

# COUNCIL MEETING MINUTES



**6:00 pm on Monday March 25, 2024**

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

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## **NEXT MEETING:**

Monday April 22, 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.

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## COUNCIL PLAN (MIR WIMBUL) – OUTCOMES

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

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

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

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

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

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



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This Council Meeting is conducted in accordance with the

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

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## **1. ACKNOWLEDGEMENT OF COUNTRY**

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 wirrmbbool 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**

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 Alden

Seconded: Cr O'Rourke

**Resolution No. 2024-32**

**CARRIED**

## 8. COMMUNITY RECOGNITION

- To tonight's community section and there have been some great achievements since we last met.
- It was a hometown win for Blake Agnoletto when he and team-mate Ollie Bleddyn won the 50<sup>th</sup> Bendigo International Madison. It was also the first time the 200-lap race had been run since 2020.
- It was the first time a Bendigonian has won the race since 2014. Congratulations to Blake and Ollie, who didn't have long to savour the win – they both flew out the morning after the race to Hong Kong to continue their competition calendar.
- Earlier in the Madison program, Bendigo's Alessia McCaig won the female Invitational Keirin and Bendigo's Avery McDermid won the Open Mile Handicap the night before his 16<sup>th</sup> birthday. He'll be one to watch!
- The week before the Madison, Alessia McCaig took home three gold medals at the National Track Championships, defending her Keirin and Time Trial titles, and winning the Elite Women's Sprint. An amazing effort!
- We have a new Youth Council for 2024. We welcomed 10 new and seven returning Youth Councillors this year and congratulate Lily Correll on being elected the 2024 Youth Mayor and Abby Patten and Sean Cox on being elected joint Deputy Youth Mayors.
- The Youth Council is a fantastic opportunity for young people to have a voice in Council planning and decision making.
- La Trobe Professor Brad Hodge has recently completed an inspiring 2,000km bike ride around Uganda to raise more than \$9,000 for the charity 'I Am Someone', which will help build a community-led education centre.
- And I take this opportunity to wish you all a safe and happy Easter. Thank you to the many wonderful staff and volunteers that will be working across the festival weekend to make it a memorable time for so many people. And I also thank our

many sponsors that support us.

- A unique aspect of this year's festival is a T20 women's cricket match on Good Friday at the QEO between teams from Ballarat and Bendigo to mark the 150<sup>th</sup> anniversary since the first-ever women's cricket match was played in Australia, which just happened to be played in Rosalind Park as part of the 1874 Bendigo Easter Fair.
- All the festival favourites return this year, including the parades, Awakening of the Dragon, family fun in Rosalind Park, markets and carnival central.
- Easter is the best time to be in Bendigo and on behalf of Council, I wish you all a wonderful weekend.
- And that closes this month'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:** Shaun of Marong

**Topic:** Rosalind Park Fernery

**Question:** What is happening with the fernery in Rosalind Park?

**Answer:**

The Rosalind Park Fernery has been closed for the past two years to balance human health, maintenance inputs and protect the Grey Headed Flying Fox colony. Grey Headed Flying Fox are listed as vulnerable to extinction under the Commonwealth Environment Protection and Biodiversity Conservation Act. In addition, the Colony is identified as nationally significant. It is illegal to harm or disturb the Colony without consent from the relevant government departments.

Ibis are protected under the Wildlife Act 1975 and roost in the Fernery. Ibis are also protected from harm and any disturbance measures.

These factors are challenging and complex. The City continues to work with appropriate State Government departments to balance our regulatory obligations and community expectations.

### **Question 2:**

**From:** Claire of Maldon

**Topic:** Bendigo East Pool

**Question:** How does closing Bendigo East pool over winter conform to the principles of Equity and Inclusivity as stated in the Aquatic Facilities Strategy? Weaker swimmers, including elderly and disabled patrons will either be excluded from swimming at all over winter or be forced to swim in unsafe conditions. The only alternatives offered are indoors (not possible for those with respiratory or sensory disorders) and/or too deep.

**Answer:** Bendigo East closing over the winter season relates to the financial sustainability of being able to operate year round.

The principles within the Community Aquatic Facilities Strategy are the decision making framework for all Greater Bendigo aquatic facilities by providing high level guidance for future provision, directions to capitalise on current recreation trends, a summary of the condition of existing facilities, and recommendations regarding opportunities to better align with community needs and expectations over the next ten years.

The adopted strategy will see Brennan Park as Council's priority project for outdoor pool investment

**Question 3:**

**From:** Nicole of Harcourt North

**Topic:** Speed Zone Reduction Investigation

**Question:** Will the officers investigating the suitability of a reduction in the speed limit from 100km to an 80km zone for Sedgwick Road and Sutton Grange Road, through to the municipality boundary at Sutton Grange be providing an opportunity for community consultation with residents through this area and undertaking a comprehensive assessment which includes counting daily traffic volumes (including cyclist numbers) and relevant crash data to justify a reduction in speed, prior to submitting a request to the Department of Transport and Planning.

**Answer:** The City are currently reviewing the appropriateness of speed limits across several high-risk rural roads throughout Mandurang, Sedwick and Axe Creek including Sedgwick Road. The city will consider many factors such as road conditions, road width, roadside hazards, abutting land use, presence of recreational cyclists, speed data and crash history. In addition, the City will consult with the Department of Transport and Planning and the Victorian Police.

Prior to implementing any speed limit change, Council must obtain approval from the Department of Transport and Planning. Council will consider community feedback received, noting we have already received several community requests to lower the speed limit along Sedwick Road.

**Question 4:**

**From:** Damian of Junortoun

**Topic:** Pool Closure

**Question:** Are all councilors comfortable with a decision to close the Bendigo East Pool, over perceived "financial issues", noting that over twice the amount of council funds are committed to Faith Leech for less than a ¼ of the attendees of Bendigo East Pool, and subsequently in this current meeting agenda, we are acknowledging a contract has been awarded for \$475,000 for what is referred to as "Hargreaves Mall Seating Installation" - are you all comfortable with these allocation of funds?

**Answer:** The Local Government Act sets out that the role of a council is to operate at a strategic level focusing on the entire municipality. Section 9(2)(b) of the Act, sets out that *priority is to be given to achieving the best outcomes for the municipal community, including future generations*. Councillors set the strategic direction for the City by developing strategies to support operational decision making by the City. The Community Aquatic Facilities Strategy adopted by Council in August 2023 focusses on the planning and decision making of aquatics for Greater Bendigo, and particularly the duplication of services in the urban catchment – 5 outdoor pools within the 5km radius of the Bendigo CBD.

The specific financial status and support provided for each pool individually is an operational matter for City staff and not one for councillors. However, councillors are

aware of the significant financial difficulties that Bendigo East pool is experiencing, and that the resulting decision is for the pool to be run as a seasonal pool going forward.

It is confirmed that the City supports different management models in the aquatics portfolio. Committees of Managements are provided an annual subsidy to support volunteer led operations connected to the specific pool site while contractors submit for management through a competitive public tender with contract management obligations and performance requirements – these differences will see different financial costs.

In relation to the contract being awarded for Hargreaves mall the awarding of this contract relates to a decision that was made at a council meeting on the 25 September 2023 and has now gone through a procurement process. These funds were allocated originally in the 20/21 budget and have been repurposed as was deemed appropriate for this area.

**Question 5:**

**From:** Alan and Val of Sedgwick

**Topic:** Attendance at UNESCO Conference

**Question:** Is attending the UNESCO conference in Portugal the most appropriate use of \$20k in the City's budget?

**Answer:** The UNESCO United Creative Cities Network (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. The City of Greater Bendigo has not attended any UCCN conferences since being a City of Gastronomy, therefore attending this year's conference will provide a valuable platform to assisting solving local problems creatively through acknowledging our First People's culture, food systems and land management, to our history of goldmining, innovation and multiculturalism.

### **9.3. Gallery Questions**

#### **Question 1:**

**From:** Paul of Kennington

**Topic:** Brennan Park Pool

**Question:** Has the Council allocated funds for the Brennan Park upgrade?

**Answer:** We have had committed funds spent this year on decommissioning the dive pool and there is funding in outer years in the draft budget for design at that facility.

#### **Question 2:**

**From:** Owen of Eaglehawk

**Topic:** Petition that was submitted in January

**Question:** Will you change your mind and consider the petition that was submitted in January?

**Answer:** As previously stated it is not for us to talk about what other Councils are doing. That was the recommendation in the January Meeting and there has been no change to that.

