

COUNCIL MEETING MINUTES



6:00 pm on Monday February 26, 2024

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Broadcast live on Phoenix FM 106.7 ***

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NEXT MEETING:

Monday March 25, 2024

COMMUNITY VISION 2021–2031

Greater Bendigo celebrates our diverse community.

We are welcoming, sustainable and prosperous.

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

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

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

COUNCIL PLAN (MIR WIMBUL) – OUTCOMES

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

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

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

STAFF VALUES AND BEHAVIOURS

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

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

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



This Council Meeting is conducted in accordance with the

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

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1. ACKNOWLEDGEMENT OF COUNTRY

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

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

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

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

2. TRADITIONAL LANGUAGE STATEMENT

Bangek Knoorarook Bunjil Dja Dja Wurrung
William Talle tallingingorak wirrmbool bunjil

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

3. OPENING STATEMENT

4. MOMENT OF SILENT REFLECTION

5. ATTENDANCE AND APOLOGIES

Attendance

- Mayor Cr Andrea Metcalf
 - Deputy Mayor Cr Matthew Evans
 - Cr Dr Jennifer Alden
 - Cr David Fagg
 - Cr Margaret O'Rourke
 - Cr Greg Penna
 - Cr Julie Sloan
 - Cr Vaughan Williams
-
- Andrew Cooney, Chief Executive Officer
 - Stacy Williams, Director Healthy Communities and Environments
 - Jess Howard, Director Corporate Performance
 - Rachel Lee, Director Strategy and Growth
 - Jessica Clarke-Hong, Manager Governance

Apologies

- Nil

6. LEAVE OF ABSENCE

Council resolved (**Resolution No. 2024-1**) to grant Cr Rod Fyffe OAM leave of absence for the February 2024, March 2024 and April 2024 Council Meetings.

7. SUSPENSION OF STANDING ORDERS

MOTION

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

Moved: Cr Evans

Seconded: Cr Alden

Resolution No. 2024-17

CARRIED

8. COMMUNITY RECOGNITION

To tonight's community section

- Last Friday night I had the honour of announcing the Sports Star of the Year Award. The award dates back to 1965 and is a much-loved Bendigo tradition that celebrates sport's night of nights. Cricketer Todd Murphy was this year's recipient, in recognition of his debut for Australia last year in India, where he took an incredible seven-wicket haul in the first test and 14 wickets all up – including dismissing Virat Kohli three times. He then went on to take a further seven wickets in England, helping Australia to retain The Ashes. Originally coming from Moama, Todd has had a long connection with Sandhurst Cricket Club and his achievements over the past 12 months certainly made him a deserving winner.
- Staying with sport and Bendigo Spirit's Kelly Wilson recently played her 450th WNBL game, which is an outstanding achievement. Not only that, the 40-year-old produced her best game of the season, proving her amazing ability to excel under pressure, leading her team to victory over the Canberra Capitals.
- At the same game, fellow super star Kelsey Griffin played her 150th game for the Spirit and hit 3,500 WNBL career points.
- Earlier this month Bendigo was thrilled to be named the Wotif Aussie Town of the Year for 2024. This was a fantastic achievement and wonderful reflection on the hard work of our tourism, hospitality and accommodation industries to warmly welcome visitors. The award recognises Aussie destinations for the year ahead and is based on a Wotif data index that looks at accommodation affordability, quality and traveller satisfaction.
- And in closing, I would like to give a plug for volunteering this Easter. If you have a few hours to spare over the Easter weekend, we would very much welcome your help to stage this fantastic community event. Google Bendigo Easter Festival to find out more.

Thank you, that ends tonight's community section.

9. PUBLIC QUESTION TIME

9.1. Public Question Time Guidelines

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

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

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

Regardless, any member of the community may ask a question in person. The preferred format is to state your name, suburb and briefly identify your topic (ie parking or Lake Weeroona Playspace, etc). Then, without preamble or statements, please ask one relevant question only.

To ensure fairness, given time constraints, only one question per community member will be accepted each month, inclusive of pre-registered questions, and questions on the night.

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

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

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

9.2. Pre-Registered Questions

Question 1:

From: Rebecca of Shelbourne

Topic: Animal welfare and insecurity risks

Question:

Is there a policy procedure document for the management of stray livestock? If so, is there an opportunity for input to assist in biosecurity improvements (if needed) for business owners within the shire?

Answer:

Yes, the City of Greater Bendigo has an internal Trespassing Livestock Procedure that Animal Services staff follow which already addresses biosecurity concerns. Any complaints with how we deal with trespassing livestock should be raised through our Customer Request system. Noting our Procedure would not be followed by other municipalities staff, police or other motorists/residents.

Stock on road represents a significant danger to motorists - so this is a good reminder for our community: any loose or wandering stock should be reported to us immediately by calling: 1300 002 642 and owners of stock should take care to ensure that fencing is properly maintained.

9.3. Gallery Questions

Question 1:

From: Adrienne of East Bendigo

Topic: Bendigo East Swimming Pool

Question:

I have heard and read the information about Bendigo East closing for the Winter on April 12th, due to costs. My question is- Have Council looked at other local councils in Melbourne, such as Casey and Cardinia, which apparently run their local pools run at a loss? Apparently they manage to operate that way, as the council gains money from other sectors of the community.

Answer:

- It is acknowledged that aquatic facilities are important assets for our community. There are many ways to manage aquatic facilities however pool only sites generally run at a loss but are subsidised as a Council service to the community across Victoria.
Larger aquatic and leisure facilities such as the examples provided often incorporate wet and dry facilities that diversify service offerings & generate multiple income streams where dry facilities may offset a portion of wet facilities.
- The Report does outline the importance of aquatics for wellbeing and education however it does also outline that the average Australian public pool was built in 1968 and billions are required to replace these public pools. The Community Aquatic Facilities Strategy acknowledges that Greater Bendigo aquatic facilities have served the community well for many decades but are now in need of modernisation to comply with current community standards and cater for current and future residents. The strategy contains a range of key recommendations and site-specific actions and guides the planning and decision making for the City's swimming pools and splash parks.

Question 2:

From: Kayleen O'Brien of Long Gully

Topic: 2024 Electoral ward structure change

Question:

How will council be advising Bendigo residents about changes to the upcoming October council elections going from 3 wards to 9 wards with one councillor per ward?ie. letter box drop, newspaper articles, radio etc.

Answer:

As proposed by the Victoria Electoral Commission and in the process of adoption by the state government, we will be moving from a 3 ward 3 councillor per ward structure to a 9 single councillor ward structure.

This will be communicated to the community through Candidate Information Sessions, MAV run information sessions, Women in Leadership program sessions.

The state government has taken the lead of advertising and implementing the changes through the gazettal process, including media releases.

there have been notifications in local press and on City website and social media.

Question 3:

From: Angela Mundy of Bendigo

Topic: Bendigo East Swimming Pool

Question:

Can you comment on the proposed Bendigo East Swimming Pool closure / being closed over winter with no guarantee that Brennan park will be completed within 4 years, do you feel that this is a service that is being taken away from the community?

Answer:

This will be addressed through the response to the petition.

10. RESUMPTION OF STANDING ORDERS

MOTION

That Standing Orders be resumed.

Moved: Cr Penna

Seconded: Cr Alden

Resolution No. 2024-18

CARRIED

11. WARD REPORTS

11.1. Eppalock Ward - Cr Penna

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

- Feb Usual Briefings, Site, and many Resident meetings by all Eppalock Councillors.
 - Matt attended Arts and Creative Industries Meeting
 - Matt attended Pheonix FM recorded Interview
- 2 Feb Meeting with Geoff Fallon regarding Pathways Use, changes and Shortfall. Hopefully Geoff derived constructive input.
 - Marg attended BRMG Meeting
- 3 Feb Coffee with a Councillor at Junortoun Post Office, shop, Attended by all three Eppalock Councillors, Extremely Busy and successful post with between 30 or 40 attendees with primary focus on recent Floodings.
- 9 Feb Attending Strategy and Growth Workshop.
 - Matt joined in for a Fosterville Gold Mine Tour
 - Matt Attended Djaa Djuwima Exhibition Opening
 - Matt attended the Civic Welcome for North Melbourne Football Club
 - Matt attended Bendigo Tourism Board Meeting
 - Councillors attended Special meeting to elect Youth Mayor, Deputy Mayor and working group chairs.
 - Matt attended lunch with participants of the 2024 Lead Lodden Mallee Program
 - Civic welcome for Latrobe University Students on Campus
- 10 Feb Matt and Marg attended Lunar New Year Celebrations at Chinese Precinct
- 14 Feb I attended Fosterville Gold ERC Meeting.
- 16 Feb Meeting with Mayor and CEO regarding Fireworks Delivery shortfalls. Hopefully soon an answer.
 - Matt spoke at opening of Pop Goes the Easel art exhibition at Dudley House
- 16 Feb Three ward Councillors met with Radio Pheonix FM personal, regarding Building issues and possible Budget Bid for support.
- 23 Feb All Three ward councilors Attended Bendigo Sports Star Award Gals Dinner at All seasons. Extremely heartening to see, and know the diversity, successes and caliber of the Sports athletes in Bendigo. Apparently the Sports awards are one to the longest running sports award events held period. We must congratulate the event organizers, past and present for the dedication and skills, to arrange and organize the awards.

11.2. Lockwood Ward - Cr Williams

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

- Once again, I was so happy to celebrate this great country and all her people, on Australia Day. It was a great day at Lake Weeroona with the Rotary Club of Bendigo Sandhurst event. We also celebrated the Citizen of the year Heather Wearne and Young Citizen of the Year Montanna Maud. Hether was able to attend in person and gave a great speech. Thanks for all the hard work Heather.
- I was also happy to attend the Launch of the Bendigo Easter Festival Program at Piazza at Rosalind Park. This year's easter event is shaping up to be a grand event. The Bendigo Easter Festival will be held Friday March 29 - Monday April 1. With many activities and attractions, offers something for everyone no matter what age. Be in the hunt for 80,000 Easter Eggs on Good Friday, enjoy the great Carnival Central, and maybe find a treasure at the Rotary Market, live music or keep the little one busy in a park filled with hands-on activities and performances. I am so looking forward to Fireworks, Crackers and the great dragon parade at our Easter Festival this year!
- Councillor Jenifer Alden and myself also attended our February Listen Post at the Quarry Hill Café. Lots of questions and idea's put forward. It is always a pleasure to talk to the people that matter.
- Now on a more serious topic.

Addressing the Escalating Homelessness Crisis: Which I have reported on in past council meetings.

This is a Proposal for an Emergency and Transitional Housing Solution.

The escalating issue of homelessness in Bendigo, as well as across Victoria and Australia, necessitates an urgent and comprehensive solution. While government initiatives often focus on affordable, social housing, and low-cost rentals, there is a critical oversight in addressing the immediate needs of those living without shelter. This report advocates for the establishment of Emergency and Transitional Housing as a pivotal component to combat homelessness, acknowledging its roots in factors such as family violence, housing shortages, health issues, unemployment, substance abuse, and family breakdowns.

Proposed Solution:

To effectively address this pressing concern, I propose the establishment of Tiny House Communities, a solution that has unfortunately not garnered significant attention within local councils, State and Federal governments. This innovative approach, backed by Federal, State, and Local Councils, aims to create a cost-effective and scalable model that can house hundreds of individuals in need. The key elements of this proposed solution include:

1. Site Allocation:

- The State or local Council would provide the necessary land for the Tiny House Community.

2. Community Design:

- The site would be strategically landscaped with a central community area, resembling a traditional housing development but scaled down for Tiny Homes and Caravan lots.
- Infrastructure such as water, sewage, and power would be distributed to each lot, and a central car park would be designated outside the community to encourage walking and biking.

3. Connectivity:

- A central WIFI-style internet access point would be established for all homes within the community.

4. Rent Inclusions:

- Low-cost rent paid by residents, sourced from their income or government benefits, would cover essential amenities like power, water, and internet.
- The rental fees would also contribute to the maintenance and upkeep of the site, ensuring sustainability and preventing it from becoming a financial burden.

5. Operational Model:

- Local councils would assume the role of landlords, or outsourced to an appropriate home provider, receiving rent and potential government grants/subsidies to oversee day-to-day maintenance.
- A live-in onsite caretaker would be appointed for enhanced management.

6. Proximity to Services:

- The community site would be strategically located within walking distance to local shops, food shares, and groceries.

7. Temporary Residency:

- The proposed housing model is intended for a maximum period of 12 to 24 months, offering individuals a temporary solution while they transition back into stable housing and employment.

8. Diverse Accommodations:

- The community would feature 1-to-3-bedroom Tiny Houses as well as spaces for individuals with caravans, accommodating diverse needs and family sizes.

9. Cost-Effectiveness:

- The proposed solution emphasizes a cost-effective implementation with maximum impact, providing significant assistance to those in urgent need of Emergency and Transitional housing.

In conclusion, the Tiny House Community Solution represents a viable and pragmatic approach to addressing the immediate needs of the homeless population. This proposal, if implemented, has the potential to alleviate the homelessness crisis, offering a pathway for individuals to regain stability, dignity and reintegrate back into society.

I believe that council needs to take a front seat role in being a strong advocate to Federal & State government to get real solutions in place.

11.3. Whipstick Ward - Cr Sloan

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

Tonight I present the February Whipstick Ward Report behalf of Ward Cr's Mayor Metcalf, Cr Fagg. We are pleased to discuss and action matters important to our community.

- We recently met with residents at Long Gully coffee with a councillor Listening Post. Matters discussed included drainage, water management, native vegetation, vacant land, and on-leash default for GB dogs that came into effect from 1 Jan. this year. All matters raised receive a response back related to the issue in question; we also support residents wishing to submit their requests to the City either online, by phone or email.
- We visited Goornong Recreation Reserve to meet and talk with local residents at Goornong community flood recovery drop-in session. Residents were able to re-connect with a range of supportive organisations & service providers including CoGB Engineering and flood recovery team, mental health first aid responders, catchment management authority officers, and BlazeAid, a volunteer-based organisation providing fencing support in rural Australia after natural disasters such as floods. CoGB has supported BlazeAid to establish a volunteer base camp in Goornong Recreation Reserve so it can support primary producers & rural landowners to restore or replace damaged fencing. The BlazeAid camp is taking registrations for properties needing fencing. Volunteers and those with camp experience and/or fencing experience can register online at <https://blazeaid.com.au/goornong> or email goornong@blazeaid.com.au A shout out to local Elmore Lions Club members for catering, the club is a great supporter of the local community.
- Mayor Cr Metcalf and I attended the Bendigo Chamber Music Festival, now firmly established in Australia's musical calendar. I know that other ward Crs attended the festival, including a master class for local musicians. The Bendigo Symphony Orchestra's outstanding community concert featured two Bendigo-born soloists, Andrew Young french horn, now with MSO, and Noah Laurence, cello, presently at Australian National Academy of Music. Thank you to everyone responsible for delivering the 2024 program; GB looks forward to the 2025 program showcasing musicians, orchestras & classical music.
- A shout out to Whipstick Ward residents for helping the City coordinate weekly collection of organic bins in conjunction with fortnightly collection of general waste & recycling bins. From Feb 5 your waste collection efforts, even though a change from our typical routine, are incredibly worthwhile as you support about 7,000 tonnes of organic material and 4,500 tonnes of recyclables each year from going to landfill! Thank you to every resident for your commitment to reusing, repairing, refurbishing, and recycling things to keep our planet healthier.

- Cr Metcalf, Fagg and myself have also attended a range of events and committee meetings including election of 2024 Youth Mayor & Deputy Youth Mayors with congratulations to YM & DYM, a Greater Bendigo Environment Partnership planning session, Audit and Risk Committee Meeting, Huntly Family Fun Day, Gender Equity review meeting, and the Launch of newly decorated Bendigo sign has been decorated with the art of local women as part of the Women of Gold project celebrating IWD 2024. Women of Gold is an immersive exhibition showcasing works of local female artists to give visibility to the untold stories of women, including free art displays & short film showings to recognise IWD 2024. Still on an arts theme, the 2024 RAW Arts Award Entries is now open for people aged 25 and under who live, study or work primarily in Greater Bendigo. The awards foster young local creatives and offer four categories: Visual Arts, Literature, Performing Arts and Short Film, with prizes of \$1,000 and \$250 and YoBendigo/Ambedo award of \$500. I encourage young people interested to apply online before entry-close on 6 May 2024. For application queries please email raw@bendigo.vic.gov.au

12. DECLARATIONS OF CONFLICT OF INTEREST

Cr Mayor Metcalf declared **no general/material conflict of interest** in item number 20.1 (Item/Mir wimbul). However in the interest of good governance will abstain from debate and voting as it is appropriate that a person does not approve their own travel when using public funds.

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

RECOMMENDED MOTION

That the Minutes of the Council Meeting held on January 29, 2024 as circulated, be taken as read and confirmed.

Previous minute location:

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

MOTION

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Penna

Resolution No. 2024-19

CARRIED

14. PETITIONS AND JOINT LETTERS

14.1. Petition Response - Introduction of permanent 40km/hr speed zone on Howard Street and Goynes Road

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

Purpose

To respond to a recent petition calling for the introduction of a permanent (24 hour) 40 km/hr speed limit on sections of Howard Street and Goynes Road, Epsom.

Recommended Motion

That Council:

1. Advise the lead petitioner that:
 - a. Their request for introduction of a permanent 40 km/hr speed zone along Howard Street, between Midland Highway and Lorikeet Avenue and Goynes Road, from Howard Street to Rosemundy Road is not supported.
 - b. That the City will pursue a speed zone change application, seeking to expand the extent of the current time-based school speed zone, to include a further area approximately 200m west along Howard Street and a new area of Goynes Road, approximately 170m south of the Howard Street intersection.
 - c. That implementation of the proposed speed zone change shall be subject to external funding being secured for additional electronic speed zone signage.
2. Instruct officers to proceed with preparation and lodgement of a speed zone change request with DTP to obtain approval to expand the extent of the Howard Street school speed zone.
3. Instruct officers to investigate funding opportunities for installation of additional electronic speed signage in support of an expanded 40 km/hr school speed zone on Howard Street and Goynes Road, subject to the projects comparative priority against other outstanding road safety initiatives.

MOTION

That the recommended motion be adopted.

Moved: Cr Sloan

Seconded: Cr Fagg

Resolution No. 2024-20

CARRIED

Background

A petition signed by seventy residents was received on 7 November 2023, calling for introduction of a permanent (24 hour) 40km/hr zone, along Howard Street from the Midland Highway to Lorikeet Avenue and Goynes Road, from Howard Street to Rosemundy Road (see Attachment 1).

Howard Street is a local road under the management of the City of Greater Bendigo (the City) and extends 6km between Averys Road to Taylor Street, Epsom. It is a busy transport corridor servicing a variety of adjoining land uses (e.g. commercial, residential and public land/facilities) as well as key activity centres near the Epsom train station, Epsom Village and Epsom Primary School. It carries a high volume of both local and through traffic and is commonly used as part of Bendigo's heavy vehicle freight network.

The most recent traffic count indicates that the above section of Howard Street services approximately 10,000 vehicles Per Day (VPD), with 5% (or 500) of these being Commercial Vehicles (CV's) i.e. trucks. This traffic count also identified an 85th percentile speed of 66 km/hr for this section of Howard Street.

Goynes Road is also a local road controlled by the City and extends 1.5km between Buckland Street and Howard Street. Adjoining land use is predominantly residential development. The most recent traffic count within the identified section of Goynes Road indicated that it services nearly 2500 vehicles per day with 9% (or 225) CV's. An 85th percentile speed of 59 km/hr was recorded.

The current speed zone applicable for both the identified sections of Howard Street and Goynes Road is 60 km/hr. A subsection of the Howard Street segment also has an existing time based 40 km/hr School Speed Zone (SSZ) in place. A summary of these zones, their extent and the hours of operation of the associated SSZ is provided in Attachment 2.

Clarification was sought regarding the petitioner's rationale for requesting the introduction of a permanent 40 km/hr zone in this area. Through this discussion it

was identified that the primary reason for this request is perceived concerns with respect to the safety of students, parents and other members of the public either crossing or being in proximity to these sections of road, given observed traffic volumes, high number of CV's and vehicle speeds.

Further, the request to extend the duration of the 40 km/hr speed limit is in recognition of ancillary school-based activities which occur outside of traditional SSZ hours, namely operation of before/after school care services and holiday programs. Concerns were also raised regarding the potential for students to leave the school grounds unsupervised during the school day (e.g. retrieving sports equipment or wandering off grounds). No clear justification for the requested 40 km/hr zone overnight was articulated.

Previous Council decision dates: The petition was tabled at Councils ordinary meeting on 20 November 2023 at which time it was resolved that a response be prepared within three meetings to allow for consultation with the Department of Transport (DTP).

Report

In considering the petitioners request, officers reviewed historical customer requests, analysed available speed, traffic and crash statistics, conducted a site inspection, referred to Speed Zoning Technical Guidelines (the Guidelines) and completed preliminary consultation with DTP.

The City's Road Safety Action Plan 2023 (RSAP) identifies the following actions which closely align with the subject of the petition and the officers subsequent recommendation:

- Action 31 - Review speed limits across the local road network to identify opportunities to improve consistency, particularly on rural roads.
- Action 44 - Seek funding for electronic 40 km/h signs at schools for high-priority sites. Review consistency in application of school based 40 zones to ensure credibility for road users (permanent vs time-based).

Several options were subsequently identified in response to the petition, with officers ultimately recommending that the hours of operation of the current 40 km/hr SSZ remain unchanged (i.e. 8:00am to 9:30am and 2:30pm to 4:00pm), however that the spatial extent to which this zone applies be extended west along Howard Street by approximately 200m and a new contiguous zone be established for the first 170m of Goynes Road, south of the Howard Street intersection.

In reaching this position officers have specifically referenced section 3.4 of the Guidelines which identifies that operating times of SSZ's are well understood by the Victorian community, generally have a high level of compliance and that it is important that these times are not modified.

This approach is also consistent with the principle that speed limits should be set in a consistent manner and that combinations of similar environments and factors should have the same speed limit. It is noted that several schools across the municipality maintain similar road conditions to that observed in proximity to Epsom Primary School and that there is a consistent application of default SSZ operating times in these instances.

The recommendation to expand the area of the SSZ in this instance does however take into consideration the site-specific observations of the extent to which vehicle and pedestrian movement occurs along both Howard Street and Goynes road during peak school drop off and pickup times, as well as the presence of a remote school crossing (i.e. separated from the school frontage) on Goynes Road, approximately 30m south of the Howard Street intersection.

Further to the assessment of the SSZ, officers also evaluated what speed limit would be most appropriate for these roads more broadly i.e. outside of SSZ operating times. The following factors were considered when identifying an appropriate speed limit against the Guideline:

- recognition as higher movement local streets
- adjacent land uses
- compliance with posted speed limit and recorded 85th percentile traffic speed
- number and density of property accesses
- level of reasonably anticipated pedestrian and cycling activity
- presence and use of adjacent intersections
- general road environment, sight distances and geometry
- speed limit consistency with surrounding roads

The results of this assessment identified that the current 60 km/hr speed zoning for both Goynes Road and Howard Street is consistent with the Guideline. Deviation from this assessment may be considered where there is an overarching road safety concern or exceptional circumstances which may warrant use of a reduced speed zone; however no such exceptional circumstances were identified in this instance.

No crashes have been recorded over the past 5 years within the identified sections of Howard Street or Goynes Road, with the nearest incidents occurring about 200m west of Lorikeet Ave or at the Howard Street and Midland Hwy intersection (both these locations sit outside the scope of the petitioner's request).

When reviewing appropriateness of speed limits, the likelihood of driver compliance is also taken into consideration. In this instance it is noted that the recorded 85th percentile speed for the identified section of Howard Street is 66 km/hr, which exceeds the posted speed limit. Further enforcement and driver awareness interventions may therefore be required to address this behaviour, through either Victoria Police or deployment of the City's speed advisory signage trailer.

Other relevant matters noted by officers which have/will impact traffic movement and road safety within this precinct included:

- Recent bridge widening and pedestrian facility construction over Bendigo Creek: In 2022 the City completed widening of the road bridge over Bendigo Creek in order to improve safety and access for pedestrians and cyclists accessing Epsom Primary School and the Bendigo Creek trail. A new separated shared path exists on the south side of the bridge.
- Pending pavement renewal and upgrade works on Howard Street between Bendigo Creek and Bowles Road: The City's Engineering unit are currently finalising designs for a sealed pavement renewal project encompassing the area of Howard Street forming the subject to the petitioner's request.

This project will involve the reconstruction and widening of the existing sealed pavement, construction of new kerb and channel, provision of additional formalised parking bays, new on-road cycling lanes and a roundabout at the Goynes Road intersection. These improvements, which are anticipated to be delivered over the coming 2 to 4 years, are likely to result in further road safety and traffic calming impacts within this precinct.

Preliminary consultation with DTP identified that consideration would be given to implementation of any of the identified options below, however preference should be given to those which are considered to comply with the Guideline (i.e. Option 1).

Options Considered

Four options were identified in response to the petitioner's request. These options have also been spatially represented within Attachment 2.

Option 1 – Expand the existing time based 40km/hr school zone:

This option involves extending the existing 40km/hr school zone by 200m to the west along Howard Street (i.e. to Lorikeet Ave), as well as establishing a new leg of this SSZ extending approximately 170m south along Goynes Road (south from the Howard Street intersection). This option was ultimately recommended by officers as

the preferred option, as it was considered to comply with the Guidelines and adequately responds to transport efficiency and road safety considerations.

Implementation of this option would require the acquisition and installation of either additional static and/or solar powered Electronic Speed Limit (ESL) signs, like those already deployed for the current SSZ on Howard Street. The estimated cost to implement this option is in the order of \$20,000 for additional signage, with external grant funding to be sought to cover this cost.

Option 2 – Extend and modify the existing time based 40km/h zone:

This Option would not only expand the spatial extent of the existing 40 km/hr SSZ as described within option 1 above but would seek to modify the time which this zone would be active. It would be proposed that the 40 km/hr SSZ be active in this area during the period 7am through to 7pm, Monday to Friday to cover the purported additional pedestrian activity and increased risks associated with before and after school care services as well as potential unsupervised student movements throughout the day. Outside these hours (i.e. 7pm to 7am) the speed zone would revert to 60 km/hr.

To facilitate this arrangement, new mains powered ESL signage would be required as the existing solar powered signs for the current SSZ do not have sufficient power to operate 24 hours per day. It is anticipated that 6 new ESL signs would be required at an estimated cost of \$150,000 including supply and installation. Given the expected cost of this option, implementation would again be subject to external funding being obtained through such grants as the Blackspot or Safe Travel in Local Street programs.

This option is not being recommended as it deviates from the SSZ principles identified within the Guidelines, would maintain a comparatively lower priority when assessed against other road safety improvements being pursued across the local road network and has a high associated capital cost. This option would however respond to the majority of concerns raised by the petitioners.

Option 3 – Permanent (24 hour) 40km/h zone:

This option involves implementation of a permanent 40km/h zone within the area nominated by the petitioners, that would be in operation for 24 hours per day. This option would have a lower cost than both options 1 and 2 above, as static signage may be used. The City would install static signage for this section of Howard Street and Goynes Road and potentially remove the school electronic signage. It is anticipated this option could be accommodated using existing operational budgets.

This option was not considered to be consistent with the Guideline as both traffic and pedestrian volumes at night are significantly reduced and the application of a 40 km/hr zone during this time is not warranted. Further, it is anticipated that the introduction of a permanent overnight 40km/h speed restriction for this section of Howard Street may result in a low level of community compliance.

Option 4 – Retain existing conditions:

This option would retain both the existing 60km/h speed zone for the above sections of Howard Street and Goynes Road as well as the spatial extent and operating hours of the SSZ. There is no operational or capital cost involved with this option.

