension of the existing shipping container noise barrier between the concrete processing plant area and the sensitive receptor locations, parking trucks away from the southern boundary of the site, eliminating reversing beepers, and reducing addition of noise contributions by not operating the concrete crushing and soil screening concurrently. EPA considers that the relocation of the crushing and screening operations, in conjunction with the additional short-term and long-term noise reduction measures, should be effective in minimising the noise risk posed by the use.*

In addition to the EPA review of submitted documents, the City's Environmental Health team reviewed the application and supported the proposal subject to the inclusion of noise management conditions. These conditions would require that a confirmatory acoustic assessment is undertaken on commissioning of the crusher plant in its new location. This is proposed so that modelled noise levels within the submitted assessment are confirmed, and if not, that further measures can be proposed to meet compliance. An additional condition is proposed to be included that would require preparation of an Acoustic Assessment should the City be of the view that the operation of the site is likely to be generating noise impacts in exceedance of applicable standards (noting that compliance against these

requirements is also required under the EPA Operating License that controls the operation of the site).

Officer assessment is that the proposal complies with the relevant planning policy and would not result in any unreasonable amenity impacts in relation to noise.

### *Traffic*

Concern was raised through objections about the impacts from increased traffic accessing the ASQ Eaglehawk site. These objections were driven by the belief that the proposal was seeking to increase the processing of inert building materials within the site.

The Planning Scheme at Clause 18.02-4S: Roads seeks to facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure. The applicable strategy that applies to this assessment is:

- *Plan and develop the road network to:*
  - *Ensure people are safe on and around roads.*
  - *Improve people's perceptions of safety on and around roads.*
  - *Improve road connections for all road users.*
  - *Facilitate the use of public transport, cycling and walking.*
  - *Integrate new and emerging technologies into road design, including the increasing connectivity and automation of vehicles.*
  - *Accommodate the expansion of the High Productivity Freight Vehicle Network, and oversize and overmass vehicles.*

To demonstrate compliance against this policy, the applicant submitted a Traffic Engineering Assessment prepared by Traffix Group.

The assessment found that:

- *The level of traffic generated externally to/from the site is expected to be generally consistent with existing operations and accordingly we are satisfied there will be no material impact on surrounding road network and intersections.*
- *Loading and unloading activities can be appropriately accommodated within the site.*

This aspect of the application was considered by the City's Traffic Engineer, who was satisfied with the proposal. No conditions were proposed to be included on any permit that may issue.

The proposal does not seek to alter the overall operation of the site in relation to the types or quantities of materials processed within the site. Controls on this exist under

the EPA Operating Licence that affects the site. Staffing levels are not proposed to be increased as a result of this application.

As no changes are proposed to the type or quantity of material processed on site, there is unlikely to be any noticeable change to the level of traffic already generated. No concerns have been identified in respect of the current traffic generated by the site.

Officer assessment is that traffic impacts are negligible in relation to the works proposed under this application. As such, no further consideration of this aspect is required.

Whether stormwater and any wastewater generated by the operation of the site can be appropriately managed.

Concerns were raised throughout objections received regarding the management of stormwater and any runoff generated from the operation of the crusher plant. This specifically related to any contamination that may enter waterways surrounding the site.

In respect of this application Clause 53.18: Stormwater management in urban development provides policy direction as to how stormwater should be managed and contains the following purpose:

*To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.*

In response to the objections raised, the applicant has advised that adequate controls already exist for the operation of the ASQ Eaglehawk site under the current EPA licence. The Environmental Management Plan prepared in support of the EPA licence was indicated as containing these requirements.

The Environmental Management Plan details that stormwater runoff is managed throughout the wider site via a large detention basin located centrally along the northern boundary (to the east of the proposed crusher plant site). An annual testing regime is required by the EPA Operating Licence, supplemented by twice yearly spot testing, to ensure that water quality requirements of the storage area (and any outflows that may occur) meet required standards. It is noted that most stormwater that is collected on site is reused in processes within the site (related to dust management, operation of crusher plant, operation of soil screening plant etc.). Water losses from the site predominately occur through evaporation.



Further, the inert building materials that are processed by the site are largely free of contaminants. This means that contamination of water is minimal, with external discharge also low. These controls result in compliance with relevant standards identified within Clause 53.18.

Additional stormwater management infrastructure is proposed to support this application. This includes the installation of catch drains along the southwest boundary of the site, which connect into a new detention dam in the western most part of the site. This dam is proposed to overflow into an existing drainage line that runs along the northern boundary of the site within the Eaglehawk Landfill site.

An internal review of the drainage system proposed was undertaken by the City's Development Engineer. No concerns were raised through this review, with no conditions proposed to be included on any permit that may issue.

Officer assessment is that the proposed stormwater management system is adequate to achieve water quality requirements for the site. It is noted that EPA comments (included as notes within the draft conditions below), within their referral response will require a supplementary amendment to the existing Operating Licence for the site, which would include further updates to the Environmental Management Plan. This will result in the inclusion of the new stormwater management system proposed under this application, designed to meet required water quality standards.

Whether the extent of proposed native vegetation removal is acceptable and has been minimised to the greatest extent possible.

The proposal seeks approval for the removal of 0.443 hectares of native vegetation which falls under the Basic Assessment Pathway. This removal (as shown in Figure 8 above) is required to facilitate the development of the site and the City is satisfied that it is unable to be avoided.

Under the provisions of Clause 52.17: Native Vegetation, a planning permit is required to remove, destroy or lop native vegetation, including dead native vegetation. The purpose of this clause is as follows:

- *To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):*
  1. *Avoid the removal, destruction or lopping of native vegetation.*
  2. *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
  3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*

- *To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.*

This is further reinforced by State planning policy at Clause 12.01-2S: Native vegetation management.

This application, with its intent to relocate the crusher plant to a location within the wider ASQ Eaglehawk site to reduce amenity impacts to surrounding sensitive uses, is unable to avoid all native vegetation impacts. As such, requirements are placed on the applicant to demonstrate how impacts to native vegetation have been minimised to the greatest extent possible.

To ensure compliance with these requirements, the applicant undertook a process of layout refinement in conjunction with advice provided by the engaged ecological consultant. The intent of this process was to minimise any native vegetation impacts to the greatest extent possible. This process was achieved by using the native vegetation mapping that was prepared and provided to the applicant. With this information, access road locations, noise bund wall design and the positioning of storage bins were adjusted to reduce any impacts. This process resulted in a halving of the native vegetation removal requirements that had initially been identified in preliminary designs.

Officer assessment is that this process accords with the requirements of the *Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017)*. As such, the extent of native vegetation removal is in accordance with planning policy directives.

Conditions have been included below to appropriately offset this impact to native vegetation, in conjunction with other conditions to ensure the protection of all vegetation as being shown for retention.

Whether the reduction of car parking is acceptable in respect of the proposed operation of the site.

Under the requirements of Clause 52.06: Car Parking, a planning permit is required to reduce (including to zero) the number of carparking spaces required. Under the provisions of this clause, a Materials Recycling Facility is required to provide 10% of its site area for car parking purposes. The site has an area of 50,710 square metres, resulting in a requirement of 5,071 square metres of car parking. This roughly equates to 200 carparking spaces (or the equivalent of the front carparking area for the Bendigo Marketplace).

The application proposes providing no car parking within the lot that is the subject of this application. The rationale for this proposed zero provision of car parking comes

from the retention of all existing on-site car parking spaces. Staff car parking is already provided within a different portion of the site, with this carparking already servicing the needs of the existing staffing levels on site (note that additional car parking is proposed to directly service the needs of the new glass washing facility that is subject to consideration under DC/351/2023). As the crusher already exists on site and is only proposed for relocation under this application, there are no changes to staffing levels proposed (i.e., existing staff that operate the crusher in its existing location will continue to operate the crusher in its new location). The distance that the crusher is proposed to be moved is not so far as to warrant a new car parking area.

It is also noted that no concerns exist within the City in relation to car parking provision in the area (there is nothing to suggest a shortfall of car parking requirements, including no records of parking complaints).

To support the application, a car parking assessment was undertaken and detailed within the submitted Traffic Engineering Assessment.

The existing operation of the ASQ Eaglehawk site runs with a maximum staffing number of 12 personnel. As such, the 10% site area statutory carparking requirement is clearly excessive.

Staffing numbers are not expected to change as a result of this application, evidenced by the quantity thresholds stipulated within the EPA licence for the site remaining unchanged.

Further, as existing arrangements for car parking are to remain unchanged, there is no additional need for car parking on site.

Officer assessment is that the proposed reduction of carparking requirements for the relocated crusher plant is consistent with the decision guidelines contained within Clause 52.06: Car parking of the Greater Bendigo Planning Scheme.

#### Waiver of Bushfire Management Overlay requirements.

Under the requirements of the Bushfire Management Overlay, a planning permit is required for building and works associated with Industry (with Materials Recycling a subordinate land use). To assess an application under this overlay, the applicant is required to submit a Bushfire Management Statement.

However, this requirement can be waived if the Responsible Authority is of the opinion that these requirements are not relevant to the assessment of an application. The City formally waived these requirements in relation to this application and this approach was supported by the CFA. This approach was adopted on the basis that:

- The type of industrial activity that is undertaken with the crusher plant is centred around the operation of a piece of plant (rather than any industrial activity undertaken within a building such as a warehouse or the like) within a cleared area.
- The site is bordered by the Eaglehawk Landfill site to the north which is largely cleared of vegetation, reducing fire risk impacting the site.
- The proposal includes water detention storage areas to the west, positioned behind noise protection bunds.

These features all reduce fire risk to the site. It was deemed that these reasons negated the need for the preparation of a Bushfire Management Plan and the requirement to provide an Emergency Management Plan will be conditioned on the permit at the request of the CFA.

### Objector Concerns

In addition to the concerns detailed above, a number of objections raised concerns about the City's processing of the application. These concerns are addressed as follows:

#### *Procedural Fairness*

Concern was raised in one objection relating to a perceived lack of procedural fairness to objectors to the withdrawn planning application DC/668/2022 (described at the beginning of this report). The concern stemmed from City officers engaging in a meeting with the applicant to discuss the shortcomings of the previous application and not engaging with the objectors.

The previous application was lodged in late 2022 and was prepared by the operator of the site. It was not informed by any pre-application discussions with the City to confirm application requirements. Following further assessment of the application, including review of submissions received, significant deficiencies in the application material were identified and a subsequent request for information issued to the applicant. The issues raised in this request included a recommendation that the operator of the site engage a suitably qualified environmental consultant.

Following the engagement of a consultant by the operator of the site, a meeting was requested with the assessing officer to discuss the requirements within the information request. During this meeting it was identified that the previous application did not adequately detail what was proposed. Further works were also discussed which had not been included within the original application. It was recommended that the previous application be withdrawn whilst the required investigations could be

undertaken to inform what was proposed for the site. This was considered to be the 'cleanest' approach.

The applicant subsequently withdrew the original application and lodged this current application in concert with DC/351/2023 for the glass washing facility as described above. This approach is consistent with the provisions within the *Planning and Environment Act 1987*.

It was advised throughout these meetings that any new applications lodged would be advertised to all objectors to the previous planning permit application. When advertising this application, all previous objectors received notice.

It is considered that this approach provided procedural fairness to all objectors by providing them with additional notice, even though some of the parties reside a significant distance from the site and would not experience material detriment from the proposal. Procedural fairness must also be considered from the perspective of the applicant. They were advised that the previous application was not likely to be supported by the City unless significant changes were made to their application.

#### *Insufficient Time for the Consideration of Application Material*

Concern was raised in a number of objections that insufficient time was provided to objectors to review all the application material associated with this application and the concurrently advertised application for the glass washing facility (DC/351/2023). The concerns related to the 14-day statutory advertising timeframe being inadequate.

Both applications were advertised concurrently so that all relevant information about the proposed development of the ASQ Eaglehawk site could be provided to all parties notified (note that both applications were advertised to the same group). The application documentation indicates (as is standard practice across all applications that go on advertising) that the advertising period extends for a period of 14 days from the date of the notice.

This 14-day period is a statutory timeframe detailed within the *Planning and Environment Regulations 2005* and not controlled by the City. Further, this 14-day period does not relate to the timeframe in which an objection must be lodged. Rather, the 14-day period is the timeframe within which notices must be displayed on the subject land advising of the application. Further, the City as the responsible authority must not make a decision on the application within these 14 days.

In relation to objections, these are able to be lodged at any time throughout the assessment of an application, meaning that objections can be made to any application right up to the point a decision is made on the application. Any objection

made within this period must also be considered in the responsible authority's decision making. This process is discussed with all parties that make enquiries to the Statutory Planning Unit about how the advertising process is undertaken by the City.

### *Impacts to Surrounding Property Values*

Whilst this is a valid concern for objectors, it does not form a consideration of a planning permit application. There is a large body of VCAT caselaw that excludes this consideration.

However, it is noted that this proposal is not seeking a new use within the ASQ Eaglehawk site. Rather, this application is seeking to relocate existing plant within the site to a location that is further removed from sensitive land uses. This is being done to reduce amenity impacts.

It could be argued that this change to the operation of the ASQ Eaglehawk site might have a positive impact on surrounding land uses through a reduction in amenity impacts.

### *Conflict of Interest*

A comment was made in one objection regarding a potential conflict of interest that the City might have with the operator of the site. ASQ Eaglehawk has a current contract with the City to receive glass from kerb-side collections throughout the municipality (and other municipalities in the broader region) for recycling. The objection alludes to a biased assessment based on this relationship.

In response to this concern, the following clarifications are made.

- The Statutory Planning Unit has no responsibility for, or interest in, commercial arrangements made with waste management providers.
- This application does not seek to alter any arrangement for the collection or processing of waste materials. This application primarily seeks planning permission to relocate the existing crushing plant to a more appropriate location within the site. No change to the quantity of material processed within the site will occur.
- The glass washing facility, which is not the subject of this application, will not alter the amount of glass processed within the site under current agreements. As is addressed in DC/351/2023, the glass washing facility is proposed as an additional step within existing glass recycling processes. The inclusion of this facility is not related to any agreement that may exist between the City and ASQ Eaglehawk. Rather it is an addition to ASQ processes driven by their commercial interests in producing a higher value end product. This process improvement is likely to receive funding support from Sustainability Victoria as it aligns with their

priorities for waste management. Sustainability Victoria is a separate entity to the City of Greater Bendigo. This arrangement has no bearing on the assessment of this application, other than driving the application lodgment to seek the relevant planning approval.

Officer assessment is that there is no conflict of interest that requires consideration in respect of this application.

## **Conclusion**

Officer assessment is that the application should be supported, subject to conditions, on the following basis:

- The proposed land use and development is in accordance with the relevant Planning Policy Framework and, subject to the recommended conditions below, will not adversely impact on surrounding uses within the vicinity of the land.
- Potential air quality impacts have been appropriately modelled and considered, with the applicant able to demonstrate that the proposal will not result in any unreasonable air quality impacts. The EPA and the City's Environmental Health team have supported this conclusion. It is noted that no concerns existed with the current location of the crusher plant, with an increase in separation proposed under this application.
- Potential noise impacts have been appropriately modelled and considered, with the applicant able to demonstrate that the proposal will not result in any unreasonable noise impacts. The EPA and the City's Environmental Health team have supported this conclusion. This amenity impact was determined by the EPA to be of the greatest concern, with an established daytime exceedance with sensitive land uses to the south. This exceedance was a key driver in this application being submitted to meet noise level requirements through the relocation of the plant.
- Traffic impacts will not change as a result of the proposal. No changes to waste types or quantities within the site are proposed, with no resultant change in truck movement numbers to/from the site.
- Stormwater impacts are able to be appropriately managed within the site in accordance with requirements, with this to continue to be controlled by the EPA Operating Licence affecting the site.
- Native Vegetation removal has been minimised to the greatest extent possible to affect the relocation of the crusher plant to a more appropriate location within the site to minimise amenity impacts.
- There is adequate, existing carparking provision within the site to continue to support existing staffing levels. No new car parking areas are required.
- That all submitter concerns have been appropriately considered within the scope of the relevant planning policy contained within the Greater Bendigo Planning Scheme.

- The proposal is compliant with the Municipal Planning Statement, Planning Policy Framework, Industrial 1 Zone, Bushfire Management Overlay, relevant Particular Provisions and General Provisions of the Greater Bendigo Planning Scheme.

In summary, approval of this proposal will result in a significant improvement to existing operations within the ASQ Eaglehawk site. Primarily, this is achieved through a reduction in amenity impacts to nearby sensitive land uses. This all occurs whilst retaining an important long established materials recycling facility to meeting the City's strategic direction to achieve a 'Zero waste' economy.

The proposal is consistent with the purpose of the Industrial 1 Zone, is consistent with relevant local planning policy and is recommended for approval by Council.

### **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. PLANS REQUIRED**

Before the use and/or development starts, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and show:

- (a) Engineering design plans for the noise bund walls. These must be designed to make provision for landscape planting in accordance with Landscape plan requirements at condition 3.
- (b) Design plans for storage area separating walls, specifically showing height and materials of the proposed walls.
- (c) An Emergency Management Plan in accordance with the requirements of Condition 18.

#### **2. NO LAYOUT ALTERATION**

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



3. LANDSCAPE PLAN REQUIRED

Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit.

The plan must be drawn to scale with dimensions. The plan must show:

- (a) A survey (*including botanical names*) of all existing vegetation to be retained and/or removed.
- (b) Details of surface finishes of pathways and driveways.
- (c) Details of planting proposed for external faces of noise bund walls with indigenous plant species drawn from Box Ironbark forest (EVC 61)
- (d) Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- (e) Supplementary planting to revegetate the area to the southwest and southeast (either side of access track) of the proposed noise bund wall in accordance with the characteristics of Box Ironbark forest (EVC 61).
- (f) Supplementary planting to revegetate the area to the north of the northern access track in accordance with the characteristics of Low Rises Grassy Woodland (EVC 175\_61).

All species selected must be to the satisfaction of the responsible authority.

4. LANDSCAPING MAINTENANCE

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, *including that any dead, diseased or damaged plants are to be replaced.*

5. COMPLETION OF LANDSCAPING

Before the *use/occupation of the development* starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

6. HOURS OF OPERATION

Except with the prior written consent of the responsible authority, the use permitted by this permit must operate only between the following times:

- Monday to Friday – 7am to 5pm
- Saturday – 7am to 1pm

The use is not permitted on Sundays or gazetted public holidays.

7. GENERAL EXTERIOR TREATMENT

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

8. ACOUSTIC REPORT REQUIRED

Prior to the commencement of use, the owner and/or occupier of the land is to submit an Acoustic Report, to the satisfaction of the Responsible Authority, containing amongst other things:

- (a) Noise measurements and acoustic assessment demonstrating noise generated is to be no greater than the applicable noise limits as per current legislation, EPA guidelines and best practices; and
- (b) Any measures considered necessary for noise generated to be no greater than the applicable noise limits as per current legislation, guidelines and best practices.

9. NOISE CONTROL

Should the responsible authority understand the operation resulting from the proposed activities is likely to have been generating negative noise impacts, the owner and/or occupier of the land is to submit within 30 days an Acoustic Report, to the satisfaction of the responsible authority, containing amongst other things:

- (a) Noise measurements and acoustic assessment demonstrating noise generated is to be no greater than the applicable noise limits as per current legislation, EPA guidelines and best practices; and
- (b) Any measures considered necessary for noise generated to be no greater than the applicable noise limits as per current legislation, guidelines and best practices.

10. AIR QUALITY CONTROL

Should the Responsible Authority understand the operation resulting from the proposed activities is likely to have been generating air pollution impacts, including dust, the owner and/or occupier of the land is to submit within 30 days an Air Quality Management Plan, to the satisfaction of the City of Greater Bendigo, containing amongst other things:

- (a) Prepared in accordance with relevant EPA guidelines.
- (b) Identification of potential sources of air pollutants caused by your operations, including those related to traffic.
- (c) Identification of potential impacts of air pollutants caused by your operations on human health.
- (d) Identification of measures for on-site containment of air pollutants, including weather forecast considerations.
- (e) Identification of strategies to monitor the effectiveness of your measures for on-site containment of air pollution.
- (f) Identification of your proposed air pollution complaint management program, to contain at least the below:

- i. A 24-hour phone number to be publicly available to complainants.
- ii. Engagement with complainants regarding their concerns.
- iii. A maximum time period for response to any complaints.
- iv. An annual review of the complaint management program based on the prior 12 months.

11. BAFFLED LIGHTING

External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

12. NO MUD ON ROADS

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

13. 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.

14. GENERAL DRAINAGE – BUILDINGS

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

15. CITY OF GREATER BENDIGO ASSETS

Before the development starts, the owner or developer must submit to the responsible authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb and channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to any public infrastructure caused as a result of the development or use permitted by this permit.

16. AMENITY OF THE LOCALITY

The use permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

17. NATIVE VEGETATION REMOVAL CONDITIONS

Notification of Permit Conditions

Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

Protection of Vegetation to be Retained

Before works start, a plan to the satisfaction of the responsible authority identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.

Native vegetation offsets

*Offset Requirement*

To offset the removal of 0.443 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:

**General offset**

A general offset of 0.141 general habitat units:

- Located within the North Central Catchment Management Authority boundary or Greater Bendigo City Council municipal district.
- With a minimum strategic biodiversity score of at least 0.455.

*Offset Evidence and Timing*

Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of responsible authority. This evidence is one or both of the following:

- An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site; and/or
- Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Energy, Environment and Climate Action.

*Monitoring and Reporting for Onsite Offset Implementation*

In the event that a security agreement is entered into, the applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After

the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

18. COUNTRY FIRE AUTHORITY CONDITIONS

- (a) An Emergency Management Plan must be developed to the satisfaction of the responsible authority in consultation with the Country Fire Authority (CFA).
- (b) The Emergency Management Plan must be based on a comprehensive risk management process that includes:
  - i. Identification of all risks associated with the site operations (quarrying, glass washing, storage and handling of dangerous goods, etc.) and risks to and from the landscape (grassfire, bushfire).
  - ii. Controls/mitigations for all identified risks.
  - iii. Processes and procedures that ensure the ongoing identification of hazards and risks, and the implantation and ongoing effectiveness of risk controls.
- (c) The Emergency Management Plan must incorporate all relevant elements of AS 3745-2010: Planning for emergencies in facilities.

19. COMPLETION AND COMMENCEMENT

This permit will expire if the development permitted by this permit is not completed and the use permitted by this permit is not commenced within 2 years from the date hereof or if the use is discontinued for a period of 2 years. The time within which the development must be completed and the use must commence may, on written request made before or within 12 months after the expiry of the permit, be extended by the responsible authority.

**Land Use Activity Agreement**

The site is Reserved Crown Land and may be subject to a Land Use Activity Agreement (LUAA). Advice should be sought from the Department of Energy, Environment and Climate Action on specific requirements for this activity.

**Environment Protection Authority Notes:**

- This permit is not an EPA permission/approval. Before the use or development authorised under this permit starts, the permit holder must ensure that any obligations or duties that arise under the Environment Protection Act 2017 are met. This may include obtaining an EPA permission, approval or exemption, in accordance with the Environment Protection Regulations 2021.
- The amended Environment Protection Act 2017 came into effect on 1 July 2021. The amended Environment Protection Act 2017 imposes new duties on individuals and/or businesses undertaking the activity permitted by this permit. If your business engages in activities that may give rise to a risk to human health or

the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable.

For further information on what the new laws mean for Victorian businesses go to: <https://www.epa.vic.gov.au/for-business/new-laws-andyour-business>

For further information on what the new laws will mean for individuals and the community go to: <https://www.epa.vic.gov.au/about-epa/laws/newlaws/thenew-actfor-the-community>

## **Attachments**

Nil

**16.2. CA 599, Section M, Butler Street, California Gully - Use and Development of the Land for Materials Recycling (Glass Washing) Facility and a Reduction in Car Parking**

Author:	Michael St Clair, Statutory Planner
Responsible Director:	Rachel Lee, Director Strategy and Growth

**Summary/Purpose**

Application No:	DC/351/2023
Applicant:	Allstone Quarries Pty Ltd
Land:	CA 599, Section M, Butler Street, CA224B Upper California Gully Road & CA480D Turner Street CALIFORNIA GULLY; CA 479 Butler Street CALIFORNIA GULLY
Zoning:	Industrial 1 Zone
Overlays:	Bushfire Management Overlay
No. of objections:	22
Consultation meeting:	<p>No formal consultation meeting was undertaken. Issues raised by objectors were of a fundamental nature with the proposal and unable to be resolved through a consultation meeting.</p> <p>A process of exchange of written correspondence was undertaken between applicant and objectors to further explore issues raised. As a result of this process no objections were withdrawn.</p>
Key considerations:	<ul style="list-style-type: none"> <li>• Whether the proposed use is consistent with the requirements of the relevant clauses of the Planning Policy Framework and the Industrial 1 Zone.</li> <li>• Whether the proposal has appropriately considered potential amenity impacts associated with air quality, noise and traffic impacts, and reduced these to an acceptable level.</li> <li>• Whether stormwater and any wastewater generated by the operation of the site can be appropriately managed.</li> <li>• Whether the reduction of car parking is acceptable in respect of the proposed operation of the site.</li> <li>• Waiving of Bushfire Management Overlay requirements.</li> <li>• Objector concerns.</li> </ul>
Conclusion:	<p>The management of land use conflicts is a key principle underlying the provisions of the Greater Bendigo Planning Scheme.</p> <p>This application proposes the installation of a glass washing facility within an underutilised land parcel within</p>

	<p>the wider ASQ Eaglehawk site. Whilst the nature of the proposal has the potential for land use conflicts with sensitive land uses to the south., the application has successfully demonstrated that the proposed plant has a low amenity impact and is appropriately located.</p> <p>The proposal, in consultation with the EPA, has satisfactorily demonstrated compliance with all requirements of the Greater Bendigo Planning Scheme to mitigate potential amenity impacts to surrounding sensitive land uses.</p> <p>It is recommended that Council determine to issue a Notice of Decision to grant a planning permit subject to the conditions included at the end of this report. The proposed land use and development accords with the relevant Planning Policy Framework.</p>
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### **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 the land for a Materials Recycling (Glass washing) facility and a reduction in car parking*' at CA 599, Section M, Butler Street, CALIFORNIA GULLY VIC 3556, subject to the conditions at the end of this report.

### **Background Information**

#### Site History

The ASQ Eaglehawk site has a long-established history for the processing and recycling of building materials, amongst other things. The site currently accepts a range of inert building waste streams for processing under a current Environment Protection Authority (EPA) Operating Licence (OL000300030). The site currently processes building waste including concrete, brick, rubble / sand, plasterboard, asphalt and glass.