#### **Question 3:**

**From:** James from Eaglehawk

**Topic:** Ward Boundary Advertising

**Question:** As a potential candidate, how am I supposed to advertise properly if the boundaries aren't defined properly and advertised to the public, and how are those people supposed to know they're going to vote for me? Some people are not connected to the internet, some people don't have facebook and some people aren't on your page.

**Answer:** The question has been taken on notice with a response to be provided to James.

**Question 4:**

**From:** Angela Mundy of Quarry Hill

**Topic:** Bendigo East Pool

**Question:** Can you comment on the closing of the Bendigo East pool over winter and Brennan Park maybe being completed in four years time, but there's no guarantee will be open over the winter period. Do you feel that this is a service that has been taken away from the community?

**Answer:** The expectation is that we will have an outdoor heated pool going forward, the closure of Bendigo East at this stage is not to do with the strategy, it's to do with the financial circumstances of the pool.

**Question 5:**

**From:** Kaylene of Long Gully

**Topic:** Memberships to International Council

**Question:** Does Council pay a yearly membership to international council for environmental initiatives? If so, how much and what do ratepayers receive in return?

**Answer:** This question is taken on notice with a response to be provided to Kaylene.

## 10. RESUMPTION OF STANDING ORDERS

### MOTION

That Standing Orders be resumed.

Moved: Cr Penna

Seconded: Cr Alden

**Resolution No. 2024-36**

**CARRIED**

## 11. WARD REPORTS

### 11.1. Eppalock Ward - Cr Evans

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

Thank you, Mayor Metcalf.

Delighted to deliver the Eppalock Ward Report on behalf of Cr O'Rourke and Cr Penna.

I like to describe the month that has just been as 'Main Event March.' It has been a blockbuster month with our weekends jam-packed with events of all scale. From cultural diverse activities, to junior sports tournaments, and several festivals involving food, history, culture, and community.

Of course, it all has built up to the biggest event on the Bendigo calendar – the Bendigo Easter Festival. I'm sure my fellow councillors will discuss this further but I know that many are looking forward to enjoying a wonderful program.

**The Eppalock Ward Councillors have attended many events together. The events that most/all Eppalock Ward Councillors attended were:**

- The Advance Heathcote AGM,
- The Citizenship Ceremony at the Ulumbarra Theatre,
- The International Women's Day Function,
- Budget Workshops with Councillors and EMT
- The Community BBQ in Heathcote in following up from the floods,
- A meeting with the Bendigo East Swim Club & Triathlon Club,
- Dinner with the Intercultural Ambassadors at Yo Bendigo,
- The opening of the Paris Exhibition at the Bendigo Art Gallery,

- The Listening Post at the Bendigo Sustainability Festival,
- Greeting the Consul General of India to Australia Dr Sushil Kumar at GovHub,
- The Holi Festival at the Golden Square Pool,
- Wong Loong Blessing of the Dragon at the Golden Dragon Museum, and
- Several meetings, briefings, and catch ups with residents, ratepayers and others in the community.

**In addition, Cr Penna attended the following events:**

- A Rally for the Bendigo East Pool,
- Attended the Calder Highway Improvement Committee Meeting,
- A Meeting with the CEO which he felt was productive and informative, and
- Attended the Indonesian and Malay 1<sup>st</sup> IFTAR Gathering, as well as the Pakistani and Indian 2<sup>nd</sup> IFTAR Gathering.

**Cr O'Rourke also attended:**

- The Bendigo Regional Manufacturing Group meeting,
- A briefing on Open Space Committee,
- Advocacy Meetings at Parliament House on Spring Street, and
- The Junortoun Community BBQ post the floods.

**I also attended:**

- The soil turning event at the Invicta Estate with the Mayor,
- Spoke at the official launch of the City's Cultural Diversity Celebrations at the Library Gardens,
- Chaired the Arts & Creative Industries Committee Meeting,
- Attended the Bagshot Recreation Reserve COM Meeting,
- Maha Shivaratri Celebrations at the Strathdale Community Hall,
- Spoke and participated in the SPAN Walk throughout Bendigo, and
- The Tourism Industry Preview Night for the Paris Exhibition.

**Safety Message**

- Finally, I would like to promote an important message to everyone in our community.
- Everyone would agree that they are looking forward to the long-weekend, and for many, the start of the school holidays.
- Many will be travelling across the community, the state and even interstate.
- I implore everyone to have a great time away, enjoy a well-earned break, and please be safe on our roads and around the water.

- I also encourage our community to be vigilant and secure their properties from any potential break ins. We've notice several offences occurring which has raised heaps of community concern, such as in Strathfieldsaye in my ward.
- On that note, I want to give a special shout out to Stacey and Alycia who have been instrumental in promoting community safety and for the re-establishment of the Bendigo Neighbourhood Watch. If you are keen to keep our community safe, I encourage you to sign up. I will share more details on my socials.

As always, stay classy Greater Bendigo, and see you in the community.

## **11.2. Lockwood Ward - Cr Alden**

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

Along with Cr Williams I attended another successful and happy Citizenship ceremony at Ulumbarra, we attended a meeting with MCAG discussing issues of relevance to Marong Budget workshops - underway for 25/25 year. All Councillors have been focused on the last budget of this council term. Costs of projects have risen markedly in the last couple of years so it will be a responsible budget as our last.

Bendigo Sustainability Festival Listening Post - this year's Bendigo Sustainability Festival was the biggest to date, with over 90 stalls. So many ideas, approaches and products to help us live a more environmentally aware life with the future of the planet in mind. A large crowd gathered to listen to Craig Reucassel's advice on waging a war on waste and as the sun shone there were many conversations to be had following our combined Councillor Listening Post. So excited to see the Mount Alexander Sustainability Group's Wash Against Waste trailer putting paid to a major amount of takeaway containers. We definitely need one in Bendigo as well. Congratulations to the organisers on a great day. In stark contrast was Meatstock at the Showgrounds with BBQ demos, strongman competition, butcher wars and bull riding. A very different world. Each to their own.

March 4 saw the Launch of the Cultural Diversity Celebration for Bendigo for March 2024 - March 21st was Harmony Day, however many events have been underway across the city, including Pride week celebrations. One standout was the Holi event last Saturday (which I will come to). Finishing off with an Intercultural Hub at the Easter Fair in Rosalind Park near the Rotunda 10.30 - 5.30 Fri - Sun. Fun accessible activities to engage children with our First Nations community and Intercultural Ambassadors.

Met with Indian Consul General Dr Sushil Kumar in Galkangu.

Holi - Todays celebration of Holi at Golden Square Pool was joyous one. It was the latgest Holi Festival in regional Victoria, celebrating love and signifying a time of rebirth and rejuvenation - a time to embrace the positive and let go of negative energy. Guests included Dr Sushi Kumar, Vivienne Nguyen Chair of the Victorian



Multicultural Commission, Maree Edwards, plus the Mayor Cr Metcalf, Deputy Mayor Crs Matthew Evans, Vaughan Williams and myself plus massive attendance by community and many members of Indian Association of Bendigo. Congratulations to all for the organising.

Discovery Centre Special Brand launch - the mayor and myself attended the Discovery Centre Bendigo's launch party for Discovery Renewed. So many ways to explore and play, challenge yourself and start a lifelong love of STEM. The new planetarium also a must.

I attended the unveiling of the long lost WW1 East Shelbourne Honour Board. It was originally unveiled in 1924 at the now demolished East Shelbourne State Primary School. Local efforts have seen the board restored from pieces abandoned in Spring Creek sometime after the school closure in 1970. It has been a labour of love and effort all round to where we were among hundreds of locals watching a parade, listening to speeches and to song and bagpipe. The afternoon tea was worth staying for. Well done to Chris Johnson, the East Shelbourne Recreation Reserve Committee, local community and the Kangaroo Flat RSL Sub Branch. It was a suitable acknowledgement of the locals who served their country.