Subject to Council support, the next steps would be to lodge the preferred speed zone change application with DTP. If approved officers would then either consider this project (i.e. signage installation) as part of a future funding bid to an external road safety grant program (e.g. Blackspot or Safe Travel in Local Streets) or undertake required modifications using available operational budgets.

Priority/Importance

Subject to DTP approval, implementation of any speed zone change and/or associated signage installation is considered to maintain a comparatively lower priority when assessed against other road safety improvements currently being pursued by the City.

Timelines

An application to expand the extent and/or operating timeframes of the SSZ along Howard Street could be prepared by officers and submitted to DTP within 3 months, using existing operational resources. This would include preparing a written application and seeking support and input from Victoria Police.

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

In the event that implementation is subject to obtaining external grant funding, installation of signage required to facilitate the speed zone change may take several years based upon this projects comparative priority when assessed against other road safety improvements.

Communications/Engagement

Following receipt of the petition, officers sought further clarification as to the rationale for the requested permanent 40 km/hr zone from the lead petitioner, conducted

internal discussions and engaged with DTP to seek preliminary feedback on the various options available.

Financial Sustainability

It is anticipated that internal resources would be available to prepare any proposed speed zone change application using existing operational budget.

Further capital costs associated with installation of additional signage to support the various options identified above are as follows:

Option	Estimated Capital Cost
Option 1	\$20,000
Option 2	\$150,000
Option 3	\$3,000
Option 4	\$Nil

For options 1 and 2 it is envisaged that the above capital costs will need to be funded from an external grant (e.g. Blackspot Program).

Risk Assessment

Road safety issues have been taken into consideration when assessing potential speed zones against the Guideline.

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 1 - Strengthened community health and wellbeing

Goal 7 - Sustainable population growth is planned for

Other Reference(s)

Road Safety Action Plan 2023

DTP Speed Zoning Technical Guidelines – Edition 2 (December 2021)

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 Epsom Primary School Council Petition [**14.1.1** - 2 pages]
2. Attachment 2 - Howard Street and Goynes Road speed zones (2) [**14.1.2** - 1 page]

14.2. Petition Response - Petition to Save Bendigo East Pool

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

Purpose

To respond to a recent petition requesting to retain Bendigo East Swimming Pool as a year-round, heated aquatic facility.

Recommended Motion

That Council advise the lead petitioner that:

1. Bendigo East Swimming Pool remaining as a year-round, heated aquatic facility is not financially sustainable in the short term and not strategically endorsed in the long term.
2. The Community Aquatic Facilities Strategy outlines the future provision of aquatic services in Greater Bendigo.
3. Council adopted the Community Aquatic Facilities Strategy with an amendment for Bendigo East Swimming Pool to remain open as a non-heated seasonal pool subject to various conditions.

MOTION

That Council resolve defer the matter to until the next Council Meeting on March 25, 2024 to allow for further consultation between the ward Councillors, City staff, relevant stakeholders and community groups.

Moved: Cr Evans

Seconded: Cr O'Rourke

Resolution No. 2024-21

CARRIED

Executive Summary

At the Council Meeting on 28 August 2023, Council adopted the Community Aquatic Facilities Strategy, with the following amendment:

1. Subject to a suitably skilled Community Committee of Management being established, that the Bendigo East Swimming Pool is retained, becoming a non-heated seasonal pool, following the upgrade of Brennan Park Pool;

2. Responsibility for all operations, risk management, asset maintenance, renewal and new investment of the Bendigo East Pool will be the responsibility of the Community Committee of Management;
3. Provision of \$50,000 in annual funding from Council will be provided to the Community Committee of Management; and
4. If a suitably skilled Community Committee of Management is not able to be established, and adhere to the terms of the resolution, that the Bendigo East Swimming Pool is permanently closed.

The Community Aquatic Facilities Strategy (the Strategy) contains a range of key recommendations and site-specific actions that guides the planning and decision making for the City's swimming pools and splash parks.

The Strategy has significant importance in the strategic direction of aquatic services for Greater Bendigo that meet the principles of:

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

In addition, the adopted Strategy recognised and considered the community panel's principles of:

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

The Strategy acknowledges that Greater Bendigo aquatic facilities have served the community well for many decades but are now in need of modernisation to comply with current industry and community standards and cater for current and future residents with the Strategy outlining this direction.

Council has received a petition to retain Bendigo East Swimming Pool as a year-round, heated aquatic facility which is not recommended in the Community Aquatic Facilities Strategy and is not financially sustainable in the short term.

Background

Council received a petition with 1093 signatories to review the detail specific to Bendigo East Swimming Pool, as detailed in the Community Aquatic Facilities Strategy.

Of the petition responses 61% were from Greater Bendigo or Regional – Central Victoria which is defined as any Municipality that shares the boundary with the City.

The petition details are as follows:

‘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.’

The Community Aquatic Facilities Strategy contains a range of key recommendations and site-specific actions and guides the planning and decision making for the City’s swimming pools and splash parks.

In response to feedback regarding Bendigo East and Brennan Park Pool recommendations within the Strategy, a service review including a community panel was independently facilitated and resulted in principles for decision making from the panel being considered alongside the Community Aquatic Facilities Strategy principles by Council.

Report

Public swimming pools are highly valued by the community and play an important role in contributing to the health and wellbeing of residents. However, pools are high-cost assets and Council has made significant decisions which relate to the running, use, asset maintenance and renewal and funding of our public pools into the future. The adopted strategy aims to give direction to meet the challenges in providing public pools relating to compliance, meeting expectations, needs and funding.

Community Aquatic Facilities Strategy

The 2023 Community Aquatic Facilities Strategy is to guide planning and decision making on the provision, value, costs, opportunities, risks, management and future of the City’s public pools over the next 10 years.

The strategy provides information and sets out the priorities for Greater Bendigo’s aquatic facilities and will help to secure funding to deliver the identified priority projects for a ten-year period.

The Strategy focusses on diversification of the service offering and limiting duplication which for Greater Bendigo is within the urban catchment.

Bendigo East Swimming Pool current operations

Since the receipt of the petition at the December 2023 Council Meeting, Bendigo East Pool Committee of Management and the City have agreed to transition Bendigo East Pool to operating seasonally and open only during the summer months.

The annual budget allocation is committed to and will remain unchanged at approximately \$167,000. The Committee and the City have assessed cost saving and income generating options however the options assessed did not provide enough impact on the overall operating costs to retain a year round heated service.

Attendance data at Bendigo East Swimming Pool highlights that approximately 70% of attendance occurs in the summer season (November – March) with alternative options for winter season swimming being provided at Faith Leech Aquatic Centre (9 month operations) and Gurri Wanyarra Wellbeing Centre and Peter Krenz Leisure Centre (12 month operations).

Programming of aquatic facilities

The construction of aquatic facilities date back to post-war decades with standards and compliance requirements increasing significantly over time in the aquatic industry. The ability to walk the distance of a 50m pool is unique and whilst beneficial for walking does limit the ability to complete other activities such as diving in line with current standards.

The ability to program all aquatic activities including walking is critical to ensuring diverse use in aquatic facilities.

The 400,000+p.a. attendances confirms Gurri Wanyarra Wellbeing Centre's contemporary design and innovative fit out delivers on the breadth of our community's diverse needs.

Providing separate learn to swim, warm water and 50m (2 x 25m configuration) pools, delivers a mix of lengths, depths and water temperature to accommodate most activities.

When configured in the 2 x 25m format, the shallow end of the 25m pool provides a standing depth of 1.35m – 1.5m which accommodates the requirements of walking activities. Combined with ramp and step entries, heated accessible, family and changing places change rooms, Gurri Wanyarra can fulfil year round exercise and programming requirements for all abilities and diversity of needs.

Further options are available at Peter Krenz Leisure Centre with a warm water pool with steps and hoist entry, accessible change rooms and variety of programming.

Priority/Importance

Bendigo East Swimming Pool is scheduled to transition to a seasonal heated pool on 12 April 2024.

Options Considered

Option 1 - Current service plan: (Recommended)

- Bendigo East transitions to a seasonal heated pool from season 2023/24
- Council seeks funding for Brennan Park Pool to upgrade to a heated outdoor pool in line with the Community Aquatic Facilities Strategy
- Subject to a suitably skilled Committee and following the upgrade to Brennan Park, Bendigo East Pool remains open as an outdoor non-heated seasonal pool

Option 2 – Alter service plan:

- Bendigo East Pool remains open as a year-round heated outdoor pool until Brennan Park is upgraded requiring more than twice the current budget allocation
- The actions from the Community Aquatic Facilities Strategy are implemented

Option 3 – Alter strategic direction:

- Review the adopted Community Aquatic Facilities Strategy

Timelines

Bendigo East Swimming Pool is transitioning to a seasonal heated pool with the 2023/24 season finishing on the 12 April 2024 prior to season 2024/25 commencing for the summer months – specific dates are to be confirmed with the Bendigo East Swimming Pool Committee of Management.

Communications/Engagement

During the development of the Community Aquatic Facilities Strategy there was extensive consultation undertaken including a short-term action of a specific service review of Brennan Park and Bendigo East Swimming Pools.

Bendigo East Swimming Pool Committee of Management have been meeting with the City over the last six months to consider all options to maintain the pool's current year round operations. It has been agreed that most cost-effective way forward is to transition the pool to operate seasonally and open during the warmer months only. The transition of seasonal operations was announced on 13 February 2024 with the 2023/24 season to finish on 12 April 2024 before reopening for the 2024/25 season.

Financial Sustainability

Operational

The City provides approximately \$167,000 to the Bendigo East Swimming Pool Committee of Management annually to operate. The Committee also receives income through lane hire, venue hire, memberships, kiosk sales and general admission.

The annual budget allocation along with other income generated by the Committee is not enough to maintain a year-round heated pool with the rising costs of operations especially utilities.

It is noted that a one off payment was provided for season 2023/24 over and above the annual budget allocation to assist the Committee with operational costs.

Improvements and upgrades

The Community Aquatic Facilities Strategy outlines the changes required to ensure asset upgrades are financially sustainable, comply with current community and compliance standards and cater for current and future residents with diverse aquatic usage.

Risk Assessment

The current operations at Bendigo East Swimming Pool as a year-round outdoor seasonal pool have been identified as not financially sustainable therefore without a change in service or increased funding allocation the operations will not be sustainable.

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

Other Reference(s)

[Community Aquatic Facilities Strategy](#)

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 Redacted [14.2.1 - 40 pages]

14.3. Acknowledgment of Petition for Upgrade to Signage on Mitchell Street, Axedale.

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 (ie Statutory Planning).

Summary

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

We the undersigned residents and ratepayers of Greater Bendigo City Council formally request Council to assist the residents of Axedale obtain flashing warning lights from Vic Roads on Mitchell Street/ Goornong Road at the McIvor Highway/ Mitchell Street intersection, so motorists can clearly see the Give Way signs on each road.

There has been a significant increase of severe accidents occurring at this intersection as motorists fail to Give Way. And without an upgrade to the signage, we as residents fear the accidents will become fatal to either motorists or pedestrians on the side of the road.

Signatures - Approx 312.

Recommended Motion

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

MOTION

That the recommended motion be adopted.

Moved: Cr Evans

Seconded: Cr Williams

Resolution No. 2024-22

CARRIED

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. LEAD AND GOVERN FOR ALL

15.1. Q2 - Council Plan Report

Author:	Kathryn Loy, Corporate Planning and Reporting Officer
Responsible Director:	Jessica Howard, Director Corporate Performance

Purpose

To report to Council progress on the implementation of the Annual Plan initiatives for the 2nd quarter of 2023-2024.

Recommended Motion

That Council note the progress of implementing Annual Plan initiatives for 2023-2024.

MOTION

That the recommended motion be adopted.

Moved: Cr Fagg

Seconded: Cr Alden

Resolution No. 2024-23

CARRIED

Executive Summary

The City of Greater Bendigo Community Plan *Mir Wimbul* contains Council's vision, values and direction for 2021-2025, which underpin the way the City manages and conducts its operations. The Annual Action Plan 2023-2024 supports this and details initiatives for the financial year. This document provides the action updates from the 2nd quarter of 2023-2024.

Background

The Council Plan is a critical document that guides the work of staff at the City of Greater Bendigo. The goals within this plan will help to deliver on the community vision to create a bright and happy future for us all as we prepare to support a population of 200,000 people by 2050. The Council Plan was adopted by Council on October 18, 2021.

Report

The Council Plan is based on seven outcomes, which are the main focus areas 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

Communications/Engagement

The community vision and values were developed by a dedicated community panel of 61 residents who were specifically chosen to complete this important work.

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. Council Plan 2021-2025 - Q2 Quarterly Report 2023-2024 [**15.1.1** - 29 pages]

15.2. Quarterly Finance and Capital Management Report Q2 - December 2023

Author:	Leah Mullins, Coordinator Management Accounting & Analysis
Responsible Director:	Jessica Howard, Director Corporate Performance

Purpose

The purpose of this report is to update Council on the financial position and capital program of the City of Greater Bendigo 2023/2024 financial year, as at December 31, 2023, in accordance with the requirements of the *Local Government Act 2020* (Vic).

Recommended Motion

That Council

1. Receives the report comparing budget and actual revenues and expenses to December 31, 2023, in accordance with the requirements of the *Local Government Act 2020* (Vic).
2. Approves the transfer of \$400,000 from the Developer Related Drainage Reserve for land acquisition and related works, in line with the City's Financial Reserves Management Policy.

MOTION

That the recommended motion be adopted.

Moved: Cr Evans

Seconded: Cr O'Rourke

Resolution No. 2024-24

CARRIED

Executive Summary

The Quarter 2 (Q2) Financial and Capital Management Report provides an update on financial performance for the 2023/2024 financial year.

The report provides a summary of general debtors; rate debtors / management; cash and investments; borrowings; grants; reserves; and key capital and project information.

Background

Council adopted the 2023/2024 Budget in May 2023. In accordance with Section 97 of the *Local Government Act 2020 (Vic)* (the Act), as soon as practicable after the end of each quarter of the financial year, a quarterly budget report is presented to the Council at a Council meeting which is open to the public.

Report

The City's operating result as at December 31, 2023 is unfavourable to budget (year to date) by \$0.5M (1%). For the full financial year the forecast is for an operating deficit of \$4.7M, predominantly due to additional contributions paid, and other cost increases detailed in this report. The 2023/2024 budget was based on a reducing rate of inflation. Given persistently high inflation over this year and last, the resulting additional costs for materials and services are starting to flow through to the City's bottom line.

Financial forecasting continues to be undertaken across the organisation, noting that the majority of these forecasts occurred in advance of the recent rain events in December 2023 and early January 2024.

The City's key year to date results include:

Additional income compared to budget across the following sources:

- **\$5.1M additional operational grants** - a number of grants have been carried forward from last financial year, many of which offset additional expenditure included in forecast lines. The City received \$1.3M in DRFA reimbursement funding relating to the 2022 Floods (not budgeted in FY24). The City also received additional financial assistance grants due to higher than budgeted indices applied by the Federal government (\$1.5M variance to budget).
- **\$1.3M additional other income compared to budget** due to higher interest rates on term deposits, resulting in additional income.

Expense variances included:

- **\$9.1M higher than budget spend in contributions and donations:** relates to an unbudgeted contribution to Bendigo Stadium Limited – discussed further below.
- **\$0.5M underspend in employee costs:** attributable to vacancies across the organisation.
- **\$0.8M underspend in administration expenses:** predominately due to timing of tourism campaign schedules.
- **\$0.8M overspend in materials and consumables:** unfavourable variance for minor equipment expenses. Portions of this variance are timing related for

upfront payments, but we are expecting a 7% increase on the cost of materials and services due to inflation this financial year.

The City's profit and loss statement for the 6 months ended December 31, 2023 is provided below:

	YEAR TO DATE				FULL YEAR			
	YTD Actual \$'000	YTD Budget \$'000	Variance \$'000 %		Full Year Forecast \$'000	Annual Budget \$'000	Variance \$'000 %	
Income								
Rates and Charges	146,351	146,913	(562)	(0%)	147,260	147,243	17	0%
Statutory Fees and Fines	3,100	2,960	140	5%	6,081	5,794	287	5%
User Fees	11,343	10,931	412	4%	23,427	24,178	(752)	(3%)
Grants Operating	9,027	4,250	4,777	112%	33,308	28,252	5,056	18%
Contributions Monetary	1,051	1,128	(78)	(7%)	2,340	2,458	(118)	(5%)
Other Income	3,379	2,075	1,304	63%	6,019	3,919	2,100	54%
Total income	174,250	168,256	5,994	4%	218,435	211,844	6,591	3%
Expenses								
Employee Costs	40,080	40,536	456	1%	78,529	79,609	1,080	1%
Materials & Services								
Administration Expense	1,733	2,573	840	33%	6,016	5,756	(260)	(5%)
Contractors and Services	15,517	15,335	(182)	(1%)	32,293	31,627	(666)	(2%)
Contributions and Donations	11,008	1,880	(9,128)	(486%)	13,052	3,033	(10,019)	(330%)
Employee Costs (outside payroll)	712	1,055	344	33%	2,042	1,976	(66)	(3%)
Insurance	2,229	2,266	37	2%	2,426	2,266	(160)	(7%)
IT Costs	2,045	2,149	104	5%	4,251	4,268	17	0%
Materials & Consumables	4,400	3,648	(751)	(21%)	8,984	8,426	(558)	(7%)
Plant & Fleet	1,983	2,447	464	19%	4,405	4,590	185	4%
Professional Services	2,262	2,562	300	12%	6,382	5,825	(557)	(10%)
Property, Trades & Maintenance	3,841	3,994	153	4%	8,607	8,466	(140)	(2%)
Utilities, Rates & Charges	4,175	5,014	839	17%	10,148	10,291	143	1%
Borrowing Costs	416	399	(17)	(4%)	781	798	17	2%
Other Expenses	38	54	16	29%	154	154	(0)	(0%)
Total expenses	90,439	83,915	(6,524)	(8%)	178,385	167,086	(11,300)	(7%)
Surplus/(deficit):	83,811	84,341	(530)	(1%)	40,049	44,758	(4,709)	(11%)

Note this financial year to date profit and loss statement focuses on operations, and excludes capital grants, depreciation, non-monetary contributions and certain (non-material) statutory reporting lines.

Cash holdings and investments

Cash holdings remain above minimum required levels. There has been lower uptake of early payments of rates to receive the discount incentive compared to the previous year, and a relatively small number of rate deferrals are in place for financial hardship.

The City's investment portfolio remains diverse in line with its Investment Policy. As at December 31, funds were invested across six different institutions. Competition has increased in recent months, with increased central bank rates. Interest rates for term deposits are now closer to 5%. Currently 56.33% of investments are with institutions without fossil fuel interests. The City's Climate Change and Environment

Strategy lists a target of 60% for Council funds to be invested with financial institutions that do not lend to fossil fuel industries (or similar) by 2026.

December 2023 / January 2024 rain events

The State and Federal Governments have declared the impacts of the three recent downpours as an 'event' commencing December 24, 2023, running through to early January. Initial reports are that the damage to public infrastructure, overwhelmingly roads, is higher than that experienced in the October 2022 floods due to the rain impacting a wider area. For the City's road network initial (rough) cost estimates are in the order of \$5M, with the rectification work expected to occur over the coming 12-18 months.

Rate Cap and City financial sustainability

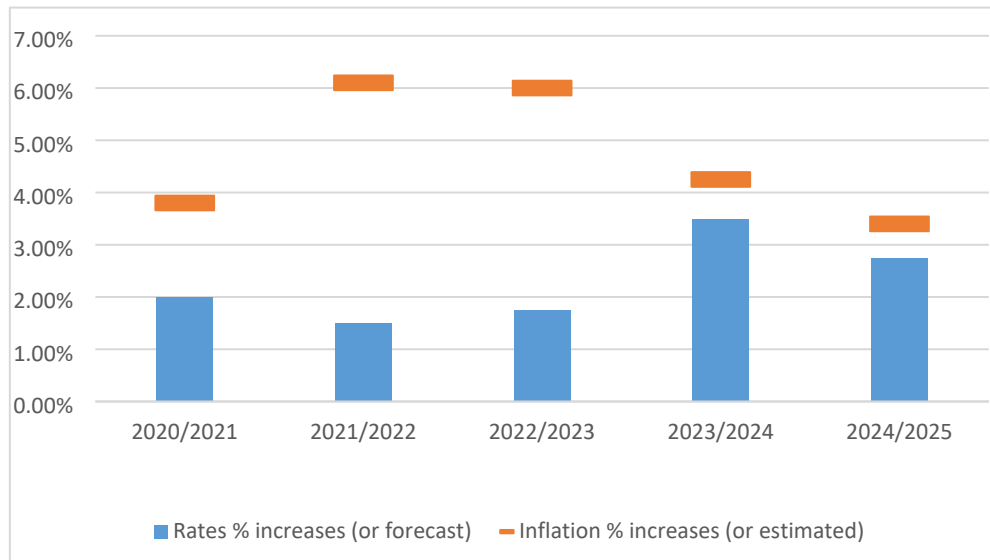
A rate cap of 2.75% has been announced for the 2024/2025 financial year, in line with State forecasts for inflation. Given City costs associated with running of Council services and infrastructure continues to run higher than CPI figures, the funding gap will continue to increase.

The Reserve Bank of Australia (RBA) predicted the forecasted CPI for 2024/2025 to be 3.4%. This was the figure used by the Essential Services Commission (ESC) when providing advice to the Local Government Minister in relation to the setting of the rate cap. The RBA forecast CPI is higher than the State Department of Treasury and Finance inflation estimate which sits at 2.75% for 2024/2025.

There are three issues to note in the medium and long term:

- Neither the ESC's advice nor the Minister's responses considered the incorrect CPI estimates that informed the rate cap in 2021/2022 or 2022/2023. There was no allowance for remediation or catch-up to account for inflationary gaps already experienced by the sector and the impact of this on the delivery of services to the community. Not addressing this funding gap, particularly in relation to construction cost inflation over the last few years, has a *compounding* impact into the future. For the City, the approximate \$5M funding gap experienced over the last two years is now built into the rates baseline for future years (the gap continues, even when inflation reduces again).
- Some of the impacts are immediate – for example, many capital program costs are higher than budgets in the current year. However, the real impacts are over the next 3-4 years as the gap between the demand to renew existing assets and the funds available to maintain this renewal grows. The two rain events of October 2022 and December/January 2024 within 13 months of each other will further exacerbate these gaps.

- Further advocacy on reviewing the mechanism for the rate cap – which could improve the system of a rate cap for rural, regional and interface (growth) municipalities – should continue to be pursued.



Sources: ESC rate cap announcements (and advice to the Minister) www.esc.gov.au; Reserve Bank of Australia (RBA); Victorian Department of Treasury & Finance (DTF) Macroeconomic updates

Reserves

In line with the City's Financial Reserves Management Policy certain transfers from Reserves require Council endorsement where not captured in the Budget.

The adopted budget for the Drainage Reserve for 2023/2024 was \$150,000 for provisional development drainage works. Forecast expenditure from the reserve has since increased to \$550,000. The additional forecast expenditure of \$400,000 is requested to be approved by Council, in line with the Financial Reserves Management Policy.

Capital Program

The City adopted an annual capital budget of \$67.8M, carried forward \$22.2M (including previously deferred projects) and deferred a further \$20.9M, resulting in an annual capital delivery target of \$69.1M. Capital expenditure at the end of the second quarter reached \$28.8M, of which \$15.8M was realised in the last 3 months. The level of capital expenditure throughout Q2 exceeds that of the previous 5 years and exceeds the YTD target by \$1.7M.

Although capital expenditure exceeds the established target to date, numerous projects have forecast cost increases as a result of inflated construction and material prices. Whilst it is still expected that the annual capital expenditure will align with the

total approved budget, this may be achieved through some project scope reductions, project cancellations or additional commitments of funds where required.

Early estimates indicate that approximately 11% of projects are significantly impacted by the inflationary environment and as a result are forecasting overspends to budget.

The profit and loss statement included in the above report does not include an income line of Grants – Capital, which sits at \$14.2M YTD, with a full year forecast of \$20.2M. This revenue will be included as part of statutory reporting requirements in the financial statements for 2023/2024. As capital expenditure is not included in this profit and loss statement, we have excluded the associated capital income to avoid showing a misleading surplus position.

Bendigo Stadium (BSL) and City support package

In October 2023, the City supported Bendigo Stadium Limited (BSL) with a \$9.3M payment as part of a financial sustainability package. A report to Council was considered as a confidential item at the July 2023 Council Meeting.

This payment went directly toward paying down BSL's loan with Bendigo and Adelaide Bank, valued at \$11.9M. The loan was to service BSL's contribution to the 2018 upgrade and expansion of Bendigo Stadium (a City asset) and supported additional cashflow during the COVID-19 pandemic.

The City is guarantor for the remaining \$2.6M loan, while further initiatives are implemented by BSL to ensure the business remains financially sustainable.

A brief history of decisions is included here:

In 2016/2017:

- The upgrade and expansion of Bendigo Stadium is approved. BSL contributes \$14.55M, the Victorian Government contributes \$5M and the City of Greater Bendigo contributes \$5M
- Council agreed to a request from BSL to act as guarantor for a loan of \$11M

In 2020/2021:

- Council supported various BSL requests to amend financing arrangements with the Bendigo and Adelaide Bank to support operations during the COVID-19 pandemic, culminating in moving to interest-only payments for a period

In 2022/2023:

- Council and BSL undertook an independent review and investigated options to support BSL's financial viability into the future

- In mid-2023, Council resolved to put in place a support package to repay the majority of the current loan

At the time BSL entered into the loan, it was manageable. However, a combination of the impacts of the COVID-19 pandemic and series of interest rate rises severely impacted BSL's financial reserves.

Approximately 12,000 people use the venue each week for community sport and it is also home to elite-level basketball. It was Council's preference to step in and work to ensure BSL remained open to the community.

The City has always taken a conservative approach to spending and borrowing, so has had the financial capacity to support BSL's request without impacting on service delivery. The remaining loan debt of \$2.6M remains with BSL, with the City remaining a guarantor.

Priority/Importance

In accordance with Section 97 of the Act: "As soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public."

Timelines

A report on finances must be presented to Council quarterly as required by the Act.

Communications/Engagement

Officers reviewed the financial results and provided commentary and forecasting to inform the Q2 Quarterly Report. The Executive Management Team considered this report earlier in February.

Financial Sustainability

The Q2 Quarterly Report and related briefings are a key tool in assessing and managing the City's ongoing financial sustainability.

Risk Assessment

Financial sustainability remains a key City strategic risk, currently assessed as Medium.