The processing of these materials started in its current form in the 1970s, with the establishment of the existing crushing plant within the site. The operation of the site has largely remained unchanged since this time. Recently, the company has received approval from the EPA to receive and process glass within the site under registration number R000301136. This registration allows for the processing of 5,000 tonnes of glass per annum. This waste stream is currently processed through the existing crusher plant on site for reuse.



[Link to Planning Permit Application DU/395/2023](#)

Separate to this application, but being considered concurrently, is Planning Permit Application DU/395/2023 which is seeking approval for the relocation of the existing crusher plant within the overall ASQ Eaglehawk site to a more suitable location to the north-west. The impetus behind this application is to address concerns from surrounding residents and the EPA. Concerns have primarily related to noise and dust/air quality impacts. The EPA, supported by the City's Environmental Health team, has been working with the operator of the site over the last few years to ameliorate these concerns, including the placement of noise barriers around the south and eastern extent of the crusher plant's location. However, concerns remain with the location of the crusher plant noting its proximity to nearby houses and the California Gully Primary School. The relocation of the crusher to a site within the broader ASQ Eaglehawk site plant was identified as the preferred solution. Moving it further west was the preferred option.

A previous application for a glass washing module (DC/668/2022) was lodged by ASQ Eaglehawk in late 2022 but was later withdrawn due to a lack of information. There were numerous shortcomings with this previous application and following detailed discussions with the applicant, it was withdrawn. These shortcomings revolved around a lack of supporting documentation and an unclear description of what was proposed. This led to the engagement by ASQ Eaglehawk of an experienced environmental consultant to prepare the required supporting assessments and subsequently the glass washing facility application in conjunction with the concurrent application for the crusher plant relocation were lodged. It was advised that this should occur concurrently to reduce any confusion within the wider community as to what was proposed to occur within the ASQ Eaglehawk site.

The previous application proceeded to advertising where it received 52 objections.

## **Report**

### Subject Site and Surrounds

Nestled amongst a number of land holdings and with no street frontages, the subject site is formally identified as Crown Allotment 599, Section M, Parish of Sandhurst. Figure 1 shows the subject site amongst the wider ASQ Eaglehawk site.

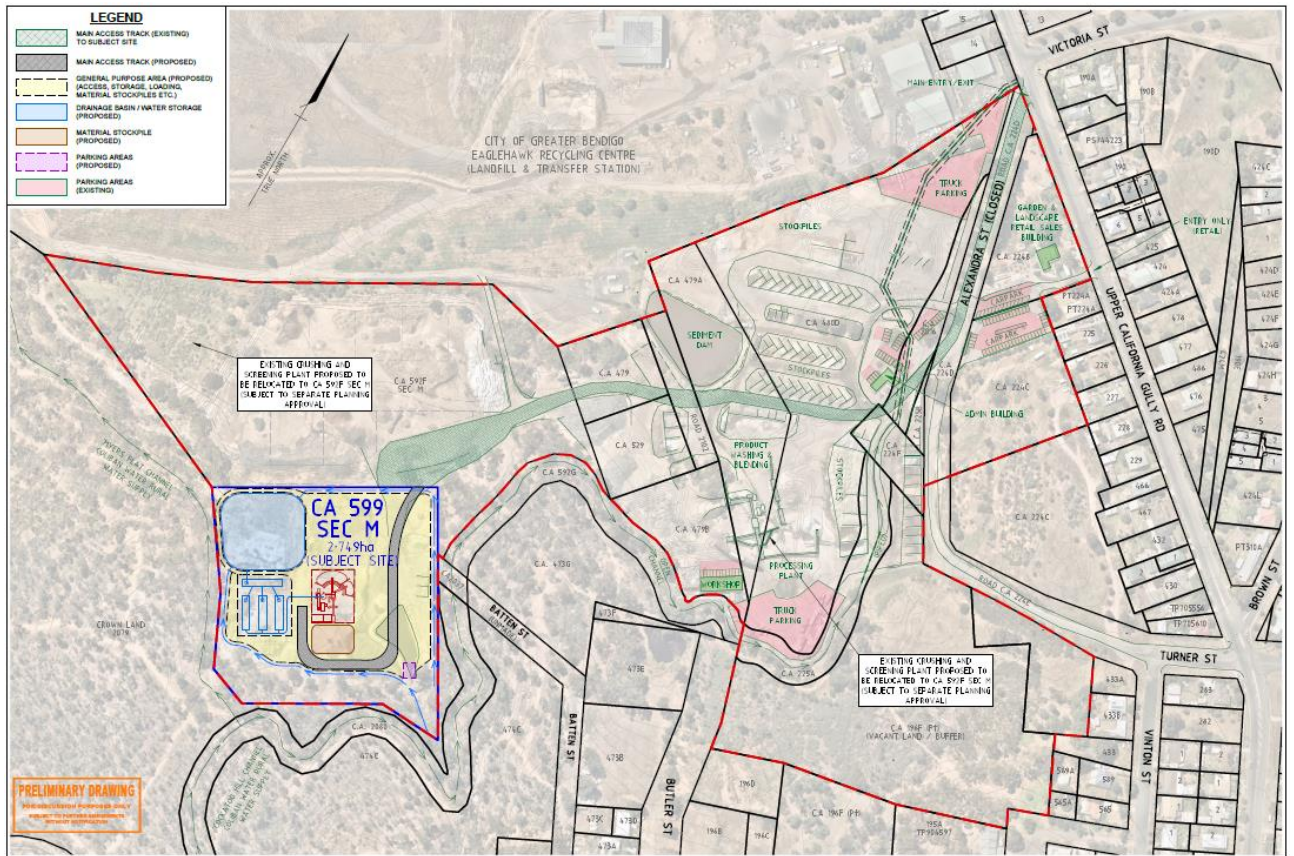


Figure 1: Subject site and wider ASQ Eaglehawk plan

The site is irregular in shape, with a maximum depth of 190.35 metres, a maximum length of 170.3 metres and an overall site area of 2.79 hectares. Figure 2 provides an aerial view of the subject site showing its current state.



Figure 2: Aerial image of subject land parcel



The site was previously used as part of a wider mining operation, specifically for mining tailings. Since acquiring the site over 20 years ago, ASQ has undertaken extensive rehabilitation and the site currently lies vacant. These previous uses have influenced the topography and layout of the site, including the presence of a water collection dam within the southeast corner and the depression in the northwest corner.

Vegetation of the site is sparse for the most part, though the eastern, western and southern boundaries are heavily vegetated owing to the site's interfaces.

Vehicular access to the site is provided via an internal road network through ASQ's other land holdings / the wider materials recycling site and ultimately via California Gully Road to the east.

The broader surrounding area comprises a mix of different land uses, synonymous with the area's historic development from mining activities in the 19<sup>th</sup> century.

Land to the immediate north of the subject site is also owned / operated by ASQ following the land's degradation because of historic mining activities. Further north is the Eaglehawk Landfill, owned and operated by the City of Greater Bendigo.

The closest sensitive land uses are located to the southeast of the site, consisting of a number of dwellings fronting Batten Street, Butler Street, and Staley Street. The closest being 32 Batten Street, situated approximately 150 metres from the eastern tip of the site. Whilst California Gully Primary School sits approximately 420 metres to the east.

A natural buffer, comprising of treed bushland, separates the site from these sensitive receptors. Figure 3 below shows this broader context.



**Figure 3: Aerial image showing the surrounding context**

### Proposal

The application seeks to use and develop the land for a Materials Recycling (Glass Washing) Facility and the associated reduction in car parking requirements. This proposal specifically seeks approval to install and operate a glass washing module which will be installed in support of the wider ASQ operations located on the abutting land to the north and west.

The module washes glass (which has been previously crushed elsewhere within the ASQ Eaglehawk site), collected from council kerbside pickup and cleans it, removing sugars, yeast and organic contaminants. This process is an extra step to the current ASQ operations which already recycle glass.

In this regard, the proposal does not increase the amount of glass being received or recycled by ASQ (which is currently up to 5,000 tonnes per annum).

By cleaning the glass, a purer end product is generated, which is then used for infrastructure projects including the upgrading of roads, stormwater systems and bike lane delineators across Victoria.

The facility comprises the following key components:

- Glass washing module
- 4 x Evaporating dams
- Water storage dam
- Internal road network



- Car parking
- Landscaping

Figure 4 below shows the proposed layout of the glass washing facility.

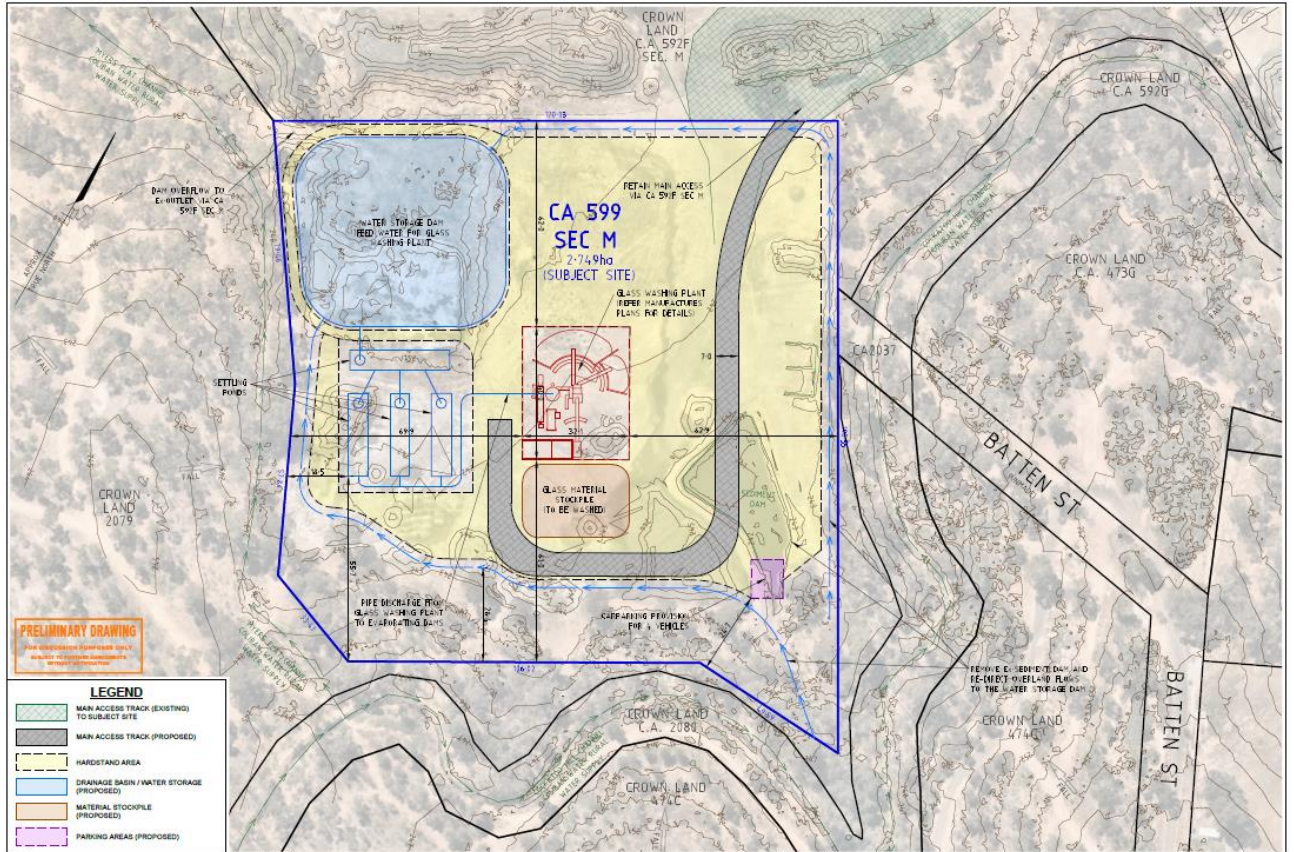
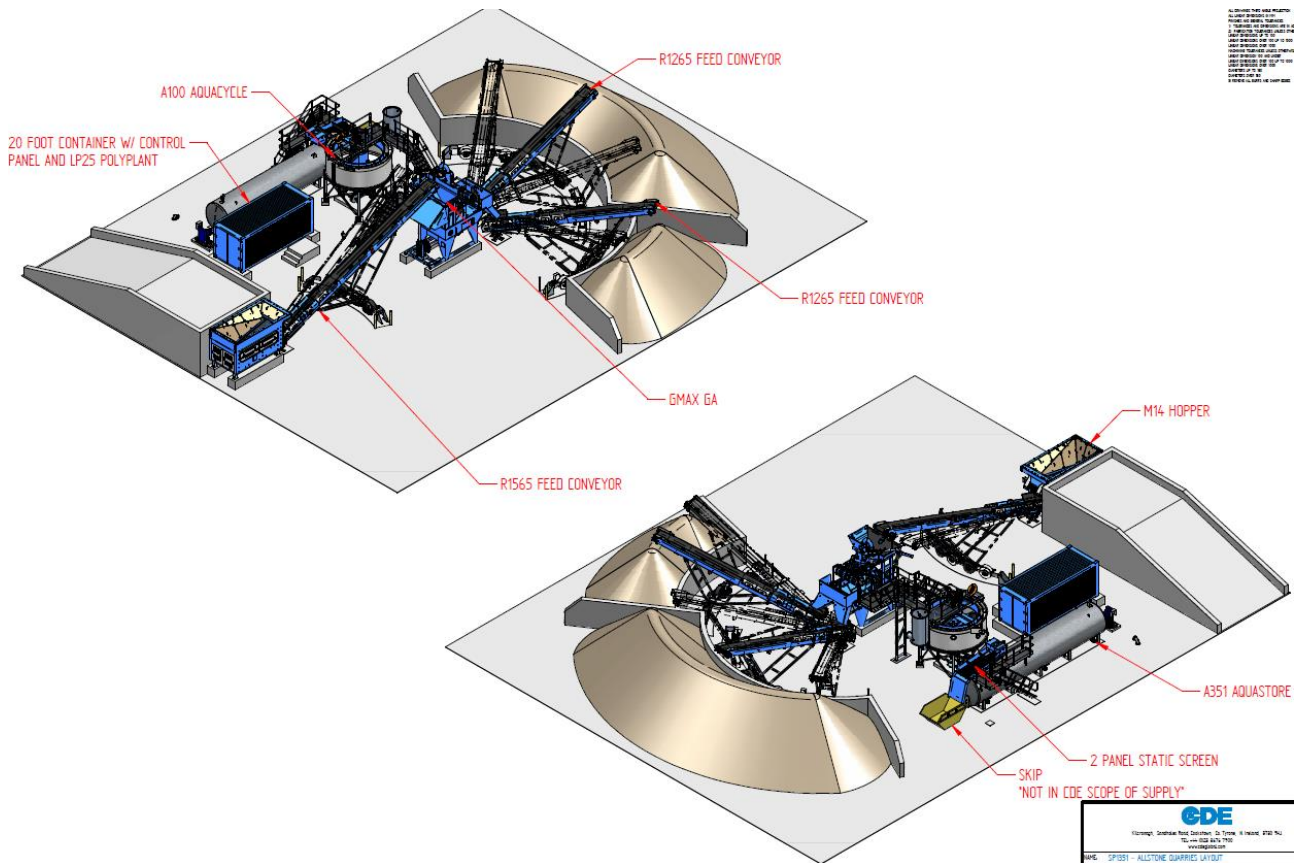


Figure 4: Proposed glass washing facility layout



**Figure 5: 3D render of proposed plant**

*Operational Use*

The facility is proposed to operate as follows.

Glass processed within the wider ASQ site will be sent to the module via a truck. The truck offloads the product into a stockpile, which is then fed into the module via a front-end loader, screened and then passed through to stockpiles. This process ensures sugars, yeast and other organic contaminants are removed from the glass, leading to a purer product. Product processed within the module will be in line with current EPA approvals, which allows for up to 5,000 tonnes per annum.

The majority of the washing water is fed back into the module after each cycle via the Aquacycle process for reuse. Approximately 10% is directed to the settling ponds located to the west of the module, where the sediment is separated from the water. The remnant sediment is organic and occasionally will be removed from the pit and added as an enhancement to the existing ASQ topsoil product.

The proposal is expected to create four additional full-time roles within the ASQ Eaglehawk site to operate the facility.

The facility is proposed to operate as follows:

- Monday to Friday – 7am to 5pm
- Saturday – 7am to 1pm

No operation is proposed on Sundays or gazetted public holidays.

### *Access*

Vehicular access is provided via the existing internal road network of the wider ASQ site leading to an access point to the north of the subject site. A 7 metre wide unsealed road is to be located along the eastern and southern side of the module, allowing product to be transported to/from.

As the glass washing module represents an extra step in current operations, the proposal is not expected to generate additional truck movements on Upper California Gully Road or the wider external road network.

A designated car park is to be located to the southeast of the site, catering for the four employees required to operate the module. Two hardstand areas located to the north of the module and the south of the settling ponds will allow for truck turning and pickups.

### *Landscaping*

Landscaping works seeking to rehabilitate the local vegetation communities are proposed along the southern, eastern and western boundaries of the site.

Measures have been provided to ensure that vegetation can thrive. These measures include the provision of a vegetation buffer to protect from encroachment, whilst the monitoring and maintenance schedule will ensure the existing vegetation is given the best possibility to thrive. Figure 5 below show the proposed Landscape Plan.



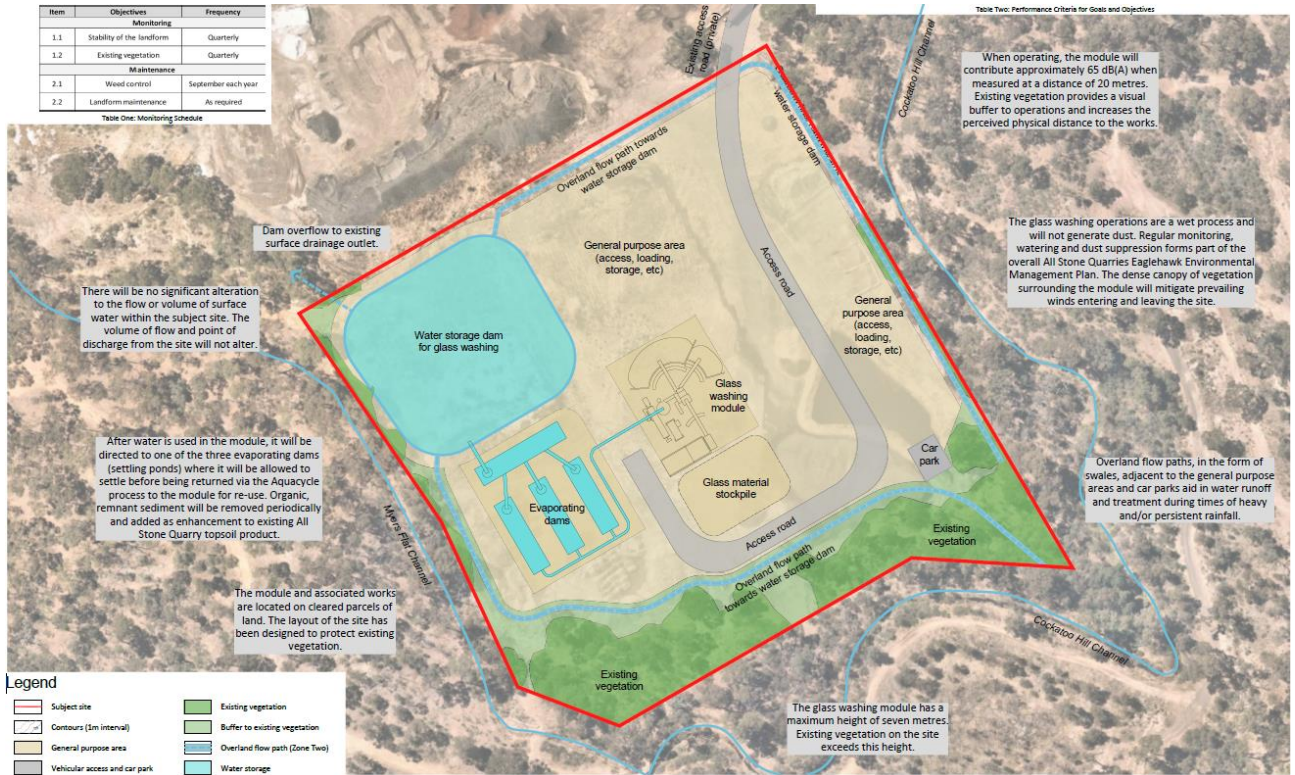


Figure 5: Proposed landscape plan

## Planning Controls - Greater Bendigo Planning Scheme

### Why is a planning permit required?

The following table lists all the relevant planning permit triggers that apply to this application.

Clause	Permit Trigger
Clause 33.01-1 Industrial 1 Zone	<ul style="list-style-type: none"> <li>A planning permit is required to use the land for materials recycling.</li> </ul>
Clause 33.01-4 Industrial 1 Zone	<ul style="list-style-type: none"> <li>A planning permit is required to construct a building or construct or carry out works.</li> </ul>
Clause 44.06-2 Bushfire Management Overlay	<ul style="list-style-type: none"> <li>A planning permit is required to construct a building or construct or carry out works associated with Industry (Materials recycling).</li> </ul>
Clause 52.06-3 Car Parking	<ul style="list-style-type: none"> <li>A planning permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.</li> </ul>

A Cultural Heritage Management Plan was not required to support this application as the site is not mapped as containing Aboriginal Cultural Heritage Sensitivity.



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

Municipal Planning Strategy

02.03	Strategic directions
02.03-1	Settlement
02.03-2	Environment and landscape values
02.03-3	Environmental risks and amenity
02.03-7	Economic development
02.03-9	Infrastructure
02.04	Strategic framework plans

Planning Policy Framework

12.01-1S	Protection of biodiversity
12.01-1L	Protection of biodiversity – Greater Bendigo
13.02-1S	Bushfire Planning
13.03-1L	Floodplain Management – Greater Bendigo
13.04-1S	Contaminated and Potentially Contaminated Land
13.05-1S	Noise Management
13.06-1S	Air Quality Management
13.07-1S	Land Use Compatibility
14.02-2S	Water Quality
15.01-1L-01	Landscaping – Greater Bendigo
17.01-1R	Diversified Economy – Loddon Mallee South
17.03-1L	Industrial Land Supply – Greater Bendigo
17.03-2S	Sustainable Industry
18.02-4S	Roads
19.03-3L	Integrated water management – Greater Bendigo
19.03-5S	Waste and Resource Recovery

Other Provisions

33.01	Industrial 1 Zone
44.06	Bushfire Management Overlay
52.06	Car Parking
53.02	Bushfire Planning
53.10	Uses and activities with potential adverse impacts
65	Decision Guidelines
71.02-3	Integrated decision making

**Policy Context**

**Primary Council Plan Reference**

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

Outcome 2 – Healthy, liveable spaces and places

**Secondary Council Plan Reference(s)**

Goal 7 – Sustainable population growth is planned for

**Consultation/Communication**

Referrals

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

Referral	Comment
Environment Protection Authority	<p>EPA does not object to the proposal.</p> <p>EPA makes the following comments in relation to the documents submitted in support of the application:</p> <ul style="list-style-type: none"> <li>• <i>The existing separation distance to the residential area is considered appropriate, as operation of the materials recycling facility is considered to have a low impact on local amenity.</i></li> <li>• <i>The assessment found minimal risk of adverse air quality impacts based on modelling and the equipment to be used. While ground glass may become a risk to air quality if transported through dust, it is considered the processes proposed are appropriate to manage this risk.</i></li> <li>• <i>Based on the information provided it is expected the activity should meet EPA noise guidelines, however the applicant is reminded to minimise impacts as far as reasonably practicable.</i></li> <li>• <i>Before the use or development starts, the applicant must ensure that any obligations or duties that arise under the Environment Protection Act 2017 are met. This may include obtaining an EPA permission, approval or exemption, in accordance with the Environment Protection Regulations 2021.</i></li> </ul>
Country Fire Authority	CFA does not object to the proposal subject to conditions being imposed.

Referral	Comment
	<p>Conditions relate to the following:</p> <ul style="list-style-type: none"> <li>• Development of an Emergency Management Plan.</li> </ul>
Environmental Health	<p>Does not object to the proposal subject to conditions being imposed.</p> <p>Conditions relate to controlling hours of operation, noise and dust/air quality management.</p>
Development Engineer	<p>Does not object to the proposal.</p> <p>No conditions to be imposed in addition to the endorsement of submitted documentation supporting the application.</p>
Traffic Engineer	<p>Does not object to the proposal.</p> <p>No conditions to be imposed in addition to the endorsement of submitted documentation supporting the application.</p>

### Public Notification

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

As a result of advertising, 22 objections were received, with the grounds of objection being summarised as:

- The location of the plant is too close to nearby sensitive uses contrary to both EPA and Council documents.
- The proposal is contrary to Council's Environment Strategy.
- Health and amenity impacts associated with Dust and Noise emissions.
- Increase in traffic movements.
- Concerns with the amenity impact assessment modelling methodologies.
- How stormwater, wastewater and any contamination are to be managed.
- Reduced property values as a result of the proposal.
- Claims that the City of Greater Bendigo has vested interest in the proposal proceeding as this site will process glass collected by the City's waste services. Funding for the project has been earmarked from Sustainability Victoria.

A formal consultation meeting was not scheduled based on the nature of the concerns raised. Correspondence did, however, occur in the form of written correspondence between parties to determine if there were any opportunities to resolve the issues. As a result of the exchange of written correspondence, no objections were withdrawn.

These objections are all addressed directly through the Planning Assessment contained below.

### **Planning Assessment**

Many of the objections received primarily focus on health and amenity impacts from the proposed glass washing facility. The following planning assessment has been shaped around these concerns in addition to directly assessing the application against the relevant planning policy. The key considerations are:

- Whether the proposed use is consistent with the requirements of the relevant clauses of the Planning Policy Framework and the Industrial 1 Zone.
- Whether the proposal has appropriately considered and mitigated amenity impacts associated with air quality, noise and traffic impacts, and reduced these to an acceptable level.
- Whether stormwater and any wastewater generated by the operation of the site can be appropriately managed.
- Whether the reduction of car parking is acceptable in respect of the proposed operation of the site.
- Waiving of Bushfire Management Overlay requirements.
- Objector concerns.

#### Whether the proposed use is consistent with the requirements of the relevant clauses of the Planning Policy Framework and the Industrial 1 Zone

The assessment of this application largely focuses on the question of whether the proposed glass washing plant is appropriate within the Industrial 1 Zone and whether any potential amenity impacts can be reduced to an acceptable level.