IWD - The theme this year was - Count her in. Invest in women. Accelerate Progress. At the annual Zonta IWD event, along with Mayor Cr Metcalf and Cr Margaret O'Rourke we heard author Amy Doak's 8 Point Manifesto and Bendigo and Adelaide Bank's CEO Marnie Baker's views on gender equity, plus our City of Greater Bendigo Youth Mayor, Lilly Correll, was awarded the 2024 Young Women in Public Affairs Award. The annual IWD Breakfast at Womens Health Loddon Mallee had a couple of hundred women attend - plus our CEO and a couple of other fellas. Then another event at Emporium Creative Hub, with the launch of Women of Gold, Breaking down the Barriers of Silence, featuring the art of six local women artists in Pennyweight Walk

Paris exhibition opening - French - Paris has come to town. Bonjour Bendigo! Last Friday saw the opening of the Paris. Impressions of Life 1880 - 1925 international collection exhibition. So much to see that these snippets are some reflecting a gastronomic theme, such as the famous golden snails that adorned a shop that sold snails, fabulous menus from famous cafes and snapshots of food in everyday Parisien life. However there is a lot more art, fashion and design to see so best get along and see for yourself. Also checkout the program of special events and offerings around town - many gastronomic - all with a French touch. Bon appetit!

Advocacy trip to Melbourne meeting with the Premier and multiple ministers to advocate for our community. Always useful to be able to to your case in person. Experience shows it counts.

BSO - was a real treat. Their first concert for the year - there were 800 fortunate audience members to hear Sun music, Beethoven's 5th and the fabulous and famous Australian pianist Tamara-Anna Cislowska play Tchaikovsky like I've never heard before.

Wong Loong Blessing of the Dragon - saw the start of the awakening of Dai Gum Loong - special pomelo leaves were given for him to eat to start the process. In the year of the dragon there were dragons galore at the Golden Dragon Museum - funny that. Enjoy the Easter festivities.

### **11.3. Whipstick Ward - Cr Fagg**

Whipstick Ward - Cr Fagg presented a report on various issues and meeting/events, as below:

As always, Whipstick Ward councillors have attended many events and meetings, and communicated with numerous residents. Along with these, budget considerations have been top of mind as we work on council's priorities for the next financial year.

A few things we want to highlight.

Congratulations to those who participated in Clean Up Australia events. There were several of these across Bendigo, and the Whipstick Ward boasted 3 of these, at White Hills, Long Gully, and Huntly. Thanks to those who volunteered to organise these events, and all those who lent a hand.

The Dahlia and Arts Festival was held in Eaglehawk, and by all accounts was a tremendous success, with market stalls, Art Exhibitions, Gala Fair, Family Fun Day, film night, and of course the Street Parade. Thanks to all the organisers for your hard work and all those community groups who participated.

The same can be said for those who made the Sustainability Festival happen at the Garden for the Future in White Hills. This was the 10th anniversary of the festival, and featured ABC personality Craig Ruecassel, many workshops including a Slow Fashion Parade. Councillors also joined this event with a combined listening post.

Cr Metcalf attended too many events to mention, and in any case I will leave these for her report later in the meeting. Among other events, councillors attended the launch of Cultural Diversity Week, the Bendigo Madison cycling and athletics event, a dinner event with YO Bendigo, the Boys and Girls state-wide soccer tournament in Epsom, and a state-wide seminar on bat conservation.

As always, I encourage residents to contribute to various plans and policies that are out for public comment. We rely on your contributions to policies and strategies to ensure we are making the best decisions for the whole Bendigo community. Right now you can give your feedback on the potential sale of surplus council land, and get information on the draft O'Keefe Rail Trail plan, among other items.

Lastly, we extend our best wishes to all those who celebrate the festival of Easter, and look forward to the events of this weekend.

## 12. DECLARATIONS OF CONFLICT OF INTEREST

No attendee declared a conflict of interest.

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

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

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

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

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

## 13. CONFIRMATION OF PREVIOUS MINUTES

### 13.1. Confirmation of Previous Minutes

#### RECOMMENDED MOTION

That the Minutes of the Council Meeting held on February 26, 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. 2024-37**

**CARRIED**

## **14. PETITIONS AND JOINT LETTERS**

### **14.1. 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 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 the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Fagg

**Resolution No. 2024-38**

**CARRIED**

## DIVISION

Cr Evans called for a division on the voting for the Motion.

Those voting **for** the Motion:

- **6** (Cr Metcalf, Cr Alden, Cr Fagg, Cr O'Rourke, Cr Penna and Cr Sloan)

Those voting **against** the Motion:

- **2+0:**
  - Against (Cr Evans and Cr Williams)
  - **plus**
  - Abstained (Nil)

Absent:

- Cr Fyffe

The Motion is confirmed as **CARRIED**.

## Executive Summary

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

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.

## **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.

### 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 a variety of aquatic activities is critical to ensuring diverse use in aquatic facilities as outlined in the Strategy as part of maximising aquatic facility utilisation:

- Fitness and training including clubs
- Warm water exercise recovery, rehabilitation

- Education, learn to swim schools
- Recreation, leisure and adventure fun and play

As an example, 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.

Further options are available at Peter Krenz Leisure Centre with a warm water pool with steps and hoist entry for walking and learn to swim.

The Strategy outlines the need to align with the optimum mix of infrastructure and programming based on the user demand for different activities within the community.

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

A response to the petition within 3 Council meetings.

### ***Options Considered***

Option 1 - Current strategic direction: (Recommended)

- Implement adopted Community Aquatic Facilities Strategy

Option 2 – Alter strategic direction:

- Review the adopted Community Aquatic Facilities Strategy

### ***Timelines***

Since adoption in August 2023, officers have commenced implementation of the Community Aquatic Facilities Strategy.

### ***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.



## **Financial Sustainability**

### 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**

An adopted strategic position for community aquatic facilities allows Council and the City to seek funding to support future infrastructure investments.

## **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**

Nil

## **14.2. Petition Acknowledgement - Garden Gully Recreation Reserve**

### **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:

Thoroughly weed and maintain grass designated as a recreation & leash free dog park on garden gully recreation reserve.

The reason for our request is that the park is currently un-useable for 4-5 months of the year due to weeds such as devils thorn; bindii; paspalum & burr medic. While we appreciate that it is a leash free area for our dogs to play. All of these weeds, between the months of October to February inclusively, make it impossible for both owners & their dogs to enjoy the reserve and play, safely!

Signatures - 76

### **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 Fagg

Seconded: Cr Sloan

**Resolution No. 2024-33**

**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. Contracts Awarded Under Delegation**

Author:	Corinne Fisher, Procurement Officer
Responsible Director:	Jessica Howard, Director Corporate Performance

#### **Purpose**

To inform Council of contracts signed under delegation.

#### **Recommended Motion**

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

#### **MOTION**

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Evans

#### **Resolution No. 2024-39**

**CARRIED**

#### **Policy Context**

##### ***Primary Council Plan Reference***

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

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

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

#### **Conflict of Interest**

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

#### **Attachments**

1. Contracts Awarded Under Delegation Council Report February 2024 [**15.1.1** - 1 page]

## 15.2. Internal Audit Strategic Plan

Author:	Rebecca Maple, Risk and Assurance Advisor
Responsible Director:	Jessica Howard, Director Corporate Performance

### Purpose

The Audit and Risk Committee (the Committee) Charter requires the Committee to review and endorse the City's three-year strategic internal audit plan. The 2024/25 – 2026/27 Strategic Internal Audit Program was endorsed at the February 22, 2024 Committee meeting.

### Recommended Motion

That Council endorse and adopt the 2024/25 – 2026/27 Strategic Internal Audit Program.

### MOTION

That the recommended motion be adopted.

Moved: Cr Sloan

Seconded: Cr O'Rourke

### Resolution No. 2024-40

**CARRIED**

### Executive Summary

The Committee Charter authorises the Committee to endorse the three-year Strategic Internal Audit plan which will then be adopted by Council. The Committee has the authority to make necessary changes throughout year to address new information and risks as they arise.

### Background

The City's strategic internal audit program provides independent assurance that the City's risk management, governance, and internal control processes are operating effectively.

AFS and Associates Pty Ltd were appointed as the Internal Auditor from July 1, 2019 for a 5-year period, ceasing on June 30, 2024. The strategic internal audit program is reviewed annually, and a further year developed to ensure a three-year rolling program is in place.

## **Report**

The Committee Charter requires the Committee to oversee the internal audit function including to review and endorse the three-year strategic internal audit plan, the annual internal audit plan and make required changes to the plan as it may arise throughout the year.

The 2024/25 – 2026/27 Strategic Internal Audit Program endorsed at the February 22, 2024 Committee meeting is attached to this report.