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)

Other key documents:

- City of Greater Bendigo Financial Plan 2021-2031
- City of Greater Bendigo Budget 2023/2024

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. Potential Surplus Land

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

Purpose

Seek Council approval to commence with community engagement of the following eight (8) freehold properties which have been identified as potentially surplus and no longer required to support City services:

Ref	Address	Legal Description	Zone	Area* (m ²) (*Subject To Survey)
1	53 Eaglehawk Road, Ironbark	CA 13C SEC:A At Bendigo P.Sandhurst C/T V.10115 F.142	Commercial 2	3,522m ²
2	10 Sibley Place, Strathdale	RES 1 on PS 208288G C/T V.9807 F.109	General Residential	873m ²
3	101 Alder Street, Kangaroo Flat	Lot 5 PS 203883T C/T V.9698 F.879	General Residential	3,131m ²
4	3-4 Lindsay Court, Strathfieldsaye	RES 1 on Plan of Subdivision 604606V C/T V.11024 F.668 (for Public Open Space Reserve)	General Residential	4,303m ²
5	5 St Johns Close, Kangaroo Flat	RES 1 on Plan of Subdivision LP119299 C/T V.9307 F.479 (for Recreation)	Public Park and Recreation	1,789m ²
6	17 Edwin Street, North Bendigo	Lot 73 on LP61300 C/T Vol 8738 Fol 283	General Residential	547m ²
7	11 Carolyn Way, Maiden Gully	Proposed lot being part of Lot 1 TP109612 Note: The new road McNamara Drive which is currently incorporated into the property, together with additional footpaths and drainage reserve which are yet to be excised.	Commercial 1	Approximately 2,750m ² (subject to final survey)
8	27 Hamelin St, White Hills	Proposed lot being part of Lot 2 LP131230 Note: Allotment still requires subdivision. New road between Hamelin St and Bosquet St and the portion of the property potentially surplus are yet to be excised.	General Residential	Approximately 5,400m ² (subject to final survey)

Recommended Motion

That Council authorises the CEO to:

- Undertake further due diligence regarding the subject properties including, but not limited to, future land requirements, infrastructure needs, adequacy of existing public open space and any reservations or encumbrances.
- In accordance with s114 of the Local Government Act 2020 (*the Act*), commence public engagement regarding future use of the subject properties.
- Prepare a report for Council consideration, by no later than Monday 29 May 2024, regarding the recommended future use of the subject properties.

MOTION

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Fagg

Resolution No. 2024-25

CARRIED

Executive Summary

Whilst community members may have varying degrees of attachment to existing open space within their neighbourhood, the subject properties described in the table above have been identified as potentially surplus land.

Surplus land is land that is no longer required to fulfill a current or future City service provision.

The public engagement period will allow community members to provide reasons why this land may still be required, as well as communicating any other views relating to the subject properties. After community consultation, a further Council resolution will be required to decide if the subject properties are considered surplus. Funds from the sale of former or current public open spaces will be deposited in the Public Open Space Reserve. Funds from this Reserve are nominally allocated towards future land acquisitions and land improvements associated with public open spaces.

Report

The City of Greater Bendigo's Property Services Unit manages a portfolio of 1,500 assets valued in excess of \$600 million. As part of the City's strategic asset

management and long-term financial plan, the City's asset portfolio is continually reviewed.

The subject properties are considered no longer necessary for ongoing recreational use and therefore deemed potentially surplus.

The process will include a public engagement period prior to Council considering these sites surplus. As the sale or relinquishment of Council owned or managed land is a significant decision, the City diligently ensures that any land isn't relinquished unnecessarily.

Community engagement, as required by the Act, will inform the next steps before any determination is made by Council.

Priority/Importance

The City manages assets valued in excess of \$2 billion, so it is critical that Council's land holdings and asset portfolio is continually reviewed to ensure appropriate allocation of finite resources and equitable distribution of public open space.

Options Considered

1. Proceed with community engagement of eight (8) freehold properties identified as potentially surplus.
2. Do not proceed with community engagement of the freehold properties identified as potentially surplus.

Timelines

March 2024 – Commence 28 day public notice period

April 2024 – Review and consider all community feedback

May 2024 – Council Briefing - Officer recommendation to Council for consideration

June 2024 – Council Meeting - Officer recommendation for Council resolution

Communications/Engagement

External

No recent community engagement has been undertaken ahead of this Council resolution. A Communications Plan has been developed with the City's Communications Unit to guide the engagement activities over a 28 day period. These include:

- A project page on the Let's Talk online platform with site-specific surveys, frequently asked questions, and further information about each property.
- Letters sent to nearby residents and landowners.

- Physical signs erected on each property.
- Public notice published in the Bendigo Advertiser.
- Options for community members to contact the City's Property Services Unit to provide feedback.

Internal

All appropriate internal business units have been consulted in relation to provision requirements for open space.

Financial Sustainability

1. Funds from the sale of former/current public open spaces will:
 - a. be deposited in the Public Open Space Reserve.
 - b. support future projects to deliver City services in areas that have been identified with an undersupply and have a clear link between the allocation of funds and source of the contribution.
2. Identified properties may incur Windfall Gains Tax because of rezoning which will be determined at the time of sale.
3. Annual costs for ongoing grass slashing maintenance are estimated to be \$12,404 with an annualised cost over 10 years allowing for CPI of \$142,202.
4. Estimated cost for legal disbursements including survey plans, registration fees, of \$10,000 per property, which will be offset by the sale transaction and net funds transferred to the appropriate reserve.

Risk Assessment

There are minimal risks other than financial costs incurred which will be offset upon sale. The potential disposal of Council land may generate community interest.

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 7 - Sustainable population growth is planned for

Other Reference(s)

- City of Greater Bendigo Asset Plan 2022-2032
- Local Government Act 2020
- Valuations of Land Act 1962
- Subdivision Act 1988.
- Community Engagement Policy (March 2020)
- Public Open Space Contributions Policy (August 2020)
- Greater Bendigo Public Space Plan 2019
- Financial Plan 2021-2031

Conflict of Interest

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

Attachments

1. Surplus Land (1) [**15.3.1** - 24 pages]

16. HEALTHY, LIVEABLE SPACES AND PLACES

16.1. Lot 2 Drummonds Lane DERRINAL - Use and Development of the Land for a Dwelling and Facilities Associated with Horse Husbandry and Dog Breeding

Author:	Beth Lavery, Senior Statutory Planner
Responsible Director:	Rachel Lee, Director Strategy and Growth

Summary/Purpose

Application No:	DU/553/2022
Applicant:	Stonehenge Constructions Aus Pty Ltd
Land:	Lot 2 Drummonds Lane, DERRINAL 3523
Zoning:	Rural Conservation Zone
Overlays:	Environmental Significance Overlay 3
No. of objections:	7
Consultation meeting:	Amended plans were sent to all surrounding landowners and occupiers who received notice of the original application. No further consultation was undertaken.
Key considerations:	<ul style="list-style-type: none"> • Whether the deletion of the dog breeding component represents an appropriate planning outcome for the site; • Whether the provision of additional information specifically referred to in the Notice of Refusal satisfies the previously identified concerns regarding the proposal; and • Whether Council should revise their original position on the application based on the above.
Conclusion:	<p>The provision of additional information addresses the policy gaps and key concerns identified within the Grounds of Refusal, and the removal of the dog breeding element of the proposal eliminates an area of previous concern and contention.</p> <p>On this basis it is recommended that the previous decision to refuse the application be overturned and the application be supported in its revised format.</p>

Recommended Motion

Having had the matter remitted to Council, that Council advises the Victorian Civil and Administrative Tribunal and permit applicant that its grounds of refusal have been addressed and that a conditional Planning Permit be issued.

MOTION

That the recommended motion be adopted.

Moved: Cr Evans

Seconded: Cr Sloan

Resolution No. 2024-26

CARRIED

Background Information

This application was refused by Council at its Meeting of 27 February 2023, on the following grounds:

1. In the absence of a Waste Management Plan, Operations Management Plan and Land Management Plan, Council is not satisfied that the proposal is in accordance with clauses:
 - a. 13.04-2S (Erosion and landslip) – specifically how stocking rates from the horse husbandry use would pose a risk to aggravating soil erosion.
 - b. 14.01-2S (Sustainable agricultural land use) specifically with respect to wastewater from the horse husbandry and dog breeding operations and how it would be managed including how much water may be required and where it would be sourced.
 - c. 35.06-6 (Rural Conservation Zone decision guidelines)
2. The risk of grassland fires because of land slope and the threat from fast moving grassfires has not been appropriately considered in accordance with 13.02-1S (Bushfire planning) and 71.02-3 (Integrated decision making) which elevates the protection of human life over all other policy considerations.

The applicant subsequently appealed this refusal to VCAT (matter P481/2023), where a hearing was listed for 27, 28, 29 and 30 November 2023.

In the intervening period, the applicant resolved to remove the dog breeding component from the application and sought consent orders to vacate the hearing dates and have the matter remitted back to Council for reconsideration in light of the proposed changes to the application. In its Order dated 16 October 2023, VCAT formally invited the responsible authority to reconsider its decision pursuant to Section 51(A)(2) of the *Victorian Civil and Administrative Tribunal Act 1998*.

An administrative mention has been scheduled for February 2024, by which time each party is to advise the Tribunal in writing whether the matter is resolved, and/or whether a practice day hearing or mention is required.

It is also noted that the subject land and proposal were the subject of a previous, separate planning application and VCAT appeal which ultimately directed that no permit be issued on grounds of non-compliance with a Covenant on the land, which has since been resolved. Please refer to the Minutes of the February 2023 meeting for a more detailed history on this previous application.

Report

Subject Site and Surrounds

The subject site and surrounds remain generally unchanged from when Council previously considered this application. In brief, the site is irregularly shaped, generally cleared and has a total area of 42.10 hectares. The parcel is located on the southern side of Drummonds Lane, with notable site features including two waterways in the southern portion of the allotment, with significant gully erosion present surrounding these two waterways. The site is vacant and is surrounded by a mix of larger farming parcels (to the north, south and west, and rural residential sized allotments to the east). The land is located approximately 7.5km north west of the township of Heathcote, and 20km south east of Bendigo.

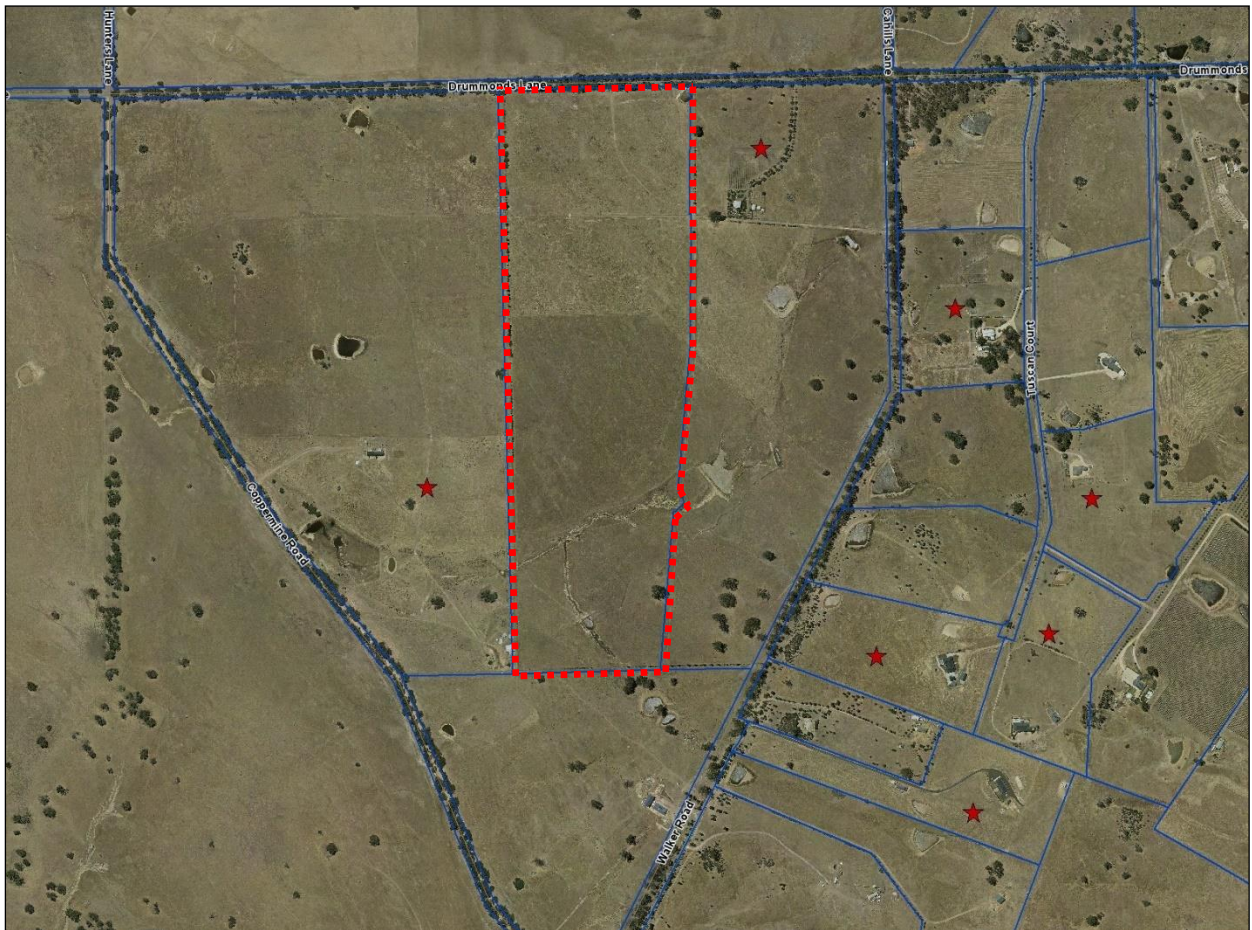


Figure 1: Location map showing subject site. Objectors' properties marked with a star.

Proposal

The applicant has submitted revised plans that show the deletion of the previously proposed dog breeding building. These updated plans are shown below at Figures 2 -7.

The original proposal has been revised to now incorporate a proposed dwelling and horse husbandry building only.

Along with these revised plans, the applicant has also submitted the following supporting documentation:

- Revised Land Capability Assessment
- Operations Management Plan
- Land Management Plan
- Waste Management Plan
- Traffic Summary of Opinion
- Bushfire Risk Assessment

The proposed dwelling and horse husbandry components remain unchanged from the initial application and are summarised below.

Dwelling

It is proposed to construct a single storey dwelling on the land, to be located 293 metres from Drummonds Lane and 30 metres from the eastern boundary, essentially positioned within the northeastern corner of the allotment. The dwelling will comprise:

- Five bedrooms
- Three bathrooms
- Home office/study
- Open kitchen/living/dining/lounge area including second kitchen and pantry
- Laundry
- Additional powder room
- Triple garage
- Externally accessible showers (x 2)
- Alfresco
- Swimming pool and decking
- Additional parking areas for visitors (4 spaces)

The dwelling is to be constructed of a combination of face brickwork (red), acrylic render (to Dulux Luck colour), precast concrete panel (Dulux Limed White), timber

cladding (Dulux Tea) and a Colorbond roof (Monument). The living area, including the roof, will also incorporate clear glazing.

Horse Husbandry (Stables)

This element of the proposal includes the use of the land for horse training and stables, and the construction of a horse stable building.

One large stable building is proposed which will include:

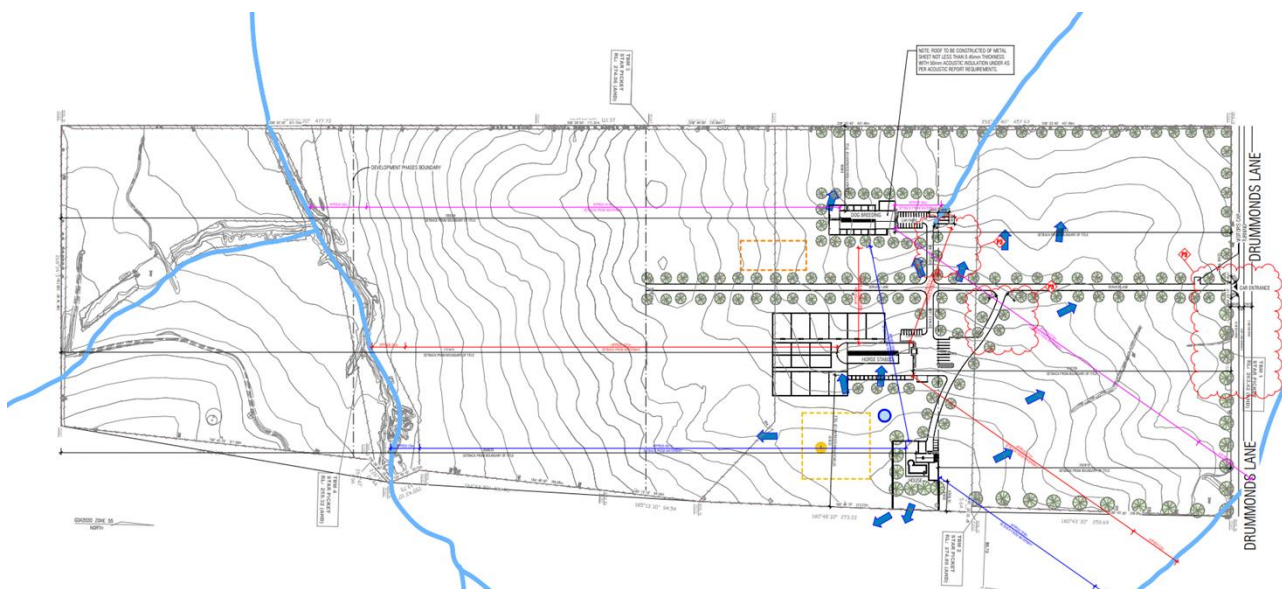
- A large arena
- 24 horse stalls
- Washing facilities
- Grooming areas
- Grain and hay storage
- Track room
- Toilet facilities
- Laundry
- Kitchen
- Lounge area, including decking adjoining the arena area
- Office/reception area

The palette of materials for the proposed building is similar to that of the proposed dwelling and will be constructed of red recycled brick face brickwork, acrylic render, precast concrete panel with a combination of Colorbond and glazed roofing. Visitor car parking is also proposed nearby to the building, with 18 spaces proposed.

The building will be sited 318 metres from Drummond Lane, 131 metres from the eastern boundary and approximately 50 metres to the west of the proposed dwelling.

This facility will be used for the purpose of keeping, training, and caring for horses, as well as storing associated equipment. It is not proposed to be used in a commercial capacity, such as for events.

Horse grazing areas would be developed in accordance with the Land Management Plan which has been submitted to support the revised application.



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Figure 4: Floor plan of proposed dwelling



Figure 5: Elevation plans of proposed dwelling.

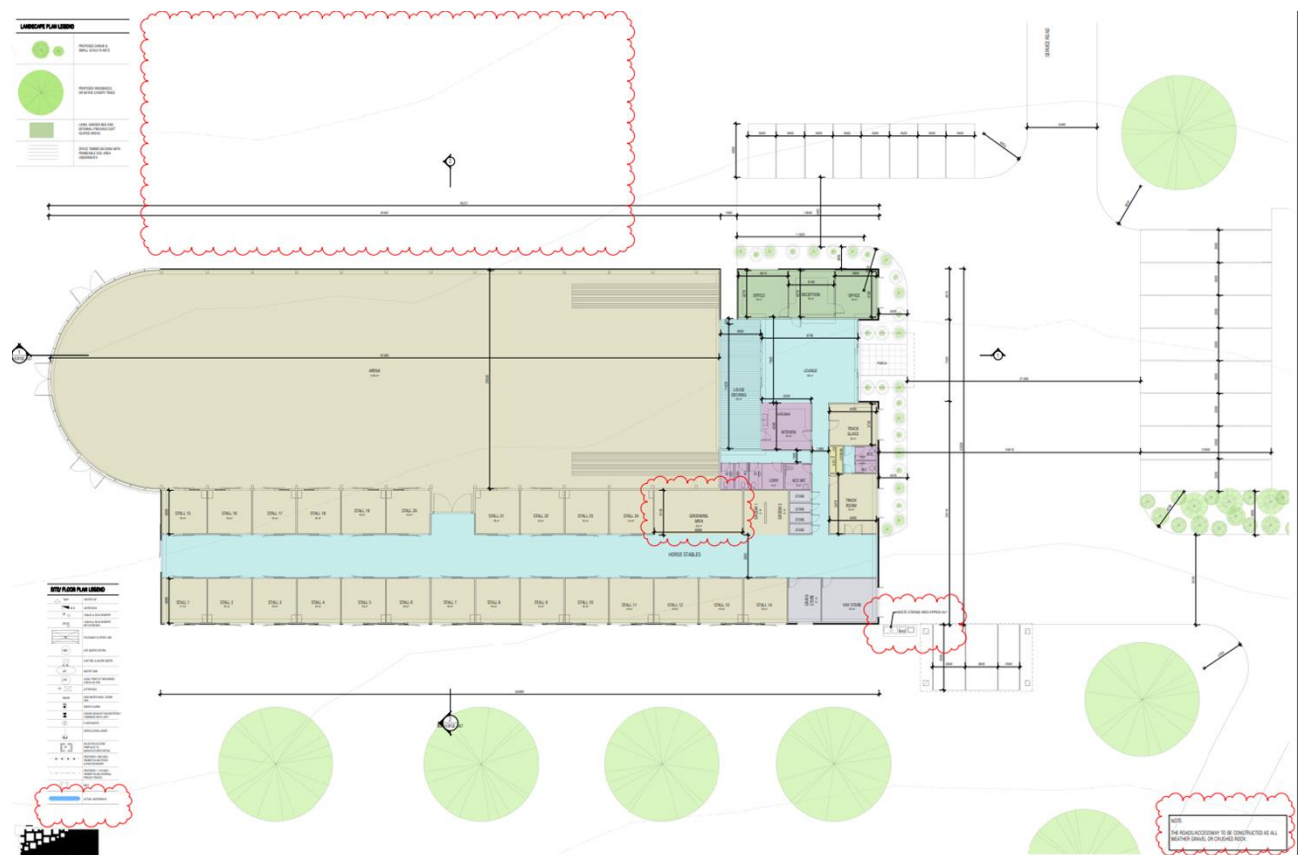


Figure 6: Floor plan of proposed horse husbandry building/stables

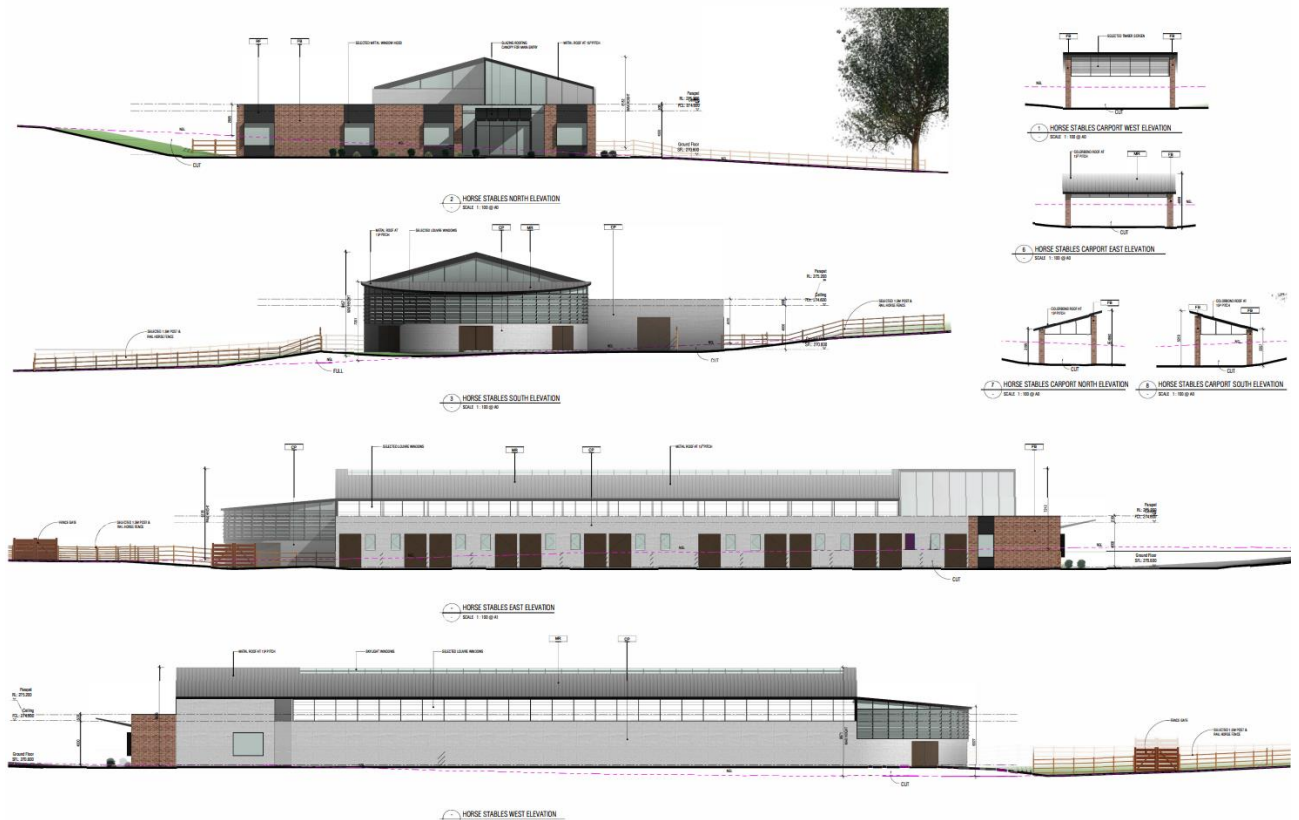


Figure 7: Elevation plans of proposed horse husbandry building/stables.

Planning Controls - Greater Bendigo Planning Scheme

Why is a permit needed?

A planning permit is triggered pursuant to the following clauses within the Greater Bendigo Planning Scheme:

- Clause 35.06-2 states that use of the land for a dwelling and horse husbandry (agriculture) are section 2 uses requiring a permit within the Rural Conservation Zone.
- Clause 35.06-5 states that a permit is required to construct a building or construct or carry out works associated with a section 2 use within the Rural Conservation Zone.
- Clause 42.01-2 states that a permit is required to construct a building or construct or carry out works within the Environmental Significance Overlay (Schedule 3) as the land is not connected to sewer.

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

Municipal Planning Strategy

- 02.03-2 – Environment and landscape values

- 02.03-3 – Environmental risks and amenity
- 02.03-4 – Natural resource management

Planning Policy Framework

- 12.05-2S – Landscapes
- 13.02-1S – Bushfire planning
- 13.04-2S – Erosion and landslip
- 13.05-1S – Noise management
- 13.07-1S – Land use compatibility
- 14.01-1S – Protection of agricultural land
- 14.01-1L – Protection of agricultural land – Greater Bendigo
- 14.02-1S – Catchment planning and management
- 14.02-2S – Water quality
- 15.01-2S – Building design

Other Provisions

- 35.06 Rural Conservation Zone
- 42.01 Environmental Significance Overlay
- 52.06 – Car parking
- 53.02 – Bushfire planning
- 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

Public Notification

All objections to the initial application are taken to be objections to this revised proposal. As such, 7 objections to the application remain. These grounds of objection to the application are detailed within the minutes of the 27 February 2023 Council Meeting

Notification of the amended application through the VCAT process was undertaken by way of letters sent to all property owners/occupiers who received notice of the original permit application.

No objectors have lodged Statements of Grounds to be parties to the VCAT proceeding in its initial, nor amended form.

Planning Assessment

This planning assessment is centred around the key questions below, following the amendment to the application, being:

- Whether the deletion of the dog breeding component of the proposal represents an improved and acceptable planning outcome for the land;
- Whether the provision of the documentation which was specifically referred to within the Grounds of Refusal is satisfactory, and if this additional information satisfies previous concerns that the application was lacking critical information in this regard; and
- Whether, based on the above, Council should revise its previously determined position not to support the application.

Each of these matters is discussed further below.

Deletion of Dog Breeding

Whilst not specifically referred to in the Grounds of Refusal, the use of the land for dog breeding and the potential associated amenity impacts (such as traffic and noise) was a contentious aspect and key concern contained within the majority of objections received to the application.

Officer assessment of the dog breeding element in the report considered at the 27 February 2023 Council Meeting concluded that while contentious, this element could be appropriately managed so as to not have adverse impact on the environment or the amenity of the surrounding area, and further that the use was in accordance with the purpose and objectives of the Rural Conservation Zone.

Nonetheless, as the dog breeding component was likely to be one of the key noise generators resulting from the proposed use of the land, its removal from the proposal will undoubtedly result in less likelihood of increased or nuisance noise from the site.