To provide context for this assessment, this piece of equipment does not crush or grind glass (this occurs within the crusher plant located elsewhere within the ASQ Eaglehawk site). This plant receives already crushed glass and runs it through a washing process to remove any organic substances that remain. Effectively, this results in water being run through the crushed glass before the resultant washed material is sorted by size by passing the material through a screen. This material is dried and stored before it goes on sale.

This process is effectively an add-on to existing materials recycling processes within the ASQ site. This process is designed to produce a higher value end product that can be utilised in a broader range of uses.

The application will not alter the amount of material that is currently processed at the site.

In considering an application of this nature, the purpose of the Industrial 1 Zone must first be considered. The purpose of the Industrial 1 Zone is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

Under the Industrial 1 Zone, a Materials Recycling Facility requires a planning permit to both use and develop the land for this use.

#### *Use of the Land for Materials Recycling Facility*

The main guiding policies within the Planning Scheme for the consideration of the appropriateness of the proposed installation of a glass washing facility are 13.07-1S: Land Use Compatibility, 17.03-2S: Sustainable Industry and 19.03-5S: Waste and Resource Recovery. The key strategies that guide decision making in these respects are:

- *Encourage technologies that increase recovery and treatment of resources to produce high value, marketable end products.*
- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.*
- *Ensure waste and resource recovery facilities are sited, designed, built and operated so as to minimise impacts on surrounding communities and the environment.*

(emphasis added)

The site forms part of ASQ Eaglehawk's long established resource and recovery operation. The operation is currently diverting up to 50,000 tonnes of inert building

waste from being disposed into landfill. This reprocessing forms a small part of the City's overall policy direction to achieve a 'Zero Waste' economy.

To support this proposal, the applicant has provided a range of supporting assessments prepared by suitably qualified consultants. These include an Air Quality Assessment, Acoustic Assessment, Traffic Engineering Assessment and a Water Management Plan. These are further supported by ASQ Eaglehawk's current EPA endorsed Environmental Management Plan. This body of work has been provided to support both the City and the EPA in their assessments of the proposal.

Clause 53.10 Uses and activities with potential adverse impacts, seeks '*To identify those types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood*'.

The intent of this clause is to ensure that threshold distances are met and in instances where the threshold distance cannot be met, require referral to the EPA to support the assessment of any application with potential adverse impacts. In this case, the proposed use is described as '*Other resource recovery or recycling operations*', which has a threshold distance of '*None specified*' which required referral through to the EPA.

The above assessments, in conjunction with submitted plans, were formally referred to the EPA for review. EPA employs technical experts with vast experience in reviewing assessments to support industrial applications. Further, as the EPA is the authority overseeing the existing Operating Licence for the site, they have an extensive history of ASQ's operations.

The EPA's response to the proposal is summarised above in the referral section of this report. This response detailed that the key considerations of air quality, noise and wastewater impacts from the proposed glass washing facility / plant have been adequately addressed. Potential amenity impacts from air quality, noise and wastewater are discussed in more detail below.

The EPA used these considerations to determine if the proposed separation of the glass washing plant with nearby sensitive land uses was appropriate. By determining that the above factors met all relevant standards, the EPA was satisfied that the location of the glass washing plant was appropriate to meet all required air quality and noise level standards for the prescribed hours of operation, in accordance with established operating requirements for the site. The EPA stated:

*The existing separation distance to the residential area is considered appropriate, as operation of the materials recycling facility is considered to have a low impact on local amenity.*

Whilst the EPA is satisfied that the proposal is compliant, the City must also reach a position of support for the proposed glass washing plant. The City's Environmental Health team reviewed all submitted documentation to provide comments on the proposal. They also provided concurrence with the proposal, subject to the imposition of conditions on the ongoing operation of the site. These conditions relate to specifying hours of operation, management of noise impacts and management of air quality impacts. These conditions have been proposed to reflect the management actions identified within the submitted supporting documentation for the application.

All objectors raised concerns with the separation distance proposed, citing a requirement that a minimum separation distance of 500 metres should be provided for the proposed use. It must be clarified that this figure is incorrect. This figure was sourced by objectors from *EPA Publication 1518: Recommended Separation Distances for Industrial Residual Air Emissions – Guidelines (EPA, March 2013)*. The figure quoted relates to both a '*Prescribed industrial waste treatment facility*' and a '*Quarry with respirable crystalline silica*'. These use descriptions are an incorrect classification of the operations proposed to occur on the site (confirmed by EPA referral response).

Prescribed industrial waste treatment facilities are specialised facilities that manage specific chemical, hazardous or dangerous waste streams. The subject site does not have approval to receive any of these substances. Further, if any of this type of waste were to be inadvertently delivered to the site, conditions within the EPA licence require that the waste be separated from the main waste streams and appropriately managed within an appropriately licenced facility within 14 days of receipt. The site also does not undertake quarrying activities.

The correct description for this facility is a '*Materials recovery and recycling facility*', with the recommended separation distance being '*case by case*'. In this situation consultation with the EPA needs to occur to determine the appropriate separation distance. This determination is based on the types of materials to be processed, the quantity of materials and the specific site constraints that exist. The EPA has confirmed that the separation proposed by this application is appropriate.

Objectors also raised concerns that the current zoning of the land as Industrial 1 is contrary to the findings of the *City of Greater Bendigo Industrial Land Needs and Gap Analysis (2019)*. This study made the following recommendation for the California Gully precinct (which contains the subject site):

*Consideration should be given to whether the entire precinct should be rezoned from predominantly Industrial 1 to Industrial 3 given its proximity to residential development. Zones allowing for sensitive uses may not be appropriate due to the location of the Eaglehawk landfill 100m to the north-west.*

To understand how much weight to give this recommendation, it is important to understand the status of the *City of Greater Bendigo Industrial Land Needs and Gap Analysis (2019)*. This study was undertaken as a precursor piece of work to the *Greater Bendigo Industrial Land Development Strategy (May 2020)*, which was adopted by Council in June 2020. Whilst the *Greater Bendigo Industrial Land Development Strategy (May 2020)* has been adopted, the precursor work has not. This is a key differentiation in how much weight should be given to each. By being adopted, the *Greater Bendigo Industrial Land Development Strategy (May 2020)* must be considered in this assessment (with the unadopted document being given no weight).

*The Greater Bendigo Industrial Land Development Strategy (May 2020)* provides a different recommendation for the land within California Gully. It states in relation to Industrial 1 land:

*Retain the existing function of the western precinct given its interface with the Eaglehawk Landfill*

This confirms that the City's adopted position as retaining this land as Industrial 1 zoning, supporting forms of industrial development as currently proposed.

Officer assessment of the proposed use of the land for a materials recycling facility is that it is appropriate in relation to the separation distance between the glass washing facility and nearby sensitive land uses. Further discussion of the appropriateness of this is detailed below in respect to potential amenity impacts.

#### *Development of the Land for Materials Recycling Facility*

The proposed development of the site has been guided by policy within the Planning Scheme related to reducing amenity impacts. Specifically, this policy relates to 13.05-1S: Noise management, 13.06-1S: Air quality management, 15.01-1S: Urban design and 15.01-1L-02: Urban design in industrial areas – Greater Bendigo.

The site is currently lightly used by ASQ Eaglehawk, with some minor informal storage of processed materials occurring from time to time. This is occurring in an adhoc manner, typical of long established industrial sites in industrial zoned areas. This proposal is removing these informal storage arrangements from the land. This is an improvement of the visual presentation of this industrial use in this Industrial 1 zoned land. The layout is consistent with policy contained within Clause 15.01-1S: Urban design. In a local context, the layout of the development is consistent with the relevant controls of the *City of Greater Bendigo Good Design Guide for Industry (City of Greater Bendigo, 1997)* (noting this document is aimed at new industrial building



development within industrial estates and largely does not focus on industrial development and areas such as this site).

Subject to the discussions above in relation to use and below in relation to amenity impacts, officer assessment is that the proposed development of the site is appropriate. Overall, the proposal is consistent with the purpose of the Industrial 1 Zone.

Whether the proposal has appropriately considered and mitigated amenity impacts associated with air quality, noise and traffic impacts, and reduced these to an acceptable level.

The decision guidelines under the Industrial 1 Zone, for both use and development, place a high emphasis on potential amenity impacts of any proposal on surrounding land uses. The main potential amenity impacts that relate to the proposal are air quality, noise and wastewater. Further, traffic concerns were raised as an amenity impact from objectors. Each are addressed in turn below.

#### *Air Quality*

A major concern raised through objections related to air quality impacts. Specific reference was made to health concerns from potential exposure to silica dust. The Planning Scheme at Clause 13.06-1S: Air quality requires consideration to be given to the protection and improvement of air quality. The applicable strategy that applies to this assessment is:

- *Ensure, wherever possible, that there is suitable separation between land uses that pose a human health risk or reduce amenity due to air pollutants, and sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital).*

To demonstrate compliance against this policy, the applicant submitted an Air Quality Assessment prepared by Helia. This assessment was prepared in accordance with the requirements of a Level 2 assessment under the *Guideline for Assessing and Minimising Air Pollution in Victoria (for air pollution managers and specialists)*, EPA Victoria, Publication 1961, February 2022.

The assessment found that:

*No specific recommendations are warranted in this report assuming Site operations (including industry best-practice controls) are implemented as considered in this report and the Site operates in accordance with relevant compliance obligations.*

Of note for context, the site is subject to a predominate south easterly wind for the majority of the year. This results in dust and any minor air pollution from the site being blown away from sensitive land uses and instead results in an air flow towards the Eaglehawk Landfill site.

The assessment was provided to the EPA for review as part of the referral process and provided the following response in relation to air quality:

*The assessment found minimal risk of adverse air quality impacts based on modelling and the equipment to be used. While ground glass may become a risk to air quality if transported through dust, it is considered the processes proposed are appropriate to manage this risk.*

*Whilst the risk of adverse air quality impacts is considered low and no specific recommendations were made, the applicant is reminded to minimise the risk of harm as far as reasonably practicable. EPA expects a proactive approach to be undertaken such as consideration of monitoring to ensure any measures continue to be effective and/ or if new ones can be applied.*

It should be noted that the site currently operates in accordance with an approved (by the EPA) Environmental Management Plan. This plan details how dust impacts are to be monitored and managed on an ongoing basis. These management processes are what the Helia report has used as the basis for its assessment that no further recommendations are warranted.

In addition to the EPA review of submitted documents, the City's Environmental Health team reviewed the application. They have consented to the proposal subject to the inclusion of an air quality condition. This condition would require the preparation of an Air Quality Management Plan should the City be of the view that the operation of the site is likely to be generating air pollution impacts in exceedance of applicable standards.

Silica dust is specifically raised as a concern by objectors. This pollutant is addressed within the submitted Air Quality assessment. In summary, the report concludes that the waste streams processed within the site produce negligible levels of respirable crystalline silica dust. This type of material forms less than 1% of the overall material produced by the site. The assessment then details that due to *"the moisture application of the glass washing facility, Helia has not identified significant sources of dust generation associated with the glass washing facility"*. As such, it has not been deemed to be a risk that requires any further consideration. The EPA and the City's Environmental Health team have concurred with this position.

Objectors also raised concerns that the proposal is not consistent with the *City of Greater Bendigo's Climate Change and Environment Strategy 2021-2026*.

Specifically, that the proposal does not contribute to achieving outcomes that provide the local community with clean air, water and a healthy natural environment. That these outcomes should not be 'subjugated' (as indicated in objections received) to achieve a strategy of 'Zero Waste'. The application has sought to demonstrate that this outcome is achieved and has been accompanied by a range of assessments that detail how the proposal aids in providing clean air, water and a healthy natural environment. The City's assessment, supported by the EPA review, has confirmed that this outcome will be achieved in accordance with current regulations and guidelines. Further, the proposal is seeking to continue the site's operation which is an element in achieving the City's stated position to be a Zero Waste economy within the near future.

Officer assessment is that the proposal complies with the relevant planning policy and would not result in unreasonable amenity impacts in relation to air quality.

### Noise

Potential noise impacts are a primary consideration for an application of this nature. The Planning Scheme at Clause 13.05-1S: Noise management requires consideration to be given to the management of noise effects on sensitive land uses. The applicable strategy that applies to this assessment is:

*Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

To demonstrate compliance against this policy, the applicant submitted an Acoustic Assessment prepared by Watson Moss Growcott. This assessment was prepared in accordance with the requirements of EPA Publication 1826.4 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues' (EPA, May 2021).

The assessment found that:

*The modelled noise level at the houses most exposed to noise emission at the northern ends of Butler St and Batten St was found to be 35 dB(A) Leq for the combined level of the washing machine and loader, without any allowance for a bund wall.*

*The noise limit under the Environment Protection Act for the EPA-defined day period, 0700-1800 hrs Mon-Sat, is 51 dB(A) at these locations.*

*The modelled noise level for the glass washing plant and loader is therefore at least 15 dB(A) below the noise limit, which is non-contributory towards the noise limit.*

*This finding implies that the glass washing plant can be added to the ASQ site at the proposed site without contributing to any exceedance of noise limits at residential receptors in the area.*

The assessment was provided to the EPA for review as part of their referral. EPA provided the following response in relation to noise:

*Based on the information provided it is expected the activity should meet EPA noise guidelines, however the applicant is reminded to minimise impacts as far as reasonably practicable.*

In addition to the EPA review of the submitted documents, the City's Environmental Health team reviewed the application. They supported the proposal subject to the inclusion of a noise management condition. This condition would require preparation of an Acoustic Assessment should the City be of the view that the operation of the site is likely to be generating noise impacts in exceedance of applicable standards.

Officer assessment is that the proposal complies with the relevant planning policy and would not result in any unreasonable amenity impacts in relation to noise.

### *Traffic*

Concern was raised through objections about the impacts from increased traffic accessing the ASQ Eaglehawk site. These objections were driven by the belief that the proposal was seeking to increase the processing of glass material within the site.

The Planning Scheme at Clause 18.02-4S: Roads seeks to facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure. The applicable strategy that applies to this assessment is:

- *Plan and develop the road network to:*
  - *Ensure people are safe on and around roads.*
  - *Improve people's perceptions of safety on and around roads.*
  - *Improve road connections for all road users.*
  - *Facilitate the use of public transport, cycling and walking.*
  - *Integrate new and emerging technologies into road design, including the increasing connectivity and automation of vehicles.*

- *Accommodate the expansion of the High Productivity Freight Vehicle Network, and oversized and overmass vehicles.*

To demonstrate compliance against this policy, the applicant submitted a Traffic Engineering Assessment prepared by Traffix Group.

The assessment found that:

- *The level of traffic generated externally to/from the site is expected to be generally consistent with existing operations and accordingly we are satisfied there will be no material impact on surrounding road network and intersections.*
- *Loading and unloading activities can be appropriately accommodated within the site.*

This aspect of the application was considered by the City's Traffic Engineer, who was satisfied with the proposal. No conditions were proposed to be included on any permit that may issue.

The proposal does not seek to alter the overall operation of the site in relation to the types or quantities of materials processed within the site. Controls on this exist under the EPA Operating Licence that affects the site. Staffing levels are only proposed to increase by 4 full time staff members as a result of this application.

As no changes are proposed to the type or quantity of material processed on site, there is unlikely to be any noticeable change to the level of traffic already generated. No concerns have been identified in respect of the current traffic generated by the site.

Officer assessment is that traffic impacts are negligible in relation to the works proposed under this application. As such, no further consideration of this aspect is required.

Whether stormwater and any wastewater generated by the operation of the site can be appropriately managed.

Concerns were raised throughout objections received regarding the management of stormwater and any runoff generated from the operation of the glass washing facility. This specifically related to any contamination that may enter waterways surrounding the site.

In respect of this application Clause 53.18: Stormwater management in urban development provides policy direction as to how stormwater should be managed and contains the following purpose:

*To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.*

To demonstrate compliance against this policy, the applicant submitted a Water Management Plan prepared by Ricardo Energy, Environment & Planning.

The assessment found that:

- *Runoff from offsite does not flow onto the site but is instead retained in the external catchment through the use of contour drains.*
- *Water for the proposed wash plant will be sourced from onsite catchment.*
- *The wash plant requires 'make up water' of 10 m<sup>3</sup>/hour.*
- *There is sufficient water collected from the local catchment to supply the proposed wash plant.*
- *Only in a high rainfall year will the site generate off-site stormwater flows.*
- *The remnant sediment is organic and occasionally will be removed from the pit and added as an enhancement to the existing ASQ topsoil product.*

The assessment was provided to the EPA for review as part of their referral. EPA provided the following response in relation to Noise:

*The proposed wash plant would use 100m<sup>3</sup> /hr. Water would be recycled, with top up water of 10 m<sup>3</sup> /hr to replace losses in the process. The plant will operate for a total of 200 hours per year requiring a total volume of top up water of 2,000 m<sup>3</sup> /annum.*

*The aim of the water management plan is to maximise water usage and retain potential runoff on the site. The use of drains and natural slope would ensure stormwater could be appropriately managed at the site.*

An internal review of the drainage system proposed was undertaken by the City's Development Engineer. No concerns were raised through this review, with no conditions proposed to be included on any permit that may issue.

Officer assessment is that the proposed stormwater management system is adequate to achieve water quality requirements for the site. It is noted that EPA comments (included as notes within the draft conditions below), within their referral response will require further consideration as to whether all obligations or duties that arise under the *Environment Protection Act 2017* are met. This may include obtaining EPA permission, approval or exemption, in accordance with the *Environment Protection Regulations 2021*. These are matters that can be addressed following the issue of a planning permit.

Whether the reduction of car parking is acceptable in respect of the proposed operation of the site.

Under the requirements of Clause 52.06: Car Parking, a planning permit is required to reduce (including to zero) the number of carparking spaces required. Under the provisions of this clause, a Materials Recycling Facility is required to provide 10% of its site area for car parking purposes. The site has an area of 27,900 square metres, resulting in a requirement of 2,790 square metres of car parking. This roughly equates to approximately 100 carparking spaces.

The application proposes providing four car parking spaces within the lot that is the subject of this application, solely to provide parking for the four staff required to operate the glass washing plant.

The rationale for this proposed provision of car parking comes from the operation of the larger ASQ Eaglehawk site remaining relatively unchanged. No new materials are proposed to be brought on site above existing levels, resulting in a maintenance of traffic levels. No off-site deliveries to the plant are proposed, with initial delivery and processing retained through the crusher plant processes, separate to the operation of the glass washing facility. The development of the glass washing facility will result in a staffing increase being required within the wider ASQ Eaglehawk site, with 4 people required to run the plant.

As the staffing level is the only change to existing operations within the site, it is reasonable to only need to provide for the additional car parking requirements for these staff. Four spaces are reasonable in this regard.

It is also noted that no concerns exist within the City in relation to car parking provision in the area (there is nothing to suggest a shortfall of car parking requirements, including no records of parking complaints).

To support the application, a car parking assessment was undertaken and detailed within the submitted Traffic Engineering Assessment.

Officer assessment is that the proposed reduction of carparking requirements for the glass washing plant is consistent with the decision guidelines contained within Clause 52.06: Car parking of the Greater Bendigo Planning Scheme.

Waiver of Bushfire Management Overlay requirements.

Under the requirements of the Bushfire Management Overlay, a planning permit is required for building and works associated with Industry (with Materials Recycling a

subordinate land use). To assess an application under this overlay, the applicant is required to submit a Bushfire Management Statement.

However, this requirement can be waived if the responsible authority is of the opinion that these requirements are not relevant to the assessment of an application. The City formally waived these requirements in relation to this application and this approach was supported by the CFA. This approach was adopted on the basis that:

- The type of industrial activity that is undertaken with the glass washing plant is centred around the operation of a piece of plant (rather than any industrial activity undertaken within a building such as a warehouse or the like) within a cleared area.
- The site is bordered by other ASQ operations to the north (with the Eaglehawk Landfill site beyond), which is largely cleared of vegetation, reducing fire risk impacting the site.
- The proposal includes water detention storage areas to the west.

These features all reduce fire risk to the site. It was deemed that these reasons negated the need for the preparation of a Bushfire Management Plan and the requirement to provide an Emergency Management Plan will be conditioned on the permit at the request of the CFA.

### Objector Concerns

In addition to the concerns detailed above, a number of objections raised concerns about the City's processing of the application. These concerns are addressed as follows:

#### *Procedural Fairness*

Concern was raised in one objection relating to a perceived lack of procedural fairness to objectors to the withdrawn planning application DC/668/2022 (described at the beginning of this report). The concern stemmed from City officers engaging in a meeting with the applicant to discuss the shortcomings of the previous application and not engaging with the objectors.

The previous application was lodged in late 2022 and was prepared by the operator of the site. It was not informed by any pre-application discussions with the City to confirm application requirements. Following further assessment of the application, including review of submissions received, significant deficiencies in the application material were identified and a subsequent request for information issued to the applicant. The issues raised in this request included a recommendation that the operator of the site engage a suitably qualified environmental consultant.



Following the engagement of a consultant by the operator of the site, a meeting was requested with the assessing officer to discuss the requirements within the information request. During this meeting it was identified that the previous application was inadequate to detail what was proposed. Further works were also discussed which had not been included within the original application. It was recommended that the previous application be withdrawn whilst the required investigations could be undertaken to inform what was proposed for the site. This was considered to be the 'cleanest' approach.

The applicant subsequently withdrew the original application and lodged this application in concert with DU/395/2023 for the relocation of the crusher plant as described above. This approach is consistent with the provisions within the *Planning and Environment Act 1987*.

It was advised throughout these meetings that any new applications lodged would be advertised to all objectors to the previous planning permit application. When advertising this application, all previous objectors received notice.

It is considered that this approach provided procedural fairness to all objectors by providing them with additional notice, even though some of the parties reside a significant distance from the site and would not experience material detriment from the proposal. Procedural fairness must also be considered from the perspective of the applicant. They were advised that the previous application was not likely to be supported by the City unless significant changes were made to their application.

#### *Insufficient Time for the Consideration of Application Material*

Concern was raised in a number of objections that insufficient time was provided to objectors to review all the application material associated with this application and the concurrently advertised application for the relocation of the crusher plant (DU/395/2023). The concerns related to the 14-day statutory advertising timeframe being inadequate.

Both applications were advertised concurrently so that all relevant information about the proposed development of the ASQ Eaglehawk site could be provided to all parties notified (note that both applications were advertised to the same group). The application documentation indicates (as is standard practice across all applications that go on advertising), that the advertising period extends for a period of 14 days from the date of the notice.

This 14-day period is a statutory timeframe detailed within the *Planning and Environment Regulations 2005* and not controlled by the City. Further, this 14-day period does not relate to the timeframe in which an objection must be lodged. Rather, the 14-day period is the timeframe within which notices must be displayed on

the subject land advising of the application. Further, the City as the responsible authority must not make a decision on the application within these 14 days.

In relation to objections, these are able to be lodged at any time throughout the assessment of an application, meaning that objections can be made to any application right up to the point a decision is made on the application. Any objection made within this period must also be considered in the responsible authority's decision making. This process is discussed with all parties that make enquiries to the Statutory Planning Unit about how the advertising process is undertaken by the City.

### *Impacts to Surrounding Property Values*

Whilst this is a valid concern for objectors, it does not form a consideration of a planning permit application. There is a large body of VCAT caselaw that excludes this consideration.

However, it is noted that this proposal is not seeking a new use within the ASQ Eaglehawk site. Rather, this application is seeking to install related machinery to refine an existing process within the site. This is being done to increase value within the established waste recovery stream.

### *Conflict of Interest*

A comment was made in one objection regarding a potential conflict of interest that the City might have with the operator of the site. ASQ Eaglehawk has a current contract with the City to receive glass from kerb-side collections throughout the municipality (and other municipalities in the broader region) for recycling. The objection alludes to a biased assessment based on this relationship.

In response to this concern, the following clarifications are made.

- The Statutory Planning Unit has no responsibility for, or interest in, commercial arrangements made with waste management providers.
- This application does not seek to alter any arrangement for the collection or processing of waste materials.
- The glass washing facility will not alter the amount of glass processed within the site under current agreements. The glass washing facility is proposed as an additional step within existing glass recycling processes. The inclusion of this facility is not related to any agreement that may exist between the City and ASQ Eaglehawk. Rather it is an addition to ASQ processes driven by their commercial interests in producing a higher value end product. This process improvement is likely to receive funding support from Sustainability Victoria as it aligns with their priorities for waste management. Sustainability Victoria is a separate entity to the City of Greater Bendigo. This arrangement has no bearing on the assessment of

this application, other than driving the application lodgment to seek the relevant planning approval.

Officer assessment is that there is no conflict of interest that requires consideration in respect of this application.

## **Conclusion**

Officer assessment is that the application should be supported, subject to conditions, on the following basis:

- The proposed land use and development is in accordance with the relevant planning policy framework and subject to the recommended conditions below, will not adversely impact on surrounding uses within the vicinity of the land.
- Potential air quality impacts have been appropriately modelled and considered, with the applicant able to demonstrate that the proposal will not result in any unreasonable air quality impacts. The EPA and the City's Environmental Health team have supported this conclusion.
- Potential noise impacts have been appropriately modelled and considered, with the applicant able to demonstrate that the proposal will not result in any unreasonable noise impacts. The EPA and the City's Environmental Health team have supported this conclusion.
- Traffic impacts will not change as a result of the proposal. No changes to waste types or quantities within the site are proposed, with no resultant change in truck movement numbers to/from the site.
- Stormwater impacts are able to be appropriately managed within the site in accordance with requirements.
- Adequate carparking provision is proposed within the site to provide for an increase of 4 staff members to operate the glass washing facility.
- That all submitter concerns have been appropriately considered within the scope of the relevant planning policy contained within the Greater Bendigo Planning Scheme.
- The proposal is compliant with the Municipal Planning Statement, Planning Policy Framework, Industrial 1 Zone, Bushfire Management Overlay, relevant Particular Provisions and General Provisions of the Greater Bendigo Planning Scheme.

In summary, approval of the proposal will allow for the continued operation and expansion of a long established materials recycling facility. The inclusion of appropriate permit conditions to manage the land use and overall operation will ensure that the proposal will not result in unreasonable amenity impacts. The proposal is consistent with the purpose of the Industrial 1 Zone, is consistent with relevant local planning policy and is recommended for approval by Council.

## 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. PLANS REQUIRED

Before the use and/or development starts, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and show:

- (a) An Emergency Management Plan in accordance with the requirements of Condition 15.