## **Communications/Engagement**

The three-year strategic internal audit plan was developed by AFS and Associates Pty Ltd in consultation with the Director Corporate Performance using:

- Strategic, Operational and Fraud Risk registers
- Results from surveys distributed to the Committee, Executive Management Team and Organisational Leadership team.

## **Financial Sustainability**

Provision for Council's internal audit program is included within the Governance Unit's 2024/2025 budget, for an annual amount of \$47,000.

## **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)***

Audit and Risk Committee Charter

**Conflict of Interest**

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

**Attachments**

1. Strategic Internal Audit Program [15.2.1 - 3 pages]

## 16. HEALTHY, LIVEABLE SPACES AND PLACES

### 16.1. 21-25 Shelley Street, SPRING GULLY - 3 Lot Subdivision and Removal of Native Vegetation

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

#### Summary/Purpose

Application No:	DS/491/2023
Applicant:	R & N W Humpherys
Land:	21-25 Shelley Street, SPRING GULLY 3550
Zoning:	General Residential Zone
Overlays:	Bushfire Management Overlay – Schedule 1
No. of objections:	14
Consultation meeting:	A formal consultation meeting was held at the City offices on 15 November 2023, attended by the Planning Officer, Councillor Alden, applicant and 7 objectors.
Key considerations:	<ul style="list-style-type: none"> <li>• Whether the proposed subdivision is supported by the relevant provisions of the Greater Bendigo Planning Scheme.</li> <li>• Whether the proposal has sought to avoid and minimise native vegetation removal to the greatest extent possible.</li> <li>• Whether the proposal adequately protects human life from the risks posed by bushfire.</li> <li>• Whether the proposed subdivision accords with the existing and preferred character of Shelley Street, Spring Gully</li> <li>• Objector concerns.</li> </ul>
Conclusion:	<p>The subdivision of land within the Bushfire Management Overlay must prioritise the protection of human life. All other considerations are secondary to this.</p> <p>The proposed subdivision has been designed to appropriately manage bushfire risk, with a resultant impact on native vegetation on site to create defensible space. This extent of native vegetation removal is considered acceptable to facilitate the subdivision of the land to meet the purposes of the General Residential Zone.</p> <p>The resultant three lot subdivision of the site will result in an outcome that is consistent with the existing character of the area. The extent of vegetation removal proposed under this application is not fundamental to the preservation of the identified neighbourhood character</p>



	<p>elements for this area of Spring Gully.</p> <p>It is recommended that Council determine to issue a Notice of Decision to Grant a Planning Permit subject to the conditions included at the end of this report, as the proposed subdivision accords with the relevant provisions of the Greater Bendigo Planning Scheme.</p>
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## MOTION

That Council issue a Notice of Decision to **Refuse** to Grant a Permit for the *3 lot subdivision of land and the removal of native vegetation* at 21-25 Shelley Street, SPRING GULLY 3550, for the following reasons:

1. The proposal is inconsistent with the purposes of the General Residential Zone by not respecting the neighbourhood character of Spring Gully.
2. The proposal is inconsistent with clauses 15.01-5S, 15.01-5L and 15.01-5L-12 as it fails to adequately respond to the preferred neighbourhood character for Spring Gully, specifically through the retention of existing, mature native trees.

Moved: Cr Alden

Seconded: Cr Williams

**Resolution No. 2024-41**

**CARRIED**

## RECOMMENDED MOTION

That Council issue a Notice of Decision to Grant a Permit for the 3 lot subdivision of land and the removal of native vegetation at 21-25 Shelley Street, SPRING GULLY 3550, subject to the conditions at the end of this report.

## Report

### Subject Site and Surrounds

The site is an irregular shaped allotment located on the southern side of Shelley Street, Spring Gully. The allotment is 5,722 square metres in size and is formally identified as Lot 2 on Plan of Subdivision 828564K. The site contains a single storey dwelling, associated separate garage and other outbuildings. The existing dwelling on site was originally constructed by the current owners of the land in the 1990s. Consistent with this era, the dwelling is a brick veneer with a Colorbond roof. The dwelling is setback 7.7m from Shelley Street and is located centrally along the site's frontage.

The site is extensively vegetated with a mix of native and exotic trees and shrubs. Generally, the immediate area within the site surrounding the existing dwelling consists of planted vegetation, with native vegetation located closer to the boundaries. The topography of the site is characteristic for this area of Spring Gully, consisting of a moderate fall from Shelley Street to the rear of the site (evident in the street photo of the existing dwelling shown at figure 2 below). The lowest point of the site is centrally along the rear boundary as the land falls into a gully leading to Autumn Gully to the south. Figure 1 below shows an aerial image of the subject site and immediate surrounding area.



**Figure 1:** Aerial image of subject site (shown in orange)

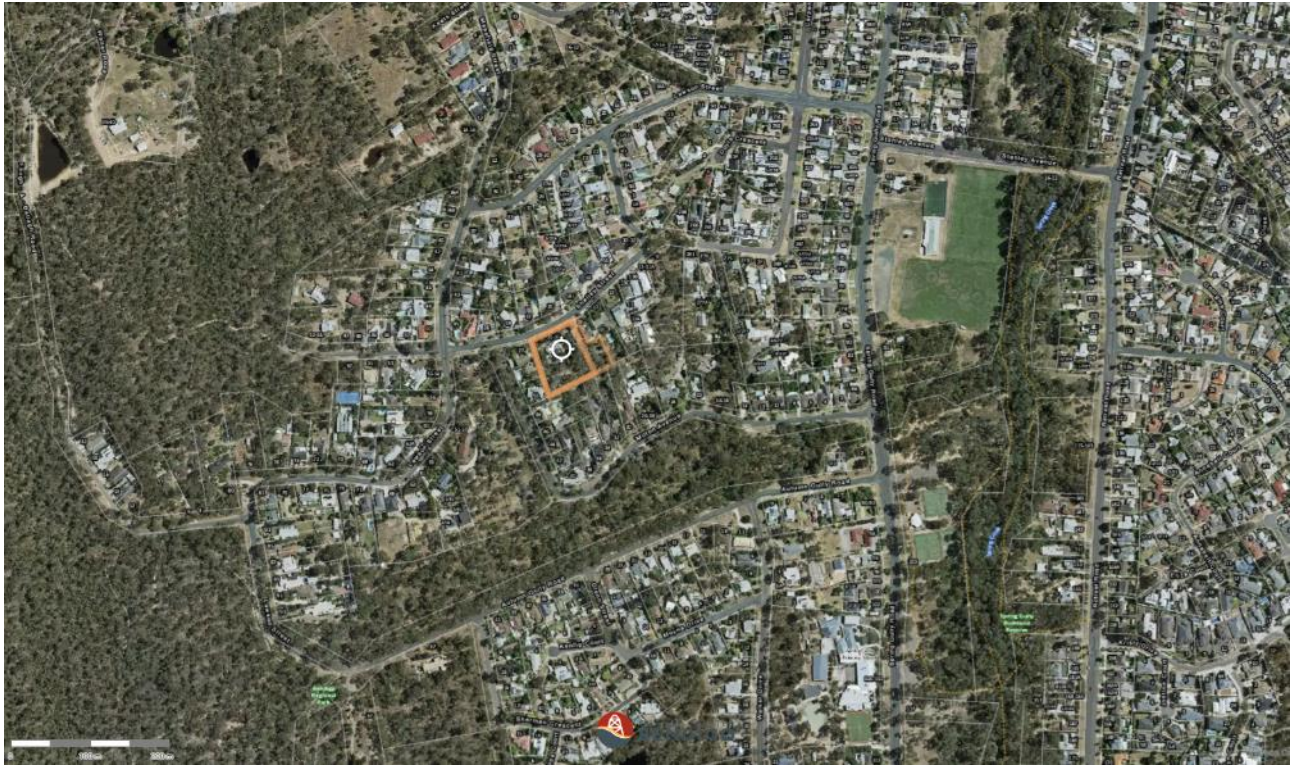




**Figure 2:** Image of existing dwelling (dated 10 November 2023)

The surrounding area is characterised by the site's location in a developed residential area of Spring Gully. Generally, dwellings are single storey with associated outbuildings on lots that range in size from 326 square metres to 5,000 square metres. The majority of lot sizes are between 1,200 and 1,500 square metres in size. The surrounding dwellings are generally set in well vegetated garden settings, especially to the southern side of Shelley Street (where the fall of the land reduces the density of dwellings, providing greater area for plantings). Figure 3 shows the built form in the wider surrounding area.