The removal of this element will also reduce overall traffic movements in and out of the site, which was also a significant amenity concern raised by objectors. A Traffic Summary of Opinion has been provided which makes an assessment against the

likely traffic and parking demand to be generated from the horse husbandry and dwelling use only, and concludes the parking to be provided is acceptable and the increase to traffic minimal. Proposed traffic generated is anticipated to be in the order of 32 vehicle movements per day, compared to the anticipated 58 additional vehicle movements per day when the dog breeding was included.

The Grounds of Refusal did cite concerns in terms of water supply and waste management requirements for the proposed dog breeding use. These elements will be discussed in more detail below in terms of the revised proposal, however the removal of dog breeding from the proposal and site will reduce overall waste generation and result in far lesser demand for water.

Overall, it is considered that the removal of dog breeding from the application and the confining of the proposed uses to the dwelling and horse husbandry use only, result in the proposal becoming one that will sit appropriately within the existing rural landscape of this area, both in terms of land use and built form. Additionally, the reduced proposal will also significantly reduce the likelihood of any adverse amenity impacts to the surrounding area.

Has the provision of key additional documentation responded appropriately to previous concerns regarding management of the site and bushfire risk, as outlined within the Grounds of Refusal?

As outlined earlier within this report, a number of additional documents have been provided to support the application, specifically to address matters which were outlined within the Grounds of Refusal.

The following table outlines the Grounds of Refusal, what new information has been supplied, and how the revised information has addressed the previously identified gaps in the application material.

Ground of Refusal	Response
In the absence of a Waste Management Plan, Operations Management Plan, Land Management Plan and Land Capability Assessment, Council is not satisfied that the proposal is in accordance with clauses: a. 13.04-2S (Erosion and landslip) – specifically how stocking rates from the horse husbandry use would pose a risk to aggravating soil erosion	A Waste Management Plan, Operations Management Plan, Land Management Plan and revised Land Capability Assessment have been submitted to support the amended application. These documents provide additional detail on a range of matters, summarised below: <u><i>Waste Management Plan</i></u> The Waste Management Plan makes an assessment of the likely volume of waste to be generated by the

Ground of Refusal	Response
<p>b. 14.01-2S (Sustainable agricultural land use) specifically with respect to wastewater from the horse husbandry and dog breeding operations and how it would be managed including how much water may be required and where it would be sourced.</p> <p>c. 35.06-6 (Rural Conservation Zone decision guidelines)</p>	<p>horse husbandry and dwelling use, as well as providing guidelines as to how this will be managed on the site and disposed of as necessary. Waste storage areas are identified, as well as protocols for the storage of waste, for both the horse and residential components.</p> <p><u><i>Operations Management Plan</i></u></p> <p>The Operations Management Plan outlines the proposed uses of the land (horse husbandry and associated dwelling), and clearly indicates:</p> <ul style="list-style-type: none"> • Parameters of the use • Hours of operation • Stocking rates • Access to the site • Management of staff • Management of visitors • Water and food sources, in accordance with the <i>Code of Practice for the Welfare of Horses</i> • Housing, shelter, and cleaning of stable and arena areas • Waste disposal, dust, and odour management • Incident and complaint register • Maintenance of equipment and infrastructure • Emergency procedures and animal welfare <p><u><i>Land Management Plan</i></u></p> <p>The Land Management Plan provides a detailed assessment of the existing site conditions and the proposed use of the land. The document incorporates the following:</p> <ul style="list-style-type: none"> • Proposed farm layout • Areas of fencing • Where revegetation should occur on the site (around the erosion gully nearby to the southern boundary), and provides a species list to ensure that this area can be appropriately rehabilitated • Assesses the current agricultural capability of the site and stocking capacity, and potential to improve this productivity through strategic fencing, sowing of improved pastures, increasing soil fertility, and grazing rotation and management • Current water resources and required stock water, and how this will be supplied on site • A 5-year farm development schedule, including

Ground of Refusal	Response
	<p>key activities to be undertaken to improve the land and soil in both environmental and productive agricultural terms</p> <ul style="list-style-type: none"> • Further assessment of the proposal against the decision guidelines of the Rural Conservation Zone <p><u><i>Revised Land Capability Assessment</i></u></p> <p>This report has been updated to remove dog breeding from the proposal and provide revised recommendations for wastewater management.</p> <p>The specific Grounds of Refusal are addressed below:</p> <p>a) This ground raised concern that the proposal had not provided sufficient information on how stocking rates from the horse husbandry use would not pose a risk to aggravating soil erosion.</p> <p>Through the submission of the additional reports, it is considered that the proposal does now appropriately address the objectives of Clause 13.04-2S (Erosion and landslip) which seeks to protect areas prone to erosion, landslip, or other land degradation processes.</p> <p>The Land Management Plan details how the potential for erosion of the site can be managed through fencing, revegetation and rehabilitation of the existing gully, and appropriate fencing and rotational grazing through the remainder of the site. The plan also indicates how horses can cross these eroded gullies (through creating specific crossing points) to avoid exacerbating existing eroded areas.</p> <p>The Land Management Plan has also provided an assessment of the capacity of the land in terms of agricultural productivity, and how the proposed stocking rate (being a maximum of 30 horses), can be managed to reduce adverse environmental impact to the land.</p> <p>b) This ground related to Clause 14.01-2S – Sustainable agricultural land uses, specifically with regard to wastewater from the horse husbandry and dog breeding operations, citing</p>

Ground of Refusal	Response
	<p>that the application did not appropriately demonstrate how it would be managed, including how much water may be required and where it would be sourced.</p> <p>The Land Management Plan and updated Land Capability Assessment provide an assessment of how wastewater will be managed on the site relating to the proposed dwelling and horse husbandry uses.</p> <p>In terms of water supply and likely demand, the current water resources for the site (being a number of small surface water storages and an undeveloped groundwater bore), have been indicated within the Land Management Plan, along with detail on how stock water will be supplied on the site.</p> <p>Water will be supplied via a groundwater bore to a 7,000-litre concrete header tank on the highest point in paddock 3, where it will be gravity fed to water troughs in other paddocks). Existing farm dams will remain available for stock water in the paddocks which contain them.</p> <p>It is also noted that the water demand for the site will be significantly lessened through the deletion of the dog breeding component from the proposal.</p> <p>It is considered that this ground has now been sufficiently addressed as the appropriate water supply for the horse husbandry use has been identified, and sufficient detail provided on how this will be established on the land. Appropriate wastewater management has also been identified within the revised Land Capability Assessment.</p> <p>c) The final Ground of Refusal stated that the proposal was not in accordance with Clause 35.06-6 – being the Rural Conservation Zone decision guidelines, owing to the lack of a Waste Management Plan, Operations Management Plan and Land Management Plan being submitted to support the application.</p> <p>These documents have now been prepared and submitted.</p>

Ground of Refusal	Response
	<p>A detailed assessment of the proposal against the Rural Conservation Zone decision guidelines was included in the 27 February 2023 Council Report.</p> <p>Relevant decision guidelines of the Rural Conservation Zone include the need to make an assessment of the following:</p> <ul style="list-style-type: none"> ○ The capability of the land to accommodate the proposed use or development; ○ Whether use or development protects and enhances the environmental, agricultural and landscape qualities of the site and its surrounds; ○ The need to prepare an integrated land management plan; ○ The protection and enhancement of the natural environment of the area, including the retention of vegetation and faunal habitats and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas; and ○ How the use and development relates to sustainable land management and the need to prepare an integrated land management plan which addresses the protection and enhancement of native vegetation and waterways, stabilization of soil and pest plant and animal control. <p>These specific decision guidelines have now been comprehensively considered within the Land Management Plan prepared for the site.</p> <p>The Plan identifies where and how revegetation should occur on the site, assesses the current agricultural capacity and capability of the site, indicates current water resources, assesses likely water demand and details how this will be supplied on site, and also outlines a 5 year farm development schedule, which includes key activities to be undertaken to improve the land and soil both environmentally and agriculturally.</p> <p>This Land Management Plan, along with the other additional information supplied (being the Operational Management Plan, Waste</p>

Ground of Refusal	Response
	<p>Management Plan and Land Capability Assessment) demonstrates that the revised proposal is consistent with the relevant decision guidelines of the Rural Conservation Zone, particularly relating to land management.</p> <p>In summary, based on the above assessment it is considered that the provision of additional technical reports and management plans confirm that the proposal is in accordance with the objectives of Clauses 13.04-2S, 14.01-2S and 35.06-6 and that these Grounds of Refusal have now been appropriately addressed.</p>
<p>The risk of grassland fires because of land slope and the threat from fast moving grassfires has not been appropriately considered in accordance with 13.02-1S (Bushfire planning) and 71.02-3 (Integrated decision making) which elevates the protection of human life over all other policy considerations.</p>	<p>A Bushfire Risk Assessment has now been prepared for the site.</p> <p>This assessment makes the following conclusions:</p> <ul style="list-style-type: none"> • Bushfire risk to the site is moderate, with the potential for grassfires to approach from multiple aspects and threaten on site infrastructure. • The open terrain and clear access to Heathcote reduces this risk enough that it can be appropriately addressed through on-site management and implementation of onsite bushfire mitigation measures. • As horses will require shelter during a bushfire, bushfire mitigation measures normally required for development within the Bushfire Management Overlay should be implemented (noting the site is <u>not</u> within this Overlay but is nonetheless within a declared bushfire prone area). • These measures include a requirement to build all structures to a BAL-19, along with the provision of 22m of defendable space around each of the proposed buildings, and the provision of a 20,000L static water supply with CFA access and fittings onsite. • Proposed driveways will also require construction to an appropriate standard to allow emergency services access. • An Emergency Management Plan will be required for the facility which includes procedures for the safe evacuation of all occupants and shelter in place procedures. <p>Implementation of these measures will ensure that</p>

Ground of Refusal	Response
	<p>the objectives of Clauses 13.02-1S and 71.02-3 have been duly considered and that the proposal will not risk any unacceptable risk to life or property.</p> <p>As such, this Ground of Refusal is considered to be appropriately addressed.</p>

Should Council revise its position on the application?

The application has transformed from that which Council considered in February 2023.

The deletion of dog breeding from the proposal results in an improved and acceptable planning outcome for the site by removing an element that created the most risk in terms of potential adverse impacts to the amenity of the locality, and environmentally to the site.

Additionally, the provision of a number of technical reports, which were not initially provided to support the application, demonstrate that the proposal is in accordance with both relevant planning policy and the planning controls applicable to the site, and the proposed horse husbandry and dwelling use can operate while giving appropriate regard to the environmental constraints of the site.

Each of the Grounds of Refusal have been thoroughly addressed and are now considered largely irrelevant given the additional information and the revisions to the proposal.

As such, it is considered that these changes warrant an alternative position on the application by Council, and that the application should be supported.

Conclusion

The provision of additional information addresses the policy gaps and key concerns identified within the Grounds of Refusal, and the removal of the dog breeding eliminates an area of previous concern and contention.

To continue to defend these grounds at a VCAT Hearing will be difficult now that the applicant has comprehensively addressed the matters contained within the grounds through the provision of various expert reports and additional operational and site management information.

On this basis it is recommended that the previous decision to refuse the application be overturned and the application be supported in its revised format.

Options

Council has two options:

1. Advise the VCAT and permit applicant that its grounds of refusal have been addressed and that a conditional Planning Permit be issued (Recommended); or
2. Advise the VCAT and permit application that it maintains its opposition to the grant of a permit for specified reasons (Not recommended).

Conflict of Interest

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

Proposed Draft Permit Conditions

If a permit is to issue; the permit will be generally in accordance with the conditions below. It is normal for permit conditions to change and evolve through the VCAT process as they are a topic of discussion, and ultimately imposed at the discretion of VCAT as they see fit.

NO LAYOUT ALTERATION

The use and/or 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.

GENERAL DRAINAGE – BUILDINGS & HOUSES

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

INTERNAL DRIVEWAY AND ACCESS

Prior to the commencement of any construction, internal driveways must be constructed to an all-weather standard to accommodate emergency vehicles, and the new entrance from Drummonds Lane must be constructed in accordance with the Infrastructure Design Manual.

NUMBER AND USE OF CAR PARKING AREAS

- (a) No more than 15 car spaces are to be provided in association with the horse husbandry use of land.
- (b) Areas set aside for the parking and movement of vehicles as shown on the

endorsed plan must be made available for such use and must not be used for any other purpose.

ELECTRICITY SUPPLY

The dwelling must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the responsible authority.

LANDSCAPING WORKS

Before the occupation of the development 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.

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.

NUMBER OF ANIMALS

No more than 30 horses are to be kept on the subject land at any time, including those belonging to the operator under this permit. Any stallions to be kept on the land in association with the horse husbandry use must be appropriately paddocked and managed at all times to the satisfaction of the responsible authority.

WASTE MANAGEMENT PLAN

Waste generated from the site must be managed in accordance with the endorsed Waste Management Plan.

HORSE BREEDING FACILITIES WASHDOWN

The horse breeding facilities must be regularly washed down and maintained in a hygienic manner to the satisfaction of the responsible authority.

WASTEWATER

All washdown water, wastewater or water, effluent or polluted drainage which has been in contact with horse excrement or putrescible matter must not be allowed to discharge beyond the boundaries of the subject land or directly or indirectly into any watercourse. The horse breeding facility must be drained to the satisfaction of the responsible authority. This includes providing plans and documentation of cut-off drains which are constructed to direct stormwater around the horse breeding facility, and the wastewater disposal fields to the satisfaction of the responsible authority.

FEED STORAGE

All feed shall be stored in vermin proof containers.

NOISE EMISSIONS

Noise emissions from the site at all times must generally comply with the Environment Protection Authority's guidelines.

PUBLIC EVENTS

The land must not be used for displays or exhibitions attended by members of the public or for meetings or exhibitions organised by a bona fide organisation or the like without the further approval of the responsible authority.

AMENITY

The amenity of the area must not be detrimentally affected by the use or development, though the:

- (a) Transport of materials, goods, or commodities to or from the land.
- (b) Appearance of any buildings, works or materials.
- (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste ater, waste products, grit or oil,
- (d) Presence of vermin.

OPERATIONS MANAGEMENT PLAN

The endorsed Operations Management Plan must be complied with to the satisfaction of the responsible authority.

LAND MANAGEMENT PLAN

All actions identified within the endorsed Land Management Plan must be undertaken and complied with to the satisfaction of the responsible authority.

COLIBAN WATER

- (a) Prior to the commencement of the construction of buildings or other works, the Land Capability Assessment must be endorsed under the permit.
- (b) The disposal area, and any recommendations for fencing or the prevention of trafficable access to the disposal area, which are set out in the Land Capability Assessment, must be shown on the site plans that form part of the permit.
- (c) The wastewater treatment system and disposal area must be installed, and, at all times, must be operated and managed, in accordance with the endorsed Land Capability Assessment and the council-issued septic tank permit.

GOULBURN MURRAY WATER

- (a) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- (b) No buildings are to be constructed within 30 metres of a waterway.

- (c) A 30 metre wide buffer strip of native vegetation must be established and maintained either side of the waterway that traverses the southern area of the subject land. Stock must be prevented from having access to this area.
- (d) All domestic wastewater from the dwelling and horse stables must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must be an EPA approved system, installed, operated, and maintained in accordance with the relevant EPA Code of Practice and Certificate of Conformity.
- (e) The wastewater disposal area must be located at setback distances of at least 60m from the nearest waterway or dam, 20 metres from any bores and 40 metres from any drainage lines.
- (f) The wastewater disposal area must be kept free of stock, buildings, driveways, and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
- (g) No faecal waste material from the horses or any stormwater containing faecal matter is to be discharged to any waterways or dams on waterways.
- (h) Solid faecal waste must be collected from the horse stables and either composted on site or transported off-site to the satisfaction of council's Environmental Health Department.
- (i) Any on-site disposal system for wastewater or faecal waste material from the pens must be located at least 60m from the nearest waterway or dam on a waterway.

SECTION 173 AGREEMENT

Prior to the commencement of use, the applicant must enter into a Section 173 Agreement under the Planning and Environment Act 1987.

Such agreement must covenant that erosion management measures outlined in the Land Management Plan and the requirements referred to in Condition 19 (c) are undertaken on an ongoing basis.

The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority.

EXPIRY OF PERMIT

This permit will expire if:

- (a) The development is not commenced within two (2) years from the date of this permit;
- (b) The development is not completed within four (4) years from the date of this permit; or

- (c) The uses have not commenced within five (5) years from the date of this permit.

These times may be extended, on written request to the responsible authority, before or within 6 months after the expiry of this permit where the development has not yet started or 12 months where the development has commenced.

Attachments

1. [Council Meeting February 27, 2023 – Agenda and Minutes](#)

16.2. 584-592 Midland Highway, HUNTLY 3551 – Extension to Existing Hotel, Increase to Licensed Floor Area, Installation of 40 Electronic Gaming Machines and Alteration of Access to a Transport Zone 2 Road

Author:	Beth Lavery, Senior Statutory Planner
Responsible Director:	Rachel Lee, Director Strategy and Growth

Summary/Purpose

Application No:	DC/360/2023
Applicant:	Cook Country Hotels
Land:	584-592 Midland Highway, HUNTLY 3551
Zoning:	Commercial 1 Zone and General Residential Zone
Overlays:	Nil
No. of objections:	Eight objections and two letters of support were received to the application. One objection was subsequently withdrawn following the consultation process, so 7 live objections remain.
Consultation meeting:	No formal consultation meeting was held. The applicant elected to provide a written response that was circulated to all objectors. One objection was withdrawn following this process.
Key considerations:	<ul style="list-style-type: none"> • Whether the proposed increase in the extent of licensed floor area and patron numbers is appropriate; • Whether the installation of 40 electronic gaming machines is acceptable; • Whether the proposed built form of the additions to the building is acceptable; and • Whether the altered access to the Midland Highway (a Transport Zone 2 road) is appropriate.
Conclusion:	<p>The proposal is an intensification of a long-established hotel, with the core of the use occurring within Commercial 1 zoned land. The amenity impacts from the increased patron numbers and floor area can be managed through appropriate acoustic treatments. The proposed built form and vehicle access arrangements to the Midland Highway are acceptable. While community concern with gaming machines is valid and well-founded, the venue responds acceptably to the locational criteria outlined at clause 52.28.</p> <p>It is recommended that a permit be granted, and a Notice of Decision to this effect be issued, subject to the conditions at the conclusion of this report.</p>

Recommended Motion

That Council issue a Notice of Decision to Grant a Permit for extension to existing hotel, increase to licensed floor area, installation of 40 electronic gaming machines, and alteration of access to a Transport Zone 2 road at 584- 592 Midland Highway, Huntly on the grounds listed at the end of this report.

MOTION

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Sloan

Resolution No. 2024-27

CARRIED

Background Information

Regulation of Electronic Gaming Machines (EGMs) in Victoria.

There are two distinct statutory processes for adding EGMs to a new venue.

Broadly the two statutory processes relate to:

- The *Gaming Regulation Act 2003* for gambling *licence* applications (City lead – Active and Healthy Communities).
- The *Planning and Environment Act 1987* for *planning permit* applications (City lead – Statutory Planning).

A venue operator must apply to both Local Government for a planning permit and the Victorian Commission for Gaming Regulation (VCGR) for a licence to operate the EGMs. (These processes are not dependent upon one another and can be undertaken concurrently although to operate a gaming venue the venue operator requires both a licence and a planning permit)

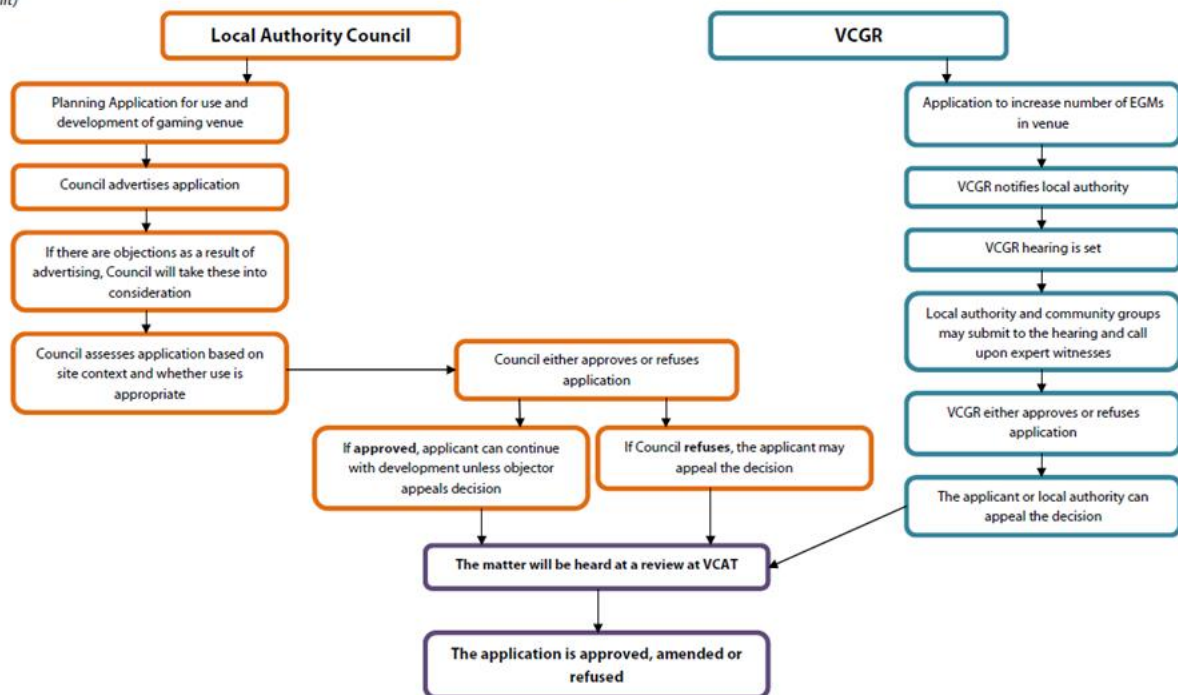


Figure 1 – Overview of the two application processes. Source: Understanding the Application Processes for Electronic Gaming Machines (EGMs) in Victoria egm.responsiblegambling.vic.gov.au

There are key differences between the two statutory processes and the City's role and responsibility under each Act:

- The *Gambling Regulation Act 2003* states that EGMs are subject to a *licence* application via the Victorian Gambling and Casino Control Commission (VGCCC) – this is a State Government administered process. The VGCCC considers the economic and social impact of the application on the wellbeing of the community of the *municipal district* in which the premises are located and can also consider the impact on surrounding municipal districts. The task of the VGCCC is to determine if the impact of the EGMs is neutral or positive i.e. the granting of a *licence* cannot result in net social and economic detriment. Council (using a prescribed form; and attaching other evidence if desired) can make a submission and be heard at any hearing of the VGCCC on the *licence* application.
- The *Planning and Environment Act 1987* via the Planning Scheme states that a *planning permit* is required to install and use an EGM. This is a local government administered process and decision. The planning consideration includes the "usual" suite of planning issues which include building design, traffic, parking, hours of operation, amenity and whether a proposal overall represents a net community benefit. The City has planning policy at the schedule to Clause 52.28 which outlines objectives, locations where prohibition exists, locational criteria, application requirements and decision guidelines to inform that part of the permit application.

History of this planning application and other approvals.

The application was lodged on 23 June 2023. Initial referrals were undertaken in July 2023, and a request for further information was made on 11 July 2023. Following receipt of satisfactory information, including amended plans and acoustic information, advertising was commenced in November 2023.

There are a number of recent planning approvals for the site, relating to use of the land for a hotel, which are summarised as follows:

- DC/330/2018 – on 14 August 2018, a permit was issued allowing *Alterations and additions to existing hotel, display signage, and realignment of red line area*.
- AM/330/2018/A – this allowed for minor amendments to the terraced area shown on the plans endorsed under permit DC/330/2018. This amendment was approved in May 2019.
- AM/330/2018/B – this amendment was approved on 21 February 2020 and updated the permit preamble (what the permit allows) to *Alterations and additions to existing hotel, display signage, re-alignment of red line area, increased number of patrons and waiver of car parking requirements*. This amended permit included a condition restricting the number of patrons to 450.
- AM/330/2018/C – this amendment allowed for modification of permit conditions relating to acoustic requirements and included a new condition which restricted outside use of the outdoor area/beer garden (no music within the beer garden past 10pm, and no patrons within the beer garden past 11pm), installation of a noise limiter on a jukebox, and included a new condition requiring a Patron Management Plan. This amendment was approved on 25 September 2020.

Report

Subject Site and Surrounds

The application relates to the Huntly Hotel, an existing hotel on the corner of the Midland Highway and Pasley Street in Huntly.

The existing hotel is a single storey building constructed circa 1860. It includes an original older brick portion that is centrally located along the Midland Highway frontage. This has been extended with more modern extensions on each side. A main entrance and public bar are located on the northeast side of the building, with a covered courtyard located closest to the corner with Pasley Street. On the other side is a covered terrace. Kitchens and other “back of house” functions are concentrated near the centre of the site, behind the older building. A beer garden and children’s playroom are located behind these parts of the hotel. An established tree is located between the hotel buildings and Pasley Street. Customer access is available from

both the Midland Highway and Pasley Street frontages. The existing floorplan is shown at Figure 2 below.

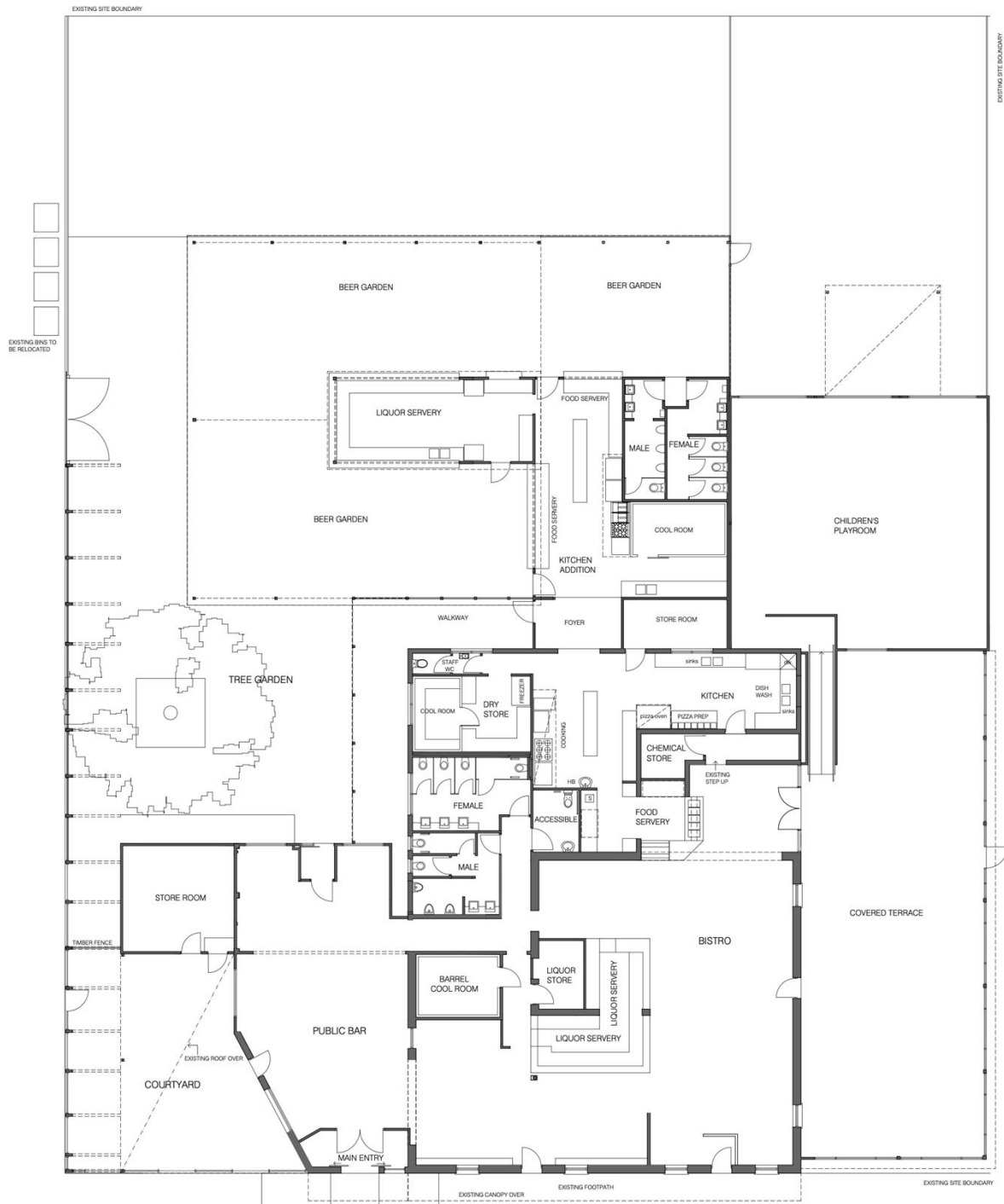


Figure 2: Existing floorplan



Figure 3: Street view of existing hotel



Figure 4: Street view of existing hotel

As shown in the aerial photography at Figure 5, there is currently an open gravel car parking area to the southwest of the land used in association with the hotel. This part

of the land is still part of 592 Midland Highway, but is within the General Residential Zone, whereas the hotel building is within the Commercial 1 Zone (see Figure 6 for the zone boundary). There is an existing unsealed crossover from this carpark to the Midland Highway.