### 2. NO LAYOUT ALTERATION

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

### 3. LANDSCAPING MAINTENANCE

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, *including that any dead, diseased or damaged plants are to be replaced.*

### 4. COMPLETION OF LANDSCAPING

Before the use of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

### 5. HOURS OF OPERATION

Except with the prior written consent of the responsible authority, the use permitted by this permit must operate only between the following times:

- Monday to Friday – 7am to 5pm
- Saturday – 7am to 1pm

The use is not permitted on Sundays or gazetted public holidays.

6. GENERAL EXTERIOR TREATMENT

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

7. NOISE CONTROL

Should the Responsible Authority understand the operation resulting from the proposed activities is likely to have been generating negative noise impacts, the owner and/or occupier of the land is to submit within 30 days an Acoustic Report, to the satisfaction of the Responsible Authority, containing amongst other things:

- (a) Noise measurements and acoustic assessment demonstrating noise generated is to be no greater than the applicable noise limits as per current legislation, EPA guidelines and best practices; and
- (b) Any measures considered necessary for noise generated to be no greater than the applicable noise limits as per current legislation, guidelines and best practices.

8. AIR QUALITY CONTROL

Should the responsible authority understand the operation resulting from the proposed activities is likely to have been generating air pollution impacts, including dust, the owner and/or occupier of the land is to submit within 30 days an Air Quality Management Plan, to the satisfaction of the City of Greater Bendigo, containing amongst other things:

- (a) Prepared in accordance with relevant EPA guidelines
- (b) Identification of potential sources of air pollutants caused by your operations, including those related to traffic.
- (c) Identification of potential impacts of air pollutants caused by your operations on human health.
- (d) Identification of measures for on-site containment of air pollutants, including weather forecast considerations.
- (e) Identification of strategies to monitor the effectiveness of your measures for on-site containment of air pollution.
- (f) Identification of your proposed air pollution complaint management program, to contain at least the below:
  - i. A 24-hour phone number to be publicly available to complainants.
  - ii. Engagement with complainants regarding their concerns.
  - iii. A maximum time period for response to any complaints.
  - iv. An annual review of the complaint management program based on the prior 12 months.

9. BAFFLED LIGHTING

External lighting must be designed, baffled and located so as to prevent any adverse

effect on adjoining land to the satisfaction of the responsible authority.

10. NO MUD ON ROADS

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

11. 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.

12. GENERAL DRAINAGE – BUILDINGS

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

13. CITY OF GREATER BENDIGO ASSETS

Before the development starts, the owner or developer must submit to the responsible authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb and channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to any public infrastructure caused as a result of the development or use permitted by this permit.

14. AMENITY OF THE LOCALITY

The use permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

15. COUNTRY FIRE AUTHORITY CONDITIONS

- (a) An Emergency Management Plan must be developed to the satisfaction of the responsible authority in consultation with the Country Fire Authority (CFA).
- (b) The Emergency Management Plan must be based on a comprehensive risk management process that includes:
  - i. Identification of all risks associated with the site operations (quarrying, glass washing, storage and handling of dangerous goods, etc.) and risks to and from the landscape (grassfire, bushfire).

- ii. Controls/mitigations for all identified risks.
  - iii. Processes and procedures that ensure the ongoing identification of hazards and risks, and the implantation and ongoing effectiveness of risk controls.
- (c) The Emergency Management Plan must incorporate all relevant elements of AS 3745-2010: Planning for emergencies in facilities.

16. COMPLETION AND COMMENCEMENT

This permit will expire if the development permitted by this permit is not completed and the use permitted by this permit is not commenced within 2 years from the date hereof or if the use is discontinued for a period of 2 years. The time within which the development must be completed and the use must commence may, on written request made before or within 12 months after the expiry of the permit, be extended by the responsible authority.

**Environment Protection Authority Notes:**

- This permit is not an EPA permission/approval. Before the use or development authorised under this permit starts, the permit holder must ensure that any obligations or duties that arise under the *Environment Protection Act 2017* are met. This may include obtaining an EPA permission, approval or exemption, in accordance with the *Environment Protection Regulations 2021*.
- The amended *Environment Protection Act 2017* imposes new duties on individuals and/or businesses undertaking the activity permitted by this permit. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable.

**Attachments**

Nil

**16.3. 39 Patas Road, Maiden Gully 3551 - Construct a Building and Carry Out Works (Stage 4 of Marist College Development) (Amend Conditions 2 and 3)**

Author:	Ross Douglas, Manager Statutory Planning
Responsible Director:	Rachel Lee, Director Strategy and Growth

**Summary/Purpose**

Application No:	AM/838/2017/A
Applicant:	Marist College Bendigo
Land:	39 Patas Road, MAIDEN GULLY 3551
Zoning:	Special Use Zone 1
Overlays:	Bushfire Management Overlay
No. of objections:	6
Consultation meeting:	N/A
Key considerations:	Should the permit be amended to delete conditions which required the permit holder to undertake offsite works at the two intersections: <ul style="list-style-type: none"> <li>• Patas Road, Bracewell Street and Golf Links Road; and</li> <li>• Calder Highway and Maiden Gully Road</li> </ul>
Conclusion:	Both intersections are operating in an acceptable and safe manner and the offsite works are no longer warranted leading to a conclusion that the conditions 2 and 3 of the permit can be deleted.

**Recommended Motion**

Pursuant to section 61 of the Planning and Environment Act (1987), Council resolves to issue a Notice of Decision to Grant an Amendment to a Planning Permit to *Construct a building and carry out works (stage 4 of Marist College development)* at 39 Patas Road, MAIDEN GULLY 3551 subject to the conditions at the end of this report:

**Background Information**

Marist College is a Foundation (Prep) to Year 12, Catholic, co-educational school governed by Marist Schools Australia. The College has a current enrollment of 1,180 students and approximately 150 staff.

Marist has three distinct learning areas being:

- La Valla (F-4),
- Montagne (5-8) and
- Champagnat (9-12).



Originally proposed as a western campus for Catholic College Bendigo (now known as Catherine McAuley College); the current site was acquitted and went through a Planning Scheme Amendment process (Amendment C145) which was approved 6 June 2013.

This amendment rezoned land in Patas Road and Golf Links Road, Maiden Gully from Farming Zone to Special Use Zone, Schedule 1 (Private Educational or Religious Institutions) and applied the Bushfire Management Overlay to part of the land.

A number of planning permits have since been granted as the College was constructed in a staged manner as year levels were added and enrolment grew. These stages are as follows:

- Stage 1 was approved by permit DP/652/2013 on 20 December 2013. The permit was amended on 14 May 2014 to include 'removal of native vegetation in the road reserve'. Construction of the College occurred over the course of 2014 and the use commenced at the start of the 2015 school year.
- Stage 2 was approved by DP/302/2015 on 17 August 2015. This permit included the Year 9 Centre building and the Multi-Purpose Community building and was constructed in 2016.
- Stage 3 was approved by permit DP/793/2015 on 21 December 2015. This permit approved development of an extension to the Middle Years Centre and the development of a new, three level multi-purpose building for sciences and theatre. This stage was constructed in 2016/2017.
- Stage 4 was approved by DP/838/2017 on 27 March 2018. This permit approved the 'La Valla' building and includes studio spaces; staff spaces; terrace/deck areas and an internal courtyard and was constructed in 2018-2019.
- Stage 5 was approved by DP/649/2018 for the use and development of a staff car park (directly accessed from Patas Road) on 18 February 2018.
- Stage 6 was approved by permit DP/649/2018 for an extension and associated works to existing buildings on 15 November 2018.

**Note:** Changes to the Planning Scheme now mean that the Minister for Planning is the Responsible Planning Authority in cases where:

- There is no existing primary school or secondary school on the land.
- The estimated cost of development is \$3 million or greater.

The most recent permit on the land (ref: PA20101382) for Stage 7 was issued by the Minister on 3 March 2022.

Stage 7 comprises the development of a new Fourviere Centre building:

- Sited in the former location of the existing Le Hermitage building, north of the existing Fourviere Centre building and south of the existing La Valla building.
- The Le Hermitage Building has been relocated from its former location to the south side of the Fourviere Centre to facilitate the proposed new development.

Stage 7 is complete and started being used at the commencement of Term 4 2023.

## Report

### Subject Site and Surrounds



**Figure 1:** Site layout showing building names and locations (red hatching shows the extent of Bushfire Management Overlay on the land).

The land is the site of Marist College Bendigo at 39 Patas Road, Maiden Gully. The property comprises four lots, with a total area of ~ 15 ha, with frontages to Patas and Maiden Gully Roads, with bus/ student pick up drop off access from Golf Links Road.

The Maiden Gully Town Centre is located ~ 1.3 km generally south of the site, in the Calder Highway. The Town Centre is on the southern side of the highway and is within a Business 1 Zone containing a Post Office, General Store and Supermarket.

The surrounding land on the northwestern side of Patas Road is in the Farming Zone. Properties range in size from ~ 4,000 m<sup>2</sup> to ~ 8 ha. Lots have generally been developed with dwellings, though some vacant allotments are dispersed throughout the area. Some of these lots in the Farming Zone contain scattered native vegetation, with little to no understorey.

On properties to the northeast of the site on the opposite side of Golf Links Road, vegetation is considerably sparser and there is a greater extent of grassland cover, with significant vegetation (trees) generally limited to around property boundaries.

Patas Road forms the zone boundary to the southeast, with the properties on the southern side of Patas Road falling within the Low-Density Residential Zone. Properties on the northeastern side of Golf Links Road, southeast of Bracewell Street are also within the Low-Density Residential Zone. Properties in this Low-Density Residential area range from ~ 4,000 m<sup>2</sup> to ~ 8,000 m<sup>2</sup>. Most of these properties have been developed with single dwellings, with setbacks generally consistent in the ~ 20 m - 30 m range. Native vegetation cover on these properties is limited, with vegetation generally limited to garden plantings around dwellings, and grassland.



**Figure 2:** Location aerial showing subject site. The green circle shows the location of the City of Greater Bendigo managed intersecting roads (Patas Road, Golf Links Road and Bracewell Street)

North-east of the site in Bracewell Street, properties are also within the Farming Zone. Many of these lots are developed with dwellings on predominantly cleared land, with native vegetation again limited to near property boundaries and around dwellings and dams. Further east of these properties is an area of land in the Public Conservation and Resource Zone, running in a band generally north south from near Upper California Gully Road to Maiden Gully Road. This area has extensive native vegetation cover.

Patas Road is a local road that runs north-west from the Transport Zone 2 Department of Transport (DTP) managed Calder Highway near the Maiden Gully Town Centre to Upper California Gully Road, a local, Category 2 Road (via Bracewell Street, a continuation of Patas Road) to the northeast. Patas Road is a sealed road with single lane vehicle traffic in each direction. The road reserve has a width of ~ 20 m. Shoulders of the road are sealed and concrete kerb and channel is now provided on both sides of the road in front of the site. There are some established native trees along both sides of the road reserve.

A shared path runs along the northern side of Patas Road from the west to the school site.



Golf Links Road is a sealed, local road with single lane vehicle traffic in each direction. The road reserve has a width of ~ 30 m. Open swale drains exist on both sides of the road reserve. Properties are accessed via piped crossovers over the swale drains from Golf Links Road. Golf Links Road runs from Maiden Gully Road southeast of the site north to Krausgrille Road and further to Midson Street.



**Figure 3:** Location aerial showing the location of the Department of Transport managed Calder Highway intersecting with the City of Greater Bendigo managed Maiden Gully Road.

### Proposal

The amendment seeks to *delete* two permit conditions from the Planning Permit which are:

#### 2. CONSTRUCTION OF WORKS – SINGLE LANE ROUNDABOUT

- (a) *Road works, drainage and other civil works must be constructed in accordance with the Infrastructure Design Manual and plans and specifications approved by the responsible authority and must include:*
  - *A single lane roundabout constructed at the intersection of Patas Road / Bracewell Street and Golf Links Road (as per the Traffic Impact Assessment prepared by Traffic Works on 5/12/2017 Project No 170282).*
- (b) *The works must be constructed to the satisfaction of and at no cost to the responsible authority prior to the earlier of the following (unless otherwise agreed in writing between the responsible authority and applicant/owner):*

- *The enrolment of the 1043rd student; or*
- *The commencement of the 2020 school year.*

3. **VICROADS**

(a) *Prior to the development (e.g. Stage 4) hereby approved by this permit commences use on the subject land, a functional layout plan of the Calder Highway and Maiden Gully Road intersection must be submitted and approved by VicRoads showing (but not limited to) the following:*

- *Traffic signals (based on a design life to the year 2029);*
- *Any required additional through and/or turn lanes;*
- *All existing and proposed:*
  - *Signs and line marking;*
  - *Trees to be removed;*
  - *Services (e.g. power poles etc) and*
- *All existing accesses and crossovers on both sides of the local and arterial roads.*

(b) *The traffic signals and any additional through and/or turn lanes at the intersection of the Calder Highway and Maiden Gully Road must be constructed and operational to the satisfaction of and at no cost to VicRoads prior to the earlier of the following (unless otherwise agreed by way of a VicRoads approved Transport Impact Assessment Report):*

- *The enrolment of the 1043rd student; or*
- *The commencement of the 2020 school year.*

(c) *An independent Road Safety Audit must be undertaken at the detailed design stage in accordance with VicRoads' Road Safety Audit Policy.*

*The audit findings and the consultant's responses to the findings must be provided to the Roads Corporation for review and approval.*

*Any mitigating works arising out of the audit must be carried out by the applicant at no cost and to the Roads Corporations' satisfaction prior commencement of works in the arterial road reserve.*

(d) *Prior to the traffic signals at the Calder Highway and Maiden Gully Road becoming operational, a VicRoads signed Memorandum of Authorisation must be completed by the applicant and returned to VicRoads permitting the installation of the traffic signals (and any other permitted major traffic control items).*

**Planning Controls - Greater Bendigo Planning Scheme**

### Why is a permit needed?

Section 72 (1) of the Planning and Environment Act (1987) states that:

*A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*

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

### Municipal Planning Strategy

- Clause 02.03-7 (Economic development)
- Clause 02.03-9 (Infrastructure)

### Planning Policy Framework

- 18.01-1S (Land use and transport integration)
- 18.01-1L (Land use and transport planning)
- 18.01-2S (Transport system)
- 18.01-3S (Sustainable and safe transport)
- 18.01-3L (Sustainable personal transport – Greater Bendigo)
- 19.02-2S (Education Facilities)

### Other Provisions

- Clause 37.01 Special Use Zone - Schedule 1 - Private Educational or Religious Institutions
- Clause 44.06 Bushfire Management Overlay
- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Facilities
- Clause 53.02 Bushfire Planning
- Clause 53.19 Non-Government Schools
- Clause 65 Decision Guidelines

### **Policy Context**

#### ***Primary Council Plan Reference***

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

Outcome 2 – Healthy, liveable spaces and places

#### ***Secondary Council Plan Reference(s)***

Goal 7 – Sustainable population growth is planned for

*Consultation/Communication*

Referrals

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

Referral	Comment
Department of Transport and Planning	Objection to the amendment of the Permit.

**Planning Assessment**

The law in relation to Permit Conditions

Section 62 of the PE Act sets out what conditions can be put on planning permits.

Sub-sections 62(5) and (6) relevantly provide:

...

- (5) *In deciding to grant a permit, the responsible authority may—*
  - (a) *include a condition to implement an approved development contributions plan or an approved infrastructure contributions plan; or*
  - (b) *include a condition requiring specified works, services, or facilities to be provided or paid for in accordance with an agreement under section 173; or*
  - (c) *include a condition that specified works, services, or facilities that the*
  - (d) *responsible authority considers necessary to be provided on or to the land or other land as a result of the grant of the permit be—*
    - (i) *provided by the applicant; or*
    - (ii) *paid for wholly by the applicant; or*
    - (iii) *provided or paid for partly by the applicant where the remaining cost is to be met by any Minister, public authority or municipal council providing the works, services, or facilities.*
  
- (6) *The responsible authority must not include in a permit a condition requiring a person to pay an amount for or provide works, services, or facilities except—*
  - (a) *in accordance with subsection (5), section 46N (1) or 46GV(7); or*
  - (b) *a condition that a planning scheme requires to be included as referred to in subsection (1)(a); or*
  - (c) *a condition that a determining referral authority requires to be included as referred to in subsection (1)(a).*



Section 62(6) provides that Council must not include a condition on a permit requiring a person to pay an amount for or provide works, service, or facilities, except in limited prescribed circumstances.

None of the exceptions in section 62(5)(a) and (b) or 62(6) apply. There is no approved development contributions plan or approved infrastructure contributions plan, the contested conditions are not part of a section 173 agreement, an infrastructure levy does not apply and the contested conditions are not required by a determining referral authority (the Department of Transport and Planning is only notified about such permit applications as the need for notification formed part of the executed 173 Agreement).

The case law provides that permit conditions can be held to be unlawful if beyond the Council's power (*ultra vires*) or as will be argued is in this case, invalid on the merits.

The test for validity in the *ultra vires* sense is the purpose test, which is that a condition must be:

*Reasonably capable of being regarded as related to the purpose for which the function of the authority is being exercised, as ascertained from the [Planning] Scheme and the Act.*<sup>1</sup>

The accepted three step process to determining *ultra vires* invalidity is to:

- (a) Identify and state the terms of the proposed condition;
- (b) Consider and determine the relevant planning policy by considering all relevant legislation dealing with the topic, which would not necessarily be confined to planning legislation and schemes; and
- (c) Consider and determine whether the condition was reasonably capable of being related to the implementation of that planning policy<sup>2</sup>.

The Supreme Court has held that whether a permit condition is invalid for being beyond power (*ultra vires* sense) or invalid in the merits, are separate issues which should not be confused<sup>3</sup>.

Nevertheless, invalidity in either sense can lead to a permit condition being deleted from a permit. The considerations in respect of whether a condition is invalid in either sense overlap<sup>4</sup>.

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<sup>1</sup> *Melbourne Water Corporation v Domus Design Pty Ltd* [2007] VSC 114 [49]-[50] (Gillard J); *Motorcycling Australia v Surf Coast SC* [2013] VCAT 1388 [125], [130]-[131] (Dwyer DP); citing *Benedetti v Moonee Valley City Council* [2005] VSC 434 [51] (Osborn J) and *Allen Commercial Constructions Pty Ltd v North Sydney Municipal Council* (1970) 123 CLR 490.

<sup>2</sup> *Melbourne Water Corporation v Domus Design Pty Ltd & Anor* [2007] VSC 114 [23] (Gillard J).

<sup>3</sup> *Melbourne Water Corporation v Domus Design Pty Ltd* [2007] VSC 114 [23]-[27] (Gillard J).

In summary, to be valid on the merits a permit condition must:

- (a) Fairly and reasonably relate to the permitted development<sup>5</sup>, which involves considerations of nexus, relevance, reasonableness<sup>6</sup>;
- (b) Be in aid of a planning purpose;
- (c) Not be imposed for an ulterior purpose;
- (d) Not be vague and uncertain.<sup>7</sup>

In 2018, based on *predictions* of traffic conditions the applicant Traffic Impact Assessment Report (TIAR) forecast that:

- The existing Calder Highway / Maiden Gully Road intersection will be inadequate with unacceptable congestion in the PM peak hour, with long delays on the Maiden Gully Road approach; and
- For the Calder Highway / Maiden Gully Road intersection to operate satisfactorily in 2020, it is recommended that intersection capacity improvements such as the installation of traffic signals or roundabout occur.
- It is concluded that when Stage 4 of the development is reached in 2020, the existing Golf Links Road / Patas Road / Bracewell Street intersection layout will become heavily congested in the PM peak hour, with long delays on the Golf Links Road northwest approach.
- For the Golf Links Road / Patas Road / Bracewell Street intersection to operate satisfactorily in 2020, potential options include:
  - Provide an additional approach lane 60m long on the Golf Links Road northwest approach
  - Install a single lane roundabout at the Golf Links Road / Patas Road / Bracewell Street intersection.
  - Undertake changes to the internal car parking and accessway layout to allow staff and student vehicles that are exiting the school and heading towards Maiden Gully to exit the site using the Patas Road exit point, which is currently only utilised by buses.

It was the College's own 2017 TIAR which informed the conditions imposed on the permit as they remain today, at the time of their imposition the conditions did fairly and reasonably relate to the use and development having regard to the traffic conditions forecast in the TIAR.

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<sup>4</sup> *Motorcycling Australia v Surf Coast SC* [2013] VCAT 1388 [131]-[132] (Dwyer DP); *Little Lane Early Learning Hawthorn Pty Ltd v Minister for Planning* [2020] VCAT 103 [27] (Dwyer DP).

<sup>5</sup> *Motorcycling Australia v Surf Coast SC* [2013] VCAT 1388 [130]-[132] (Dwyer DP); *Little Lane Early Learning Hawthorn Pty Ltd v Minister for Planning* [2020] VCAT 103 [27] (Dwyer DP); *Melbourne Water Corporation v Domus Design Pty Ltd* [2007] VSC 114 [50] (Gillard J).

<sup>6</sup> *Motorcycling Australia v Surf Coast SC* [2013] VCAT 1388 [132] (Dwyer DP),

<sup>7</sup> *Moyne SC v Ace Radio Broadcasters Pty Ltd & Anor* [2013] VCAT 404 [29] (Member Martin).

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The merits of the amendment request.

Planning permit conditions requiring intersection works did not occur at the trigger point in the permit which was by the commencement of the 2020 school year or the enrollment of the 1,043 student (whichever occurred first).

The amendment before Council relates to stage 4 of the College which was approved by permit DP/838/2017 on 27 March 2018. The development allowed by the permit was constructed in 2018 and 2019 which facilitated the 'completion' of the College (as per the master plan which had been in place since the Planning Scheme Amendment, which was approved by Council and the Minister in 2013).

Under the permit for Stage 1 of the College (DP/652/2013), a section 173 agreement was required to be entered between the College, VicRoads (now known as the Department of Transport and Planning (DTP)), and the City. The agreement requires any permit application which increased student numbers by 100 or more must prepare and submit a TIAR with that application and in turn that DTP be notified of that application under s. 52 of the Act.

The intent of the agreement was that both the City and DTP could keep a watching brief on Marist's impacts on traffic movements in the precinct - as at that time it was expected that other development would be occurring from rezonings falling out of the Maiden Gully Precinct Structure Plan (first adopted by Council in 2013 and revised in 2020).

It is noted that the Maiden Gully Precinct Structure Plan and Development Contributions Plan (Sept 2020) *does not* include an upgrade of the Maiden Gully Road/Calder Highway intersection. No significant development has occurred in the precinct as none of the rezonings foreshadowed in the Structure Plan have occurred to date.

The Stage 4 permit allowed the College to take its maximum projected enrolment to 1,043 students, with students at all year levels from Foundation to Year 12 in time for the commencement of the 2020 School Year. Current enrolment is 1,180 students. A permit issued by the Minister (PA20101382) includes a cap of 1,238 students.

The permit includes conditions which (in short) required:

- (2) - A single lane roundabout at Patas/Golf Links Road and Bracewell Street);  
and
- (3) - Signalisation at the Maiden Gully Road/Calder Highway intersection.

Marist did not contest or appeal the permit conditions at the time the permit was issued. In fact, the permit conditions facilitated the construction program associated

with Stage 4 occurring ahead of the approval of functional designs for the two intersections.

Following high level discussions between the City, DTP and Marist, the College applied in 2021 to amend their planning permit to *delete* conditions 2 and 3. The application was supported by a new TIAR commissioned by Marist based on *actual* (as opposed to modelled) traffic movements which, in short, concluded that the works in the permit were not required and thus the necessary legal nexus between intersection capacity and the works was no longer present.

The position of Marist College is that mode shift strategies implemented (including the provision of a number of school funded buses and use by students of a City constructed shared path and bike lanes along Maiden Gully Road and Patas from the Calder Highway to the College) have had a positive impact on reducing the car trips to and from the school during the peak periods to a point where they have reduced to a point where the works are no longer warranted and both intersections continue to operate within acceptable capacity.

The City had the TIAR peer reviewed by PMP Urbanists (22 November 2021) which concluded that, based on the application materials at that time, that the intersections were operating within practical capacity, but recommended retention of both conditions on safety grounds.

DTP first objected to the grant of an amended permit in January 2022 stating:

*Insufficient and unclear evidence has been provided in the application to demonstrate that the Marist College has achieved the necessary mode shift required to consistently maintain a safe and satisfactory level of service at the Calder Highway/ Maiden Gully Road intersection in the long term. While the shift to public and active transport is a welcomed initiative, its effectiveness in reducing car-based traffic volumes such that it will completely remove the need for mitigating roadworks identified in the original Planning Permit cannot be determined merely by the presence of public and active transport infrastructure. Its effectiveness is also heavily dependent on variables particularly weather conditions and travel preferences of students or their parents. This variable is likely to be more volatile especially amid the current pandemic.*

With this stated position, the DTP review went on to observe that:

*Considering this uncertainty, it is unlikely that the introduction of additional bus services will be a safe, sustainable, or enforceable method of mitigating the traffic impacts imposed by the school on the road network on an ongoing basis.*

The permit applicant supplied further information in 2022 and in 2023 DTP objected to the amendment to the permit a second time, urging the City to take (unspecified) enforcement action at VCAT with respect to the yet to be commenced works.

DTP has also objected to two subdivision applications by YourLand close to the Maiden Gully Road/Calder intersection on intersection capacity grounds, reflecting their view that the intersection is at or beyond capacity. Whilst the application was not publicly advertised, five other objections have also been received (bringing to six the total number being)

- Planning and Property Partners (on behalf of Coles who now have VCAT issued planning permit for a supermarket at the former Avondale Caravan Park);
- Four other objections from Maiden Gully residents.

Council will recall it formed a position to oppose a proposed Coles supermarket at 715 Calder Highway, Maiden Gully on, amongst other issues, traffic grounds. Traffic evidence and submissions were made at the VCAT hearings on the merits of the supermarket and an element of that was with respect to the adverse impacts (or otherwise) of Marist College on traffic movements in the precinct and the Maiden Gully Road/Calder Highway intersection in particular.