**Figure 3:** Aerial image of the wider surrounding area

### Proposal

The application proposes to subdivide the land into three lots and for the consequential loss of all native vegetation.

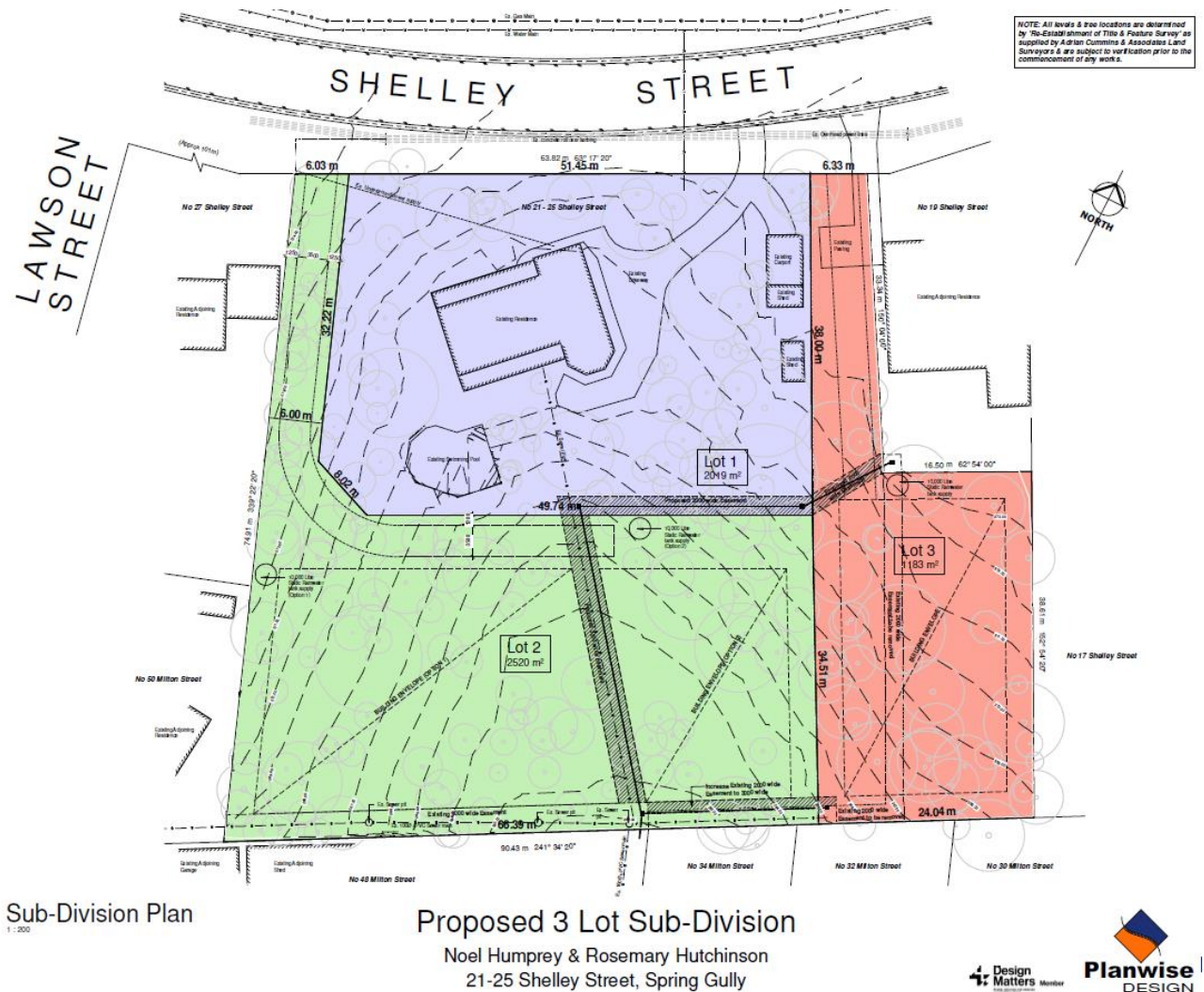
### *Subdivision*

Lot 1 is proposed to contain the existing dwelling and outbuildings and will have an area of 2,019 square metres. Access will be retained through the existing crossover to the site.

Lot 2 is proposed to the rear of the existing dwelling. Access is to be provided to the west of the existing dwelling along a 6.0m wide access handle. The lot is proposed to have an area of 2,520 square metres.

Lot 3 is proposed to the side of the existing dwelling (and to the rear of the neighbouring property at 19 Shelley Street). Access is to be provided to the east of the existing dwelling along a 6.3m wide access handle. The lot is proposed to have an area of 1,183 square metres.

Figure 4 below shows the proposed subdivision layout.



**Figure 4:** Proposed subdivision layout

### *Native vegetation removal*

The proposed subdivision of the land requires that all native vegetation within the site be assessed as consequential loss due to the operation of the 'Site Area' exemption under Clause 52.17 of the Greater Bendigo Planning Scheme (see discussion below detailing the operation of this control in respect of this application). The application is supported by a Native Vegetation Assessment which details that the extent of removal is 3,870 square metres (67.6% of the site). Figure 5 below shows the extent of consequential native vegetation impact associated with the proposal.





**Figure 5:** Extent of consequential native vegetation loss

## Planning Controls - Greater Bendigo Planning Scheme

### Why is a permit needed?

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

Clause	Permit Trigger
Clause 32.08-3 General Residential Zone	<ul style="list-style-type: none"> <li>Subdivide land.</li> </ul>
Clause 44.06-2 Bushfire Management Overlay	<ul style="list-style-type: none"> <li>Subdivide land.</li> </ul>
Clause 52.17-1 Native Vegetation	<ul style="list-style-type: none"> <li>Remove, destroy or lop native vegetation.</li> </ul>

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

Municipal Planning Strategy

- 02.03 Strategic directions
- 02.03-1 Settlement
- 02.03-2 Environment and landscape values
- 02.03-3 Environmental risks and amenity
- 02.03-5 Built environment and heritage
- 02.03-6 Housing
- 02.04 Strategic framework plans

Planning Policy Framework

- 11.01-1S Settlement
- 11.01-1L-01 Settlement – Greater Bendigo
- 12.01-1L Protection of biodiversity – Greater Bendigo
- 12.01-2S Native vegetation management
- 13.02-1S Bushfire planning
- 13.04-1S Contaminated and potentially contaminated land
- 15.01-1L-01 Landscaping – Greater Bendigo
- 15.01-3S Subdivision design
- 15.01-5S Neighbourhood character
- 15.01-5L-01 Neighbourhood character – Greater Bendigo
- 15.01-5L-12 Spring Gully neighbourhood character
- 16.01-1S Housing supply
- 19.03-3S Integrated water management

Other Provisions

- 32.08 General Residential Zone
- 44.06 Bushfire Management Overlay
- 52.17 Native Vegetation
- 53.01 Public open space contribution and subdivision
- 53.02 Bushfire planning
- 53.03 Residential reticulated gas service connection
- 56 Residential subdivision
- 65 Decision Guidelines
- 71.02-3 Integrated decision making

**Policy Context*****Primary Council Plan Reference***

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

Outcome 2 – Healthy, liveable spaces and places

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

Goal 7 – Sustainable population growth is planned for

**Consultation/Communication**Referrals

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

Referral	Comment
Fire Rescue Victoria (Recommending referral authority)	No objection subject to conditions.  Conditions require that the submitted Bushfire Management Plan be endorsed and registered on title through a Section 173 agreement.
Coliban Water (Determining referral authority)	No objection subject to conditions.  Conditions require appropriate connection of potable water and reticulated sewerage to all lots.
Powercor (Determining referral authority)	No objection subject to conditions.  Conditions require appropriate connection of power services to the site.
Downer (Determining referral authority)	No response received.  Standard conditions included below.



Referral	Comment
Development Engineer (Internal referral)	No objection to the proposal.  Standard conditions included that require adequate drainage of the site to manage stormwater flows to pre-development levels.
Traffic Engineer (Internal referral)	No objection to the proposal.  No conditions required (access requirements dictated by FRV access requirements enforced through Bushfire Management Plan registered on title).