Figure 5: Aerial photography of subject site and immediate surrounds (20 October 2023)

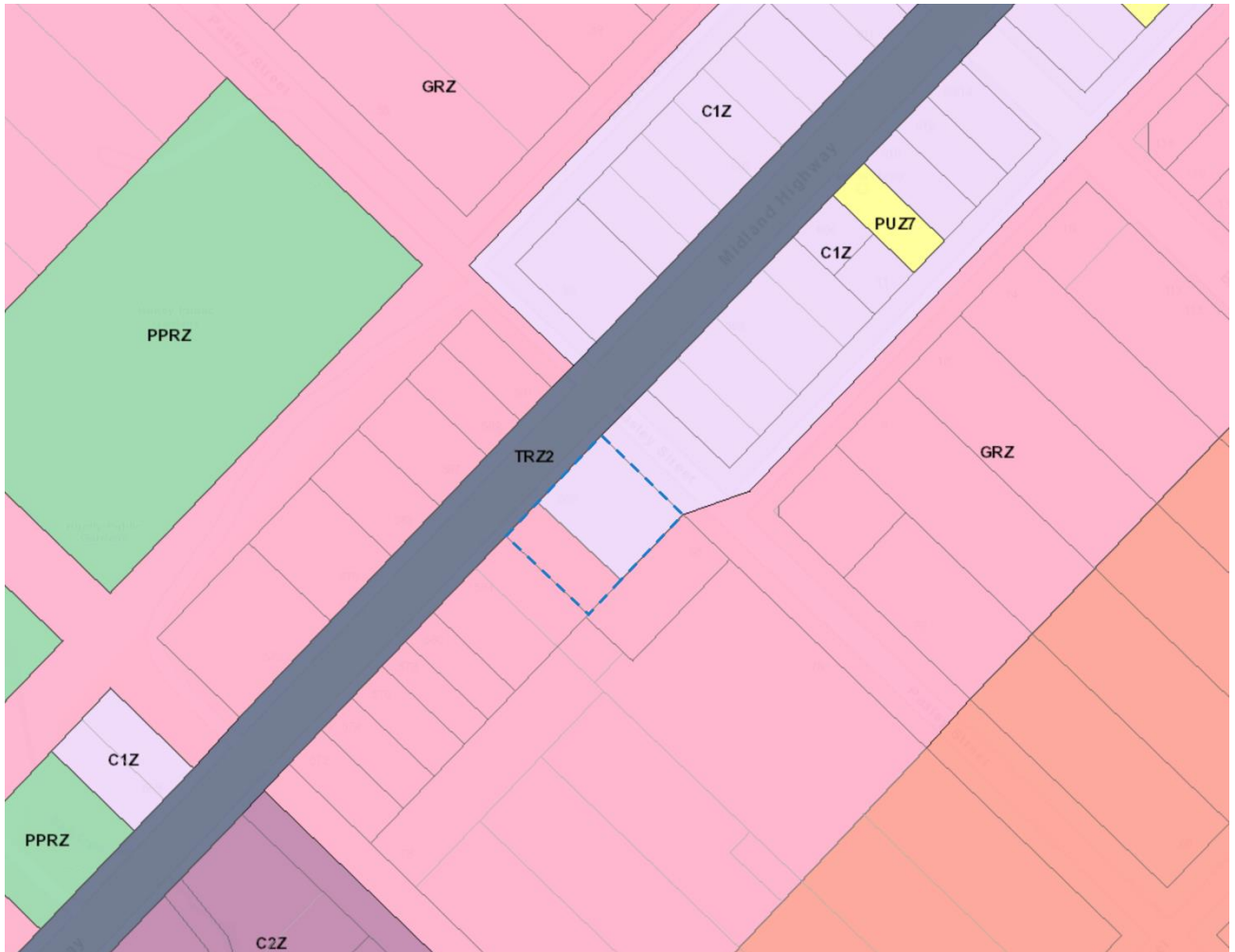


Figure 6: Zoning map of site and surrounds. Blue outline shows 592 Midland Highway (current hotel site) but not 584 Midland Highway.

The hotel currently abuts houses on its southwest and northeast sides. The land across Pasley Street to the northeast is vacant and commercially zoned. The commercial zoning continues along both sides of the Midland Highway in this direction (see Figure 6), although the nearest properties appear to be either used residentially or vacant.

Notably, the nearest house to the hotel to the southwest (584 Midland Highway) is included as part of the site in this application, as explained below. This house adjoins a vacant lot to its southwest side and a large undeveloped lot to its rear (southeast).

The hotel currently has a general liquor licence (allowing trade both on the premises and also for supply of liquor for consumption off the premises). Trading hours for on-premises consumption are as follows:

- Sunday: between 10am and 11pm
- Good Friday: between 12noon and 11pm
- ANZAC Day (not being a Sunday): between 12 noon and 1am the day following.

- On any other day: between 7am and 1am the day following except for the morning of Good Friday.

Off-premises trading is licensed for the following hours:

- Sunday: between 10am and 11pm
- Good Friday and ANZAC Day: between 12 noon and 11pm
- On any other day: between 7am and 12 midnight

The licence allows 434 patrons internally and 300 externally and allows live music within the outside area.

Proposal

The application seeks to extend the existing hotel, including the installation of 40 electronic gaming machines.

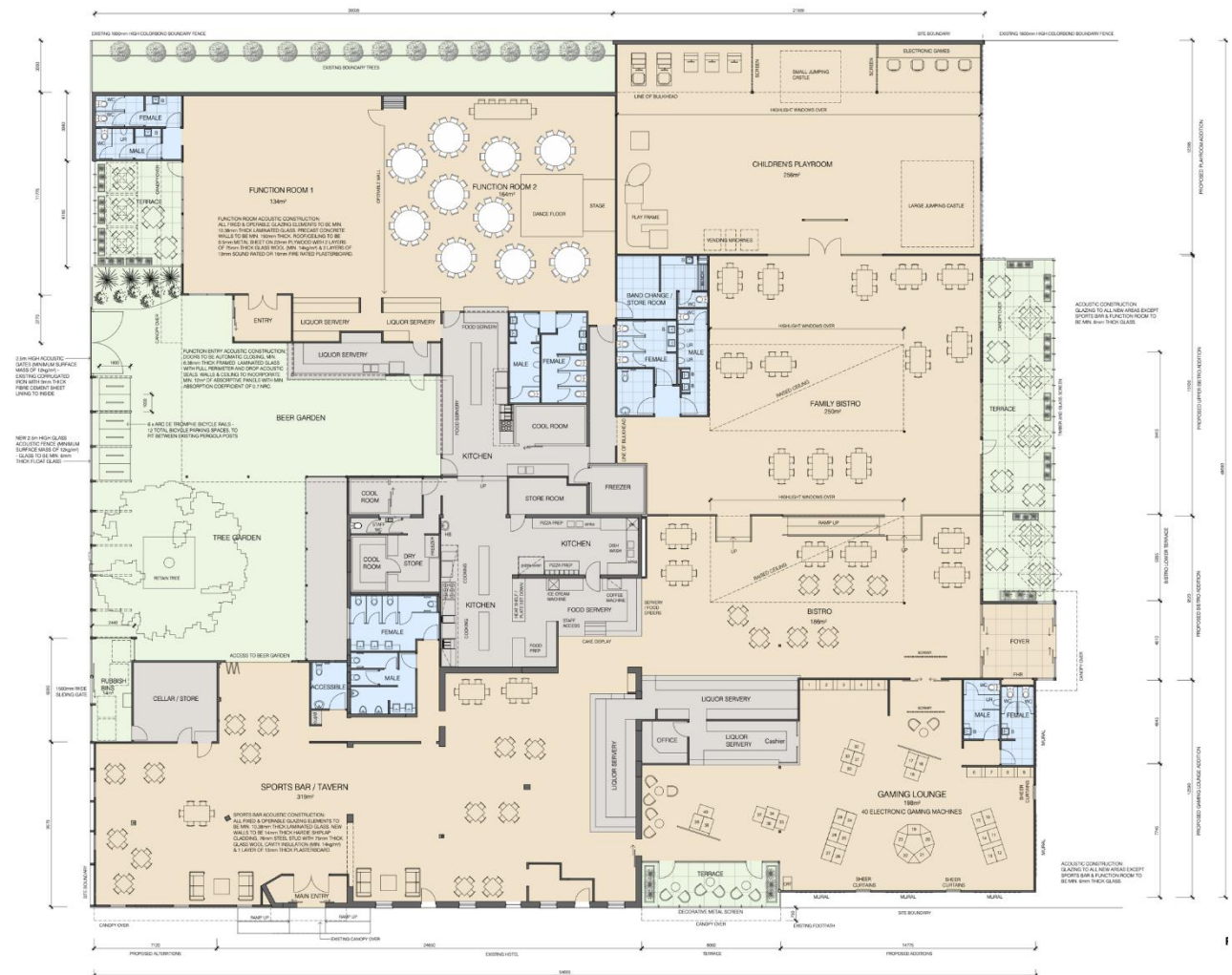


Figure 7: Proposed floor plan

This would involve construction of new buildings and works, removing much of the existing ground floor portions of the building and replacing them with new, extended ground floor spaces. The proposed new floor plan is shown above at Figure Figure . The proposed new areas would comprise:

- A sports bar at the northern corner of the site
- A gaming lounge adjacent to the Midland Highway frontage
- Expanded bistro with adjacent terrace
- Larger children's playroom
- Function room near the Pasley Street frontage, beside the beer garden retained on this side of the frontage.

All the new buildings are proposed to be single storey and are in a simple contemporary style with a mixture of pitched and flat roofing, as shown in Figure and Figure Figure . The buildings would have a maximum height of approximately 4.7m. An acoustic fence is proposed along the edge of the beer garden along Pasley Street.

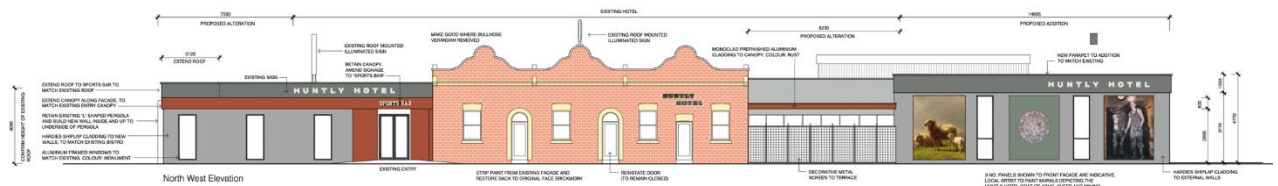


Figure 8: Proposed elevation to Midland Highway

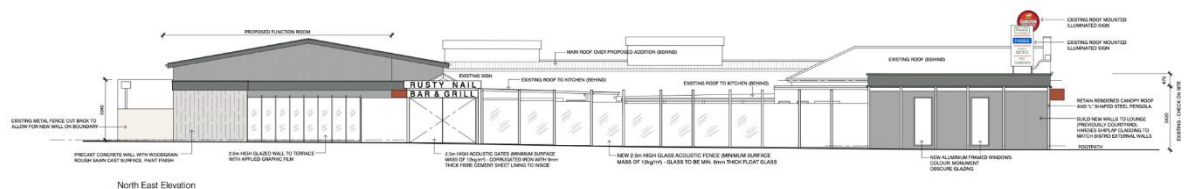


Figure 9: Proposed elevation to Pasley St

The enlarged footprint of the hotel would mean that the hotel building occupies most of the lot of 592 Midland Highway, which as noted above currently includes a car park. The proposed layout would replace this parking through the incorporation of the lot at 584 Midland Highway (currently a dwelling) and construction of a new 86 space car park on that land, as shown in Figure 10. This new car park would require two new crossovers to the Midland Highway (which as discussed below is a separate permit trigger), with two existing crossovers – one for the existing car park, and one to the dwelling at 584 Midland Highway – proposed to be removed.

The proposed expanded floor area requires an extension to the existing area licensed for sale and consumption of alcohol. It is also proposed to increase patron numbers from 450 to 570.

Operating hours are not proposed to be extended. The application material proposes that the beer garden be limited to 220 patrons until 10pm, reducing to 140 between 10pm and 11pm.



Figure 11: Current and proposed red line areas.

Permission is also sought for use of the land for 40 electronic gaming machines. The gaming machines would be located within a 198m² gaming lounge, to be located in the southwestern corner of the proposed extended hotel. This gaming area would not have any direct external access, with access only provided via two entry points internally within the building.

Planning Controls - Greater Bendigo Planning Scheme

Why is a permit needed?

Clause	Permit Trigger
Clause 34.01-2 Commercial Zone	A permit is required to construct a building or carry out works.
Clause 32.08-2 and 32.08-10 General Residential Zone	<p>“Hotel” (nested within “food and drink premises”) is a Section 2 use and therefore needs a permit.</p> <p>A permit is required to construct buildings and works associated with a Section 2 Use.</p> <p>(It is noted that the General Residential Zone applies to the carpark rather than the main hotel building; this is, however, still part of the planning unit/ overall use of the hotel.)</p>
Clause 52.27 –	A permit is required to use land to sell or consume liquor when

Licensed Premises	the number of patrons is to be increased and when the area in which liquor is to be consumed is increased.
Clause 52.28-3 Gaming	A permit is required to install or use gaming machines
Clause 52.29-2 Land adjacent to the principal road network	A permit is required to create or alter access to a road in a Transport Zone 2 (Midland Highway)

No permit is required for a car parking variation under clause 52.06 as the statutory car parking rate is satisfied.

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

Municipal Planning Strategy

Clause 02.03-3 Environmental Risks and Amenity (Land Use Compatibility)

Planning Policy Framework

Clause 11.03-1S Activity Centres
Clause 11.03-1L Activity Centres – Greater Bendigo
Clause 13.05-1S Noise Management
Clause 13.07-1S Land Use Compatibility
Clause 13.07-1L Licensed Premises- Greater Bendigo
Clause 15.01-1S Urban Design
Clause 15.01-2S Building Design
Clause 15.01-5S Neighbourhood Character
Clause 17.01-1S Diversified Economy
Clause 17.01-1R Diversified Economy – Loddon Mallee South
Clause 17.01-1L Diversified Economy – Greater Bendigo
Clause 17.02-1S Business
Clause 17.02-1L Business – Greater Bendigo

Policy Context

Primary Council Plan Reference

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

Outcome 2 – Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 7 – Sustainable population growth is planned for.

Consultation/CommunicationReferrals

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

Referral	Comment
Urban Design	Comments requesting various changes that informed revised plans.
Traffic	Consented to the application subject to standard conditions.
ESD Officer	No objection subject to conditions.
Environmental Health	No objection subject to comments and conditions.
Department of Transport and Planning (Head, Transport for Victoria)	Consent subject to conditions.

Public Notification

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

Eight objections were received, along with two letters of support. The grounds of objection are summarised as follows:

- Increase in financial harm and social impacts of gambling addiction associated with gaming machines.
- Anti-social behaviour and crime associated with gaming machines.
- Inappropriate messaging to children from gaming machines in a family pub.
- Traffic impact (including impacts from increase turning movements on Midland Highway).
- Noise and nuisance from expansion to hotel.

Informal consultation occurred in the form of a written response to objections prepared by the applicant and circulated to objectors with a right of reply. One

objection was withdrawn as a result of this informal consultation process, meaning 7 objections to the proposal remain.

Planning Assessment

Are the proposed increases in the extent of licensed area and increased patron numbers appropriate?

The use of the land for a hotel in the Commercial 1 Zone does not need a permit. The need for a use permit for a hotel as part of this application therefore arises from the car parking within the General Residential Zone, rather than the extended floor area of the hotel building. However, a permit is needed for the increased licensed floor area and given the sale and consumption of liquor is intrinsic to the operation of a hotel, this allows a measure of indirect control of the use of this part of the land.

The Hotel is long-established on the site. The main hotel building is entirely contained within the Commercial 1 Zone, which is the favoured zone for entertainment and hospitality uses. Hotels are considered to make a valuable contribution to the social and economic vitality of communities. This background informs the approach to consideration of the expanded floor area.

That said, the proposal is at the edge of Huntly's commercial precinct and is close to residential properties, including an immediately adjoining dwelling to the southeast and three dwellings to the north and east with line of sight to the proposed beer garden. It is therefore important that amenity issues from the increased licensed area and patron numbers are appropriately managed.

The applicant has submitted an acoustic report that outlines design and construction measures to control noise and estimates noise levels based upon these measures being implemented. It argues these measures will appropriately control noise impacts from patron noise in accordance with accepted noise criteria.

The City's Environmental Health Officers reviewed the application and provided initial comment; they then reviewed the acoustic report that was provided in response to the further information request. They do not object to the proposal subject to various comments, in particular (in summary):

- The acoustic report needs to be endorsed and implemented as a condition of the permit.
- A noise risk management plan needs to be prepared to demonstrate management measures to control noise.
- A post construction noise assessment needs to occur to measure noise from fixed plant and equipment.

- Conditions should allow for follow-up compliance testing in the event that complaints are received.

These comments are reflected in the draft conditions.

It is considered that subject to these conditions, the increased patron numbers and floor area represents a reasonable outcome. This is particularly the case given the zoning and the longstanding use of the site as a hotel.

Is the installation of 40 electronic gaming machines acceptable?

The proposed gaming machines were the element of the proposal most commonly noted as of concern in objections, with references to anticipated anti-social behaviour and the financial and social harms of problem gambling, as well as the perceived negative impact on the suitability of the hotel for family groupings.

In response, the applicant has argued (in part) that *“moral opposition to gaming is not a relevant planning consideration.”* It is not agreed that the objections are primarily moral in nature. Community concern with the social harms of gaming is legitimate and well-founded.

However, assessment of gaming machines does occur within a planning framework that structures and guides assessment of this issue and precludes sweeping in-principle opposition to gaming machines (no matter how well-founded in legitimate concern about the social harm of gaming machine that opposition is). It should also be noted that the planning assessment does not constitute the full assessment of the social impacts of gaming machines, with approval also required under the *Gambling Regulation Act 2003*. This is a process and approval separate to the planning application under consideration within this report.

The scope of the planning assessment is informed by the purposes of Clause 52.28 – Gaming, which are as follows:

To ensure that gaming machines are situated in appropriate locations and premises.

To ensure the social and economic impacts of the location of gaming machines are considered.

To prohibit gaming machines in specified shopping complexes and strip shopping centres.

It can be seen that the scope of the provisions is centred on *locational* factors, with the consideration of social and economic impacts in the second point tied specifically to the location of the gaming machines. The schedule to Clause 52.28 provides

detailed locational guidance to inform such assessment within the City of Greater Bendigo. The objectives of the schedule are:

To discourage new gaming machines in disadvantaged areas.

To ensure the location of gaming machines and design and operation of facilities containing gaming machines minimise opportunities for convenience gaming and the incidence of problem gambling.

To ensure that gaming machines are located where the community has a choice of non-gaming entertainment and recreation activities within the venue or in the local area.

To protect the amenity of existing uses surrounding gaming venues.

To ensure gaming machines, are located to meet local needs and minimise any potential harm to the community.

The objectives highlight the locational goals of avoiding location of gaming machines in disadvantaged areas and to avoid opportunities for convenience gaming.

The proposal is not in an area identified in parts 2 and 3 of the schedule as a location in which gaming machines are prohibited, shown as Table 1 and Table 2 in Figure 12 below.

Table 1	
Name of shopping complex and locality	Land description
Bendigo Marketplace, Mitchell Street, Bendigo	116-120 Mitchell Street, Bendigo Crown Allotment 14, Section 125C, Parish of Sandhurst
Lansell Plaza Shopping Centre, High Street, Kangaroo Flat	267-283 High Street, Kangaroo Flat Plan of Consolidation 162582
Strath Village Shopping Centre, Condon Street, Kennington	134 Condon Street, Kennington All the land in Strata Plan 34327
Strathfieldsaye IGA Complex, Wellington Street, Strathfieldsaye	933-941 Wellington Street, Strathfieldsaye Plan of Consolidation 367011L

Table 2	
Name of strip shopping centre and locality	Land description
Ironbark	Land shown in red on Map 1
Long Gully	Land shown in red on Map 2
Kangaroo Flat	Land shown in red on Map 3
Golden Square	Land shown in red on Map 4
Eaglehawk	Land shown in red on Map 5
Strathfieldsaye	Land shown in red on Map 6
Heathcote	Land shown in red on Map 7
Central Bendigo	Land shown in red on Map 8
Strathdale	Land shown in red on Map 9
Kennington	Land shown in red on Map 10

Part 4 of the schedule then outlines guidance for the locations in which gaming machines and venues should be located (responded to as follows).

Gaming venues and machines should be located:

- *In venues that:*
 - *Have a range of entertainment and leisure options.*
 - *Offer social and recreational opportunities other than gaming as the primary purpose of the venue.*

The proposal is considered to meet this criterion as the venue has a range of other entertainment options on site and is viewed as being a multi-purpose venue.

- *In areas other than those identified in the Greater Bendigo Discouraged Gaming Areas Incorporated Document.*

The site is not in one of the areas identified within this document.

- *In areas where at least one of the following criteria is met:*

- *The total density of gaming machines in the suburb and its adjoining suburbs is less than the regional Victorian average.*
- *The area is identified as a future residential growth area in Clause 11.01-1L.*

The proposal would meet the first criteria as there are not existing gaming machines in the suburb.

- *The area is proximate to a higher order activity centre as listed in Table 1.*

The proposal is not close to one of the nominated centres, although it is adjacent to a commercial centre.

- *Where there is a reasonable choice of alternative non-gaming entertainment and recreation facilities, including facilities proposed within 12 months. Alternative non-gaming entertainment and recreation facilities include hotels, clubs, cinemas, restaurants, bars, and indoor recreation facilities operating at the same times as the proposed gaming venue will operate.*

The applicants have argued that the proposal is close to many alternative facilities, citing venues within a 10–15-minute drive. It is not considered that this is a strong argument for this venue, as such a driving distance is not highly convenient and there are limited alternative options within Huntly itself. However, it is accepted that in the longer-term Huntly is to be a higher order activity centre, which will increase the number of entertainment options within the community.

- *In areas that are not:*
 - *Above average socio-economic disadvantage as defined by the Socio-Economic Index For Areas (SEIFA) index of relative disadvantage and shown on the Greater Bendigo Discouraged Gaming Areas Plan.*
 - *Pedestrian thoroughfares as this can lead to "convenience gaming" because the location of electronic gaming machines increases the likelihood of spontaneous decisions to play.*
 - *In a rural township unless there is an alternative club or hotel without gaming machines in the township.*

Huntly is not classified as a rural township or an area of above-average socio-economic disadvantage. There is some scope for pedestrian activity as this site is on the edge of the commercial centre and will be passed by those walking into town from the south, but this is not considered fatal to the proposal given the balance of considerations (see consideration immediately below).

- *On sites where large numbers of pedestrians are unlikely to pass in the course of their daily activities, to avoid increasing the likelihood of spontaneous decisions to play gaming machines.*

While the site is at the fringe of the town centre and thus attracts some pedestrian activity as people walk to town, the volume is not considered especially great given the location on the southern end of the town means there is a smaller pedestrian hinterland compared to other locations further north that are more central or which will see more residential growth. This broadly fits the general principle of gaming venues being accessible but reducing the possibility of impulse gaming as much as possible (see the next criterion).

- *On sites that meet at least one of the following criteria:*
 - *The site is towards the periphery of an activity centre, outside of the main shopping, transport, community, and civic functions of the centre, or within walking distance of the edge of an activity centre.*
 - *The location could reasonably be perceived as a destination in its own right separate from high concentrations of people undertaking daily activities.*
 - *At a sports or recreation club with a land holding of more than 2 hectares.*

The proposal is considered to align reasonably well with the first criterion above. The site is at the southern edge of the small, existing local centre in Huntly and is removed from the centre of activity that will emerge from planned growth to the north and east of the town.

In summary, while the proposal does not align perfectly with all the above criteria, overall, it is considered to respond acceptably to the locational principles of clause 52.28. Importantly, this is not a rural town or a location of particular socio-economic disadvantage, and is at the periphery of a commercial area but not at the heart of an activity centre. Broadly speaking, this is the kind of location contemplated in the schedule as allowing for some gaming while minimising impulse gaming.

While the objectors' concerns about the social harms of gambling are valid and well-founded, within the grounds outlined for consideration in the Planning Scheme the proposal has been assessed as being acceptable.

Is the proposed built form of the extension to the Hotel acceptable?

The additions to the hotel are generally comparable in design approach to the existing buildings. Revised plans submitted during the course of the application have improved the appearance of the building and have sought to ensure that the part of the building with some heritage significance remains as the focus and the additions do not detract or diminish its appearance. Notably, the parapet height of the building along the Midland Highway and south of the older portion of the hotel has been

reduced in height. This change, and the addition of an outside terrace immediately south of the old facade, has increased the prominence of the original building.

The site is outside of the Neighbourhood Character Precincts identified at clause 15.01-5L-01 – Neighbourhood Character and the building is considered an appropriate response to the commercial character of this township, highway-side location. It is also noted that while the Hotel building does have some heritage significance, it is not currently within a Heritage Overlay and as such, the City has limited control over the built form outcomes in this regard. Nonetheless, discussions with the applicant throughout the application process and the resulting amendments to the plans have responded to this appropriately.

Is the altered access to the Midland Highway (a Transport Zone 2 Road) appropriate?

The proposal involves changing the location of the access points to the Midland Highway for the car parking; the proposed increased size of the venue and its car park also can be expected to increase the number of cars turning into the venue. The number of access points is not changing.

The proposal has been referred to the Department of Transport and Planning (for the Head, Transport for Victoria) who are satisfied with the proposal subject to conditions requiring a right turn treatment to the highway, signage indicating one way entry and exit, and adequate lighting. The City's Traffic Engineer has also accepted the plans.

The proposed new access is therefore considered acceptable.

One of the objections/submissions to the proposal also raised concern with potential traffic impacts relating to the proposal, specifically with regard to road safety and capacity, and whether the current proposal has given regard to traffic impacts at the Midland Highway/Pasley Street intersection resulting from a proposed primary school at 78 Pasley Street approved under permit DP/611/2018 (noting that construction is yet to commence for this development).