Traffic was a key consideration in the recently determined VCAT appeal. There is now significant and up to date material on the performance of the Maiden Gully Road/ Calder intersection in particular owing to the range of traffic expert evidence led in that appeal. In summary, VCAT found that:

- There was no requirement for the Maiden Gully Road/Calder Highway intersection to be delivered as part of the application;
- Signalisation of the intersection is infrastructure to be delivered by DTP;
- The applicant is required to undertake an additional assessment of the wider road traffic network to determine if the supermarket will increase traffic in the area to a point where signalisation is needed; and
- The applicant is not required to contribute to signalisation, however if the report finds the supermarket will increase traffic to an unacceptable level, the applicant will have to wait until the intersection is delivered before the supermarket can open

With respect to the application before Council there were (correctly) concerns that the College's 2021 TIAR may not be reliable given the world was in the midst of the COVID pandemic (albeit *not in lockdown* when their traffic counts were conducted). That said, it is possible that car use was *higher* at that time as parents may have been reluctant to have their children travel on buses with large numbers of students.

To address reliability concerns, in 2023 the City commissioned a *second* traffic assessment to review the performance of the two intersections to inform the

Statutory Planning Unit's recommendation to Council on this application. This assessment included new traffic counts and the work was undertaken by Stantec. The Stantec work had regard to traffic data evidence that was put to VCAT in the Coles supermarket appeal.

Stantec's analysis concludes that:

*“On the reported change in travel behavior over the review duration, there is likely to be a range of reasons contributing to the change including we accept the effective implementation of increased bus services as well as increased housing within walking and cycling distance of the school catchment area. Irrespective of the contributing factors to this change in behavior, the school is generating traffic at a **meaningfully lower rate** (per student) compared with that originally forecast and upon which the original planning permit conditions were formulated (pg. 7)” and*

*The two key intersections which require amelioration under the planning permit presently operate well with limited traffic delays and queues and with no discernible accident trend or frequency which might suggest an underlying operational issues. These findings relate to a current school enrolment equal to 1,180 students.*

*On application of the informal land use assessment guidelines authored by DTP (formerly VicRoads) for traffic impacts, we are also satisfied that there is no regulatory requirement for the College to ensure that the intersections operate with acceptable performance over a 10year planning horizon, this as outlined earlier is only a requirement for land use or development access.*

*Moreover, we are satisfied that the original traffic estimates prepared by Trafficworks for the 2020 planning horizon were, in retrospect, conservative on the high side. The actual values, when traced back through the network by Stantec, are in our view materially less than those estimated for a range of likely reasons including the mode shift likely to have been derived by increasing bus services for students and the construction of the shared path along Patas Road and Maiden Gully Road to the south.*

*On the need for planning permit condition requirements to remain on safety grounds, there is a level of intrinsic benefit for the required upgrades to be implemented with the roundabout treatment improving safety for some travel modes but not others. This intrinsic benefit however in itself is not reason enough to require their retention especially when considering that common law tests require that a planning permit condition must be reasonable, relate to the planning permission being granted, fulfill a planning purpose, and accurately*

*convey its intended effect and avoid uncertainty and vagueness<sup>8</sup>.* (pgs 11 and 12)

Since providing DTP with the Stantec advice, DTP undertook their own traffic counts which were provided to the City. DTP counts recorded differences in the range of between 0.9% and 8.9% higher than the Stantec counts.

Stantec's view is that the minor differences are within daily fluctuations of traffic concluding:

*"...the DTP survey inputs result in no material change to network performance. Indeed, analysis indicates that a high level of redundancy remains at the intersection of Calder Highway and Maiden Gully Drive in the AM Peak Hour as well as other tested periods. Accordingly, we consider the findings set out in the Stantec memo dated 15 September 2023 remain appropriate for application by Council".*

The key components of what makes permit conditions valid are that they:

*"fairly and reasonably relate to the permitted development<sup>9</sup> which involves considerations of nexus, relevance, reasonableness"<sup>10</sup>*

The College prepared and submitted a TIAR with their request to amend the permit. The City had that TIAR peer reviewed and subsequently commissioned a further, evidence-based review (inclusive of traffic counts). There is a weight of evidence which leads to a conclusion that the works are now not required. It is appropriate to amend the permit as requested.

Having regard to section 62(5)(c), the contested conditions are now not necessary to be provided on or to the land or other land as a result of the grant of the Permit. In other words, there is now insufficient nexus between the Permit and a need for the contested conditions.

Officers disagree with DTP's assertions that evidence is *"insufficient and unclear"* and this recommendation is formulated on the basis of two City funded independent assessments of the available evidence. If Council supports the amendment to the permit DTP have review rights to VCAT; as do the other objectors to the grant of a permit.

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<sup>8</sup> Development Contributions Guidelines – 2007.

<sup>9</sup> *Motorcycling Australia v Surf Coast SC* [2013] VCAT 1388 [130]-[132] (Dwyer DP); *Little Lane Early Learning Hawthorn Pty Ltd v Minister for Planning* [2020] VCAT 103 [27] (Dwyer DP); *Melbourne Water Corporation v Domus Design Pty Ltd* [2007] VSC 114 [50] (Gillard J).

<sup>10</sup> *Motorcycling Australia v Surf Coast SC* [2013] VCAT 1388 [132] (Dwyer DP),

If Council is of mind to support the amended permit application; a discretion under 73(2) of the *Planning and Environment Act 1987* exists as follows:

*“If the responsible authority decides to grant an amendment to a permit subject to conditions, the conditions must relate to the amendment to the permit.”*

The nexus between the offsite works and the permit having been broken, it is reasonable to include a condition on the permit which imposes an ongoing obligation on the College to ‘lock in’ one of the central factors that has led to mode shift. The most obvious method of mode shift is the College’s funding of and provision of bus services. A condition on the draft Notice of Decision to Amend the Planning Permit has been drafted to require a section 173 Agreement between the City and the College to require this and impose an annual reporting requirement.

The existing section 173 agreement requiring a TIAR with respect to a stage resulting in an increase of 100 students still stands. Should such an application be made; the traffic situation at that time will be assessed again by the City and DTP and if the circumstances/ performance of the intersections degrade to an unacceptable level conditions meeting the required legal tests could again be imposed should they be warranted.

### **Conclusion**

Both intersections are operating in an acceptable and safe manner and the offsite works are no longer warranted leading to a conclusion that the conditions 2 and 3 of the permit can be deleted.

### **Options**

Council, acting as the responsible authority for administering the Planning Scheme, may resolve to: grant an amendment to the permit (with or without additional conditions), or refuse to grant an amendment to the permit.

### **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 LAYOUT ALTERATION**

The development permitted by this permit as shown on the endorsed plans (prepared by Y2 Architects sheets TP 1 – 4, 10, 11 and 15 dated November 2017 and March 2018) must not be altered or modified (for any reason) except with the prior written



consent of the responsible authority.

~~2.— CONSTRUCTION OF WORKS — SINGLE LANE ROUNDABOUT~~

~~(a) Road works, drainage and other civil works must be constructed in accordance with the Infrastructure Design Manual and plans and specifications approved by the responsible authority and must include:~~

- ~~• A single lane roundabout constructed at the intersection of Patas Road / Bracewell Street and Golf Links Road (as per the Traffic Impact Assessment prepared by Traffic Works on 5/12/2017 Project No 170282).~~

~~(b) The works must be constructed to the satisfaction of and at no cost to the responsible authority prior to the earlier of the following (unless otherwise agreed in writing between the responsible authority and applicant/owner):~~

- ~~• The enrolment of the 1043rd student; or~~
- ~~• The commencement of the 2020 school year.~~

~~3.— VICROADS~~

~~(a) Prior to the development (e.g. Stage 4) hereby approved by this permit commences use on the subject land, a functional layout plan of the Calder Highway and Maiden Gully Road intersection must be submitted and approved by VicRoads showing (but not limited to) the following:~~

- ~~• Traffic signals (based on a design life to the year 2029);~~
- ~~• Any required additional through and/or turn lanes;~~
- ~~• All existing and proposed:
  - ~~◦ Signs and line marking;~~
  - ~~◦ Trees to be removed;~~
  - ~~◦ Services (e.g. power poles etc) and~~~~
- ~~• All existing accesses and crossovers on both sides of the local and arterial roads.~~

~~(b) The traffic signals and any additional through and/or turn lanes at the intersection of the Calder Highway and Maiden Gully Road must be constructed and operational to the satisfaction of and at no cost to VicRoads prior to the earlier of the following (unless otherwise agreed by way of a VicRoads approved Transport Impact Assessment Report):~~

- ~~• The enrolment of the 1043rd student; or~~
- ~~• The commencement of the 2020 school year.~~

~~(c) An independent Road Safety Audit must be undertaken at the detailed design stage in accordance with VicRoads' Road Safety Audit Policy.~~

~~The audit findings and the consultant's responses to the findings must be provided to the Roads Corporation for review and approval.~~

~~Any mitigating works arising out of the audit must be carried out by the applicant at no cost and to the Roads Corporation's satisfaction prior commencement of works in the arterial road reserve.~~

~~(d) Prior to the traffic signals at the Calder Highway and Maiden Gully Road becoming operational, a VicRoads signed Memorandum of Authorisation must be~~

~~completed by the applicant and returned to VicRoads permitting the installation of the traffic signals (and any other permitted major traffic control items).~~

2. SECTION 173 AGREEMENT – CONTINUATION OF BUS SERVICES

Within 6 months of the date of the amendment of this permit (ref: AM/838/2017/A); the applicant owner must enter into a section 173 Agreement with the City of Greater Bendigo to covenant that the private bus services – being not less than 5 buses each having a minimum capacity of 57 passengers must be maintained into perpetuity.

The agreement must be prepared by the City’s solicitors and the applicant/ owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

3. PLANT OR EQUIPMENT ON ROOF

No plant or equipment is permitted to be located on the roof unless it is located so as to not be visible from outside the site or alternatively if visible it must be appropriately screened.

4. 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.

5. COMPLETION AND COMMENCEMENT

This permit will expire if the development permitted by this permit is not completed and the use permitted by this permit is not commenced within 4 years from the date hereof or if the use is discontinued for a period of 2 years. The time within which the development must be completed and the use must commence may, on written request made before or within 12 months after the expiry of the permit, be extended by the responsible authority.

**Attachments**

Nil

## 16.4. Urban Tree Management Policy and accompanying Guidelines (Review)

Author:	Phil Shaw, Urban Forest Planner
Responsible Director:	Brian Westley, Director Presentation and Assets

### Purpose

To seek Council endorsement of the revised Urban Tree Management Policy.

### Recommended Motion

That Council adopt the Urban Tree Management Policy 2023.

### Executive Summary

The Urban Tree Management Policy 2023 and accompanying Urban Tree Management Guidelines have been developed to provide transparent and concise information about how the City manages its tree inventory and processes for how to manage trees on development sites to ensure the City is enhancing, where possible, its urban forest.

### Background

This policy supersedes the Urban Tree Management Policy 2017 and has been updated to reflect best practices in the arboriculture industry, provide links to the relevant governing Australian Standards and ensure Parks & Open Space can efficiently and safely manage trees within the City of Greater Bendigo.

Previous Council decision dates: Urban Tree Management Policy 2017 approved August 16, 2017

### Report

The City of Greater Bendigo manages over 130,000 tree assets and as this number grows through expansion of the urban forest and new tree planting in subdivisions, the City must ensure it can continue to meet service standards and ensure risk relating to trees is managed as best as possible. The Urban Tree Management policy and guidelines provide information to internal staff, contractors, developers and the community about how tree work is governed, trees are managed and what is expected from those undertaking works within proximity to City trees.

### Communications/Engagement

Internal engagement has been conducted with:

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- Parks and Open Space
  - Public Space Design
  - Arboriculture & Environment
- Engineering
  - Civil Design
  - Civil Infrastructure Delivery
- Works

## **Risk Assessment**

It is crucial that community safety is not compromised, and the City has a clear position and process for how tree assets are managed and maintained. Risk cannot entirely be eliminated regarding trees, so the City must employ industry best practices to regulate an acceptable level of risk.

## **Policy Context**

### ***Primary Council Plan Reference***

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

Outcome 2 - Healthy, liveable spaces and places

Outcome 5 - A climate resilient and healthy landscape

### ***Secondary Council Plan Reference(s)***

Goal 1 - Strengthened community health and wellbeing

Goal 3 - Thriving landscapes and ecosystems

### ***Other Reference(s)***

*Greening Greater Bendigo 2020 – 2070*

## **Conflict of Interest**

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

## **Attachments**

1. Urban Tree Management Policy [**16.4.1** - 4 pages]
2. Urban Tree Management Guidelines [**16.4.2** - 34 pages]



## URBAN TREE MANAGEMENT POLICY

<b>Approval Level:</b>	Council
<b>Policy Type:</b>	Council
<b>Approval Date:</b>	11/12/2023
<b>Review cycle:</b>	4 years
<b>Review Date:</b>	13/12/2027
<b>Responsible Officer:</b>	Urban Forest Planner
<b>Owner:</b>	Parks and Open Space
<b>Responsible Director:</b>	Presentation and Assets
<b>Relevant Legislation/Authority:</b>	Local Government Act 2020 Aboriginal Heritage Act 2006 Crown Land (Reserves) Act 1978 Catchment and Land Protection Act (1994) Flora and Fauna Guarantee Act (1988)
<b>DOCSETID:</b>	<a href="#">Click here to enter text.</a>

### 1. PURPOSE

This policy provides a rationale and framework for the City to effectively manage its trees in urban areas and townships across Greater Bendigo in a transparent and consistent manner.

This policy is to be read in conjunction with the [Urban Tree Management Guidelines](#).

### 2. BACKGROUND

The City is responsible for the maintenance and management of approximately 130,000 tree assets in urban areas and townships across the City of Greater Bendigo. Trees make an important contribution to Greater Bendigo's character and provide many social, economic, environmental and health and wellbeing benefits.

### 3. SCOPE

- 3.1** This policy applies to all City staff, external stakeholders, developers, builders, service providers, contractors, event organisers, property owners and residents undertaking works near City owned tree assets.
- 3.2** This policy outlines the standards to be adhered to in relation to the management of trees within the City of Greater Bendigo.
- 3.3** This policy applies to all City managed trees located within urban areas, townships, and open space parks within Greater Bendigo.

Trees excluded from this policy but may be covered by other policies and legislation include:



- a) Trees on private property.
- b) Trees on rural roadsides
- c) Trees in bushland reserves or natural reserves
- d) Trees in roadsides managed by VicRoads or other non-council road authorities.
- e) Trees in National, State or Regional parks or on land managed by the Department of Energy, Environment and Climate Action (DEECA), or Parks Victoria.

#### 4. DEFINITIONS

Biodiversity	Biodiversity is short for biological diversity and is used to describe the variety of present life forms such as plants, animals, their genes and the ecosystems they exist within.
Bushland / Natural Reserves	Areas of indigenous vegetation managed for their conservation, environmental, habitat, recreational and heritage values.
City Tree	Refers to all public trees that this policy applies to, including those that are on land owned or managed by the City of Greater Bendigo within Bendigo's urban boundary townships and along roadsides in zones up to 80 km/hr.
Risk	The combination of the likelihood of an event and the severity of the potential consequences. In the context of trees, risk cannot be eliminated. Best arboriculture practices aim to minimise and manage trees to an acceptable level of risk.
Roadsides	Roadside means any land that is within the boundaries of a road (other than the shoulders of the road) which is not a roadway or a pathway. For example, any nature strip, forest, bushland, grassland or landscaped area within the road reserve would be a roadside.
Urban Area	An area within a defined urban settlement, township or public open space boundary.
Urban Forest	The sum of all trees and other vegetation within urban areas, as well as the soil and water that supports it. An urban forest is made up of all vegetation in streets, parks, gardens, campuses, creek and river verges, wetlands, transport corridors, community gardens, balconies, and rooftops.
Water Sensitive Urban Design (WSUD)	Water Sensitive Urban Design is a land planning and engineering design approach which integrates the urban water cycle, including stormwater, groundwater and wastewater management and water supply, into urban design to minimise environmental degradation and to make use of this valuable resource.

#### 5. PRINCIPLES

- 5.1 Equitable, transparent, and consistent approach to tree management.
- 5.2 Safety for the Greater Bendigo community.

#### 6. POLICY

The City of Greater Bendigo's Urban Tree Management Policy and accompanying Urban Tree Management Guidelines aim to:

- 6.1 Protect, maintain, and enhance the City's tree assets by adopting and implementing AS 4970-2009 *Protection of Trees on Development Sites* and AS 4737-2007 *Pruning of Amenity Trees*.



- 6.2 Seek compensation for the loss of City tree assets as a result of development by placing a monetary value (Tree Amenity Value) on all City managed trees.
- 6.3 Outline clear standard criteria for the removal of City managed trees. Removal of trees will only be considered where it complies with the criteria outlined within the City of Greater Bendigo's Urban Tree Management Guidelines.
- 6.4 To employ best arboriculture and urban forest practices by:
  - a) Encouraging canopy cover development and supporting objectives and principles outlined in the City's urban forest strategy, *Greening Greater Bendigo 2020-2070*.
  - b) Supporting the enhancement and amenity of Greater Bendigo streetscapes and open spaces.
  - c) Supporting and enhancing the natural landscape, habitat connectivity and biodiversity benefits supplied by City trees.
  - d) Recognising and responding to the impact of development, population increase, climate change and the urban heat island effect on the City's trees assets.
  - e) Utilising innovative horticultural and arboricultural technologies and methods where applicable, such as water sensitive urban design (WSUD).
  - f) Considering areas prone to bushfire, including rural areas interfacing reserves or state forest, and aiming to reduce risk through management of trees.

## 7. ROLES AND RESPONSIBILITIES

- 7.1 The City of Greater Bendigo's Arboriculture and Environmental Management team and Public Space Design team are responsible for the implementation of this policy.
- 7.2 The City of Greater Bendigo's Public Space Design team is responsible for the development and review of this policy.

## 8. RELATED DOCUMENTS

This policy is to be read in conjunction with the Urban Tree Management Guidelines.

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

### External Documents

*Australian Standard 4373-2007 Pruning of Amenity Trees*  
*Australian Standard 4970-2009 Protection of Trees on Development Sites*  
*Australian Standard 2303-2018 Tree Stock for Landscape Use*

### Internal City of Greater Bendigo Documents

*Biodiversity Strategy 2023 - 2030*  
*Greening Greater Bendigo 2020 – 2070*  
*Nature Strip Policy 2022*  
*Nature Strip Guidelines 2022*  
*Protection and Retention of Trees on Development Sites*  
*Road Management Plan Version 4.0 (November 2022)*



*Tree Inspections (Technical Procedure)*  
*Tree Planting (Technical Procedure)*  
*Tree Removal/Felling (Work Instruction)*  
*Urban Street Tree Removal Relating to Works Within the Road Reserve (Work Instruction)*  
*Urban Tree Management Guidelines*

Further information or advice on this policy should be directed to Parks and Open Space

#### 9. HUMAN RIGHTS COMPATIBILITY

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

#### 10. ADMINISTRATIVE UPDATES

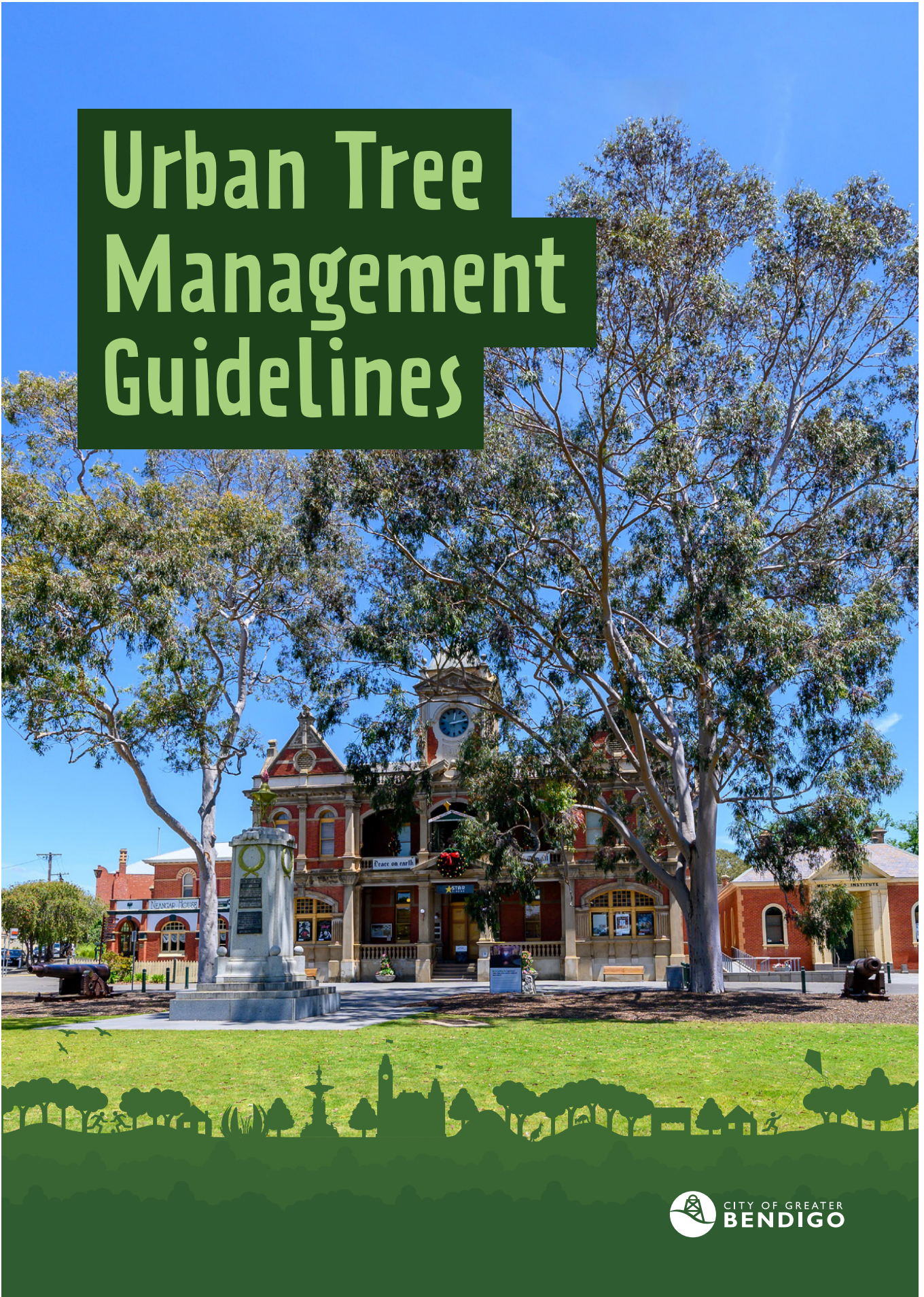
It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name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

#### 11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
August, 2017	TM	Public Space Design	Develop	1	August, 2019
March, 2023	PS	Public Space Design	Review (Significant)	2	March, 2027



# Urban Tree Management Guidelines





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The City is responsible for the maintenance and management of approximately 130,000 tree assets

## 1 Background

Trees make significant contributions to Greater Bendigo’s environment, landscape and public open space. Mature trees play a pivotal role in providing and enhancing social, economic, aesthetic and environmental benefits to the community.

The natural cooling and shade trees provide through canopy cover helps to mitigate the effects of urban heat and climate change. Trees are also important in trapping pollutants, reducing stormwater runoff and preventing erosion.

Trees are vital assets for enhancing biodiversity outcomes by providing habitat, connectivity and pollinator food sources.

As urban development increases and vegetation on private land diminishes, the provision and protection of trees in the public realm will become increasingly important.

The City of Greater Bendigo (the City) is responsible for the maintenance and management of approximately 130,000 tree assets in urban areas and townships across Greater Bendigo. This figure is expected to continually rise as Greater Bendigo’s urban forest is developed.



## 2 Scope

The Urban Tree Management policy and these accompanying guidelines apply to all City staff, external stakeholders, developers, builders, service providers, contractors, event organisers, property owners and residents undertaking works near City-owned tree assets.

The guidelines will outline and detail the standards and practices to be adhered to in relation to the management of trees within Greater Bendigo.

The guidelines apply to all City managed trees located within urban areas, townships, and open space parks within Greater Bendigo.

Trees excluded from these guidelines but may be covered by other policies and legislation include:

- Trees on private property
- Trees on rural roadsides
- Trees in bushland reserves or natural reserves
- Trees in roadsides managed by VicRoads or other non-council road authorities.
- Trees in National, State or Regional parks or on land managed by the Department of Energy, Environment and Climate Action (DEECA) or Parks Victoria



## 3 Tree management

The City will ensure a high standard maintenance regime is delivered and strengthened as required, and it provides adequate resources for ongoing urban tree management. The City will regularly update tree maintenance standards and procedures to ensure they reflect legislative requirements and industry best practice. Priority will be given to maintain all trees in a healthy and sound condition where feasible, minimizing the risk to the community.

### 3.1 Inventory and asset management

The City utilises GIS and a computer-based asset management system for the management of all its tree assets. The asset management information system allows for all tree works and inspections to be recorded, in turn providing auditable evidence the City maintains its urban tree population according to industry best practices.

To maintain the integrity and content of the asset inventory and works program:

- The City's tree inventory is to be kept up to date to ensure the content is current and relevant
- All trees considered to be City assets are to be recorded as such, including species identification, location, age, useful life expectancy, size and condition
- City staff and contractors are to record works for every tree asset as they occur

### 3.2 Tree inspections

Tree inspections are required as part of managing the City's urban trees.

The type of inspection required and the qualifications and experience of the personnel undertaking the inspection can vary. Inspections lead to the programming of the appropriate action (or non-action) to be conducted.

Listed are the different origins of inspection.

#### 3.2.1 Pro-active inspections

- The City's trees located in the Bendigo city centre, major parks, nominated childcare centres, recreation facilities and City managed properties must be inspected and works programmed accordingly on an annual basis
- City trees located under High Voltage powerlines within the Urban Declared Area must be inspected and works programmed annually

- Trees under powerlines located in High Bushfire Risk Areas (HBRA) within the Urban Declared Area must be inspected and works programmed annually
- The City's trees located within Greater Bendigo's Urban Declared Areas must be inspected and works programmed:
  - biennially as part of the Electrical Line Clearance Management Plan
  - at least once every four years as part of the pro-active tree management program
  - at least every five years as part of the rural zones pro-active tree management program

#### 3.2.2 Reactive inspections

Reactive inspections include community requests, works within road reserve permits and developments and works.

Tree inspections can be related to:

- Pruning requests
- Tree removal requests
- Tree protection on development sites
- Health, pest and disease assessment
- Roots and infrastructure conflicts
- Risk and safety (see 3.3 Tree risk assessments, page 6)
- Internal projects
- Complaints

Requests for tree inspection can be made through the City's website or by contacting customer support.

All site visits to any of the City's trees, regardless of whether the tree requires any works or not, must be electronically recorded in the City's asset management system.

#### 3.2.3 Zoning

Greater Bendigo has been divided into zones to simplify the management of over 130,000 tree assets that the City is responsible for.