### Public Notification

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

As a result of advertising, fourteen objections were received with the grounds of objection summarised as follows:

- The extent of native vegetation removal proposed and impact on native fauna.
- Loss of bushland character for the area.
- Noise generated as a result of the proposal (traffic, construction).
- Extent of site excavations required.
- Road safety concerns from increase in dwelling numbers in the street.
- Bushfire safety concerns.
- Stormwater management concerns.
- Contamination concerns through historic mining activities in the area.
- Other objector concerns (Council revenue raising, sets precedent in the area, privacy impacts, previous permit history).

A formal consultation meeting was held on 15 November 2023 to discuss the issues raised in the objections with the applicant. No resolution was reached as a result of this meeting, with no objections withdrawn.

The objections are discussed through the planning assessment, with Figure 6 showing the properties that objected to the proposal.



The purposes of General Residential Zone are as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

(emphasis added)

These purposes are referenced throughout the discussion below.

Whether the subdivision is supported by the relevant provisions of the Greater Bendigo Planning Scheme.

The General Residential Zone requires a subdivision application to be considered against relevant policy within the Municipal Planning Strategy, Planning Policy Framework and against the relevant standards of Clause 56: Residential Subdivision.

The policies relevant to the subdivision of this site from the Municipal Planning Strategy and Planning Policy Framework can be grouped under the following categories:

- Development in areas subject to bushfire risk \*
- Impacts to Native Vegetation. \*
- Potentially contaminated land. \*
- Direction of subdivision to appropriate locations.
- Impacts of subdivision on established and preferred character. \*
- Public open space contribution.

Officer assessment is that the proposal accords with all relevant policies under these groupings. This is determined in the assessment contained below (note that the items marked with \* above are addressed in the subsequent planning assessment questions further on in this report).

#### *Appropriateness of subdivision in this location*

A range of policies within the Greater Bendigo Planning Scheme seek to direct growth and new development to appropriate areas within the Bendigo Urban Growth Boundary. This is best summarised by the strategic policy direction to '*Balance the protection of neighbourhood character with the development of a more*

*environmentally sustainable urban area based upon the principles of 10-minute neighbourhoods’.*

The site is located within an established area of Spring Gully with ready access to the Spring Gully local centre, and the Bendigo City Centre along Carpenter Street. The site enjoys reasonable proximity to the La Trobe University campus. The site is within a 10 minute bicycle ride of Spring Gully (11 minutes to La Trobe), and as such, the subdivision of this site would support the development of 10 minute neighbourhoods in accordance with Clauses 02.03-1 and 11.01-1L-02.

Clause 15.01-3S: Subdivision design provides the main policies that relate to subdivision design. At a high level, this policy seeks to create more compact neighbourhoods that are walkable, provide for a range of housing needs and meet the aspirations of different groups of people.

The subject site, at 5,722 square metres in size, is a very large allotment within the General Residential Zone. The average lot size in the surrounding area is between 1,200-1,500 square metres, with a number of lots within the immediate surrounds being much smaller (down to 326 square metres). The site is therefore assessed as being considerably underdeveloped in its immediate context. The proposed lots sizes are consistent with the established average lot size for the area. Thus, the proposal is generally consistent with the established subdivision character for Shelley Street, Spring Gully.

Subject to the further discussion below, Officer assessment is that the proposed subdivision of the subject site is appropriate in relation to applicable policies within the Municipal Planning Strategy and Planning Policy Framework.

*Applicable standards of Clause 56: Residential subdivision*

In addition to the applicable policy within the Municipal Planning Strategy and Planning Policy Framework discussed above, the proposed subdivision must be assessed against the standards of Clause 56: Residential Subdivision.

These controls relate to the design of lots, how these lots integrate into the established urban context, how the site integrates with existing transport infrastructure, how water is managed, how construction is managed and how the site will be serviced.

The proposal is seeking approval for three lots. These lots are all proposed to be in excess of 1,000 square metres which are easily able to accommodate a future dwelling which meets required building standards. Future dwellings will be able to be designed with northerly aspects, positioned appropriately from boundaries to not result in privacy or overshadowing impacts.

The proposal will have minimal impact on the urban fabric of the area. The existing dwelling will remain the predominant feature of the site when viewed from the public domain. Both new lots are proposed to be accessed via 6-metre-wide driveways. This width is sized to accommodate the required access in addition to a generous landscaped strip. This will ensure that the garden setting for the area will be maintained as far as practical, with landscaping requirements for the accessways controlled by condition detailed below.

The subdivision of the site will have little impact on the surrounding transport network. The application only seeks to add two dwellings to the area, which will result in a negligible increase to vehicle movements on Shelley Street. The existing road network is easily able to accommodate this minor increase.

Water management was a concern raised throughout objections and is generally a key consideration in subdivision proposals. The City's Development Engineer has reviewed the proposal and confirmed that the site is able to be developed in such a way as to appropriately manage stormwater across the site's boundaries. Objectors raised concerns that the proposal would increase stormwater exiting the site down the gully towards Autumn Gully (resulting in additional overland flow impacting the properties to the south). To ensure that this does not occur, standard engineering requirements are that any development does not result in any additional stormwater impacts above pre-development levels. This is a requirement of this application. Further, Coliban Water has required that the site be appropriately connected to potable water and reticulated sewerage services.

Objectors also raised concerns with potential construction impacts (i.e. noise, sediment runoff etc.). These will be managed via a condition that requires a Construction Management Plan to be prepared and approved by the responsible authority. This plan is required to be prepared in accordance with standard EPA requirements for construction activities to ensure that construction activities do not result in unreasonable impacts on amenity.

The site will be serviced by electricity and telecommunications as standard for suburban development. The site is not required to be connected to gas, with this at the discretion of the developer (noting that recent State Government policy changes require that all new dwellings not be connected to gas).

The proposal is assessed as being compliant with the standards of Clause 56 of the Greater Bendigo Planning Scheme.

*Public open space contribution*

Clause 53.01: Public open space contribution and subdivision requires that any person that is seeking to subdivide land make a contribution to the City for public open space. The schedule to this clause stipulates that the site is required to pay 5% of the site value as a public open space contribution. A condition has been included below to require this contribution be paid.

Whether the proposal has sought to avoid and minimise native vegetation removal to the greatest extent possible.

A planning permit is required under Clause 52.17: Native vegetation for the consequential loss of all native vegetation within the site. Concern was raised by a number of objectors to the extent of native vegetation impact proposed. In assessing this aspect of the proposal, it must be noted that there are no other planning controls that apply to the subject site that protect native vegetation (such as the Environmental Significance Overlay, Vegetation Protection Overlay, Neighbourhood Character Overlay, Heritage Overlay etc.).

The purpose of Clause 52.17: Native vegetation is as follows:

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

The operation of Clause 52.17 is supported by policy contained at Clause 12.01-2S: Native vegetation management.

The *Guidelines for the removal, destruction or lopping of native vegetation* require that any application for a planning permit that, if approved, would result in the consequential removal of native vegetation (i.e. the ability to remove native vegetation without the need of a planning permit) is to consider the removal of native vegetation under that application.

In respect of this application, the proposal is seeking to subdivide a lot that exceeds 4,000 square metres into individual lots that are all less than 4,000 square metres in size. This proposal would therefore result in future lot owners being able to remove native vegetation without requiring any planning approval through utilising the 'Site

area' exemption under Clause 52.17. As such, it is a requirement of this application to consider the appropriateness of the full removal of native vegetation from the site<sup>1</sup>. The 'Site Area' exemption applies to:

- *Native vegetation that is to be removed, destroyed or lopped on land, together with all contiguous land in one ownership, which has an area of less than 0.4 hectares.*
- *This exemption does not apply to native vegetation on a roadside or rail reservation.*

Due to the operation of this exemption in relation to this application, it is not possible to consider the possibility of minimising native vegetation impacts through the placement of building envelopes (or the like). This assessment, therefore, is relatively black and white; is the full-scale consequential loss of native vegetation within the site supported or not?

The proposal requires consideration under the intermediate assessment pathway.

To guide the assessment of the value of the native vegetation within the site, data from the Department of Energy, Environment and Climate Action was reviewed. The site is mapped as being within 'Location 1', with a Strategic biodiversity score of 0.1. This means that the site is mapped as not containing any endangered Ecological Vegetation Classes, and that the existing vegetation has a low value in respect to its contribution to biodiversity across the broader area. This data in effect places the lowest value possible on the native vegetation present on site.