The application for the school was (also) referred to the Department of Transport and Planning (then known as VicRoads) for comment and permit DP/611/2018 includes conditions requiring an upgrade to the intersection including:

- An auxiliary left short (AUL(S)) turn treatment on the north-east approach of the Midland Highway; and
- A channelised right (CHR) turn treatment on the south-west approach of the Midland Highway.

In addition, a road safety audit is required when these works are designed, with any mitigating measures arising from the works also requiring construction.

Other conditions within permit DP/611/2018 also require upgrade works to Pasley Street, including the construction of kerb and channel and associated pavement works.

While the Transport Impact Assessment report submitted to support the Hotel's proposal does not include assessment against this nearby development, both the proposed conditions to be imposed on the current permit (if a permit is to issue) and the conditions included on the existing permit for the school, include upgrade works to the Highway to address increased traffic demand. On this basis it is considered that traffic impacts resulting from both the upgraded hotel and the school have been adequately addressed.

Conclusion

The proposal is an intensification of a long-established hotel, with the core of the use occurring within Commercial 1 zoned land. The amenity impacts from the increased patron numbers and floor area can be managed through appropriate acoustic impacts. The proposed built form and vehicle access arrangements to the Midland Highway are acceptable. While community concern with gaming machines is valid and well-founded, the venue responds acceptably to the locational criteria outlined at clause 52.28. Approval of the application is recommended.

Options

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

Conflict of Interest

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

Proposed Notice of Decision Conditions

1. AMENDED PLANS

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the advertised plans, but further modified to show:

- (a) All changes required by Department of Transport Condition 24

- (b) Location of photovoltaic solar system,
- (c) Location of motorcycle parking
- (d) Location of water tank
- (e) A table of ESD (environmentally sustainable development) initiatives committed to in the Sustainable Design Assessment (SDA) and Built Environment Sustainability Scorecard (BESS) should be shown on the development plans, and should include the following proposed conditions:
 - i. A 12,000L water tank will be provided and connected to toilets for flushing.
 - ii. Water fixtures and fittings efficiency commitment: 4-star kitchen taps, 5-star bathroom taps, 4-star toilets, 5-star urinals (WELS ratings).
 - iii. Water efficient garden; plantings are not to require supplementary watering with potable water (after an initial period when plants are getting established)
 - iv. All exposed floors and ceilings (forming part of the envelope) to have a minimum 10% improvement in required NCC2019 insulation levels.
 - v. Heating and cooling systems to be within one star or at least 85% of the best CoP/EER available for the required capacity.
 - vi. Water heating systems to be within one star of the best available, or 85% or better than the most efficient equivalent capacity unit.
 - vii. A 50% increase in outdoor air will be available to regular use areas compared to the minimum required by AS 1668.2:2012.
 - viii. Mechanical ventilation systems to be designed and monitored to maintain a maximum absolute CO2 concentration of 800ppm.
 - ix. Recycling facilities will be at least as convenient for occupants as facilities for general waste, and supplied at the point of disposal (i.e. Kitchens).
 - x. Sub-meters will be provided in the switchboard to enable metering of individual circuits including HVAC, lighting, and to the gaming machines.
 - xi. Parking area will have at least 5 motorcycle parking places.
 - xii. A min 3.5kW solar photovoltaic system will be installed.

2. NO LAYOUT ALTERATION

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

3. PATRON NUMBERS

No more than 570 patrons may be present on the premises at any one time without the prior written consent of the responsible authority.

4. ELECTRONIC GAMING MACHINES:

- (a) No more than 40 gaming machines are permitted to be used in the gaming area. The gaming machines must only be available for use when the Hotel is

permitted to open under its liquor license.

- (b) Before the use and installation of gaming machines commences, a Harm Minimisation Policy is to be submitted to the satisfaction of the responsible authority. The Plan must provide details of access to gaming lounge and include:
 - i. Measures to identify problem gamblers; and
 - ii. The training of staff in the responsible service of gambling.

The Plan, including the matters specified herein, may be amended to the satisfaction of the responsible authority.

When approved, the Plan is to be implemented to the satisfaction of the responsible authority.

5. USE OF BEER GARDEN

- (a) No music is permitted to be played in the beer garden past 10:00pm on any given day;
- (b) No patrons are permitted to be in the beer garden after 11:00pm on any given day; and
- (c) No more than 220 patrons are permitted in the beer garden before 10pm, and no more than 140 patrons are permitted in the beer garden between 10pm and 11pm.

6. ACOUSTIC MEASURES

Prior to the supply and consumption of liquor in accordance with the layout allowed for by this permit, all acoustic measures outlined in the Clarity Acoustics Report R01 Rev2 22192 – 13 October 2023 must be completed and constructed to the satisfaction of the responsible authority.

The supply and consumption of liquor must be undertaken in accordance with the recommendations of the acoustic report.

7. ACOUSTIC TREATMENT OF PLANT

Prior to the commencement of use of the amended layout allowed for under this permit, the noise impacts of the selected proposed fixed plant and equipment must be assessed by a suitably qualified noise consultant. Installation and attenuation of all fixed plant and equipment shall be undertaken to avoid disturbing nearby residences and must comply with relevant legislation.

8. NOISE LIMITER

- (a) Prior to the occupation of the building and works allowed by this permit, the Permit Operator must install and maintain a Noise Limiter ("the Device") to the Juke Box (or equivalent from time to time), with a cut out for exceedance, set at a level by a qualified acoustic engineer, to ensure the escape of amplified music does not exceed the relevant noise protocol. Amplified music is not

permitted to be played through the Device other than when the Device is installed and operating.

- (b) Evidence, in the form of a letter from a qualified acoustic engineer, must be supplied to the responsible authority confirming the Device has been installed, and the level in which the Device has been set to cut out music from the Juke Box.

9. COMPLIANCE TESTING

Should the City of Greater Bendigo deem it necessary on reasonable grounds, the occupier of the land must engage an Acoustic consultant to review the adequacy and implementation of the endorsed Acoustic Assessment report by Clarity Acoustics Report R01 Rev2 22192 – 13 October 2023 and submit within 30 days of the request an Acoustic Report containing amongst other things noise measurements and acoustic assessment to demonstrate compliance with relevant legislation or actions required to meet compliance.

10. AMENITY OF LOCALITY

The use permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality by means of noise emissions, and / or patron behaviour.

11. PATRON MANAGEMENT PLAN

Before the supply and consumption of liquor in the amended layout approved by this permit commences, an updated Patron Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. This should be consistent with existing patron management plans under the previous permit for the site but updated to reflect the altered and expanded operations allowed by this permit.

The plan must include but is not limited to:

- (a) Staffing and security arrangements (the latter if applicable) for the premises designed to ensure the orderly arrival and departure of patrons;
- (b) Signage to be used to encourage responsible off-site patron behaviour;
- (c) Measures to control noise emissions from the premises;
- (d) A contact person during the operation of the use.
- (e) How the management of patrons within the Beer Garden will occur to comply with the requirements of Condition 4.

When approved, the plan will be endorsed and will form part of the permit. The Patron Management Plan must be implemented to the satisfaction of the responsible authority. The patron management plan must not be modified unless with the further written consent of the responsible authority.

12. NOISE RISK MANAGEMENT PLAN

Prior to the commencement of use of the amended layout allowed by this permit, the developer/occupier/duty holder of the venue must produce to satisfaction of the City of Greater Bendigo a Noise Risk Management Plan in reference to the Acoustic Assessment by Clarity Acoustics Report R01 Rev2 22192 – 13 October 2023 which includes:

- (a) All potential risks of noise emissions that may impact surrounding uses.
- (b) How noise emissions from the risks will be monitored to ensure compliance.
- (c) How the patron cap per area per time of night, on which the Acoustic Assessment was based, will be implemented.
- (d) How behavioural noise mitigation measures in the Acoustic Assessment will be implemented i.e. Sports bar bi-fold doors are closed at 2200hrs other than for patron ingress/egress and remain closed when live music is going.
- (e) How the Sports bar bi-fold door and the Function Room Terrace door will remain closed apart from patron ingress/egress after 2200hours.
- (f) How complaints of noise will be responded to when they arise.
- (g) Any measures required to implement the recommendations of the Acoustic Assessment.

This may be combined with the Patron Management Plan.

When approved, the plan will be endorsed and will form part of the permit. The Noise Risk Management Plan must be implemented to the satisfaction the responsible authority. The Noise Risk Management must not be modified unless with the further written consent of the responsible authority.

13. LANDSCAPING WORKS

Before the use of the amended layout approved by this permit, 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.

14. 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.*

15. VEHICLE CROSSING REMOVAL

All disused or redundant vehicle crossings must be removed, and the area reinstated to kerb and channel to the satisfaction of the responsible authority.

16. ACCESSIBLE PARKING

Accessible parking bays, where required by the BCA, must be provided in

accordance with AS/NZ 2890.6-2009, section 2 and must be signed in accordance with AS/NZ 1742.11-1999 and line marked in accordance with AS/NZ 2890.6-2009, section 3.

17. CONSTRUCTION OF CAR PARK

The entry/exit, the internal roadway and the parking areas must be sealed, and the car parking spaces line marked and maintained to the responsible authority's satisfaction.

18. LIGHTING OF CAR PARK

The carpark must be provided with public lighting in accordance with AS/NZ 1158.3.1 with fittings to minimise spill lighting on to neighbouring property (including road reserves) in accordance with AS/NZ 4282-1997.

19. SIGHT LINES AT ENTRY

The development must ensure sight lines at the exit driveway comply with Clause 52.06-9.

20. CONSTRUCTION OF DRIVEWAY

The driveways between the property boundary and the edge of the sealed road must be constructed in accordance with the Infrastructure Design Manual.

21. LOADING AND UNLOADING

All loading and unloading of goods must be conducted wholly on the site.

22. GENERAL DRAINAGE

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

23. SUSTAINABLE DESIGN ASSESSEMENT

- (a) All works must be undertaken in accordance with the endorsed SDA (including BESS and STORM report etc) to the satisfaction of the responsible authority. No alterations to the SDA or associated documents may occur without the prior written consent of that authority.
- (b) Prior to the commencement of occupation or issue of Statement of Compliance, a post construction report, must be submitted to the responsible authority. The report must be to the satisfaction of the responsible authority and must confirm that all measures specified in the SDA have been implemented in accordance with the approved plan. The report must include the following documents and photographic evidence of:
 - i. Size and number of rainwater tanks installed pumps and connection to toilets Final JV3 modelling assessment.
 - ii. The efficiency of electrical and water fittings and fixtures installed

- including the heating/cooling and hot water system.
- iii. Calculations that establish that a 50% increase in outdoor air will be available to regular use areas compared to the minimum required by AS 1668.2:2012.
- iv. CO2 monitors.
- v. Solar PV installation.
- vi. Bicycle parking.
- vii. Recycling facilities at the point of disposal (i.e. kitchens).
- viii. Mechanical ventilation systems Co2 monitor.
- ix. Motorcycle parking.
- x. Utilities sub-metering.

24. DEPARTMENT OF TRANSPORT - ACCESS

Prior to commencement of the buildings and/or works, amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the responsible authority and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans date stamped June 2023 but modified to show:

- (a) A basic right turn (BAR) treatment on Midland Highway.
- (b) Entry only signs at the northerly access point of 584 Midland Highway, Huntly.
- (c) Exit only signs at the southerly access point of 584 Midland Highway, Huntly.
- (d) Adequate lighting of the entry and exit.

25. DEPARTMENT OF TRANSPORT – ACCESS CONSTRUCTION

Prior to commencement of the use, the works shown on the endorsed plans in accordance with condition 24 must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria.

26. EXPIRY OF PERMIT

This permit will expire in the following circumstances;:

- (a) The development permitted by this permit is not commenced within 2 years of the date of this permit;
- (b) The development permitted by this permit is not completed within 4 years of the date of this permit;
- (c) The use authorised by this permit is not commenced within 4 years of the date of this permit.

The time within which the development must be commenced and completed may be extended, on written request to the responsible authority, before or within 6 months after the expiry of this permit where the development has not yet started or 12 months where the development has commenced.

Environmental Health Notes:

- The food premises must be constructed and maintained in accordance with the Food Act 1984 and Food Standards Code. It is strongly recommended that working drawings of proposal be submitted to City of Greater Bendigo Environmental Health Department for review and comment prior to commencement of any works to ensure compliance.
- The design, capacity, and other requirements around a grease trap/s for the premises must be obtained from the Responsible Authority (Coliban Water).
- The occupier/operator of the venue must ensure the Tobacco Act 1987 controls are complied with, including adherence to areas legislated to be smokefree (including cigarettes and vapes) and the display of prescribed no smoking signage.

Attachments

Nil

16.3. Planning Scheme Amendment C242gben Eaglehawk Landfill Buffer Area Overlay

Author:	Rebecca Fisher, Strategic Planner
Responsible Director:	Rachel Lee, Director Strategy and Growth

Purpose

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

This report seeks consideration of the Panel Recommendations and City officer responses for Planning Scheme Amendment C242gben and recommends that the updated Amendment C242gben is adopted by Council and submitted to the Minister for Planning for approval.

Recommended Motion

That Council:

1. Having considered the Planning Panel report and the Panel Recommendations for Amendment C242gben provided at Attachment 1, endorses the officer's response to the issues and recommendations as outlined in this report.
2. Adopts Amendment C242gben in accordance with section 29 of the *Planning and Environment Act 1987*, with changes as reflected in the final Amendment C242gben documentation provided at Attachment 2.
3. Submits adopted Amendment C242gben, together with the prescribed information, to the Minister for Planning for approval in accordance with section 31 of the *Planning and Environment Act 1987*.
4. Advises those persons who made written submissions to Amendment C242gben of Council's decision.

MOTION

That the recommended motion be adopted.

Moved: Cr Fagg

Seconded: Cr Sloan

Resolution No. 2024-28

CARRIED

Executive Summary

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

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

Amendment C242gben was referred to an Independent Planning Panel which reviewed the Amendment 'on the papers' and concluded that the Amendment is strategically sound and should be supported subject to minor changes to the schedules to the Buffer Area Overlay to improve the clarity of the controls and make them easier to apply. The full Panel report can be found at Attachment 1.

City officers are supportive of the intent of the changes by the Panel. It is agreed that the Panel's alternative drafting does provide some clarity, however it is noted that some of the changes are not in accordance with *Ministerial direction s7(5) – The form and content of planning schemes*.

Officers recommend that Council adopt the Amendment as updated (refer to Attachment 2) and submit to the Minister for Planning for approval, noting that further changes may be made by the Minister prior to gazettal to ensure compliance with drafting requirements.

Background

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

The Environment Protection Authority (EPA) guideline, *Best Practice Environmental Management - Siting, design, protection, operation and rehabilitation of landfills 2015*

provides recommendations on how to manage landfills now and in the future. The EPA recommends that any new development proposal within 500 metres of a landfill should be supported by an environmental audit undertaken in line with the Environment Protection Act 1970.

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

The audit found that:

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

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

The audit provided recommendations for new developments to minimise any potential impacts of the landfill. These recommendations include introducing planning controls within

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

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

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

The planning controls proposed and exhibited as part of this amendment were updated, in consultation with DTP (Planning) and the EPA, to respond to the authorisation conditions and the updated legislation and policy.

In preparing the Amendment documents, City officers worked with a specialist planning consultant, the EPA and DTP (Planning). The proposed controls were carefully considered, to ensure they are reasonable and proportionate and City officers worked extensively with an environmental scientist with demonstrated experience in contaminated land assessment, remediation and environmental management to consider the practical implications. Further information regarding the Amendment can be found in the Explanatory Report (provided as Attachment 3).

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

Amendment C242gben was publicly exhibited from 1 June to 14 July 2023. City officers received four (4) submissions to the Amendment. Of the submissions received, two submissions acknowledged the Amendment but did not request changes, one submission could be resolved if the amendment was changed in the manner requested and one submission was not resolved.

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

As the submission opposed the Amendment due to issues with the landfill operations and the that the justification given relates to speculation on how the property value might be impacted, City officers did not recommend changing the Amendment in the manner requested. The submission remained unresolved and was recommended to be referred to an Independent Planning Panel for consideration.

Previous Council decision dates

On 15 July 2020 Council resolved to:

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

On 28 August 2023 Council resolved to:

- Having formally considered all written submissions received to Amendment C242gben, note the issues raised by the submissions and the officer's response to those issues, as outlined in this report.
- Request the Minister for Planning appoint an Independent Planning Panel to consider submissions received for Amendment C242gben, in accordance with Part 8 of the *Planning and Environment Act 1987*.
- Refer all submissions identified in this report to the planning panel appointed by the Minister for Planning.
- Endorse the officer's response to the issues raised by submissions and the recommended changes to Amendment C242gben, as outlined in Attachment 1, as the basis for Council's submission to the planning panel.
- Advise those persons who made written submissions to Amendment C242gben of Council's decision.

Report

When requesting the Minister for Planning to appoint a Panel to consider the amendment and submissions, City officers, given there was only one submission that was unresolved, requested that if the submitter did not wish to be heard that the submissions be assessed on the papers.

The Minister appointed a one-person Panel to hear and consider submissions. As none of the submitters requested to be heard by the Panel, the matter was dealt with on the papers, with no additional directions and no hearing.

The Panel report was provided to City officers on 23 October 2023 and was made publicly available on 6 November 2023. The Panel report is provided as Attachment 1 to this report.

The Panel concludes the Amendment is strategically sound and should be supported subject to the Panel's recommended drafting changes to the BAO1 and BAO2.

The recommended drafting changes to BAO1 are intended to better reflect the intent of the Amendment, improve the clarity of the controls and make them easier to apply. Minor adjustments are recommended to the BAO2. City officers are generally supportive of the intent of the changes suggested by the Panel, agreeing that the Panel's alternative drafting does provide some clarity.

City officers do not support the suggestion of the Panel to insert the words "if not properly managed" into the Statement of Risk (suggested wording as *Even when landfills are operating in accordance with all relevant statutory obligations, landfill gas can (if not properly managed) pose human health and safety risks, such as asphyxiation and explosion*") as landfill gas can still pose as risk even if properly managed.

This is stated in *Planning Practice Note 92: Managing land use buffers for land use compatibility* as:

"Many industrial and other land uses have the potential to produce off-site impacts, such as noise, dust, odour and hazardous air pollutants. While these impacts can often be prevented through onsite management, unintended off-site impacts due to equipment failure, accidents, abnormal weather events and other causes may still pose risks to amenity, safety and human health. These impacts are particularly concerning where residential areas, hospitals, schools and other sensitive uses may be exposed."

Officers note that the suggested insertion of Section 3.0 Definitions is not in accordance with the template provided in Annexure 2 of *Ministerial direction s7(5) – The form and content of planning schemes*; and the included reference to the *Landfill gas protection measures user guide* (BGL Nominees Pty Limited, 2023) directs readers to a document that is not proposed to be introduced to the Greater Bendigo Planning Scheme.

Officers raised these concerns with the Panel upon receipt of the Panel Report, however Planning Panels Victoria noted that a further response (and therefore changes) would not be provided.

Officers recommend that Council adopts the Amendment as updated (refer to Attachment 2) and submits it to the Minister for Planning for approval, noting that further changes may be made by the Minister prior to gazettal to ensure compliance with drafting requirements.

Priority/Importance

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

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

Options Considered

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

It is recommended that the Amendment is adopted with changes as outlined in this report.

Timelines

If adopted by Council, *Ministerial Direction No. 15 - the planning scheme amendment process* requires that a planning authority must submit an adopted amendment under section 31 of the Act, together with the prescribed information, within 10 business days of the date the amendment was adopted.

Communications/Engagement

Exhibition of the amendment was undertaken in accordance with the *Planning and Environment Act 1987*.

Risk Assessment

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

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

Policy Context

Primary Council Plan Reference

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

Outcome 2 - Healthy, liveable spaces and places

Secondary Council Plan Reference(s)

Goal 1 - Strengthened community health and wellbeing

Goal 7 - Sustainable population growth is planned for

Conflict of Interest

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

Attachments

1. Greater Bendigo C242gben Panel Report [**16.3.1** - 42 pages]
2. Greater Bendigo C242gben Policy for Adoption [**16.3.2** - 30 pages]
3. Greater Bendigo C242gben Explanatory Report for Adoption [**16.3.3** - 30 pages]

16.4. CA 8B Weaver Road, NEILBOROUGH 3570 - Use and Development of the Land for a Dwelling

Author:	Rees May, Senior Statutory Planner
Responsible Director:	Rachel Lee, Director Strategy and Growth

Summary/Purpose

Application No:	DR/616/2023
Applicant:	Bendigo Planning Services
Land:	CA 8B Weaver Road, NEILBOROUGH 3570
Zoning:	Farming Zone
Overlays:	None
No. of objections:	0
Consultation meeting:	Not applicable
Key considerations:	<ul style="list-style-type: none"> Whether the proposed use and development of the land for a dwelling is supported by the Municipal Planning Strategy, Planning Policy Framework and Farming Zone. Whether the proposal is consistent with decisions made by the Victorian Civil and Administrative Tribunal.
Conclusion:	<p>The Greater Bendigo Planning Scheme recognises that agricultural land is a valuable and finite resource that must be protected from the encroachment of conflicting land uses.</p> <p>The application proposes the use and development of the land for a dwelling and outbuilding, which is contrary to planning policy relating to rural dwellings and the protection of agricultural land. The proposal would result in a rural residential outcome and permanent change in land use that is contrary to the purpose of the Farming Zone and does not support or enhance agriculture.</p> <p>It is recommended that Council issue a Notice of Decision to Refuse to Grant a Permit as the proposal presents an unacceptable planning outcome. Refusal of this application will ensure that the viability of the City's agricultural industry is supported and protected from encroachment from non-agricultural intrusions.</p>

Recommended Motion

That Council issue a Notice of Decision to Refuse to Grant a Permit for the use and development of the land for a dwelling and outbuilding at CA 8B Weaver Road, Neilborough on the following grounds:

1. The proposal is inconsistent with policy relating to rural dwellings and the protection of agricultural land at Clause 14.01-1S and Clause 14.01-1L and the purpose and decision guidelines of the Farming Zone, in the following manner:
 - (a) The dwelling does not support an agricultural land use with the application solely proposing a rural residential outcome.
 - (b) The dwelling would cause the fragmentation of agricultural land by limiting the ability of the land to consolidate with adjoining or nearby land.
 - (c) The dwelling would result in a permanent change in land use and has the potential to stymie genuine agricultural activities on surrounding land.
 - (d) The dwelling could lead to a concentration or proliferation of dwellings in the area thus impacting on the use of the land for agriculture.
 - (e) The proposal does not support or enhance agriculture.

MOTION

That the recommended motion be adopted.

Moved: Cr Sloan

Seconded: Cr O'Rourke

Resolution No. 2024-29

CARRIED

Report

Subject Site and Surrounds

The site is located on the western side of Weaver Road and is formally described as Crown Allotment 8B Section K Parish of Neilborough (Volume 12402 Folio 517). The site is irregular in shape with an overall area of 8.053 hectares. The site has a north-eastern frontage onto Weaver Road of 312.62 metres and a depth along the north-western boundary of 317.85 metres.

The site is vacant and is not currently being used for agricultural purposes, although the application material does state that the site has historically been used for agriculture. The site is mostly cleared of vegetation other than some scattered trees and a patch of native vegetation along a portion of the north-western boundary. A small dam is also sited along the north-western boundary. Access to the site is

provided via an informal crossover onto Weaver Road. The topography of the site is slightly undulating with a fall towards the south-west.

The site and immediate area to the north, east and south-west are located within the Farming Zone. Land to the south-east on the eastern side of Dixon Road is located within the Rural Conservation Zone. The site is not affected by any overlays. Lot sizes of adjoining parcels range from approximately 6.2 hectares to 29 hectares with many of the parcels being used for grazing. Agriculture is practiced within the immediate surrounding area.

Whilst it is acknowledged that there are dwellings located within the Farming Zone in the surrounding area, the majority of these dwellings pre-date the current planning policy. The only example of a recent dwelling approval is on the adjoining parcel to the north-east on the eastern side of Weaver Road. Planning approval for this dwelling was granted on the basis that the proposal also included the consolidation of 7 parcels of land, with the consolidation deemed to improve the productive capacity of the site.

The south-eastern corner of the site adjoins the intersection of Weaver Road, Aldridges Road, Palmer Road and Dixon Road.

The site adjoins Weaver Road to the north-east. Further north-east is an irregular shaped lot with an area of approximately 13 hectares which is vacant.

The site adjoins an irregular shaped lot to the south-east which has an area of approximately 29 hectares and is vacant. The southern portion of the site contains extensive native vegetation.

The site adjoins a generally rectangular shaped lot to the south-west which has an area of approximately 10 hectares and is vacant. A small dam is located in the north-western corner of the site and a patch of vegetation found through the centre of the site where Elysian Flat Creek flows.

The site adjoins an unmade road reserve to the north-east. Further north-east is vacant farmland (with the exception of a small shed).

The site is located approximately 800 metres to the south-east of the Neilborough Township.

Figure 1 below shows an aerial image of the subject site.



Figure 1: Aerial image of the subject site and surrounds.

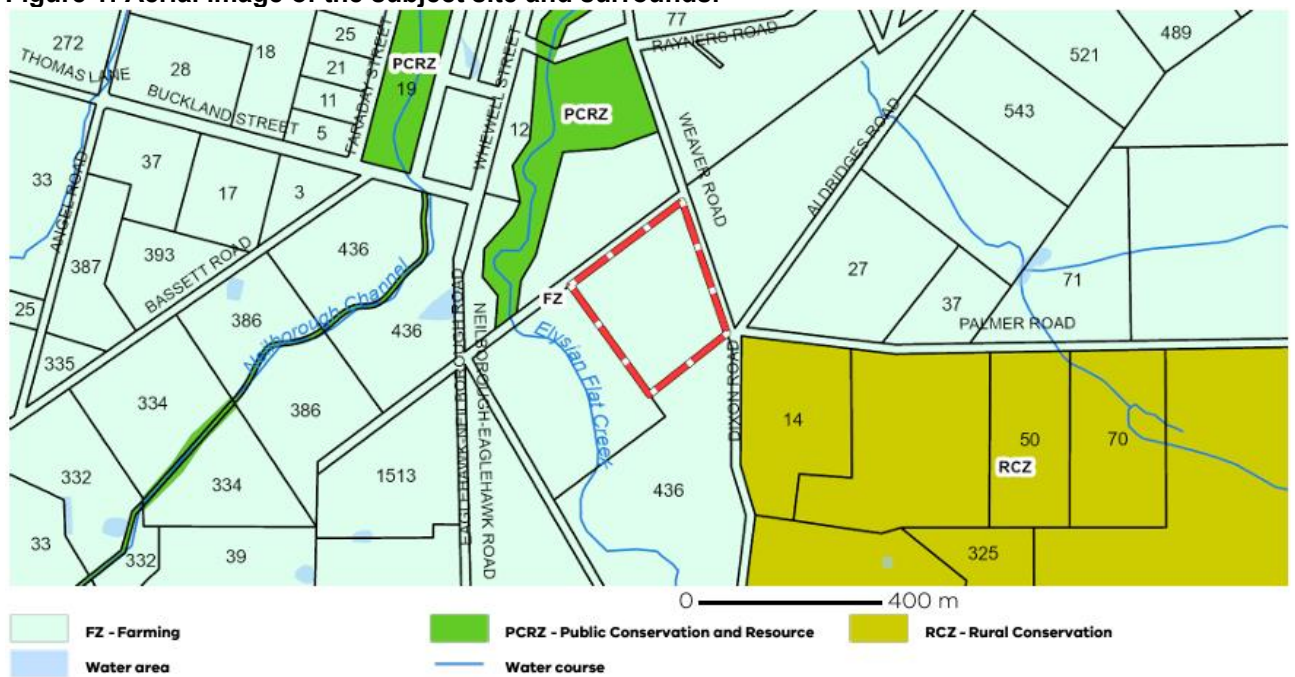


Figure 2: Zoning map of the site and surrounds.