#### 3.2.4 Annual Inspections

The City conducts annual inspections on trees in nominated places, where the volume of pedestrian traffic is high, children are present, or the consequences of tree failure are potentially higher.

A list of annual inspection sites is kept and maintained by the City's Arboriculture and Environment unit.

	Consequence				
Likelihood	Insignificant	Minor	Moderate	Major	Catastrophic
Almost certain	Medium	Significant	High	Extreme	Extreme
Likely	Medium	Medium	Significant	High	Extreme
Possible	Low	Medium	Significant	High	High
Unlikely	Low	Low	Medium	Significant	High
Rare	Low	Low	Medium	Significant	Significant

### 3.3 Tree risk assessments

It is not possible to entirely eradicate risk regarding trees, even in a proactively managed tree population, but the City manages risks posed by trees to people, public safety, property, infrastructure, and assets in accordance with industry best practice methodologies and the City's *Risk Management Policy* and *Risk Management Framework*.

The foundation of tree risk assessments are built by incorporating both the likelihood of an event occurring and the probable consequences if the event occurs.

All tree risk assessments of City tree assets undertaken by internal City staff and contractors must:

- Be recorded within the City's asset management system
- Be carried out by a suitably qualified person with a minimum qualification of Diploma in Arboriculture (AQF Level 5), or under supervision of a person with a Diploma in Arboriculture
- Have any tree defects logged using the City's asset management system and assigned a schedule for completion of works
- Be given a risk rating (where required) based upon a recognised Tree Risk Assessment method (VALID, Tree Risk Assessment Qualification (TRAQ), Quantified Tree Risk Assessment (QTRA) or similar)

Risk rating	Action
Extreme	Immediate action required, including urgent interim actions e.g. cessation of activity.
High	Prompt action required, including interim actions.
Significant	Risk will be reduced as low as reasonably practicable.
Medium	Risk is likely to be acceptable, if not risk will be reduced as low as reasonably practicable.
Low	Risk is almost acceptable. Implement treatment plan.

Descriptor	Likelihood
Almost Certain	<ul style="list-style-type: none"> <li>• 99% probability; or</li> <li>• Risk is occurring now; or</li> <li>• Could occur within days to weeks</li> </ul>
Likely	<ul style="list-style-type: none"> <li>• &gt;50% probability; or</li> <li>• Balance of probability will occur; or</li> <li>• Could occur within weeks to months</li> </ul>
Possible	<ul style="list-style-type: none"> <li>• &gt;20% probability; or</li> <li>• May occur but against short term probabilities; or</li> <li>• Could occur within months to years</li> </ul>
Unlikely	<ul style="list-style-type: none"> <li>• &gt;1% probability; or</li> <li>• May occur but not anticipated; or</li> <li>• Could occur in years to decades</li> </ul>
Rare	<ul style="list-style-type: none"> <li>• &lt;1% probability; or</li> <li>• Occurrence requires exceptional circumstances</li> </ul>



**The City conducts tree risk inspections at three different levels:**

	<b>Inspection detail</b>	<b>Inspection procedure</b>	<b>Minimum qualification</b>
<b>Level 1</b>	A limited and quick visual inspection used to assess if a more detailed assessment is required. The tree is assessed from one perspective to identify imminent and/or probable likelihood of failure.	<p><b>Visual</b></p> <ol style="list-style-type: none"> <li>1. Tree is identified and location recorded for inspection.</li> <li>2. Undertake risk assessment from a drive by or walk by and assessing; structural condition, likelihood of failure, and categorising the potential damage or harm.</li> <li>3. Documentation of findings of the level of risks and recommendations of any management requirements into the City's asset management system, including whether further inspections are required.</li> </ol>	Certificate III in Arboriculture (under the direct or indirect supervision of an Arborist with a Diploma or Cert. V).
<b>Level 2</b>	A standard assessment typically conducted from the ground using a method such as VALID, QTRA or TRAQ.	<p><b>Risk assessment</b></p> <ol style="list-style-type: none"> <li>1. Tree is identified and location recorded for inspection.</li> <li>2. Determine the parts/zone of the tree to be examined.</li> <li>3. Undertake desktop study to understand site conditions and site history.</li> <li>4. Undertake onsite risk assessment by examining the structural condition, likelihood of failure, and categorising the potential damage or harm. This must be completed using a recognised methodology such as VALID, TRAQ, QTRA or similar.</li> <li>5. Documentation of findings of the level of risks and recommendations of any management requirements into the City's asset management system, including whether further inspections are required.</li> <li>6. Determine if a Level 3 Inspection is required.</li> </ol>	Certificate III in Arboriculture (under the direct or indirect supervision of an Arborist with a Diploma or Cert. V).
<b>Level 3</b>	Normally occurs on trees requiring a further assessment or investigation beyond Level 2 and may require specialised equipment (e.g. tower, climbing gear or a drone etc.).	<p><b>Advanced risk assessment</b></p> <p>If the requirement for a Level 3 inspection has been identified (through the outcome of a Level 2 inspection), a fully qualified representative or independent consultant arborist will be required to conduct an advanced risk assessment that may include the use of:</p> <ul style="list-style-type: none"> <li>• A climbing arborist</li> <li>• Drone</li> <li>• Elevated work platform or scissor lift</li> <li>• Testing and lab services</li> <li>• Hydrovac</li> <li>• Ground-penetrating radar (GPR)</li> </ul>	Certificate IV in Arboriculture (under the direct or indirect supervision of an Arborist with a Diploma or Cert. V).





### 3.4 Pruning

The City undertakes pruning of its managed tree assets as part of its proactive works, reactive works, and electrical line clearance programs.

All tree pruning on City trees will be done in accordance with AS 4373-2007 *Pruning of Amenity Trees*.

The City will not allow, or conduct pruning of City trees under the following circumstances:

- To reduce litter of leaves, fruit, or other debris
- Obstructing or interfering with solar panels
- For causing minor allergenic and irritant responses
- To minimise obstruction of advertising signage and desired views
- To reduce the impact from any animals or birdlife waste and/or noise
- For superficial or unsubstantiated bush fire risk concerns
- For awnings, verandas, and other projections over public open space
- For personal aesthetic preference

### 3.5 Electrical line clearance

To achieve compliance with the *Electricity Safety Act 1998*, all trees under and around powerlines within the urban declared area must be managed in accordance with the *Electricity Safety (General and Electrical Line Clearance) Regulations 2019*.

The distribution company is responsible for electrical line clearance outside of the Urban Declared Area.

A map of the powerline clearance urban declared area can be accessed via the City's website.

An *Electrical Line Clearance Management Plan* is prepared and submitted to Energy Safe Victoria annually prior to March 31.

The City is obligated to ensure clearance (as specified in the *Electricity Safety Regulations*) is maintained and free of vegetation to mitigate the risk of fire danger and to avoid disruptions to electricity supplies.

Clearance distances vary and are calculated based on a range of criteria, including whether the location of the powerline is in a hazard or low bushfire risk area, if the powerline is high or low voltage, and is based on the length of the powerline section between power poles.

The City maintains a rigid powerline pruning program and wherever possible, aims to adhere to AS 4373-2007 *Pruning of Amenity Trees* when conducting line clearance works.

The City actively pursues other various management options to minimise risks relating to electrical line clearance.

These options include:

- Installation of aerial bundle cables
- Undergrounding powerlines
- Appropriate species selection for planting
- Tree removal





### 3.6 Root management

Tree roots are vital for the uptake of water and nutrients, and for anchoring and stabilising the tree in the ground.

Roots are advantageous and often seek and follow environments favourable to root growth. This can lead to damage occurring to infrastructure and buildings where root obstructions are present. Understanding of tree root behaviour in urban areas is essential for minimising conflicts between trees and other assets.

Structures and infrastructure deteriorate with age, and often tree roots are subject to a disproportionate amount of the blame for damage, as they frequently exploit existing cracks and faults which have not been caused by tree root activity.

The City will not remove City trees for unjustified claims of damage from tree root activity.

Claims for indirect property damage should be accompanied by a report from a geotechnical or structural engineer that implicates tree root damage and also considers soil type and the age and type of footings of the structure.

If infrastructure damage is attributed to the roots of a City-owned tree, an appropriate remedial solution must be sought. These remedial solutions may include:

- Realignment of paths
- Selective root pruning
- Casting concrete kerbs in situ and investigating potential for installing pre-cast kerb
- Ramping and bridging over existing tree roots
- Increasing the tree pit/plot area
- Correct installation of root barriers
- Tree removal (only considered where no practical, cost effective arboricultural or civil solution to retain the tree can be implemented)

The City will take preventative measures to minimise future conflicts between tree roots and infrastructure. Such preventative measures may include:

- Appropriate tree species selection and placement
- Conducted surveys on tree asset impacts
  - aligning the City's streetscape and street tree renewal cycles
- The adoption of Water Sensitive Urban Design (WSUD) treatments, structural soils, and contiguous tree root trenches
- Correct installation of root barriers
- Tree removal (only considered where no practical, cost effective arboricultural or civil solution to prevent future conflict can be implemented)
- Consultation with road managers around future usage of the road reserve before planting



Once alerted to existing conflicts between infrastructure and City trees, the City will investigate in accordance with the Municipal Association of Victoria's (MAV) Tree Root Risk Assessment Tool.

Removal of City trees must only be considered where no practical, cost effective arboricultural or civil solution to retain the tree can be found. Should tree removal be deemed necessary by a City arborist, a replacement tree will be planted as close as practically possible to the tree being removed. Every effort will be taken to ensure the replacement tree will not result in similar damage in the future.

If significant roots are unexpectedly uncovered on-site during works, a City arborist must be notified as soon as practicable for assessment.

#### 3.6.1 Root pruning

Root pruning may be required to mitigate the effects of root damage; however, it is generally discouraged as the long-term impacts are not always predictable, particularly from a health and safety perspective.

Root pruning must be authorised only by a City arborist.

If root pruning is unavoidable, the following must be implemented:

- Cuts shall be clean cut by hand using sharp tools such as secateurs, loppers, pruners, handsaws or specialised equipment
- Roots will not be ripped or pulled by machinery under any circumstances

### 3.6.2 Root barrier

Installing both physical and chemical root barrier aims to prevent or delay potential conflicts to infrastructure assets by deflecting lateral growing roots downwards below the depth of barriers or constricting the roots to a confined space.

However, if root barriers are not installed correctly, their effectiveness is greatly reduced, and they can even contribute towards creating the very problem they are employed to prevent.

The success of root barrier installation is dependent on various factors including soil profiles, species of tree, size of the tree, position, surrounding infrastructure and the type of barrier to be installed.

### 3.7 Construction and works projects

It is recommended all construction and works projects engage a project arborist to provide input relating to arboricultural and horticultural matters from initial design phase through to project delivery. A project arborist is required to develop Tree Protection Management Plans, Tree Inspections, Amenity Valuations, Tree Protection Zone and Structural Root Zone calculations and on-site advice and compliance regulation.

### 3.8 Pests and diseases

Strong pest and disease management is an important component to maintaining a healthy and aesthetically pleasing urban forest. The City will monitor and treat pest and disease incursions that threaten the health and longevity of urban trees where resources permit. Decisions on pest and disease treatment actions will be balanced with the cost of the tree's amenity value.

#### 3.8.1 Elm Leaf Beetle

Greater Bendigo has one of the healthiest, mature populations of elm trees in the world. The City is responsible for managing approximately 3,600 historic elms in parks, gardens, and road reserves.

Elm Leaf Beetle (*Pyrrhalta luteola*) can be prevalent among the aging elm tree population in some seasons. The effects of Elm Leaf Beetle can lead to heavy defoliation, increasing susceptibility to further pest and diseases, and in some extreme instances lead to death of the tree.

The City facilitates biennial soil injections around the base of its elm trees as a control measure.

The City does not treat elm trees on private property.



### 3.8.2 Psyllids and lerps

Psyllids are small insects that attack Eucalypts and related trees. Human intervention is generally not required where trees have been affected by psyllids. Birds and some insects often eat psyllids and help to naturally control them.

The City will likely not provide chemical treatment control for psyllid damage.

### 3.8.3 Termites

Termites are a native species and part of the natural environment where they play important ecosystem functions. Out of the hundreds of species of termites in Australia, only a dozen or so are known to cause damage to property.

Greater Bendigo is in a declared termite area, and it is the responsibility of property owners to ensure their property is suitably protected.

Any request to have a City tree inspected or removed for termites will be undertaken in accordance with the inspection and tree removal criteria outlined in the City's Urban Tree Management Policy and these guidelines.

Treatment for termites on City trees is not permitted without approval from the City's Arboriculture team.

This includes:

- Chemical application
- Biological control
- Boring into the tree
- Soil excavation
- Pruning works
- Removal works

## 3.9 Environment and biodiversity

The urban forest is important for creating important habitat for a diverse range of native and exotic fauna including mammals, birds, reptiles, and invertebrates, and therefore can be either positively or negatively impacted by routine tree management activities.

### 3.9.1 Habitat trees

Hollows provided by large old trees provide critical habitat for many species that are typically not present in younger trees. It can be over a century until Eucalypts begin to form hollows.

Hollow bearing trees meeting the criteria for removal as outlined in these guidelines will be made safe and retained as habitat trees wherever it is safe, practical and appropriate to do so.

The City will endeavour to seek practical design and management alternatives to maximise the health and longevity of existing large, hollow bearing trees.



The City may also conduct, or commission works, to create artificial hollows in line with the Arboriculture Australia minimum industry standard MIS312 – *Environmental Arboriculture*.

### 3.9.2 Bees

Bees are one of environments most important pollinators. But in many areas, parasites, a lack of forage, and other factors threaten bee health and survival. Flowers are a critical source of forage for bees, and as a result, bees will often nest in existing hollows within trees.

Bees do not actively undertake the 'hollowing out' of trees and are not considered to be detrimental to a tree's structural integrity. Bees will only be removed from City trees if they present an unacceptable risk to the community or where a tree is deemed to be hazardous by a qualified City arborist. The nest must be either relocated or pacified to allow for hazard reduction works to be undertaken as approved by the City.





## 4 Tree valuation

The City's tree assets are financially valued proportionate to the many social, economic, aesthetic and environmental benefits they provide to the community.

When the removal of any City tree is deemed necessary for construction, development, or works, all costs associated with its removal and replacement shall be paid by the property owner, utility or developer prior to removal.

### 4.1 Associated costs

The costs associated with the removal of a public tree are broken down into 3 areas as follows:

- **Amenity value** - Calculated in accordance with the City's adopted Amenity Value Formula
- **Removal costs** - The sum of the fees incurred by the City for physically removing the tree
- **Replacement costs** - The cost of all works required to replace the loss of vegetation from the landscape

#### 4.1.1 Amenity value

By evaluating the various characteristics and contributions of a tree, we can determine an amenity value.

The following formula has been prepared to assist with calculating the monetary amenity value of a public tree within the City. This formula is based on the City of Melbourne's Tree Amenity Value Formula (derived from

the USA Council of Tree and Landscape Appraisers developed in 1990 by Dr. Peter Yau) and has been modified for application specific to Greater Bendigo. The method has been peer-reviewed and benchmarked against other approaches to tree valuation:

**Amenity Value = Base Value (\$) x Species (S) x Aesthetics (A) x Locality (L) x Condition (C)**

The following definitions provide reference to the above formula.

#### Base Value (\$)

The Base Value is derived by first calculating an estimate of the trunk area by using the diameter at breast height (DBH) as an initial measurement.

The formula for calculating the base value is:

Base Value (\$) =  $\pi \times (\text{DBH}/2)^2 \times \$13.62$  (AUD) per  $\text{cm}^2$

- $\pi \times r^2$  is the formula of the area of a circle – trunk area is being estimated. DBH must be in cm
- AUD \$13.62 is the 2021 price of a juvenile tree per  $\text{cm}^2$  of trunk

Juvenile trees with a trunk diameter of less than 6cm do not attract an amenity value charge.

When juvenile trees are being valued for removal, the cost is calculated based on replacement expenses only, and is purely a cost recovery exercise.

A quick reference table for base value is provided opposite.

DBH (cm)	Base value	DBH (cm)	Base value	DBH (cm)	Base value	DBH (cm)	Base value
<6	\$ -	42	\$18,869.72	79	\$66,760.74	116	\$143,940.49
6	\$385.10	43	\$19,778.98	80	\$68,461.59	117	\$146,432.92
7	\$524.16	44	\$20,709.63	81	\$70,183.82	118	\$148,946.74
8	\$684.62	45	\$21,661.67	82	\$71,927.45	119	\$151,481.96
9	\$866.47	46	\$22,635.11	83	\$73,692.48	120	\$154,038.57
10	\$1,069.71	47	\$23,629.94	84	\$75,478.90	121	\$156,616.58
11	\$1,294.35	48	\$24,646.17	85	\$77,286.71	122	\$159,215.98
12	\$1,540.39	49	\$25,683.79	86	\$79,115.92	123	\$161,836.77
13	\$1,807.81	50	\$26,742.81	87	\$80,966.52	124	\$164,478.96
14	\$2,096.64	51	\$27,823.22	88	\$82,838.52	125	\$167,142.55
15	\$2,406.85	52	\$28,925.02	89	\$84,731.91	126	\$169,827.52
16	\$2,738.46	53	\$30,048.22	90	\$86,646.70	127	\$172,533.90
17	\$3,091.47	54	\$31,192.81	91	\$88,582.88	128	\$175,261.66
18	\$3,465.87	55	\$32,358.80	92	\$90,540.45	129	\$178,010.82
19	\$3,861.66	56	\$33,546.18	93	\$92,519.42	130	\$180,781.38
20	\$4,278.85	57	\$34,754.95	94	\$94,519.78	131	\$183,573.33
21	\$4,717.43	58	\$35,985.12	95	\$96,541.53	132	\$186,386.67
22	\$5,177.41	59	\$37,236.69	96	\$98,584.69	133	\$189,221.41
23	\$5,658.78	60	\$38,509.64	97	\$100,649.23	134	\$192,077.54
24	\$6,161.54	61	\$39,803.99	98	\$102,735.17	135	\$194,955.07
25	\$6,685.70	62	\$41,119.74	99	\$104,842.50	136	\$197,853.99
26	\$7,231.26	63	\$42,456.88	100	\$106,971.23	137	\$200,774.30
27	\$7,798.20	64	\$43,815.42	101	\$109,121.35	138	\$203,716.01
28	\$8,386.54	65	\$45,195.34	102	\$111,292.87	139	\$206,679.11
29	\$8,996.28	66	\$46,596.67	103	\$113,485.78	140	\$209,663.61
30	\$9,627.41	67	\$48,019.39	104	\$115,700.08	141	\$212,669.50
31	\$10,279.94	68	\$49,463.50	105	\$117,935.78	142	\$215,696.79
32	\$10,953.85	69	\$50,929.00	106	\$120,192.87	143	\$218,745.47
33	\$11,649.17	70	\$52,415.90	107	\$122,471.36	144	\$221,815.54
34	\$12,365.87	71	\$53,924.20	108	\$124,771.24	145	\$224,907.01
35	\$13,103.98	72	\$55,453.89	109	\$127,092.52	146	\$228,019.87
36	\$13,863.47	73	\$57,004.97	110	\$129,435.19	147	\$231,154.13
37	\$14,644.36	74	\$58,577.45	111	\$131,799.25	148	\$234,309.78
38	\$15,446.65	75	\$60,171.32	112	\$134,184.71	149	\$237,486.83
39	\$16,270.32	76	\$61,786.58	113	\$136,591.56	150	\$240,685.27
40	\$17,115.40	77	\$63,423.24	114	\$139,019.81		
41	\$17,981.86	78	\$65,081.30	115	\$141,469.45		

Group	Species life span	Example species*	Score
1	Short life span (typically less than 50 years)	Prunus, Acacia, Callistemon, Pyrus, Hakea, Malus, Lagerstroemia, Alnus, Betula	0.5
2	Medium life span (typically 50-100 years)	Eucalyptus*, Angophora*, Corymbia*, Populus, Liquidambar, Fraxinus, Grevillea, Melaleuca, Allocasuarina, Casuarina, Syzygium, Lophostemon, Agonis, Brachychiton, Schinus, Phoenix, Melia, Jacaranda, Zelkova, Acer	0.7
3	Long-life span (typically 100-150 years)	Platanus, Cupressus, Ficus, Pinus, Celtis, Eucalyptus*, Angophora*, Corymbia*	0.9
4	Ultra long-life span (typically more than 150 years)	Sequoia, Eucalyptus*, Ulmus, Quercus, Ginkgo, Agathis, Araucaria	1
<b>Negative Modifiers</b>	Noxious or environmental weeds	Acacia baileyana, Salix spp., Crataegus monogyna, Pinus radiata, Cotoneaster glaucophyllus	-0.1
	Inappropriate species (infrastructure conflict, excessive litter, poor positioning)		-0.1
<b>Positive Modifiers</b>	Listed on either the City or National Trust Register of Significant Trees		+0.1
	Listed under a schedule of the City planning scheme		
	A rare species in the locality		
	A special cultivated variety		
<b>Climate Suitability Modifier</b>	Holds special historical, cultural or other significance		
	Species is not well suited to current or future Greater Bendigo climate		-0.1
	Species suitable to current Greater Bendigo climate		0
	Species moderately suited to Greater Bendigo future climate		+0.1
<b>Biodiversity and Ecological Modifiers</b>	Species well suited to future Greater Bendigo climate		+0.2
	Species is indigenous to Greater Bendigo	Eucalyptus tricarpa, Acacia implexa, Acacia melanoxylon, Eucalyptus microcarpa, Allocasuarina verticillata, Callitris columellaris	+0.1
	Species is endangered or endemic to Greater Bendigo and surrounding areas, or has isolated natural distribution	Eucalyptus froggattii, Banksia marginata (Bendigo provenance), Eucalyptus behriana, Eucalyptus polybractea, Eucalyptus viridis, Acacia williamsonii, Acacia ausfeldii	+0.2
	A large hollow bearing or habitat tree		+0.2

\* Indicates a genus has species that may fall into various categories of life span or growth rate.

**Species Factor (S)**

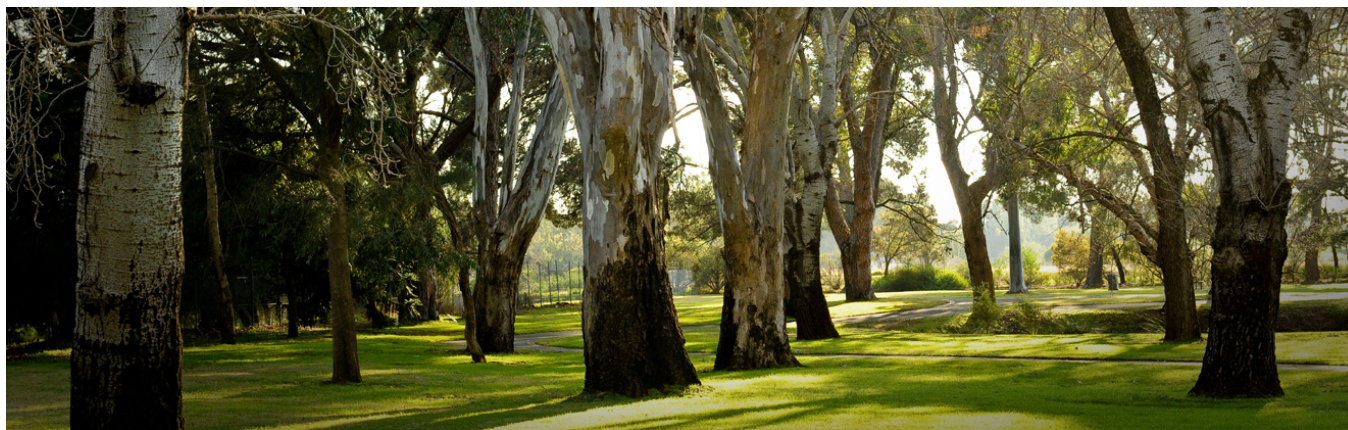
A tree is assessed according to its known natural life span and its rate of growth in a particular environment. For example, a long-lived tree will be scored higher than a short-lived tree.

Significant features of the tree may also modify how the tree is scored. This is achieved through the unique modifiers and may be utilised where exceptional specimens are being removed.

Judgment regarding species factor shall consider how a species performs within the City and must be made by a suitably qualified arborist.







Aesthetic Factor (A)	Score
Contributes little to the landscape	0.5
One of a group of close plantings	0.6
Multiple trees from a group of close plantings (majority of group remains intact)	0.7
Wide plantings	0.7
Street or pathway plantings; irregular spacing between trees; regular spacing one side	0.8
Street or pathway plantings; regular spacing both sides	0.9
Solitary or feature specimen tree/s (e.g. large specimen tree in reserve, avenue of trees, hedgerow etc.) Contributes greatly to the surrounding landscape	1.0

**Aesthetic Factor (A)**

The aesthetic value of a tree is determined by the impact on the landscape that would be observed if the tree were to be removed. This category is closely tied to the Locality Factor (L).

Locality Factor (L)	Score
In undeveloped bushland or open forest with no nearby infrastructure (e.g. roads, utilities etc.)	0.5
In bushland reserve, residential street or public open space within urban centre or township	0.75
Prominent residential or commercial street in urban centre, suburb or township	1
In neighbourhood park or garden	1.25
Part of an avenue planting in urban area, suburb or township	1.5
Part of a key boulevard or town entrance planting; park or garden within a suburb or town centre	1.75
Primary location within town centre, main street, mall, or civic space or street within township	2

**Locality Factor (L)**

The locality factor is determined by the tree's geographical situation. Trees within a highly urbanised environment score highest because of the stressful growing environment in which the tree is surviving. As the location becomes more rural, the significance of the tree diminishes.