In addition to this value calculation, the condition of the vegetation must be assessed. The submitted Native Vegetation Assessment determined this value as being 43 out of 100. This figure is a measure of how close the vegetation on site is to its mature benchmark for the vegetation classification. With a score of 43, the vegetation within this site has been deemed to be significantly degraded.

As such, the value and condition of the native vegetation has been determined as low.

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<sup>1</sup> This requirement to assess the full-scale consequential loss of native vegetation within the site does not mean that all native vegetation must be removed. This process is designed to capture all possible native vegetation offsets that are calculated in the site, resulting in no missed offsets through the operation of the site area exemption once a permit is issued. The applicant and subsequent landowners can elect to retain native vegetation should they choose (and it meets defensible space requirements). If they did elect to retain native vegetation within the site, there would be no requirement for a planning permit in the future to remove this native vegetation (under current planning controls).

With a low vegetation value, the removal of the native vegetation must be considered against the prevailing strategic planning work for the site. There is no specific protection afforded to native vegetation (with the exception of mature vegetation retention encouraged by character policies discussed below), with this evidenced through no specific planning overlays applied to the site to protect vegetation.

The driving strategic planning policies that apply to the site stem from the General Residential zoning of the site. The site is identified for standard residential development, which the site is not achieving at its current lot size of 5,722 square metres, developed with a single dwelling.

As there is no specific policy protecting this vegetation, coupled with policy seeking to further subdivide this land, it is appropriate for this native vegetation to be deemed fully lost.

The applicant has provided evidence that appropriate offsets are available to offset this loss in accordance with the Guidelines.

In accordance with the decision guidelines of Clause 52.17, Officer assessment is that the proposed native vegetation loss is acceptable. It must be noted that this assessment would not change irrespective of whether two lot or three lots (or more) were proposed.

Whether the proposal adequately protects human life from the risks posed by bushfire.

The proposed subdivision of the land requires a planning permit under the provisions of Clause 44.06: Bushfire Management Overlay. The purpose of the Bushfire Management Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

Any application under the Bushfire Management Overlay must meet the requirements of Clause 53.02. The purpose of this clause is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*



- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

Further, the site is located within the BMO Schedule 1 area, which relates to the Greater Bendigo BAL 12.5 areas. This schedule has the effect of stipulating all development within this area as requiring a minimum construction standard of BAL 12.5.

As the site is located within an area which is identified as being at risk to bushfire, the following direction at clause 71.02-3 must be followed in relation to this application:

*The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in **bushfire affected areas**, planning and **responsible authorities must prioritise the protection of human life over all other policy considerations**.*

*(emphasis added)*

The effect of this clause is to prioritise bushfire protection over other policy considerations, including the protection/retention of native vegetation and character impacts. This means that should the proposed subdivision be deemed to prioritise the protection of human life from bushfire risk, that the subsequent native vegetation impacts and resultant impact to character is a lesser (secondary) consideration.

To support the assessment of this aspect of the application, the application was referred to Fire Rescue Victoria (FRV). FRV reviewed the application material and determined that the proposed subdivision layout met stipulated bushfire planning requirements and results in a proposal that adequately protects human life, subject to the inclusion of conditions. This would require the submitted Bushfire Management Plan to be registered on title via a Section 173 agreement, with all future landowners required to comply with these requirements.

The result of this process is to require that future dwellings on lots 2 and 3 be constructed to a Bushfire Attack Level of 12.5 (lowest rating possible), and ensure that water tanks and access are provided in accordance with FRV requirements.

Each lot is also required to be managed as defendable space, with defendable space being either 50 metres around the future dwelling, or to the property boundary (whichever is lesser) due to the surrounding 'modified' vegetation classification. This results in the need for the vast majority of vegetation within the site to be removed. This requires that canopy trees be thinned to provide at least 5 metres of separation between canopies. Further, that all grasses be closely maintained and that shrubs be removed where located under the canopy of a tree.

These requirements will result in significant impacts to vegetation within the site (noting that the bushfire defendable space impacts do not apply to the existing dwelling located on lot 1).

Officer assessment of the requirements at Clause 53.02: Bushfire planning concurs with the position recommended by FRV. The site is located within an area that is significantly modified and managed to reduce the risks from bushfire. The surrounding area is residential in character, with any remaining native vegetation managed to an appropriate level to mitigate serious bushfire risk. The primary fire approach direction from the northwest largely comprises standard suburban blocks cleared of native vegetation. The secondary bushfire approach direction from the southwest is more vegetated, with this characterised by highly managed private land.

A number of objectors raised concerns with the bushfire impacts of the proposal. The City is unable to directly consider these concerns due to third party review rights not existing under the operation of the Bushfire Management Overlay. However, these concerns have been indirectly covered in the technical assessment undertaken by both the City and FRV in the review of this application.

As such, officer assessment is that the proposal satisfies all bushfire planning requirements.

Whether the proposed subdivision accords with the existing and preferred character of Shelley Street, Spring Gully.

Under the General Residential Zone, and throughout Clause 56, the consideration of character impacts is pervasive. This focusses on the impact of a proposal in relation to both the existing and preferred character stipulated within the Greater Bendigo Planning Scheme.

Under clauses 15.01-5S: Neighbourhood character, 15.01-5L-01: Neighbourhood character – Greater Bendigo, and 15.01-5L-12: Spring Gully neighbourhood character the preferred character of the site is articulated. This is detailed as:

- *Maintain the garden setting of dwellings by retaining large trees and planting new trees, including native trees where identified as part of the character.*
- *Maintain the rhythm of dwelling spacing by setting buildings back from at least one side boundary.*
- *Minimise site disturbance and the impact of the building on sloping landscapes by stepping buildings down contours.*
- *Maintain the existing neighbourhood character of this precinct that is drawn from:*
  - *Dwellings mostly developed in the 1950s with consistent siting and front setbacks, spacious side setbacks and horizontal form, resulting from long, low elevations of buildings in relation to height.*
  - *An open spacious streetscape due to no, low or transparent fences.*
  - *Mature native trees.*

The retention of mature trees is a focus of the preferred character of this area. This is achieved through the provision of dwellings in garden settings.

The Bushfire Management Overlay affecting the site contradicts the achievement of this policy, through the need to manage vegetation levels to reduce bushfire risk. As detailed above, this outcome is given priority by the Planning Scheme over the protection of neighbourhood character.

However, this does not mean that native vegetation impacts can be disregarded. The proposal achieves an appropriate balance between bushfire protection and character preservation. The application is seeking a three-lot subdivision, with the existing dwelling proposed to be retained on lot 1. The way the provisions of the Bushfire Management Overlay work mean that there is no requirement for the existing dwelling on lot 1 to adopt the defendable space requirements that will apply to lots 2 and 3. Lot 1 will remain subject to the standard bushfire native vegetation exemptions that exist within the Scheme. This results in the ability for the existing vegetation around the dwelling to be retained/managed as currently undertaken. Whilst the wholesale loss of native vegetation is proposed under this application, this is due to the operation of the 'site area' exemption as detailed above. The applicant has not indicated that they intend to actually remove this vegetation. Should they choose to retain it, there is no condition proposed below that will require removal to occur (just the payment of offsets to account for any removal that might occur in the future without the need for a planning permit).

As such, it is highly likely that the garden setting of the site as it currently presents to Shelley Street will be retained. It is possible that the only visible impacts to the streetscape will be in the construction of two new crossovers, one either side of the

existing dwelling (which will be softened by landscaping conditions detailed below). Further, the defensible space requirement within the lots to the rear will result in a reduction to the existing canopy coverage that will be visible from Shelley Street over the top of the existing dwelling.

This outcome is considered appropriate in the context of Shelley Street. The retention of vegetation surrounding the existing dwelling accords with the policy direction to retain mature trees.

The majority of objections raised concerns with the character impacts of the proposal on their individual outlooks. This ranged from views of the site from the public domain and from views across shared boundaries. The site is relatively visible from surrounding properties due to the topography of the site, with the two new proposed lots located within a natural gully. The existing extent of vegetation within the site is a valued feature of the site. Whilst this concern is valid, the support for the subdivision from a wider policy perspective (especially relating to bushfire) outweighs this internal neighbourhood character impact. It is noted that the proposal is only seeking two additional lots, where more could have been considered. This will result in a relatively low density general residential subdivision, with two new dwellings being constructed on large lots that will provide ample opportunity for an appropriate garden setting to be established around both new dwellings that accords to the defensible space requirements of the Bushfire Management Plan.