Figure 3: View of the existing informal vehicle access onto Weaver Road (looking towards the south-west).



Figure 4: View from the north-eastern corner of the site looking towards the south-west.

Proposal

The proposal is for the use and development of the land for a dwelling and outbuilding. It is noted that no agricultural land use is proposed to support the dwelling.

The dwelling would be located in the central portion of the site and would be setback 105.6 metres from Weaver Road and approximately 129.6 metres from the north-western boundary that adjoins an unmade road reserve.

The dwelling would be single storey with an overall area of 428.6 square metres. The dwelling would contain four bedrooms (plus study); two bathrooms; an open plan kitchen and dining area; and separate lounge and retreat.

The dwelling would be constructed of brick with a hipped Colourbond roof. Details of external colours have not been provided.

A 216 square metre (9m x 24m) outbuilding is proposed to be constructed to the south-west of the dwelling. The outbuilding would have a height of 4.175 metres and feature 6 roller doors across the northern elevation. Details of the external colours and materials have not been provided.

The application plans show a building envelope which is not registered on title, but rather included by the applicant for indicative purposes.

Figures 5 and 6 below show the siting of the proposed dwelling.

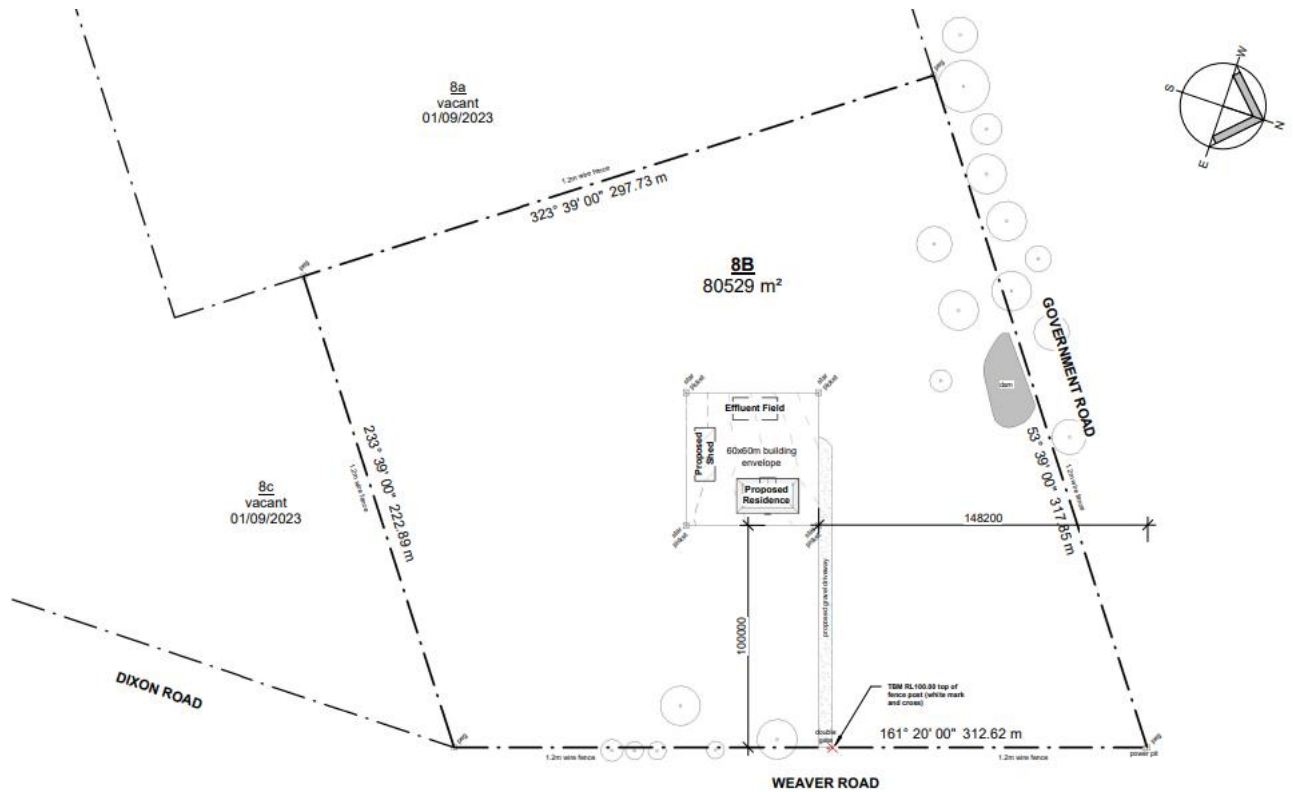


Figure 5: Proposed site plan.

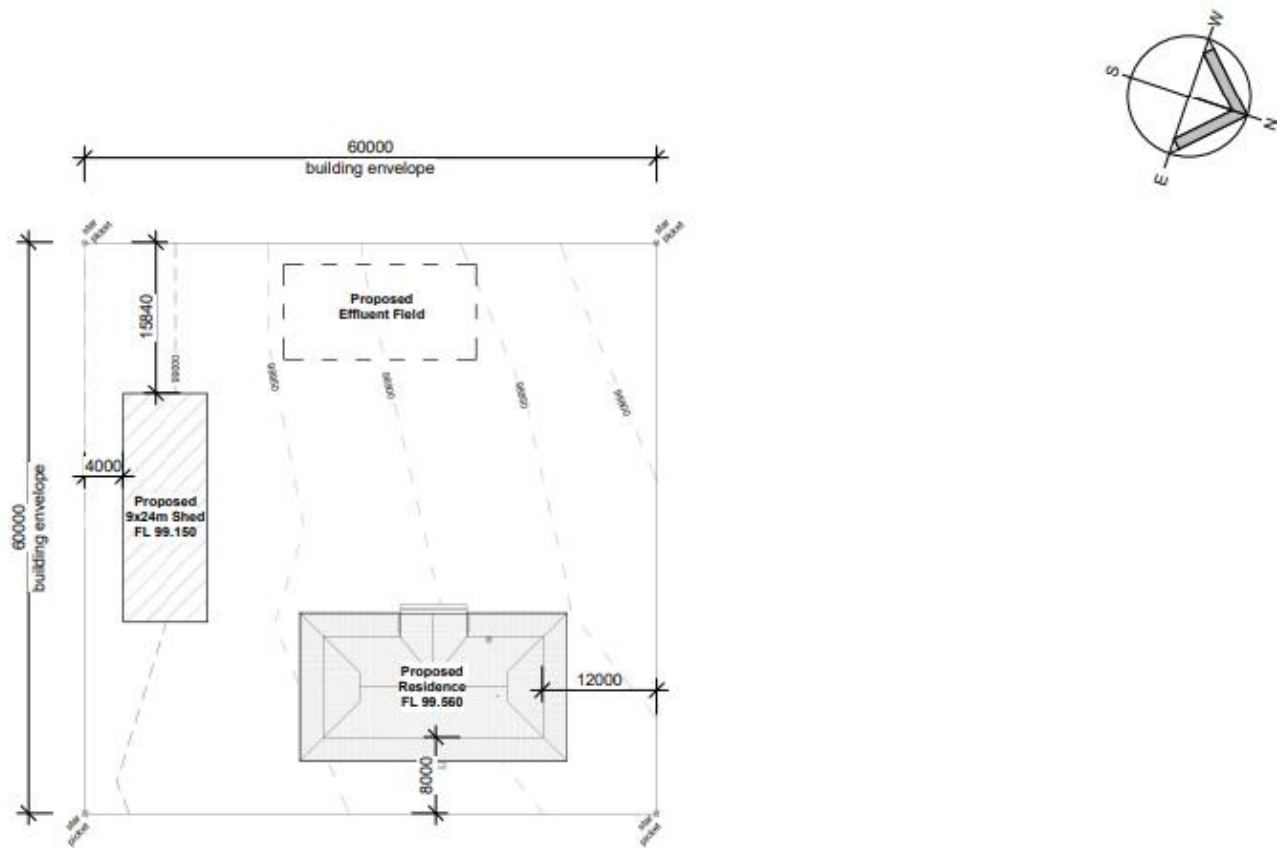


Figure 6: Proposed site plan close up.

Figure 7 below shows the proposed dwelling floor plan.

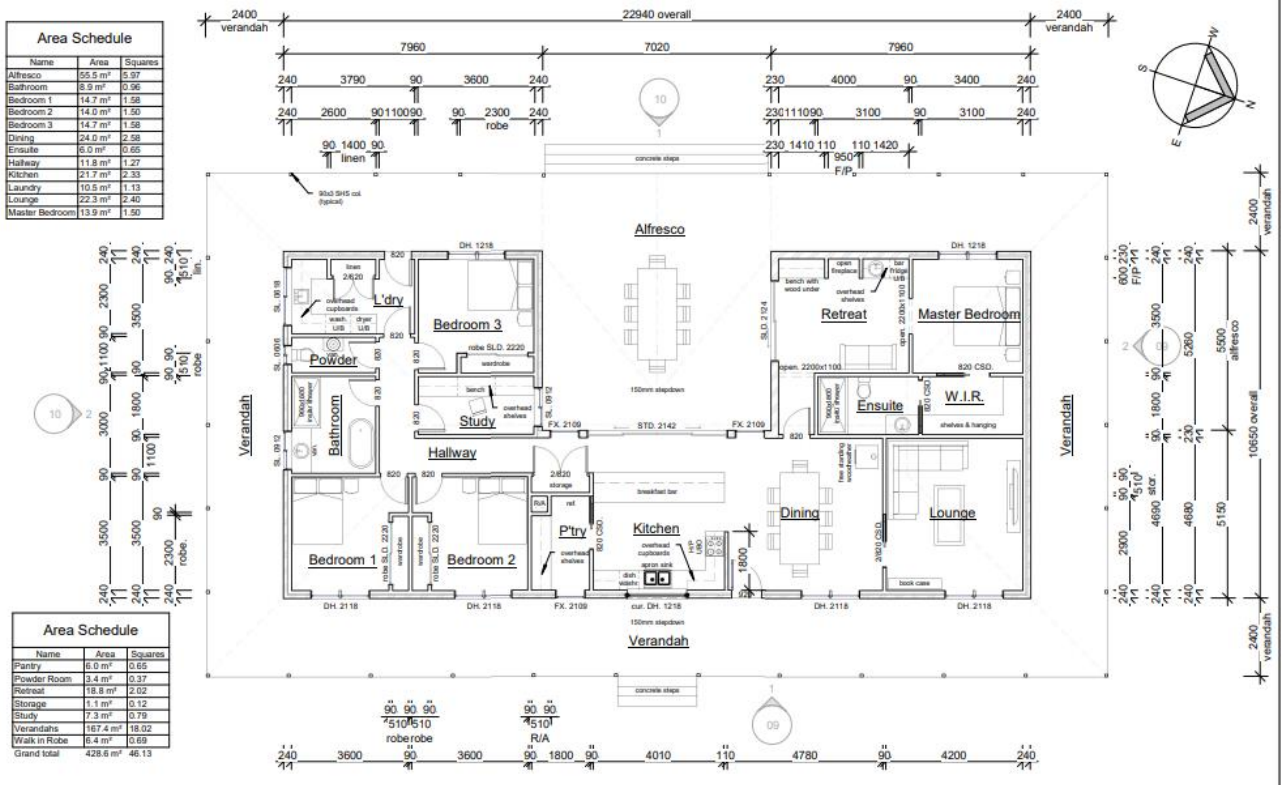


Figure 7: Proposed floor plan.

Figures 8 to 11 below show the proposed dwelling elevations.

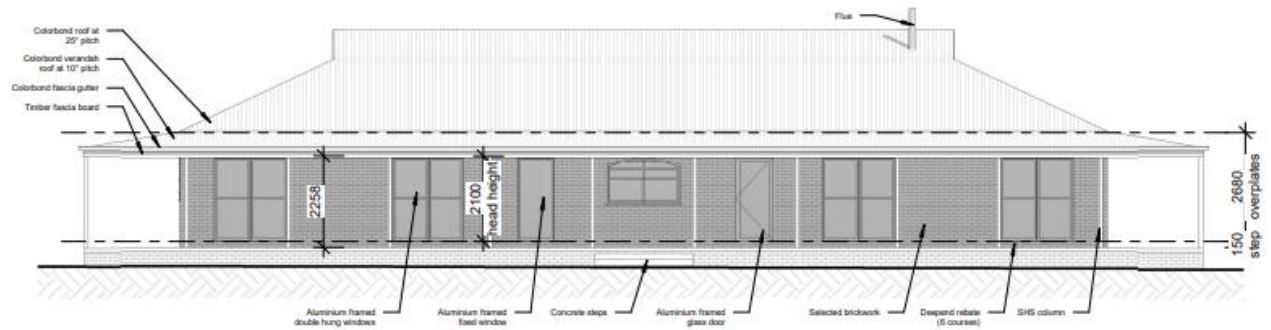


Figure 8: Eastern elevation.

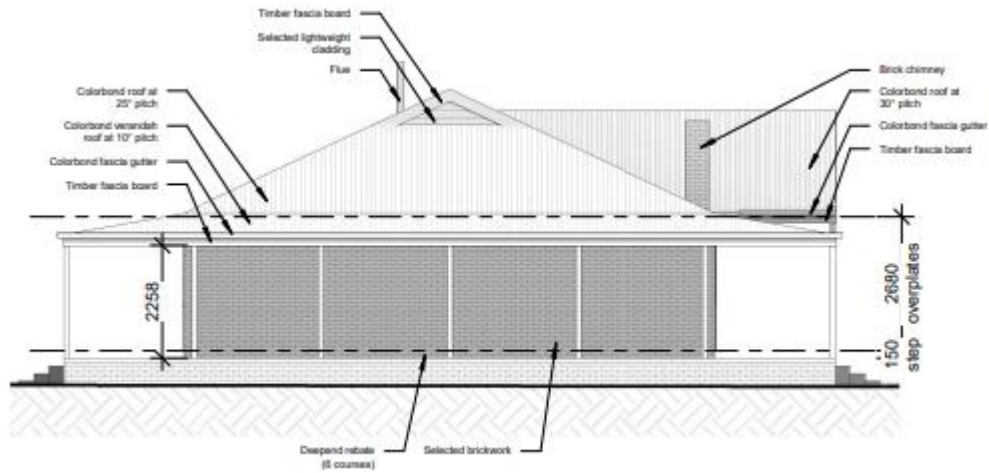


Figure 9: Northern elevation.

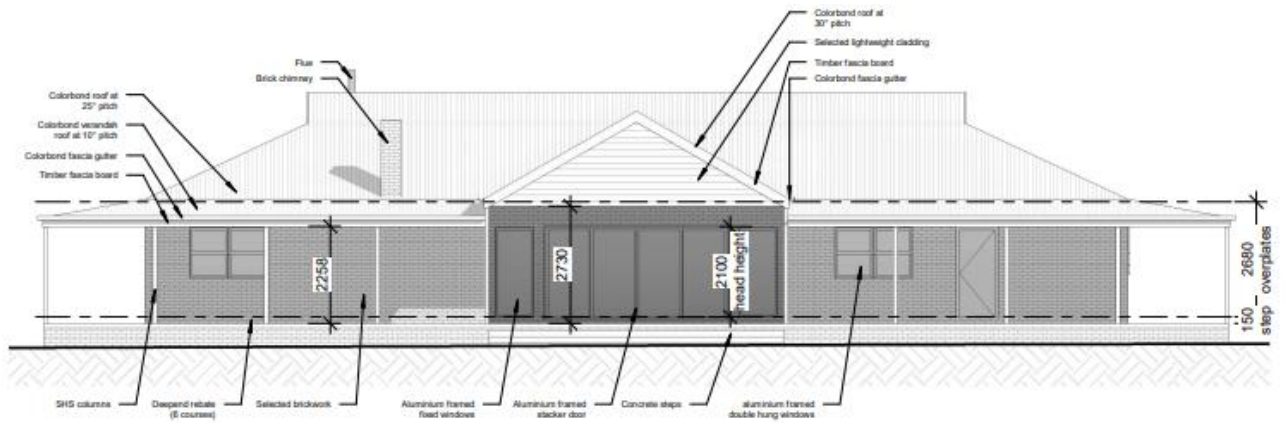


Figure 10: Western elevation.

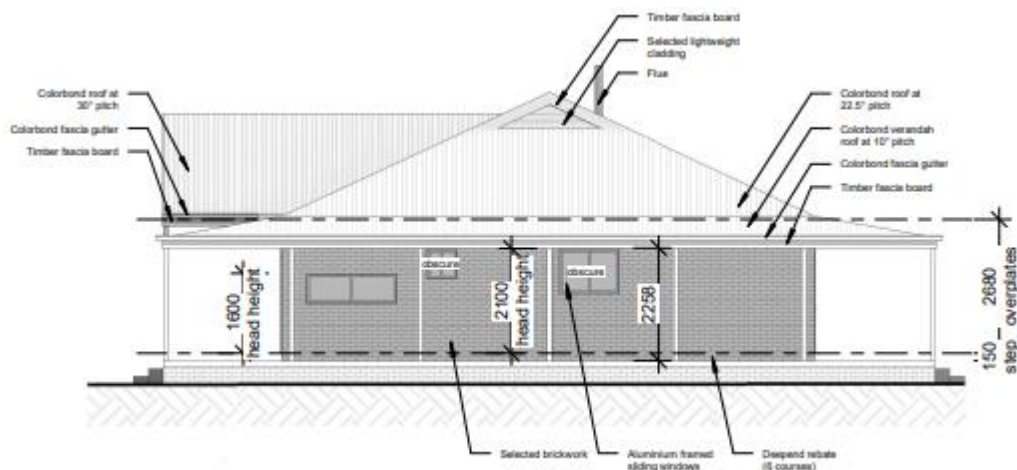


Figure 11: Southern elevation.

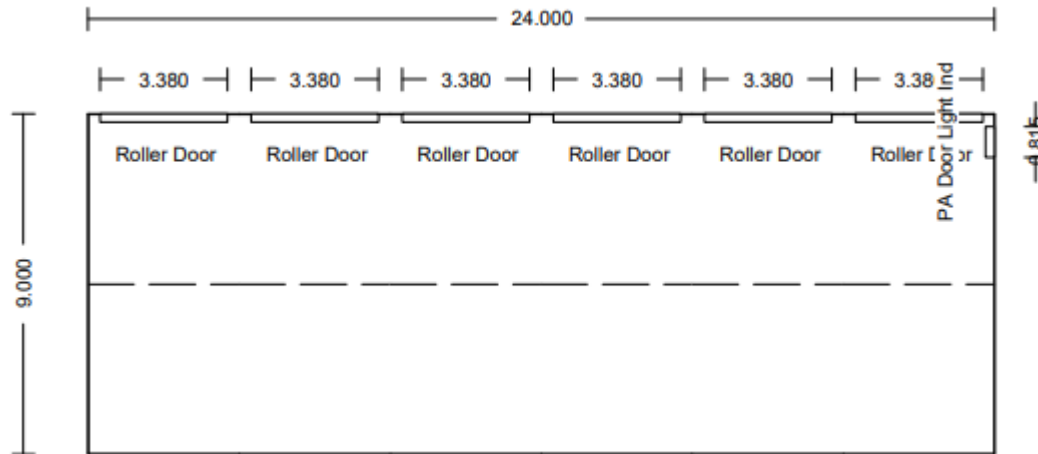


Figure 12: Outbuilding floor plan.

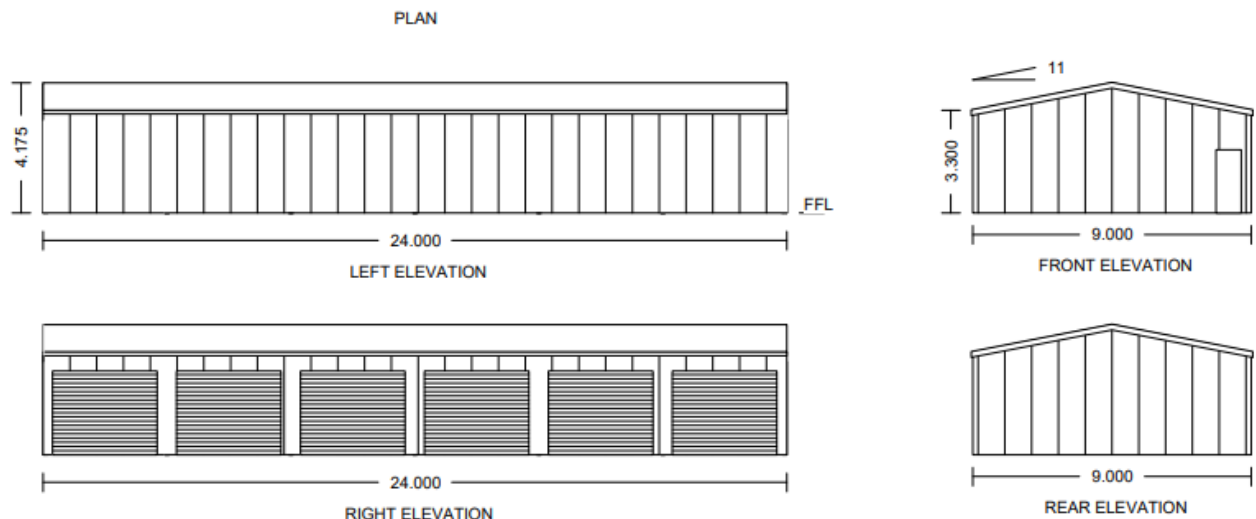


Figure 13: Outbuilding elevation plans.

Planning Controls - Greater Bendigo Planning Scheme

Why is a planning permit needed?

Clause	Permit Trigger
Clause 35.07-1 Farming Zone	A permit is required to use the land for a dwelling as the minimum lot size of 40 hectares is not met.
Clause 35.07-4 Farming Zone	A permit is required to construct a building or carry out works with a use in Section 2 of Clause 35.07-1.

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

Municipal Planning Strategy

Clause 02.03-1	Settlement
Clause 02.03-4	Natural resource management
Clause 02.03-6	Housing

Planning Policy Framework

Clause 11.01-1L-01	Settlement – Greater Bendigo
Clause 14.01-1S	Protection of agricultural land
Clause 14.01-1L	Protection of agricultural land – Greater Bendigo
Clause 14.01-2S	Sustainable agricultural land use
Clause 15.01-6S	Design for rural areas

Other Provisions

Clause 35.07	Farming Zone
Clause 65.01	Approval of an application
Clause 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 internal departments have been consulted on the proposal:

Referral	Comment
Traffic Engineer	Supported the proposal subject to conditions relating to construction requirements for the vehicle crossing and internal driveway.

Referral	Comment
Environmental Health	Supported the proposal subject to the inclusion of a note on the permit requiring the issue of a Permit to Install an Onsite Wastewater Management System prior to the issue of a building permit.

Public Notification

The application was advertised by way letters to adjoining and nearby owners and occupiers and a sign displayed on the site. As a result of advertising, no objections were received.

Planning Assessment

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

- Whether the proposed use and development of the land for a dwelling is supported by the Municipal Planning Strategy, Planning Policy Framework and Farming Zone.
- Whether the proposal is consistent with decisions made by the Victorian Civil and Administrative Tribunal.

The relevant Planning policy context

The Municipal Planning Strategy through Clause 02.03-1 outlines that Greater Bendigo has experienced strong population growth. This growth is supported by State Government strategies and is forecast to continue. A strategic direction of this policy is to protect agricultural land and high value environmental areas from development.

Clause 02.03-4 identifies the protection of agricultural land and sustainable agricultural land use as being the key natural resource management issues for Greater Bendigo. The Planning Scheme recognises that Greater Bendigo's rural areas support a diverse agricultural base, with the municipality generating nearly \$200 million of agricultural product each year. The policy states that:

“There are areas where agricultural activities are potentially compromised by a fragmented subdivision pattern and isolated dwellings in rural areas have the potential to disrupt agricultural activities. Ongoing agricultural production depends, in part, upon maintaining a mass of productive agricultural land, which excludes concentrations of residential type uses.”

Strategic directions relevant to the proposal include:

- Protecting agricultural land as a valuable and finite resource from fragmentation and encroachment by competing uses.
- Supporting the sustainable growth of agriculture by:
 - Assisting the sector to adapt to the impacts of climate change.
 - Continuing to invest in infrastructure, processing and value adding businesses.
 - Protecting from incompatible uses.
 - Broadening the range of agricultural businesses.
- Managing competing land uses in order to facilitate the growth of agricultural uses while maintaining the amenity of more sensitive uses, particularly in the areas of a concentration of intensive animal industries as shown in the Rural strategic framework plan in Clause 02.04.

Clause 02.03-6 identifies the management of rural residential development as a key housing issue. It notes that rural residential development requires careful management in Greater Bendigo to avoid the loss of agricultural land, adverse impacts on the biodiversity values, isolation of people from services and costs and poor standards of infrastructure such as roads and drainage. There is a large supply of land zoned Rural Living Zone in the Strathfieldsaye and Heathcote areas which provides opportunities for rural residential development for many years.

Clause 11.01-1L-01 has the objective to manage Greater Bendigo's outward growth and avoid further sprawl by directing growth to identified locations.

Clause 14.01-1S Protection of agricultural land seeks to protect the State's agricultural base by preserving productive farmland and includes the following strategies relevant to the proposal:

- Avoid permanent removal of productive agricultural land from the State's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Limit new housing development in rural areas by:
 - Directing housing growth into existing settlements.
 - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
 - Encouraging consolidation of existing isolated small lots in rural zones.
- In considering a proposal to use, subdivide or develop agricultural land, consider the:

- Desirability and impacts of removing the land from primary production, given its agricultural productivity.
- Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
- Compatibility between the proposed or likely development and the existing use of the surrounding land.
- The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
- Land capability.

Clause 14.01-1L requires consideration to be given to the following policy guidelines:

- *Whether an agreement under Section 173 of the Planning and Environment Act 1987 should be utilised at the time of subdivision to prevent the fragmentation of agricultural land as a result of:*
 - *Further subdivision.*
 - *Construction of a dwelling.*
- *Whether there will be an impact on the viability of adjoining agricultural land uses.*
- *Whether there is a demonstrated need to reside on the site to support the agricultural land use.*
- *Where a dwelling is deemed necessary to support an agricultural use, whether that use is viable based on the level of investment required and the estimated return as shown in an integrated land management plan.*

Clause 14.01-2S seeks to encourage sustainable agricultural land use and includes the following strategies relevant to the proposal:

- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
- *Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.*
- *Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.*
- *Support agricultural investment through the protection and enhancement of appropriate infrastructure.*

Consideration must also be given to how the proposal aligns with the purpose of the Farming Zone which provides direction as to how land in that zone should function and how development should look and operate. The purposes of the Farming Zone are as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*

- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

[Author emphasis added]

The provisions of the Farming Zone also direct that consideration must also be given to a number of decision guidelines which consider the question of how rural dwellings fit within these purposes. The decision guidelines provide a means by which to assess such applications. The decision guidelines include the following matters that are relevant to this application:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *How the use or development relates to sustainable land management.*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *How the use relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

In this instance, planning approval is required to use the land for a dwelling as the lot is less than 40 hectares in area. Just because a person is able to apply for a permit, does not imply that a permit should or will be granted. An assessment of the proposal against the relevant planning policy framework is outlined below.

Assessment of the proposal against the Municipal Planning Strategy, Planning Policy Framework and Farming Zone.