Assessment criteria	Criteria condition	Score
Crown health and vitality	High density of foliage and live buds	3
	Moderate density of foliage and live buds	2
	Low density of foliage and live buds	1
Canopy development	<b>Well balanced canopy</b> - Good shape and form with no percentage of the canopy missing	5
	<b>Slightly unbalanced, lop-sided canopy</b> - May have a small percentage of the crown missing	3
	<b>Unbalanced canopy, poor form and shape</b> - Large percentage of crown is missing	1
Growth	> 15cm twig elongation this season	3
	5 – 15cm twig elongation	2
	< 5cm twig elongation	1
Structure	<b>Excellent</b> - Very healthy, stable and sound. No obvious damage, decay or structural defect present. Stable in the ground, obvious basal flare and no history of branch failure	5
	<b>Good</b> - Displays generally good health, vigour, and structure. Evidence of very minor damage or decay may be present but has either compartmentalised or does not appear to impact tree health at all	4
	<b>Fair</b> - May display evidence of previous branch failure but has generally well-attached, spaced and tapered branches. Tree displays at least one of the following: minor damage, decay or structural deficiencies, minor end-weight or over-extension	3
	<b>Poor</b> - Displays one or more of the following: Major damage or decay, numerous fungal fruiting bodies present, tree is leaning with pressure on the root plate, stump re-sprout, acute branch attachments with included bark, excessive compression flaring, foreseeable limb failure, major branch end-weight over-extension, evidence of major branch failure with no compartmentalisation present	2
	<b>Very poor</b> - Displays one or more of the following: Extensive damage or decay, unstable or loose in the ground, excessive lean, altered exposure, branch or trunk failure probable/imminent, branch attachments with active split, excessive branch end-weight or over-extension, history of major limb/stem failure with loss of holding wood, hollow trunk	1
Pests and Diseases	No pest/disease infestation	3
	Minor symptoms of infestation	2
	Advanced symptoms of infestation	1
Useful Life Expectancy	> 60 years	7
	31 – 60 years	6
	21 – 30 years	5
	11 – 20 years	4
	6 – 10 years	3
	1 – 5 years	2
	< 1 year	1



**Condition Factor (C)**

The tree condition value is determined by the corresponding total score of the assessment criteria. Trees should be evaluated on condition with respect to what is typical of the species in the location. Where trees have been damaged this assessment should be retrospective of the undamaged state.

Total score	Tree condition	Factor
5 – 8	Very Poor	0.2
9 – 13	Poor	0.4
14 – 18	Fair	0.6
19 – 22	Good	0.8
23 – 26	Excellent	1.0

When the loss of any City tree is incurred as a result of development, the City applies the tree amenity value. When a stakeholder makes a request to modify City land resulting in the removal of a City tree asset, the tree amenity value will be applied and charged by the City to ensure the community is compensated for the loss of the tree.

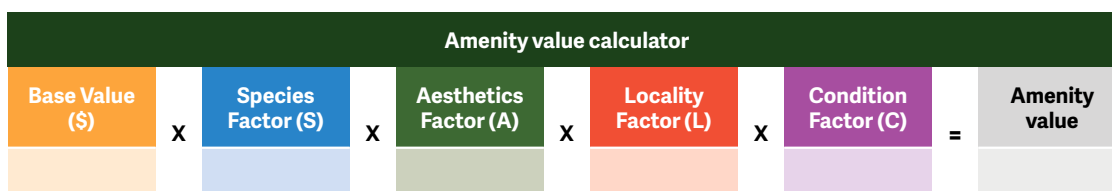
The amenity tree value does not include the cost of removal operations or for tree replacements.

A tree amenity value will not be charged in the following instances:

- Trees that have died naturally (poisoned or vandalised trees will incur charges)
- Where the tree is a declared weed species and is not providing amenity
- Trees that have been assessed by a qualified arborist that pose a high or very high level of residual risk in accordance with the City’s risk management process (Based on VALID, QTRA, TRAQ or similar tree risk assessment methods)

The amenity tree value may be waived where it has been demonstrated that a high community value will be delivered in relation to the City’s commitment to the *Reconciliation Plan (Barpangu) 2021-2025* and the *Council Plan (Mir wimbul) 2021-2025*.

The amenity value may also be waived where trees are exhibiting very poor condition, low amenity and a useful life expectancy of less than five years.



#### 4.1.2 Removal costs

Further to the tree amenity value, costs associated with the removal shall also be paid by the property owner, utility or developer. These costs may include the disposal of debris, stump grinding, and any community engagement required.

#### 4.1.3 Replacement and reinstatement costs

The replacement and reinstatement of canopy and other benefits provided by mature trees can take several years/decades after removal.

The level of reinstatement required will be determined by the City and will take into consideration the location, significance, biodiversity provision and the amenity of the tree removed.

The City is making every effort to replace all City-owned trees that are removed. The cost for tree replacement is generally \$500 including GST. This figure includes the unit costs, materials, and maintenance requirements to establish the tree across a two-year period and is solely a cost recovery exercise.

A calculation and breakdown of the replacement costs is provided (pictured right).

#### 4.2 Bonds

The City will impose bonds on developers, builders, and event organisers where necessary to ensure the adequate protection of all trees to be retained. The bond or bank guarantee amount will be the combined amenity, removal and replacement value determined in accordance with this policy. The bond or bank guarantee will be held for the duration of the works, subject to an approved Tree Protection Management Plan.

Tree planting and establishment		Cost
Materials	Advanced tree stock (40cm/45L size)	\$150
	2 x hardwood stakes (38mm x 38mm x 1800mm)	
	Jute webbing hessian tie (50mm and cut to 2 x length of 2m per tree)	
	Mulch (75mm)	
	Greenwell Tree Collar Water Saver (Black PP5)	
	Planting gel	
	Water crystals	
Programming and administration	Onsite inspection	\$25
	Data entry into GIS tree inventory	
	Sourcing stock	
	Development and posting notification letters	
	Updating website and POZI	
	Inspection and data capture for final acceptance of tree asset	
Planting work	Labour and machinery costs	\$75
	Hole preparation	
	Root pruning	
	Planting	
	Mulching	
	Initial watering in	
	Data entry into GIS tree inventory	
Maintenance and establishment (first year)	Labour costs	\$150
	Regular watering	
	Topping up additional mulch levels	
	Fertilising and spread of planting gel	
	Weeding	
	Form pruning	
	Maintain and replace stakes and hessian ties (if required)	
	Recording maintenance in GIS tree inventory	
Maintenance and establishment (second year)	Semi-regular watering	\$100
	Topping up additional mulch levels	
	Fertilising and spread of planting gel	
	Weeding	
	Form pruning	
	Maintain and replace hardwood stakes and hessian ties (if required)	
	Recording maintenance in GIS tree inventory	
	Removal of hardwood stakes, hessian ties and water wells on conclusion of the 2-year maintenance period	
<b>Total planting and establishment cost</b>		<b>\$500</b>



## 5 Tree removal

In recognition of the contribution trees make towards a liveable Greater Bendigo, the retention of existing trees in the landscape should be given as much priority as practicable.

The City actively manages, monitors, and inspects all public trees throughout their lifecycle and will remove and replace them as appropriate when they reach the end of their Useful Life Expectancy (ULE).

While tree removal is a last resort management option, public safety will always take priority.

Trees considered hazardous will be removed as soon as reasonably practicable.

The City will aim to replace all City-owned trees that are removed, to ensure no net loss of canopy cover from the immediate area.

In some scenarios, multiple trees may be planted to offset the loss of a single tree, and to promote canopy development and greenspace where appropriate.

Replacement trees may not be installed in the immediate area where trees are removed due to planting constraints. In this case, replacement trees will be planted elsewhere in the municipality where tree planting has been identified as a priority.

More information can be found in 6 Tree Planting, page 21.

### **Removal of the City's tree assets will not be considered under the following circumstances**

- To reduce litter of leaves, fruit, or other debris
- If there is a safe, practical and cost-effective means for tree retention
- Obstructing or interfering with solar panels
- Unjustified or unsubstantiated property or infrastructure damage claims
- For causing minor allergenic and irritant responses
- To minimise obstruction of advertising signage and desired views
- To reduce the impact from any animals or birdlife waste and/or noise
- Trees that have been intentionally poisoned or vandalised
- For superficial or unsubstantiated bush fire risk concerns
- For personal aesthetic preference





#### **Removal of the City's trees assets may be considered under the following circumstances**

- In the case of works and development, only once all practical design solutions to retain the tree have been exhausted and there is no feasible alternative. Amenity value of the tree should be applied
- As part of a street upgrade project or capital works program that will result in a net increase in or improvement to green space and canopy cover over time, that could not be achieved with the existing trees
- The tree has a significant defect requiring action that cannot be rectified without removal of the tree
- Trees proven to be causing damage to private infrastructure or services where all interventions and solutions to retain the tree have been exhausted, and where the estimated cost of ongoing repairs outweighs the amenity value of the tree
- For pest, disease and biosecurity reasons that cannot be efficiently managed
- The tree is currently listed on the City's Significant Tree Register or National Trust Register
- The tree is a known weed species of the Greater Bendigo region

#### **Removal of the City's trees assets is warranted under the following circumstances**

- A suitably qualified City arborist has undertaken inspection and the tree is:
  - hazardous and poses an immediate safety risk
  - considered structurally unsound, including root plate instability
  - dead, dying, diseased or in severe decline and poses an immediate risk to public health and safety
  - has an unacceptable probability of failure
- Approval has been given by a relevant authority within the City's Parks and Open Space unit

### **5.1 Notification of removal works**

The City will endeavour to notify the relevant committees or residents of any proposed removal works taking place. In emergency situations, notification may not be undertaken prior to removal, but the City will ensure follow-up advisory details are distributed to the applicable parties.

If considerable concern is expressed by the community in relation to tree removal, the City's arborists may:

- Obtain an independent arborist report from a suitably qualified arborist to confirm or refute the City's position
- Prepare a report and submit it to the Manager of Parks and Open Space for review, and to make a final decision in line with the City's Urban Tree Management Policy and accompanying guidelines
- Refer the matter to the Manager of Parks and Open Space to inform and discuss with the applicable ward councillors

If required, a public meeting may result where the community response to the proposed removals are presented.

Proposed tree removals may be part of a broader landscape concept plan in which case other representatives of the project may be present to convey the required information and reasons for tree removal.

#### **5.1.1 Residential streets and road reserves**

Residents immediately adjacent the site where tree removal is proposed may be given written or verbal notice of the action, including arrangements for tree replacement.

#### **5.1.2 Parks, reserves, and other City managed land**

The City generally won't undertake notification of removal works of trees in parks, reserves and other parcels of City managed land. Signage will be displayed on trees scheduled for removal if they are significant trees (see 7 Significant trees, page 24) or are in a particularly prominent location.

### **5.2 Signage for removal works**

Signage explaining the reason/s for removal of trees may be utilised and should be displayed for no less than for seven days prior to the works beginning. The signage will be clearly displayed and printed at a size easily legible and comparable to the size of the tree.



## 6 Tree protection

Trees must be protected from construction works and other activities that may threaten their health and stability. When works are scheduled in proximity to City trees, proper tree protection practices must be employed to ensure the risk associated with trees is managed as well as possible.

During all construction, repair or development works within Greater Bendigo, existing City trees to be retained shall be protected in accordance with the relevant AS 4970-2009 *Protection of Trees on Development Sites* as a minimum, and the guidance outlined in the City’s Protection and retention of trees on development sites document must be followed.

### 6.1 Tree Protection Zone

A Tree Protection Zone (TPZ) is the principal means of protecting trees on development sites and must be implemented within Greater Bendigo in accordance with AS 4970-2009 *Protection of Trees on Development Sites*.

To calculate the radius of a Tree Protection Zone, the following formula is applied:

**Tree Protection Zone = DBH x 12**

- DBH = trunk diameter measured at 1.4 metres above ground
- The maximum TPZ radius is 15 metres (except where crown protection is required) and should have a radius of no less than 2 metres

#### Minor Encroachment

If encroachment is proposed into the TPZ and is less than 10% of the TPZ area, detailed root investigation is not required. Appendix D of the Australian Standard provides further information on encroachment into the tree protection zone.

#### Major Encroachment

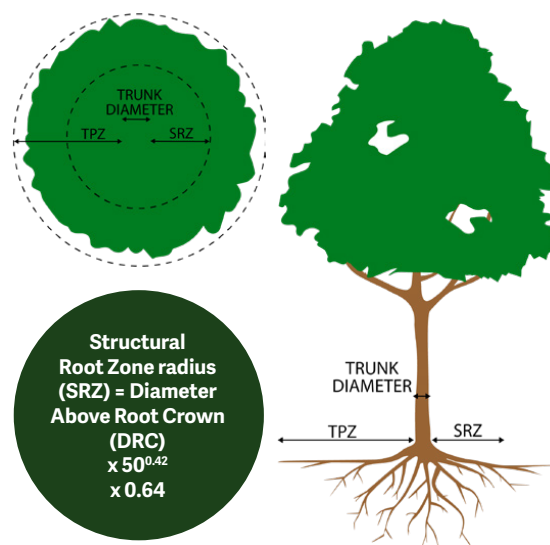
If encroachment is proposed into the TPZ and is greater than 10% of the TPZ area, a Structural Root Zone (SRZ) must be calculated, and the project arborist must demonstrate the tree will remain viable.



Before conducting any of the following works within a TPZ, a City arborist must be notified and consulted:

- Machine excavation including trenching
- Stockpiling of building materials, debris, or soil
- Storage of equipment and plant
- Vehicular traffic and parking except on existing paved or gravelled surfaces
- Installation of service pits or hatches
- Permanent or temporary vehicular crossings
- Severing of tree roots with a diameter greater than 30mm
- Alteration of soil levels and structure found not to be in accordance with the City's *Nature Strip Policy* and *Nature Strip Guidelines*
- Preparation of chemicals, including preparation of cement products
- Refuelling
- Wash down and cleaning of equipment
- Physical damage to the tree
- Excavation within a TPZ
  - Boring is the preferred method for installations of underground services within a TPZ
  - Boring should occur at a depth of at least 1 meter below the surface where possible
  - When boring is not possible, excavation shall be by hand or by a non-destructive method such as hydro excavation at low pressure with consent from the City's Arboriculture team
  - Entry and exit pits for boring activities must be positioned outside the designated TPZ of each tree

The extent or length of boring in the vicinity of trees will be determined by the TPZ. If proposed encroachment is greater than 10% of the TPZ, an SRZ must be calculated.



### 6.2 Structural Root Zone

The Structural Root Zone (SRZ) is the area required for tree stability. There are many factors that affect the size of the SRZ, making it a more difficult formula to calculate than the TPZ.

It is recommended that an online calculator is utilised to calculate both the SRZ and TPZ.

No works are permitted within the SRZ without the knowledge and consent of a City arborist. A City arborist must be contacted prior to works to discuss and will likely attend on-site to inspect as works are conducted.

### 6.3 Protective fencing

Before a development site is established, protective fencing must be installed around City trees and remain intact until works have concluded.

The TPZ should be utilised to delineate the area where protective fencing should be installed and access restricted. Information on calculating the TPZ can be found in the City's Protection and retention of trees on development sites document.

Existing perimeter fencing can be incorporated in the protective fencing.

In line with AS 4970-2009 *Protection of Trees on Development Sites*, if tree protection fencing cannot be installed, or if temporary removal is required, branch and trunk protection measures must be implemented.

AS 4687-2007 *Temporary Fencing and Hoardings* provides guidance for installation of temporary fencing.



Erecting fences to protect tree assets also allows for free and clear passage of pedestrians and provides clear visibility of driveway access, crosswalks, fire hydrants and other assets.

Signs identifying the TPZ are to be placed on the fencing, and no advertising material is to be displayed at any time. Signs should comply with AS 1319-1994 *Safety Signs for the Occupational Environment*.

### 6.4 Tree protection management plans

In instances where works and/or activities cannot be undertaken within the parameters stipulated in the City's *Protection and retention of trees on development sites* document, a Tree Protection Management Plan must be developed.

The Tree Protection Management Plan must:

- Be prepared by a qualified arborist (AQF Level 5 or above)
- Be approved and endorsed by a City arborist prior to commencement of any works or activities
- Be prepared in accordance with AS 4970-2009 *Protection of Trees on Development Sites*
- Include an arborist assessment of each tree, including photos indicating the tree's current condition
- Cover all phases of work including demolition, construction and post-construction activity

The principal contractor will be responsible for the implementation of the Tree Protection Management Plan by all contractors and personnel onsite.

### 6.5 Prohibited activities

In addition to information provided in the City's *Protection and retention of trees on development sites*, the below points outline other prohibited activities:

- Equipment, decorations and signage must not be tied to, tethered to, nailed to, suspended from or placed within the crowns, branches or stems. This includes fairy lights, swings, tree houses and bird houses
- There must be no vehicular movement or parking under the dripline of a City tree except where proper ground-protection, such as road, track mats or similar, has been implemented. Parking on nature strips is illegal and should not be done in any circumstance
- Refuelling, cleaning of equipment and emptying of any liquid waste must not occur under the dripline of any City tree







## 7 Significant trees

Greater Bendigo contains a large range of significant trees and vegetation that contribute to the aesthetics, history, and culture of the municipality. The City is currently developing an internal Significant Tree Register to recognise these contributions by identifying and protecting significant trees.

The Significant Tree Register aims to:

- Develop a consistent approach to identifying and assessing significant trees within Greater Bendigo
- Provide a clear and transparent process for the management and protection of Greater Bendigo's significant trees
- Raise awareness and educate the community about the importance of significant trees and the many benefits they bring

### 7.1 Eligibility for significance

In defining a significant tree, the City will likely adopt a modified version of the National Trust's Significant Tree Register criteria.

A City tree can be defined as significant if it meets any of the following criteria:

- Horticultural value - Any tree which is of horticultural or genetic value and could be an important source of propagating stock
- Location or context - Any tree which occurs in a unique location or context, including remnant native vegetation, important landmarks and trees which form part of a historic garden or park
- Rare or localised - Any tree of a species or variety that is rare or of a very localised distribution
- Particularly old - Any tree that is particularly old or venerable

- Outstanding size - Any tree outstanding for its large height, trunk circumference or canopy spread
- Aesthetic value - Any tree of outstanding aesthetic significance
- Curious growth form - Any tree which exhibits a curious growth form or physical feature such as abnormal outgrowths, natural fusion or branches or severe lightning damage
- Historical value - Any tree commemorating a particular occasion or having an association with an important historical event or figure
- Aboriginal culture - Any tree associated with aboriginal activities, culture, or heritage
- Outstanding example of species - Any tree that is an outstanding example of the species
- Environmental value - Any tree providing outstanding environmental benefits including greenhouse savings in nearby buildings, reduced stormwater flows, habitat benefits for local biodiversity, shading of public and private open space or a reduction in air pollution
- Remnant vegetation - Any tree likely to predate European development of the area

A tree may not be eligible where:

- The tree did not meet any of the Significant Tree Register criteria
- The tree has poor structure/health and/or a useful life expectancy of less than 5 years
- The tree is causing visible damage to a building or structure (house, office building, garage etc.)
- An objection has been submitted and granted



## 8 Tree planting

As part of the City's endorsed urban forest strategy, *Greening Greater Bendigo 2020-2070*, around 3,000 advanced trees are planted each year internally by the City. The City also plants around 5,000 native tubestock plants and trees through revegetation works and community planting days.

All tree planting should be guided by *Greening Greater Bendigo 2020-2070*, as well as master plans, structure plans, neighbourhood character plans and other Council endorsed strategic plans.

A combination of planning, site preparation, quality stock selection and on-going maintenance is essential for successful tree establishment and for avoiding costly interventions later.

In line with the City's *Nature Strip Policy* and *Nature Strip Guidelines*, it is not permitted for residents to plant trees on nature strips.

Tree planting throughout Greater Bendigo must be done in accordance with the relevant current City tree planting details.

### 8.1 Planting timing

The City's internal tree planting season typically runs annually from May 1 to November 30. This is the recommended time frame for tree planting to increase survival probability.

All trees should be planted within this window unless otherwise agreed to by the City's Urban Forest Planner or Tree Establishment Officer. Trees planted outside of this window will not be inspected for preliminary acceptance until March 1 onwards.

If climate allows, the planting season may begin earlier and extend beyond October to allow for additional desired tree planting outcomes.

### 8.2 Planting locations

The City will continue to seek new tree planting opportunities in appropriate locations to increase and maintain tree canopy cover and deliver associated environmental, social, and economic benefits. To maximise these benefits, the City will plant trees on City managed land and public land wherever conditions allow.

All City trees that are removed will be replaced as close as practically possible to the site of the removed tree.

Planting of singular replacement and infill trees may not necessitate customer engagement.

#### 8.2.1 Distance offsets

Street, park and reserve trees should abide by the following distance offsets.

Infrastructure/service	Minimum offset distance
Domestic service tapping points	1m
Service lead in	2m
Stormwater outlets, service assets, tapping points, NBN pits and above-ground infrastructure	2m
Electrical joints, paralleling pillars	2.5m
Vehicle crossovers and driveways (dependent on species size)	1.5m – 3m
Pedestrian pathways, fencing, bollards, or fixed edges	3m (where possible)
Sewer pits, gas/water valves, fire hydrants and plugs	3m
Sway wires	3m
Power pole	4m
Streetlight	4m
Intersections (intersection road, line of kerb)	10m
Spacing between small tree plantings	7m
Spacing between medium tree plantings	10m – 12m
Spacing between large tree plantings	15m

Recommended minimum offsets may be reduced if deemed appropriate by a City arborist.

Where the minimum offset distance cannot be attained, a City arborist can be contacted for advice and potential measures.

It is the responsibility of the tree planting contractor to identify and locate services infrastructure on site and position the trees accordingly.



### 8.3 Species selection

The City will plant the most appropriate tree species for a given location based on site suitability, aesthetic, functional and environmental attributes, and the potential to contribute to the predominant or preferred landscape character.

A preferred street tree list for the City has been developed and can be found in Appendix 1 of the City's *Landscape Design Guidelines for Subdivisions*. This list is reviewed and updated regularly.

Species selection should be driven by taking the following components into consideration:

#### Individual tree species components

- Above ground components:
  - mature size
  - ability to provide shade through canopy cover
  - form and structure
  - leaf, fruit and seed litter
  - potential for water sprouts and suckering
- Below ground components:
  - size of root systems
  - probability of invasive roots occurring
  - irrigation requirements
  - potential for suckering
- Useful life expectancy:
  - benefits of longer-lived trees
  - overlaps in age expectancy
- Species aesthetic and functional components:
  - autumn colour
  - leaf texture and colour
  - flowers
- Pest and disease resistance:
- Environmental factors:
  - frost susceptibility
  - leaf scorch and dieback
  - pollution
- Diversity:
  - opportunities to trial new species
  - increased species diversification across various precincts
  - opportunities to add or enhance biodiversity values

#### Location, character and heritage

- Characteristics of surrounds:
  - existing street tree species
  - resident gardens
  - precinct species

#### Complexity of area

- Major works/design implementation:
  - scheduled works and projects
  - street re-design and future road usage
  - tree pits, de-paving, water sensitive urban design, tree cells, permeable paving
- Infrastructure conflicts:
  - powerlines
  - electrical/gas
  - drains
  - footpaths and roads
  - potential for root heave
  - solar panels
  - design complications
- Bushfire zones:
  - in conjunction with powerlines
- Soil profiles

#### Climate and area attributes

- Future urban forest:
  - projected temperatures

#### Performance of species

- Tree audit results:
  - consistent poor performers
  - consistent good performing species

#### Stock availability

- Nursery advice:
  - juvenile performance
  - new cultivar trials

#### Community

- Consultation for large plantings in residential areas
- Feedback and perception around certain species



### 8.4 Biodiversity values

Biodiversity describes the enormous variety of genes, species, and ecosystems on Earth, including all the plants (trees, shrubs, forbs and mosses), animals (birds, mammals, invertebrates, frogs, and reptiles), fungi, and micro-organisms like bacteria. These form an intricate web, working together to maintain balance and support life.<sup>1</sup>

The City will actively seek out opportunities to create and enhance biodiversity values in the annual tree planting program, including through attempts create biolinks between key landforms, waterbodies, and surrounding bushland, reinforcing habitat connectivity, and creating pollinator links.

Where applicable, tree planting should be programmed considering any future mapping, modelling, or planning outcomes produced through the *Greater Bendigo Biodiversity Strategy and Action Plan 2023-2033*.

### 8.5 Supply of stock

All tree stock planted within the City must be supplied in accordance with AS 2303 *Tree Stock for Landscape Use*.

The City reserves the right to reject any supplied or planted stock that does not meet the Australian standard.

Trees should be healthy, structurally sound, free of pests and diseases, uniform in habit, have acceptable rootball occupancy, appropriate taper, and appropriate balance between the canopy and the rootball.

If tree stock has been sourced and it is suspected the tree(s) is non-compliant with the standard, the City's Urban Forest Planner should be notified to assess prior to planting.

The City may still accept stock that does not meet the Australian Standard based on the severity and the particular reason why the stock does not meet the standard.

Preferred stock sizing for tree planting at the City is 45L or 40cm container sizing.

### 8.6 Site preparation

Before tree planting works are undertaken, the following elements must be considered prior:

- Services and utility locations
- Access and movement
- Traffic management
- Future road usage and redevelopment

It is the responsibility of the tree planting contractor to identify and locate services infrastructure on site and position the trees accordingly. Refer to 8.2.1 *Distance offsets* for more information. The planting contractor is responsible for any damage incurred to services. This includes organising repair and the cost of repair.

Before You Dig Australia (BYDA) should be contacted if there is uncertainty regarding infrastructure ahead of planting to ensure safety.

<sup>1</sup>. *Greater Bendigo Biodiversity Strategy and Action Plan 2023-2033*



## 8.7 Tree planting in developments

Tree planting in developments must be done in accordance with the endorsed landscape plan unless an agreement is made between the City and the developer. It is generally expected that tree planting in new developments will include a one street tree per lot ratio minimum.

The City's *Landscape Design Guidelines for Subdivisions* document details the requirements involved in planting street trees in new developments.

### 8.7.1 Preliminary acceptance

All planted trees must be inspected and recorded by the City's Tree Establishment Officer in line with the criteria outlined in "Form A" (the Preliminary acceptance checklist section of the *Landscape Design Guidelines for Subdivisions* document).

When trees have passed the preliminary acceptance audit, the allotted 24-month maintenance period will begin.

### 8.7.2 Maintenance period

Following planting, all new trees must be maintained for a nominated period to ensure proper tree establishment. The standard maintenance period is 24-months with the potential for an additional 12-months for nominated trees requiring maintenance for a longer period.

Tree maintenance includes installation of stakes and ties, mulch topping, weed control, regular watering, formative pruning and keeping building or garden rubble away from tree surrounds.

### 8.7.3 Final acceptance (hand over)

After the 24-month maintenance period has concluded, the responsible contractor must contact the City and organise for the Tree Establishment Officer to conduct a handover assessment, known as Final Acceptance.

The trees will be inspected and recorded by the City's Tree Establishment Officer in line with the criteria outlined in "Form B" (the Final acceptance checklist section of the *Landscape Design Guidelines for Subdivisions* document).

All trees are expected to meet the criteria of the final acceptance checklist prior to a final acceptance meeting being organised.

Trees meeting the requirements of the final acceptance checklist will be accepted and handed over to the City.