It is evident from a review of the relevant planning policy framework and Farming Zone that planning policy recognises the importance of agricultural land as a valuable and finite resource, seeks to avoid the permanent removal of productive agricultural land, protect the land from unplanned loss due to permanent changes in land use and prevent inappropriately dispersed urban activities in rural areas.

The application proposes the use and development of the land for a dwelling. The planning report provided as part of the application material clearly states that the site is proposed to be used for rural residential purposes only. As such, consideration is not required to be given to whether the proposal presents a genuine agricultural land use as no agricultural land use is either existing or proposed for the site as part of this application. If supported, the proposal would result in a solely rural-residential outcome in a zone which is not intended for such a use.

In *Daylesford Design Studio v Hepburn SC [2008] VCAT 2128 (17 October 2008)* the Tribunal considered the use and development of the land for a dwelling on a small lot in the Farming Zone, affirming the Council's decision to refuse to grant a permit. In this instance Member Cooks states the following:

"The purposes of the Farming Zone do not provide any encouragement for the use of a dwelling on a relatively small lot in a farming area, particularly if it has no relationship with a farming activity. The zone purposes focus on encouraging improved agricultural practices and avoiding uses that have the potential to cause conflict with existing agricultural practices."

As outlined above, the State and local policy framework relating to the protection of agricultural land contains clear strategies to support the broader policy objectives. The proposal is at odds with the identified strategies as follows:

- The dwelling is not required to support a genuinely, economically viable agricultural use of the land that requires permanent and continuous care, supervision or security; noting that no agricultural land use is existing or proposed.
- The dwelling would result in a permanent change in land use.
- The proposal would result in the construction of a dwelling on an existing small lot.

The permit applicant has attempted to justify the proposed rural residential land use and development by stating that the site is inappropriate for grazing. An analysis of potential stocking rates for dry sheep grazing has been provided that indicates a total of 61 sheep can be provided on a 7-hectare parcel, but a lower stock rate should be adopted for long term sustainability. This information has not been verified (through a referral process) on the basis that the landowner is not actually seeking to graze the land.

Based on the information provided, it is acknowledged that sheep grazing may not be an economically viable agricultural activity. However, the applicant has failed to consider any potential alternative agricultural activities that the land could accommodate and has failed to produce a compelling argument that the site cannot sustain an agricultural land use. Whilst the lot size (being just over 8 hectares) may create some limitations, dependent on the proposed agricultural land use, it does not prevent the land from being productive. The fact that the site has historically been used for agriculture indicates that it is productive agricultural land. The site has the potential to sustain an agricultural activity, whether used as a small-scale, stand-alone operation or utilised or consolidated as part of a larger agricultural landholding. It is important to note that the refusal of the application would not in any way hinder the ability of the land to be used for agricultural purposes.

Currently there is potential for the subject site to be consolidated with adjoining parcels of land to allow for an outcome that would improve agricultural productivity and allow for a sustainable and economically viable agricultural activity to occur. The approval of a dwelling would fragment the land, lead to an irreversible change in land use and affect the ability of the site to support or enhance agricultural production. This approach has been recognised by the Victorian Civil and Administrative Tribunal (VCAT) on a number of occasions when affirming a council's position to refuse to grant a permit for a dwelling on small lots within the Farming Zone.

The permit applicant's argument that the dwelling is acceptable also rests on the existence of other dwellings within the surrounding area and the proximity of the site to the Neilborough township.

It is accepted that there are dwellings on other similar sized or nearby properties. However, these dwellings either predate the tightening of planning policy to protect agricultural land, or a permit application has been able to demonstrate an outcome that results in an improvement to the agricultural productivity of the site. Current Planning Scheme policy seeks to ensure that new dwellings in the Farming Zone are only approved in instances where they support agriculture. The strengthening of policy over time has been driven by the undesirable proliferations of dwellings and the adverse impact that this is having on the loss of agricultural land.

In *McGrath v Mornington Peninsula SC [2003] VCAT 1816 (3 December 2003)*, the Tribunal discussed the issue of land fragmentation. In doing so, Member Cimino acknowledged that:

“This cycle of fragmentation can only be broken by planning controls that stabilise both the development of housing in rural areas and subdivision expectations, combined with practical support for the sustainable management of land as farmland.”

The proposal has the potential to lead to a concentration or proliferation of dwellings in the surrounding area as there are several similar sized parcels that are currently vacant. A proliferation/spread of dwellings in the rural landscape would contribute to the incremental loss of agricultural land and impact the potential for agricultural productivity. Once the land use has changed to a residential use it is highly unlikely that the site will be returned to productive agricultural purposes.

Whilst one application for a dwelling and the loss of a small amount of agricultural land may appear to be insignificant, every decision has an impact and continued poor decision making poses a significant threat to the viability of the local agricultural sector as over time it progressively compromises the ability of local farming enterprises to operate and expand, and often results in inflated land values. The incremental loss of agricultural land should be avoided.

Not only do dwellings in the Farming Zone result in the fragmentation of agricultural land, they can also adversely impact on adjoining and surrounding agricultural land uses. The dwelling would result in a rural residential land use within the Farming Zone which would potentially stymie genuine agricultural activities on surrounding land.

The *Rural Areas Strategy (City of Greater Bendigo, September 2009)* states that “Council and the community need to be more realistic about the opportunities for new dwellings to promote agricultural use in farming areas and recognise the risk that new dwellings pose to farming uses.”

This sentiment is further echoed in *Xerri v Strathbogie SC [2023] VCAT 673 (20 June 2023)* in which the Tribunal (Senior Member Sibonis) states:

“There is clear and consistent policy which discourages the establishment of dwellings on land in the FZ where the dwelling is not associated with an agricultural activity on the land. Such uses have the potential to limit surrounding farming activities as they can be impacted by emissions (dust, noise, odour, waste, vibration, soot, smoke, spray drift and the like) which adversely affect the amenity of the dwelling occupants and give rise to land use conflict.”

It is evident from a review of the relevant policy relating to rural dwellings and the protection of agricultural land that there is a clear desire within the Planning Policy Framework to ensure that agricultural land is carefully managed and protected. It is particularly important given the importance of agricultural production to our region. Inappropriate rural residential land use can adversely affect the use of land for agriculture, create land use conflicts, limit agricultural operation and prevent the expansion of future activity.

The proposal would exacerbate the potential for land use conflict due to the presence of an entirely residential lot within the Farming Zone. The presence of additional dwellings within the Farming Zone can impact on the operation and expansion of genuine agricultural activities by way of potential for offsite amenity impacts, agricultural production being unable to meet required buffer distances (for intensive animal industries) and increased land values which can affect the viability of farming enterprises. These are real issues that threaten and compromise the agricultural industry.

Dwelling siting, design and servicing

The dwelling has been designed appropriately to minimise the potential for visual amenity impacts and to ensure that the dwelling is in keeping with the rural landscape. The dwelling would be single storey in form and be clad in suitable materials and colours, subject to a condition requiring the external colours to be of muted environmental tones if a permit was issued.

The proposal is also able to meet the mandatory requirements outlined in Clause 35.07-2 of the Farming Zone to use the land for a dwelling which includes the following:

- Access to the dwelling provided via an all-weather road with dimensions adequate to accommodate emergency vehicles;
- The wastewater generated from the dwelling treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system;
- The dwelling connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes; and
- The dwelling connected to a reticulated electricity supply or have an alternative energy source.

The dwelling has been sited to meet the required setbacks from waterways, from dwellings in different ownership, from roads and from boundaries outlined in the

Farming Zone. Whilst these setbacks have been met, the dwelling and associated outbuilding have been designed to be sited in the central portion of the site. Siting the dwelling in the central portion of the site would impact the ability of the balance of the land to be used for agriculture. The siting would also result in the unnecessary loss of productive land due to the construction of lengthy internal driveway. Whilst the siting of the dwelling is not considered significant as a stand alone issue, the siting along with the compelling matters listed above result in the proposal be an unacceptable planning outcome that is at odds with the direction of the Planning Scheme.

Conclusion

The Greater Bendigo Planning Scheme recognises that agricultural land is a valuable and finite resource that must be protected from the encroachment of conflicting land uses.

The application proposes the use and development of the land for a dwelling and outbuilding, which is contrary to planning policy relating to rural dwellings and the protection of agricultural land. The proposal would result in a rural residential outcome and permanent change in land use that is contrary to the purpose of the Farming Zone and does not support or enhance agriculture.

It is recommended that Council issue a Notice of Decision to Refuse to Grant a Permit as the proposal presents an unacceptable planning outcome with regards to the purposes of the Farming Zone and broader planning policy framework relating to rural dwellings and the protection of agricultural land. Refusal of this application will ensure that the viability of the City's agricultural industry is supported and protected from encroachment from non-agricultural intrusions.

Options

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

Conflict of Interest

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

Attachments

Nil

16.5. Draft O'Keefe Rail Trail Plan

Author:	Matthew Kerlin, Coordinator, Strategy and Policy
Responsible Director:	Stacy Williams, Director Healthy Communities and Environments

Purpose

To inform Council of the work undertaken to date on the draft O'Keefe Rail Trail Plan and to seek Council's approval to release the draft Plan for public comment.

Recommended Motion

That Council release the draft O'Keefe Rail Trail Plan for a minimum period of four weeks for the community to review and provide feedback on the plan.

MOTION

That the recommended motion be adopted.

Moved: Cr Evans

Seconded: Cr O'Rourke

Resolution No. 2024-30

CARRIED

Executive Summary

The draft O'Keefe Rail Trail Plan (the draft Plan) has been developed to guide the ongoing development and management of the O'Keefe Rail Trail and to promote increased usage by local residents and visitors to the region.

Key actions and elements of the draft Plan include:

- Improving amenities along the Rail Trail (toilets, drinking fountains, wayfinding signage and seating)
- Improving safety along the Rail Trail (improved road crossings at high traffic areas, reviewing areas of shared use with motor vehicles)
- Ongoing management including detailing how the City will manage and maintain the Rail Trail along with confirming a commitment to continued working with the Friends of the Bendigo Kilmore Rail Trail (FBKRT)
- Ongoing marketing and promotion of the Rail Trail
- Defining level of infrastructure and maintenance service standards to help clearly define the expectations for the Rail Trail.

Background

The O'Keefe Rail Trail is one of the City of Greater Bendigo's primary nature-based attractions for both local residents and visitors to the region. The 49km long rail trail is located along the decommissioned rail corridor between Bendigo and Heathcote, passing through Axedale.

Although the trail's surface is mostly sandy gravel, there are small sections of asphalt. The rail trail is used by a wide variety of local residents and visitors for walking, cycling, trail running and horse riding in some sections. Key attractions along the rail trail include Bendigo, Axedale, the Campaspe River, Lake Eppalock, Heathcote, replica railway stations, an original railway wagon and peaceful bush and farm vistas.

The original railway line on which the O'Keefe Rail Trail is constructed, was developed by Andrew O'Keefe in 1887 using funds from the Victorian Railways and opened in October 1888. The line featured 13 stations and platforms (not all operational over the life of the line) and 50 bridges. Due to the proposed construction of Lake Eppalock across a section of the railway line, along with a decline in service demand and maintenance neglect, the line was permanently closed in December 1958.

A 19km stretch of the O'Keefe Rail Trail was initially constructed between Bendigo and Axedale in the early 1990's over a number of years and was officially opened in 1993. In 2015, the trail was extended an additional 30km to Heathcote.

At a regional trail level, the O'Keefe Rail Trail connects with the 65km trail that circles Bendigo, the Bushland Trail, and indirectly links with the 210km long Goldfields Track that extends south of Ballarat via Castlemaine and Daylesford. There are also plans to potentially develop a link from Heathcote to Rushworth in the east and Kilmore and Wallan in the south.

Part of the O'Keefe Rail Trail around Knowsley has been constructed on private farming land. There is a legally binding licence agreement with a number of landowners outlining, should these landowners choose to sell their property in the future, the City of Greater Bendigo will have first right of refusal.

An economic impact study that was conducted in 2016 determined that the average domestic overnight expenditure by users of the O'Keefe Rail Trail was \$134 per person and was \$123 for domestic day visitors. The study stated that the overall annual benefit to the region in 2016 was \$669,000.

Usage of the O'Keefe Rail Trail has grown strongly with usage by bike riders doubling since 2016 (12,700 to 26,735), while walking usage in 2023 was its highest (at 20,540) of the three years data we have. Data is currently measured at Cashens Road, with a safe assumption that there is additional usage along the trail at different points such as Axedale and Heathcote.

The City has made a significant financial investment into the O'Keefe Rail Trail over the years, supported by a significant amount of volunteer support from the Friends of the Bendigo Kilmore Rail Trail (FBKRT).

Report

The Rail Trail is already well established both locally and as a tourist destination, with significant infrastructure and investment already having occurred to develop it into what it is today. The draft Plan looks to build on this solid foundation to guide the ongoing development and management of the O'Keefe Rail Trail and to promote increased usage by local residents and visitors to the region. To ensure that the Rail Trail can achieve its full potential as a recreational and tourist trail and at the same time be sustainable, this plan outlines some key actions to improve the way the rail trail is governed, managed, maintained, promoted, funded, activated and evaluated.

Key actions and elements of the draft Plan include:

- Improving amenities along the Rail Trail (toilets, drinking fountains, wayfinding signage and seating)
- Improving safety along the Rail Trail (improved road crossings at high traffic areas, reviewing areas of shared use with motor vehicles)
- Ongoing management including detailing how the City will manage and maintain the Rail Trail along with confirming a commitment to continue working with the FBKRT
- Ongoing marketing and promotion of the Rail Trail
- Defining level of infrastructure and maintenance service standards to help clearly define the expectations for the Rail Trail.

Significant community engagement was first undertaken in 2020 with the draft Plan developed in 2021 before work on the project was paused, refined and finalised in partnership with the FBKRT in 2023.

Development of the plan also considered existing strategic documents of the City, including the engagement that informed those, with actions included from the Greater Bendigo Public Space Plan and Greater Bendigo Public Toilet Strategy, while an action of the Walk, Cycle Greater Bendigo Strategy was to develop a sustainable trail plan for the O'Keefe Rail Trail.

It is proposed that further community engagement is undertaken to close the loop on the engagement undertaken to develop the Plan and confirm that what was heard is still relevant, and that no significant changes have developed since the initial stage of engagement that need to be addressed within the Plan.

Engagement will be undertaken over a 4 week period and whilst it is not intended or anticipated that there will be significant changes to the draft Plan due to the ongoing engagement with key stakeholders and users of the Rail Trail, final refinement to the draft plan can be considered where relevant.

Priority/Importance

The Plan will ensure that a clear, proactive and planned approach is taken to the ongoing development and management of the O’Keefe Rail Trail and to promote increased usage by local residents and visitors to the region.

The recommendations and content of the Plan will also help create clarity with the City and key stakeholders, and reaffirm the City’s commitment to working with the FBKRT.

Options Considered

Council may release the draft O’Keefe Rail Trail Plan for community review and feedback or alternatively seek amendments or further information from officers prior to releasing it on public exhibition.

Timelines

Subject to Council endorsement, it is proposed to release the draft Plan throughout March 2024 and following this period the document will then be finalised taking into account any feedback received.

Officers will aim is to present the final Plan for consideration by Council in June 2024.

Communications/Engagement

To ensure that relevant issues and opportunities were identified and so that a sustainable management plan could be developed, engagement was undertaken with several key stakeholders and the broader community in late 2020, with further engagement undertaken with the FBKRT and via user surveys in an ongoing manner since.

Engagement included:

- 7 written submissions from individual community members or groups
- 290 completed community surveys
- 4 surveys from tourism operators located near the rail trail
- 22 participants involved in key stakeholder meetings (FBKRT; City of Greater Bendigo staff; Department of Energy, Environment and Climate Action (DEECA); Parks Victoria; Sport and Recreation Victoria; Department of Transport and Planning and Coliban Water).

Some of the key areas identified included:

- Positive aspects of the rail trail, e.g. safe off-road cycling and walking experience away from cars; bush environment; relatively flat surface; and opportunities for short loops
- Suggested infrastructure upgrades, e.g. toilets and drinking water
- Mapping and signage
- Promotion, marketing and development of packages / experiences
- Potential safety issues, e.g. Bobs Street and McIvor Road crossings
- Potential realignments and extensions to the trail
- Usage data
- Potential governance, management and maintenance improvements.

These issues and opportunities have been considered and formulated into the actions and elements contained within the draft Plan. A background report was also prepared which incorporates the evidence base behind this plan, i.e. community engagement analysis and a literature review.

In addition to community engagement, the results of previous evaluation reports, surveys (including ongoing visitor experience surveys) and plans (e.g. information about road crossings and lack of signage in specific areas) were also considered and helped to formulate key action areas.

Financial Sustainability

The implementation of the Plan is subject to future budget and resourcing allocations. Budget bids will be generated and administered through the City's budgetary process. There is an acknowledgement of the City's constrained financial environment and where appropriate officers will work to support any projects with grant funding.

The draft Plan also identifies a number of advocacy projects that will need to be delivered by partners, such as the Department of Transport and will be dependent on their future budget and resource availability also.

From a long-term perspective, with regards the extension from Heathcote to Wallan, the majority of the trail extension sits within Mitchell Shire who will be the appropriate lead for development. Mitchell Shire have previously acknowledged that there are further challenges to work through within their municipality and when Mitchell Shire Council endorsed the feasibility study they committed to progress further engagement, planning, feasibility and investigations.

Risk Assessment

The plan mitigates the chances of inappropriate assets being developed along the Rail Trail. Failure to adopt the plan may lead to ongoing, haphazard planning and implementation of improvements, and a disconnected or uneven level of service for the Rail Trail.

Primary risks associated with the draft Plan include the failure to adequately fund the implementation and the need to ensure that partners deliver works along the Rail Trail that are consistent with the vision for the Rail Trail.

Policy Context

Primary Council Plan Reference

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

Outcome 2 - Healthy, liveable spaces and places

Outcome 3 - Strong, inclusive and sustainable economy

Secondary Council Plan Reference(s)

Goal 1 - Strengthened community health and wellbeing

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

Goal 5 - More sustainable active and public transport services

Other Reference(s)

- [Greater Bendigo Public Space Plan \(2019\)](#)
Action: Support the extension of the O'Keefe Rail Trail from Heathcote to Kilmore
- [Greater Bendigo Public Toilet Strategy \(2017\)](#)
Recommendation: Investigate a location for a new public toilet in along the O'Keefe Trail
- [Walk, Cycle Greater Bendigo \(2019\)](#)

Action 1.3: Progress and/or prioritise planning and implementation of key walking and cycling infrastructure projects.

- Develop sustainable plans for existing regional trails

Conflict of Interest

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

Attachments

1. O' Keefe Rail Trail - Draft Regional Trail Plan - Jan 2024 [**16.5.1** - 35 pages]

17. STRONG, INCLUSIVE AND SUSTAINABLE ECONOMY

Nil

18. ABORIGINAL RECONCILIATION

Nil

19. A CLIMATE-RESILIENT BUILT AND NATURAL ENVIRONMENT

Nil

20. A VIBRANT, CREATIVE COMMUNITY

20.1. UNESCO Creative Cities 2024 Annual Conference

Author:	Jacqueline Murphy, Senior Business Services Officer
Responsible Director:	Rachel Lee, Director Strategy and Growth

Purpose

To provide an update on the UNESCO XVI Creative Cities Network Annual Conference in Braga, Portugal from 1 to 5 July 2024 and seek endorsement for two City of Greater Bendigo representatives to attend.

Recommended Motion

That Council endorse two representatives to attend the UNESCO XVI Creative Cities Network Annual Conference being held in Braga, Portugal from 1 to 5 July 2024.

Cr Metcalf left the meeting at 7:57 pm.
Cr Metcalf returned to the meeting at 8:05 pm.

MOTION

That the recommended motion be adopted.

Moved: Cr Alden
Seconded: Cr O'Rourke

Resolution No. 2024-31

CARRIED

Executive Summary

A 'save the date' has been received for the Annual Conference of the UNESCO XVI Creative Cities Network Annual Conference to be held in Braga, Portugal.

Braga (Portugal) has been a UNESCO Creative City of Media Arts since 2017 and will bring together delegates from around 250 UNESCO Creative Cities worldwide to foster culture and creativity to enable solutions to contemporary urban challenges.

Background

The UNESCO Creative Cities Network (UCCN) was created in 2004 to foster international cooperation with, and between, cities that have recognised culture and

creativity as a strategic factor for sustainable urban development. The UCCN recognises seven areas of creativity, one of which is Gastronomy and Greater Bendigo has been a City of Gastronomy since 2019, which was endorsed by Council in November of the same year.

UCCN designation for Greater Bendigo is a major achievement for the region on the global stage. This prestigious title first and foremost recognises that a city is creative in all aspects, highlighting Greater Bendigo's cultural and creative assets and ambitions across our City and community.

Being a UCCN City of Gastronomy is all about solving the world's problems creatively through acknowledging our First People's culture, food systems and land management, to our history of goldmining, innovation and multiculturalism. The designation celebrates all the things our community is doing to pursue local, healthy and sustainable food systems to creatively tackle the challenges ahead.

The 2023 UCCN Annual Conference was to be held in-person in Turkey (September 2023), however, due to unforeseen reasons within weeks of the conference being confirmed, the event was cancelled and hosted online (in October) as an alternative. Michelle Symes (Gastronomy Project Officer) attended on behalf of the City.

The Annual Conference of the UNESCO Creative Cities Network, which has not been held in person since COVID, provides the opportunity for Mayors and representatives to come together and exchange ideas and develop policies to support the UCCN objectives.

Report

The UNESCO XVI Creative Cities Network Annual Conference 2024 is under the theme "Bringing youth to the table for the next decade". The UCCN Secretariat is in close contact and collaborate with the Host City of Braga for the convening of the 2024 Annual Conference, with a view to further strengthening the ties within the network and fostering international cooperation through cultural and creativity.

The UCCN Annual Conference is the major strategic gathering opportunity, providing a platform for Mayors and representatives from around the world to come together, share experiences and brainstorm for future collaborations along with strengthening Bendigo's international reach. Attendance at the Annual Conference is a part of the City of Gastronomy agreement with the UCCN and was a part of the City's commitment in the 2019 application.

As part of the conference, the UCCN Cities will assess efforts towards developing policies and strategies, leveraging culture for crisis prevention and mitigation, as well as strides towards centring culture in post-crisis recovery and sustainable

development plans. It will notably offer a platform for sharing knowledge and offering recommendations on how cities' cultural and creative sectors emerged from the COVID-19 crisis stronger and more creative.

Through case studies and best practices, the conference will illustrate the diversity of creative activities and resources that can be leveraged for local development and the breadth of results that cities can achieve by nurturing culture and creativity.

Timelines

- Travel prior to the conference
- 1 to 5 July, 2024 UNESCO XVI Creative Cities Network Annual Conference
- Travel post conference

The round trip from departing Bendigo to arrival back in Bendigo will be approximately 10 days.

Financial Sustainability

In the 2023/24 budget was an allocation of \$20k to support two City of Gastronomy representatives to attend the conference.

As the conference is scheduled to take place in early July, bookings will need to take place prior to 30 June, therefore the approved 2023/24 budget will be used to cover travel costs.

Flights, accommodation and other expenses for the conference are yet to be determined.

Policy Context

Primary Council Plan Reference

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025
Outcome 6 - A vibrant, creative community

Secondary Council Plan Reference(s)

Goal 4 - Build international recognition for our designation as a UNESCO Creative City of Gastronomy

Conflict of Interest

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

Attachments

Nil

21. A SAFE, WELCOMING AND FAIR COMMUNITY

Nil

22. URGENT BUSINESS

Nil

23. NOTICES OF MOTION

Nil

24. MAYOR'S REPORT

The Mayor, Cr Andrea Metcalf, tabled a report on attendance at the following meetings and events:

- Greater Bendigo Climate Collaboration group meeting.
- Spoke at the Bendigo Chamber Music Festival opening gala held at The Capital.
- Met with Qantas representatives.
- Official opening of the Electorate Office of Gaelle Broad MP, State Member for Northern Victoria.
- Goornong Community Drop-In Session and Community BBQ held at the Goornong Recreation Reserve.
- Visit to Villawood's Armstrong Creek and Lara developments.
- Minerals Council of Victoria 20th Anniversary function.
- Regional Cities Victoria online executive management group meeting.
- Fosterville Gold Mine tour.
- Bendigo Tourism Board meeting.
- Radio talkback interview with Phoenix FM regarding the waste changes.
- Spoke at the Surviving and Thriving Exhibition Opening held at Djaa Djuwuma, Bendigo Visitor Centre.
- Loddon Campaspe Group of Councils group meeting hosted by City of Greater Bendigo.
- Strategy and Growth workshop – Neighbourhood Character Strategy.
- Whipstick Ward Engagement held at the Bennett Street Café, Long Gully.
- Bendigo Victorian Netball League exhibition match & Vixens Open training event held at Red Energy Arena.
- Lunar New Year celebration at Dai Gum San Precinct.
- Regional Cities Victoria Mayor's online meeting.
- Spoke at the Civic Welcome for North Melbourne Football Club.
- Announcement and media opportunities for Bendigo being awarded Wotif's Aussie Town of the Year.
- Spoke at the Regional Launch of Project Compassion (Caritas) 2024.
- Spoke at the Carlton Football Club Community Camp Welcome.
- Laid wreath at the National Service Day Wreath Laying Ceremony held at Soldiers Memorial Garden.
- Regional Cities Victoria general meeting held in Melbourne.
- Online MAV Consultation Session - Local Government Reforms 2024.
- Laid wreath at the Darwin Defenders Commemorative Service held at the Memorial Garden, Bendigo District RSL.
- Met with representatives from Bendigo Legacy.
- Met with Lisa Chesters MP, Federal Member for Bendigo.

- Met with VC Professor Theo Farrell and the La Trobe University Regional Advisory Board members.
- Regional Cities Victoria online executive management group meeting.
- Officiated at the Youth Council Special Meeting to Elect 2024 Youth Mayor and Deputy Youth Mayors.
- City of Greater Bendigo Audit and Risk Committee meeting.
- Spoke at the 'Breaking of the Soil' ceremony commemorating commencement of new medical facility at Bendigo & District Aboriginal Co-operative.
- Met with the 2024 Loddon Murray Community Leadership Program participants.
- Assisted with presentations at the Bendigo Sportstar Gala Night at All Seasons.
- Laid wreath at the Animals in War Commemorative Service held at Bendigo & District RSL.
- Huntly Family Fun Day held at Strauch Reserve, Huntly.
- Spoke at the La Trobe University Campus Welcome event.
- Spoken with residents, businesses and community groups regarding a wide range of issues.
- Participated in numerous radio, newspaper, television media interviews and photo opportunities.

25. CHIEF EXECUTIVE OFFICER'S REPORT

The CEO, Andrew Cooney, presented the following report:

Emergency Management

December 2023 and January 2024 Flood Events
1100 Customer requests recieved, 1000 completed.
Council response and support for the community recovery.

Fire Events

Thank you to emergency staff at the City and other agencies who have supported the community and kept us all safe during high risk fire days.

WOTIF Aussie Town of the Year

Huge amount of recognition for the town and tourism operators.

Turning of the Sod – Bendigo and District Aboriginal Co-operative medical facilities

Pleasing to see the wonderful work and community contribution from the Bendigo and District Aboriginal Co-operative.

Omari Fire

Working with Omari operators to support them to be up and running again.
Fire investigation continuing.

Sport and events

February events:

Melbourne Vixens
Carlton Football Club
North Melbourne Football club
Bendigo Spirit
Australian boomers
Bendigo Strikers

Upcoming events:

Lost Trades Fair
Bendigo International Madison
Paris Impressions of Life Exhibition.

26. CLOSE OF MEETING

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