Where a tree fails and can under no circumstance ever be accepted as a City-owned tree asset, the developer will be given the option to forfeit the bond money (\$500 per tree, see 4.1.3 Replacement and reinstatement costs, page 18), or replace the tree and begin the 24-month maintenance period again.

This process is to be discussed with the City's Urban Forest Planner and Landscape Development Officer.

## 8.8 Community requests for tree planting

The City will actively respond and commit to planting trees wherever possible when requested by the community. Requests for tree planting can be lodged through the City's website.

Resident tree planting on nature strips is not permitted. All planting and landscape work on nature strips must be in line with the City's *Nature Strip Policy* and *Nature Strip Guidelines*.

Community requests for street tree planting cannot be guaranteed to take place in the same planting season cycle when the request is made. Planting numbers are limited to available annual operational budget allocation and tree stock may already be secured for the season. In this instance, community requests will still be actioned with planting to occur in the following season.

## 8.9 Site clean up

All waste from tree planting activities is to be removed from the site. This includes:

- Rocks and material dug out of the ground
- Pots, trays and plastics
- Nursery labels, ties, bamboo
- Pruned material and leaf matter
- Other rubbish and litter

Surfaces surrounding the new tree should be reinstated back to as close to original condition as reasonably possible with mulch applied neatly around the tree.





## 9 Emergency management

In the event of a declared emergency, such as bushfire, floods or storms, the City may be required to allocate additional time and resources toward additional tree inspections and maintenance.

The City may also investigate the possibility of making claims to the Victorian State Government for assistance if an emergency is deemed significant enough.

### 9.1 Bushfire response

The effects of bushfire on the community and its urban forest can be catastrophic. If a bushfire event impacts upon the City's urban area, the following processes have been outlined to ensure no adverse risk is placed upon the community during times of distress:

- All areas directly affected by bushfire are to be inspected by a suitably qualified arborist as specified in the City's Urban Tree Management Policy and accompanying Guidelines
- All fire impacted trees must have a Level 2 arboricultural inspection undertaken by a suitably qualified arborist

### 9.2 Flood response

The increased impacts of flood events can leave the community and its urban forest, wildlife, property and livelihood severely damaged. In the event of a flood,

where the City's urban area has been impacted, the following processes have been outlined to ensure no adverse risk is placed upon the community during times of distress:

- All flood affected roads will have a Level 1 arboricultural inspection undertaken to identify any obvious hazardous trees or defects
- All flood affected City parks, reserves, and throughfares shall remain closed to the public until such time that the appropriate arboricultural assessments have been conducted on flood affected trees

### 9.3 Severe wind and storm events

High winds, excessive rainfall, lightning, and other storm events can ravage trees, rendering them potentially higher in risk.

Storms and winds can cause branches and stems to break and debris to scatter. Through this, access to roads and property may be blocked.

- All storm damaged trees will have a Level 2 arboricultural inspection undertaken to identify any hazardous trees or defects
- All storm impacted City parks, reserves, and throughfares shall remain closed to the public until such time that the appropriate arboricultural assessments have been conducted on storm affected trees

## 10 Glossary

<b>AQF Levels</b>	Australian Qualifications Framework Levels.
<b>Amenity value</b>	A financial figure calculated and determined by the social, economic, aesthetic, and environmental benefits provided by a tree specimen with the City.
<b>Biodiversity</b>	Biodiversity is short for biological diversity and is used to describe the variety of present life forms such as plants, animals, their genes and the ecosystems they exist within.
<b>BMO</b>	Bushfire Management Overlay.
<b>Bushland/natural reserves</b>	Areas of indigenous vegetation managed for their conservation, environmental, habitat, recreational and heritage values.
<b>(the) City</b>	City of Greater Bendigo.
<b>City tree</b>	Refers to all public trees that this policy applies to, including those that are on land owned or managed by the City within Greater Bendigo's urban boundary townships and along roadsides in zones up to 80km/hr.
<b>Cultivated variety (Cultivar)</b>	A cultivar is a plant or tree that has been propagated by people for a desired trait or feature. Cultivars may be utilised for uniformity, pest and disease resistance, aesthetic features and more.
<b>Deciduous</b>	Trees and shrubs that shed leaves annually.
<b>Diameter at Breast Height (DBH)</b>	Tree trunk diameter measured at breast height. Measured vertically at 1.4m from ground level.
<b>Dieback</b>	The gradual deterioration of a tree's health.
<b>Dripline</b>	The outermost circumference of a tree's canopy.
<b>EMT</b>	Executive Management Team.
<b>Endemic species</b>	A species indigenous and restricted to a specific region.
<b>ESO</b>	Environmental Significance Overlay, as adopted through the City planning scheme.
<b>Evergreen</b>	Trees and shrubs that retain active foliage throughout the year.
<b>Exotic species</b>	Any species of tree or shrub that isn't native to Australia.
<b>Geographic Information System (GIS)</b>	A digital system for capturing, storing, and maintaining data relating to geographical position and mapping.
<b>Green infrastructure</b>	Describes the network of natural landscape assets which underpin the social-cultural, economic and environmental functionality of urban areas and townships.
<b>Grey infrastructure</b>	Refers to man-made constructed assets such as roads, paths, drainage infrastructure, utilities, factories and carparks.
<b>Hazard</b>	A situation or thing that has the potential to harm a person – Safe Work Australia.
<b>HBRA</b>	High Bushfire Risk Area.
<b>HO</b>	Heritage Overlay.

<b>Hydrovac</b>	A piece of equipment that allows for a non-destructive method of excavation of soil through the use of high-pressure water.
<b>Indigenous species</b>	A species that is naturally occurring within a region.
<b>Integrated pest and disease management</b>	An effective, risk reduced and ecosystem focused approach to managing pests and diseases.
<b>LBRA</b>	Low Bushfire Risk Area.
<b>Risk</b>	The combination of the likelihood of an event and the severity of the potential consequences. In the context of trees, risk cannot be eliminated. Best arboriculture practices aim to minimise and manage trees to an acceptable level of risk.
<b>Road sides</b>	Road side means any land that is within the boundaries of a road (other than the shoulders of the road) which is not a roadway or a pathway. For example, any nature strip, forest, bushland, grassland or landscaped area within the road reserve would be a road side.
<b>Root barrier</b>	A physical or chemical treatment that redirects or inhibits tree roots from growing into an area requiring protection from possible damage.
<b>SLO</b>	Significant Landscape Overlay.
<b>Tree risk assessment method</b>	Tree risk assessment methods are systems used to calculate and inspect a level of risk and likelihood associated with trees. There are both quantitative and qualitative methods of evaluating risk in trees. The City prefers the following tree risk assessment methods or similar; VALID, TRAQ and QTRA.
<b>Urban area</b>	An area within a defined urban settlement, township or public open space boundary.
<b>Urban forest</b>	The sum of all trees and other vegetation within urban areas, as well as the soil and water that supports it. An urban forest is made up of all vegetation in streets, parks, gardens, campuses, creek and river verges, wetlands, transport corridors, community gardens, balconies, and rooftops.
<b>Urban heat island</b>	An urban area or metropolitan area that is significantly warmer than its surrounding rural areas due to human activities. The temperature difference is usually larger at night than during the day and is most apparent when winds are weak.
<b>Useful Life Expectancy (ULE)</b>	An estimate of time for how long a tree is likely to remain in the landscape based on species characteristics, health, stage of life, amenity value, infrastructure conflicts, risk and environmental services contributions. Differs slightly to Safe Useful Life Expectancy (SULE), where age, health, safety and location are prioritised for consideration.
<b>VPO</b>	Vegetation Protection Overlay.
<b>Water Sensitive Urban Design (WSUD)</b>	Water Sensitive Urban Design is a land planning and engineering design approach which integrates the urban water cycle, including stormwater, groundwater and wastewater management and water supply, into urban design to minimise environmental degradation and to make use of this valuable resource.
<b>Weeds</b>	An undesirable species in a specific given area. Particularly species with the potential for overpopulation and negatively contending with the native and indigenous biodiversity. Noxious weed means a; (i) state prohibited weed species; (ii) regionally prohibited weed species; (iii) regionally controlled weed species; or (iv) restricted weed species.
<b>WWRR</b>	Works within the road reserve.





## 11 References

### Acts

- *Electricity Safety Act 1998*

### Arboriculture Australia Minimum Industry Standards

- *MIS306 - Tree Inspection for Access and Work*
- *MIS506 - Tree Valuation*
- *MIS312 - Environmental Arboriculture*

### Australian Standards

- *AS 4970-2009 Protection of Trees on Development Sites*
- *AS 4373-2007 Pruning of Amenity Trees*
- *AS 4687-2007 Temporary Fencing and Hoardings*
- *AS 2303-2018 Tree Stock for Landscape Use*
- *AS 1319-1994 Safety Signs for the Occupational Environment*

### City of Greater Bendigo

- *Greater Bendigo Biodiversity Strategy and Action Plan 2023-2033*
- *Electrical Line Clearance Management Plan*
- *Nature Strip Policy*
- *Nature Strip Guidelines*
- *Protection and retention of trees on development sites*
- *Risk Management Framework*
- *Risk Management Policy*
- *Significant Tree Register*
- *Urban Tree Management Policy*

### Regulations

- *Electricity Safety (General) Regulations 2019*
- *Electricity Safety (Line Clearance) Regulations 2020*







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**17. STRONG, INCLUSIVE AND SUSTAINABLE ECONOMY**

Nil

**18. ABORIGINAL RECONCILIATION**

Nil

## 19. A CLIMATE-RESILIENT BUILT AND NATURAL ENVIRONMENT

### 19.1. Environmental Upgrade Agreements

Author:	Ian McBurney, Coordinator Greater Bendigo Climate Collaboration
Responsible Director:	Stacy Williams, Director Healthy Communities and Environments

#### Purpose

The purpose of this report is to seek a Council resolution relating to Environmental Upgrade Agreements. These agreements enable businesses in the municipality to access low interest, long term loans for environmental works such as solar panels and energy efficiency works by recording the charge against the property in Council's rating system.

#### Recommended Motion

That Council:

1. Establishes an ongoing Environmental Upgrade Agreements program;
2. Notes, by virtue of the Instrument of Delegation from Council, that the Chief Executive Officer, the Director of Healthy Communities and Environments and the Manager of the Climate and Environment Unit have the power to enter into an Environmental Upgrade Agreement on behalf of Council up to their level of financial delegation under Council's Procurement Policy.

#### Executive Summary

An Environmental Upgrade Agreement (EUA) is a financing mechanism that enables lenders to partner with councils to provide secured lending to local businesses for environmental works. The City of Greater Bendigo has the authority to offer EUAs under the *Local Government Act 1989*. There are already 48 councils in Victoria offering EUAs to their local businesses.

Under an EUA, lenders provide finance to a building owner for environmental upgrades. Repayments are made via a third-party administrator, Building Better Finance, to the lender, the Sustainable Australia Fund. Each property's outstanding debt is recorded against the property in the council's rates system. The use of a council's rates system means that loans are a charge secured by the property, thereby allowing lenders to offer more competitive loan terms.

Implementing EUAs is zero cost to Council, requires minimal administration to implement, and supports Council's objective of becoming a zero emissions city by 2030.

Five Greater Bendigo businesses have already expressed interest in accessing finance through EUAs.

## Background

With EUAs, lenders can partner with councils to provide loans for environmental upgrades such as renewable energy, battery storage, water efficiency, energy efficiency upgrades, electric vehicle charging and waste reduction.

Under an EUA, lenders provide finance to a building owner. The local Council then attaches a statutory charge to the property, allowing lenders to offer more competitive terms. Tenants can contribute to the loan repayments if the property is tenanted, recognising that they benefit from cost savings. This helps to overcome the split incentive barrier commonly experienced in building upgrades.



The Sustainable Australia Fund is currently the only lender offering EUAs. They have established Better Building Finance as a third-party administrator to work with businesses and councils to deliver the process.

There are currently 48 Victorian councils offering EUAs. Uptake is largely dependent on the resourcing councils can allocate to actively support businesses to access the program. In most councils the average uptake is around two EUAs per year.

To date there has been \$75m invested in environmental upgrades, resulting in nearly 1,386,000 tonnes of reduced emissions and \$187m saved by businesses/property owners.

How are EUAs different to other financing options?

- The repayments of the loan are made alongside rates payments and are invoiced separately by a third party, Better Building Finance, to the property owner.
- If the property is leased then (subject to the tenancy agreement) the statutory charge, or part thereof, can be passed through to the tenant as an outgoing and is recovered by the landlord. This arrangement needs to be agreed to by the tenant before the EUA is signed.
- The loan is secured by the property and remains attached to the property.
- If the property is sold, the EUA loan can either be paid out or responsibility for the repayments can be assigned to the purchaser.
- No consent or approval is required from an existing financier nor is there a requirement to take out a mortgage.

Council previously passed a resolution to support Environmental Upgrade Agreements for a 2-year trial period in 2016. No EUAs were entered into during this time, potentially due to the level of promotions and support available to businesses.

## **Report**

### Better Building Finance and the Sustainable Australia Fund

If Council decides to offer EUAs in the City, Better Building Finance would take responsibility for the overarching EUA process, including the documentation. This includes supporting businesses through the program, receiving and processing applications, creating contracts and monitoring performance. Better Building Finance, through a new online billing platform, can also take responsibility for the repayment collection process including issuing the annual notice on Council's behalf, collecting repayments via a custodial agent and forwarding the funds to the lender.

There is no cost to Council to utilise Better Building Finance as a Third-Party Administrator. They recoup an establishment fee plus an ongoing administration fee of 0.05% from the borrowers.

Better Building Finance is owned by the Sustainable Australia Fund, which was originally the Sustainable Melbourne Fund set up by City of Melbourne with a \$5m low interest loan facility. The Sustainable Australia Fund was privatised in February 2019 and is now owned by a group of impact investors and the Fund's senior management team. As a non-bank lender the Sustainable Australia Fund is regulated by ASIC rather than APRA and are financed by a \$230m Warehouse Facility provided by Bank Australia.

### Council's role

If Council decides to offer EUAs, the organisation's role would be to promote EUAs to local businesses and refer potential applicants to Better Building Finance. This role can be delivered as a part of the Beat the Power Bills Program administered by Council through the Greater Bendigo Climate Collaboration.

Council also has specific roles in the administration process, including:

- Consenting to all new EUAs within the municipality and providing confirmation that the borrower has a strong rates payment history.
- Declaring the Environmental Upgrade Charge notice under Section 181C of the *Local Government Act 1989* and placing the charge against properties in its rates system.
- Following up any outstanding payments not received within 60 days of falling due. Council is expected to follow the same process as if rates were not paid. So far, only one borrower across Victoria has defaulted over the eight years of the program due to financial pressures of the COVID-19 pandemic.
- Reconciling repayments in the rates system with support from Better Building Finance who will provide a file with the charge balance.
- Discharging charges against properties at end of the term.

There are already five Greater Bendigo businesses interested in accessing an EUA for the installation of solar panels on their business (without any active promotion or recruitment from Council). One business has a \$41k project for a 30kW solar system – this business is already fully approved with Better Building Finance and ready to sign contracts pending Council's decision to enable EUAs in the City. This business could be used as a case study in the future promotion of the program.

Note: Council is not liable for any outstanding charges, with Section 181E of the *Local Government Act 1989* specifically stating:

*'A Council is not liable for any failure by an owner or any occupier or an owner and any occupier (as the case requires) to pay an environmental upgrade charge or charges.'*

### Alignment with existing strategies and plans

Emissions from commercial and industrial energy use account for 571,000 tonnes Co2-e. This is equivalent to 40% of The City of Greater Bendigo's total municipal emissions. By comparison, residential energy use accounts for 35% of the City's emissions.

EUAs strongly support the goals of the City of Greater Bendigo *Climate Change and Environment Strategy 2021-2026*, In particular the 2030 goal to achieve zero emissions across the City and the 2036 goal to eliminate use of fossil fuels.

EUAs also support delivery of the *Greater Bendigo Zero Emissions Roadmap* action to “*Support businesses to create and implement their own zero emissions roadmaps to install solar, electrify and become energy efficient.*”

EUAs will complement the Beat the Power Bills Program offered to business by Council in collaboration with the Bendigo Sustainability Group. This program provides advice to businesses about renewable energy and energy efficiency upgrades and available government subsidies. An EUA can be used to fund any of the upgrades.

Council is committed to responding to the climate emergency. Supporting businesses to reduce emissions will be critical to reach the community target of zero emissions by 2030. Offering Environmental Upgrade Agreements to businesses will be complementary to the existing sustainable business programs offered by Council.

***Priority/Importance***

High – see commentary below under timelines.

***Options Considered***

N/A

***Timelines***

There is one local business with approved finance who is waiting for Council to formally support EUAs in order progress their financing. This business is keen to progress their project before the end of 2023 in order to benefit from the current price for renewable energy certificates which will change in early 2024.

***Communications/Engagement***

Officers have consulted with Better Building Finance and other councils currently offering EUAs. Consultation with other councils confirmed that there are no unforeseen resource implications to offering EUAs.

Internal consultation has occurred with the Finance and Rates teams to review documentation and assess resourcing implications for Council.



## **Financial Sustainability**

There is no cost to Council to engage Better Building Finance as the Third-Party Administrator.

Council will use staff resources to promote EUAs to local businesses as a part of the broader communications about the sustainable business programs available in the City. There will also be some staff time required from the Rates team (about 1-2 hours per new EUA signed and between 30-45 minutes per quarter), which can be accommodated within existing resources if, like other councils, there are a small number of applications.

## **Risk Assessment**

Some of the risks associated with this program include:

- The amount of administrative staff time required: According to other Councils there is a minimal amount of time required to administrate the program (about 1-2 hours per new EUA signed and between 30-45 minutes per quarter).
- Financial risk: Council is not liable for any outstanding charges, with section 181E of the Local Government Act 1989 specifically stating: '*A Council is not liable for any failure by an owner or any occupier or an owner and any occupier (as the case requires) to pay an environmental upgrade charge or charges.*'
- Debt collection: As per a rates notice, Council is responsible for following up on unpaid EUA payments. So far, only one borrower in Victoria has defaulted over the eight years of the program due to financial pressures of the COVID-19 pandemic.

## **Policy Context**

Under Sections 181A and 181C of the *Local Government Act 1989* councils have the power to enter into Environmental Upgrade Agreements and declare and levy environmental upgrade charges.

### ***Primary Council Plan Reference***

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025  
Outcome 5 - A climate resilient and healthy landscape

### ***Secondary Council Plan Reference(s)***

*Climate Change and Environment Strategy 2021-2036*

*Greater Bendigo Zero Emissions Roadmap*

***Other Reference(s)***

N/A

**Conflict of Interest**

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

**Attachments**

Nil

**20. A VIBRANT, CREATIVE COMMUNITY**

Nil

## **21. A SAFE, WELCOMING AND FAIR COMMUNITY**

### **21.1. Partnering for Impact 2023**

Author:	Jayne Hobbs, Personal Assistant Community Partnerships
Responsible Director:	Stacy Williams, Director Healthy Communities and Environments

#### **Purpose**

For Council to resolve on Partnering for Impact Grant 2023/24 - 2025/26 allocations.

#### **Recommended Motion**

That Council endorse the recommended Partnering for Impact Grant 2023/24 - 2025/26 allocations across eight applicants and totalling \$200,000 per annum (or \$600,000 for the grant's three-year lifespan).

#### **Executive Summary**

The revised Community Grants Policy (Policy) adopted by Council on 12 December 2022 came into effect on 1 July 2023.

Partnering for Impact (PFI) Grants are a newly established category under the revised Policy. The category's introduction responds to community feedback that offering some multi-year grants would increase potential for strategic partnering and impact and enable grant recipients to plan and move forward with greater confidence.

PFI Grants offer the opportunity to receive up to \$75,000 in funding over the grant's three-year life span, with a maximum of \$25,000 in any one financial year.

Applications opened on 31 August and closed on 28 September 2023.

13 applications were received seeking total funding of \$325,000 per annum, far exceeding the grant's annual budget of \$200,000.

Council, through its adopted Community Grants Policy, has determined that the Community Assessment Panel's (CAP's) functions are fundamental to the Policy principle of 'Transparency' and aligned with the Victorian Auditor General's Office 'Fraud Control Over Local Government Grants May 2022' report findings.

The CAP has recommended eight of the 13 applicants for funding, with the recommended funding allocations totalling \$200,000 per annum (or \$600,000 for the grant's three-year lifespan).

## **Background**

The opportunity to apply for a PFI Grant was promoted via public notices and screens, a media release, radio interviews, community workshops and the City of Greater Bendigo's (City's) various e-newsletters and social media platforms.

Interested organisations were encouraged to make contact before commencing an application. As the funding being offered is significant, the application, return on investment and reporting requirements are also significant, and the City wanted to ensure potential applicants were well informed of requirements / expectations before self-determining whether to proceed.

The opportunity generated substantial community interest with staff from the City's Community Partnerships Unit having pre-application discussions with nearly 25 potential applicants.

## **Report:**

A three-stage assessment process was applied to all PFI Grant applications received.

In the first stage, a panel of City staff reviewed all applications to:

- consider the applicant's and proposed activity's eligibility for funding under the Policy; and
- consider whether additional information from City specialist officers could support CAP deliberations.

In the second stage, CAP members independently reviewed all applications plus any City staff notes. They then personally ranked applications against the documented assessment criteria of:

- Merit (35%)
- Benefits (35%)
- Capacity (20%)
- Sustainability (10%).

Each of these documented assessment criteria included questions to guide applicant responses.

In the third stage, CAP members collectively reviewed all applications plus City specialist officer notes. They then collectively ranked applications against the documented assessment criteria. This collective ranking formed the basis for the recommended funding allocations totalling \$200,000.

The CAP's recommended PFI Grant allocations are:

	<b>Organisation</b>	<b>Activity name / summary</b>	<b>Total amount of funding requested (over the grant's three-year lifespan)</b>	<b>Total amount of funding recommended (over the grant's three-year lifespan)</b>
1	Bendigo Foodshare	<b>Growing Our Impact:</b> Increasing opportunities for community engagement and education in food production and healthy meal preparation.	\$75,000	\$75,000
2	SisterWorks	<b>Catalysing Change: Partnering for Impact in Employment of Migrant and Refugee Women:</b> Increasing opportunities for industry training and pathways into local employment for migrant and refugee women.	\$75,000	\$75,000
3	Bendigo Volunteer Resource Centre	<b>Empowering the Greater Bendigo Community Sector:</b> Increasing opportunities for volunteer and community group capability building.	\$75,000	\$75,000
4	National Chinese Museum of Australia t/a Golden Dragon Museum	<b>Temporary Exhibitions Program 2024 – 2026:</b> Increasing opportunities for temporary exhibitions and community enjoyment of arts and culture.	\$75,000	\$75,000
5	Loddon Campaspe Sports Assembly Trading as Sports Focus	<b>Supporting LGBTQIA+ Access and Inclusion in Community Sport:</b> Increasing opportunities for more diverse community participation in sport, active recreation and play.	\$75,000	\$75,000
6	Arena Theatre	<b>Arena Children's</b>	\$75,000	\$75,000

	Company	<b>Theatre Festival:</b> Increasing opportunities for community enjoyment of emerging and independent children's theatre.		
7	Goldfields Local Learning and Employment Network	<b>Passions and Pathways:</b> Increasing opportunities for community-led engagement about local training and employment pathways.	\$75,000	\$75,000
8	Indian Association of Bendigo	<b>Promoting diversity and celebrating Indian culture and traditions:</b> Increasing opportunities for community engagement with / education about our diverse community, and community enjoyment of arts and culture.	\$75,000	\$75,000
	<b>TOTAL</b>		<b>\$600,000</b>	<b>\$600,000</b>

A list of not recommended applicants was provided at the Councillor briefing.

***Options considered***

An option is for Council to not endorse the CAP's recommendations and create a budget saving. This option is not recommended as it would be inconsistent with Policy implementation and community expectations given Council's adopted 2023/24 budget includes PFI Grant capacity and applications were publicly invited.

Another option is for Council to endorse PFI Grant allocations that vary from the CAP's recommendations. This option is not recommended as the CAP's role contributes to the Policy's principle of 'transparency', being one of six principles, the Policy is underpinned by.

**Communications/Engagement**

The opportunity to apply for a PFI Grant was promoted via public notices and screens, a media release, radio interviews, community workshops and the City of Greater Bendigo's (City's) various e-newsletters and social media platforms.

Interested organisations were encouraged to make contact before commencing an application. As the funding being offered is significant, the application, return on investment and reporting requirements are also significant, and the City wanted to ensure potential applicants were well informed of requirements / expectations before self-determining whether to proceed.

All applicants have been provided with written acknowledgment of their application being received.

All applicants will be advised of the outcome of their application. Unsuccessful applicants will be encouraged to explore the Medium Grants. These grants are offered three times per year with a maximum funding amount of \$10,000. The next Medium Grant round will open in March 2024.

City staff will work collaboratively with successful applicants to finalise linked workplans, payment milestone schedules and monitoring, evaluation and learning (MEL) plans.

### **Financial Sustainability**

The CAP's recommended funding allocations total \$200,000 per annum (or \$600,000 for the grant's three-year lifespan). This is in alignment with Council's adopted 2023/24 budget.

### **Risk Assessment**

PFI Grant processes have been administered in accordance with Policy provisions.

City staff, CAP members and Councillors are required to declare general or material conflicts of interest relating to any applicant or application.

Requiring successful applicants to have linked workplans and payment milestone schedules is a risk management strategy for ensuring funded activities have been sufficiently progressed before further funding is released.

It is anticipated unsuccessful applicants will be disappointed. City staff will offer any unsuccessful applicants constructive feedback to promote future application capability building.

There is the potential for negative assertions regarding Council's resolution. One of the reasons for incorporating a CAP is to offer residents' perspectives on how rate payer funded resources may be best used. The opportunity to be a CAP member was publicly advertised and representation of our community's diversity was a consideration for CAP membership.



## **Policy Context**

Community Grants Policy

This report responds to Policy clause 6.4.5: *In instances where a community grant's value can be \$20,000 or above, the CAP's funding recommendations must be presented to Council for consideration and Council must approve any grant allocations.*

## **Primary Council Plan Reference**

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

## **Secondary Council Plan Reference(s)**

Outcome 1 – Lead and govern for all

## **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**

**25. CHIEF EXECUTIVE OFFICER'S REPORT**

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

**RECOMMENDED MOTION**

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

(g) private commercial information, being information provided by a business, commercial or financial undertaking that -(i) relates to trade secrets; or(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.