Officer assessment is, when considered in conjunction with the requirements of the Bushfire Management Overlay, that the impacts to neighbourhood character are appropriate in relation to the scale of subdivision proposed.

#### Whether all objector concerns have been addressed.

In addition to the issues detailed above, objectors raised a number of other concerns that require consideration. This section addresses each in turn.

#### *Traffic impacts associated with the subdivision (and subsequent development) of the land*

A number of objector concerns related to road safety concerns associated with the subdivision of the land. These specifically relate to additional traffic movements that would result from the addition of two new dwellings into the street. Concern was also raised as to the location of the two new proposed driveways in relation to two crests that exist along Shelley Street, either side of the site.

To confirm the appropriateness of the proposed layout, internal referral to the City's Traffic Engineer was undertaken. The Engineering response deemed that the proposal would not result in an unsafe road environment, with sight lines from

proposed driveway locations appropriate for the low-speed environment of Shelley Street. The street network has sufficient capacity to support the additional traffic movements that would result from the two new dwellings that the subdivision of the land would support.

#### *Potentially contaminated land*

Objectors raised concerns that the land may potentially be contaminated from historic mining activities associated with the Bendigo gold rush of the 19<sup>th</sup> century. Objections flagged that evidence of historic mine shafts exist within the area. Under Clause 13.04-1S: Contaminated and potentially contaminated land, the City is required to be satisfied that the land is not contaminated prior to it approving an application that would allow for an increase in residential development of the land. Historic mining activities have the potential to increase heavy metal contamination in the environment through the treatment of ore extracted from quartz mining.

A review of the City's records of historic mine shaft locations does not show any locations within the site or immediate surrounds. The closest shaft is at a distance of 70m to the north of the site.

Due to the topography of the site, it is unlikely that any treatment of ore occurred within the site. Mining operations resulted in ore being transported downhill to processing facilities where heavy metals were used to extract gold. As the site is located at the top of the hill, it is unlikely that any processing occurred within the site. Further, as the site is located at the top of the hill, any migration of heavy metals through ground water is not likely to have impacted the site. As such, the site is deemed to not be contaminated and suitable for residential use.

#### *Council revenue raising*

Objectors raised concern that this proposal was only being considered by the City to facilitate an increase in rates revenue to aid in funding the Council's budget.

In assessing a planning permit application, the City must have regard to the provisions of the Greater Bendigo Planning Scheme. There are no policies or provisions within the Planning Scheme that relate to a desire to increase the City's rates revenue. Council policy that relates to rates revenue is considered under separate processes that relate to the budget cycle. Policy outcomes detailed throughout the Greater Bendigo Planning Scheme are set by Strategic Planning projects and guided by the City's Council Plan *Mir wimbul* 2021-2025.

The appropriateness of the proposed subdivision is required to be considered against the range of policies that have been discussed above in this report. Rates revenue is not within the scope of consideration for planning permit applications.

### *Sets lot size precedent for area*

As detailed above, the proposed lot size will not set a precedent in the area. The proposed lot sizes are consistent with lot sizes that already exist within the immediate area. There are a number of lots in the immediate vicinity that are significantly smaller than those proposed under this application. The presence of smaller lots within the immediate surrounding area is notably part of the existing character of the area that has been considered as part of the character assessment of the proposal.

### *Privacy impacts*

Privacy impacts are not able to be directly considered as part of a subdivision application. Privacy impacts are considered under development applications. In the case of the two lots created as a result of this application, privacy Impacts would be considered as part of any subsequent building permit that would be required for the construction of any dwelling on either lot. These privacy considerations would be assessed in line with the provisions of the Building Regulations 2018.

In assessing this application, the lot size and building envelopes were considered of a sufficient size to easily accommodate the various requirements of the Building Regulations 2018.

### *Previous permit history*

The subject site was subject to an earlier 2019 planning permit that facilitated a boundary realignment and removal of an easement (DS/206/2019). This approval created the current lot alignment for the subject site, by reducing the size of the adjoining property to the east (19 Shelley Street). Concerns raised by objectors were that this permit allowed for the removal of an easement that likely contained infrastructure for stormwater drainage or sewerage. Concern surrounded whether the proposal would adequately manage the required infrastructure for number 19 in addition to the new lots created under this application.

The 2019 permit allowed for the easement to be removed, through the creation of other easements within the site to manage all required services that were located within adjoining lots (as is common practice with subdivision permits).

This application has been referred to all service authorities for comment. Appropriate conditions have been included below that would ensure that all required infrastructure be delivered to service all lots. Easements would be created wherever necessary to protect these assets for each of the lots created and for any

infrastructure that exists within the site that services surrounding allotments (as is standard practice for all subdivision permits).

No service authority, nor the City's engineers, have raised concern with the existing arrangement of services or easements within the site that require rectification through this permit application.

## **Conclusion**

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

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

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

- The proposed subdivision accords with policy direction for in-fill development within an appropriately serviced location within the General Residential Zone, which has the primary purpose for residential uses within a suburban context.
- The proposed subdivision has been appropriately designed to mitigate bushfire risk to an appropriate standard to prioritise the protection of human life.
- The proposed removal of native vegetation is appropriate to create the required defensible space around the two new dwellings that will be facilitated on lots 2 and 3.
- That the impacts to the existing local character within Shelley Street will be minimal, with the existing dwelling to be retained and the two new lots located to the rear and largely unobservable from the public realm.
- The proposal has adequately addressed all valid objector concerns.
- The proposal is compliant with the Municipal Planning Statement, Planning Policy Framework, General Residential Zone, Bushfire Management Overlay, relevant Particular Provisions and General Provisions of the Greater Bendigo Planning Scheme.

## **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.

### **Proposed Notice of Decision Conditions**

1. LAYOUT PLANS

The subdivision, as shown on the endorsed plans, must not be altered without the prior written consent of the responsible authority.

2. PROVISION OF SERVICES

The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

3. EASEMENTS

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

4. REFERRAL OF PLAN

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

5. PUBLIC OPEN SPACE CONTRIBUTION

- (a) Before the statement of compliance is issued the applicant or owner must pay to the responsible authority a sum equivalent to 5% of the site value of all the land in the subdivision.
- (b) The site value must be determined by an independent valuation of the land undertaken by a suitably qualified practicing land valuer which must be submitted to and approved by the responsible authority. The valuation of the land must be commissioned by and at the full cost of the applicant/owner

Note: This condition can be waived should evidence be provided that public open space has previously been satisfied.

6. LANDSCAPE PLAN

Prior to certification of the plan of subdivision, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions.



The plan must show:

- (a) Details of surface finishes of pathways and driveways.
- (b) Planting along both sides of each accessway to a minimum width of 1.0m. The planting should:
  - i. Comprise predominately indigenous native species.
  - ii. Be arranged to meet defendable space requirements.
- (c) Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant

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

## 7. LANDSCAPING WORKS

Prior to the issue of statement of compliance, 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.

## 8. 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.

## 9. SECTION 173 AGREEMENT – BUSHFIRE MANAGEMENT PLAN

Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Greater Bendigo Planning Scheme.
- Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
- State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.
- Explicitly exclude Lot 1 from the following exemption under Clause 44.06-2 of the Scheme:

*“A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5”.*

The landowner must pay the reasonable costs of the preparation, execution and

registration of the Section 173 Agreement.

The agreement must be prepared and registered by the City's solicitors at the cost of the applicant/owner.

## **ENGINEERING CONDITIONS:**

### **10. DETAILED DRAINAGE**

Prior to the certification of the plan of subdivision under the Subdivision Act 1988, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then will form part of the permit. The plans must be drawn to scale with dimensions. The plans must include:

- (a) Direction of stormwater run-off.
- (b) A point of discharge for each lot.
- (c) Easements as required.
- (d) Stormwater detention.
- (e) Stormwater quality.

### **11. CONSTRUCTION OF WORKS**

Prior to the issue Statement of Compliance, road works, drainage and other civil works must be constructed in accordance with the Infrastructure Design Manual and plans and specifications approved by the responsible authority and must include:

- (a) Underground drainage.

### **12. SECTION 173 AGREEMENT – ON-SITE DETENTION**

If on-site detention is supplied then, prior to the issue of Statement of Compliance, the applicant/owner must enter into an Agreement under section 173 of the Planning and Environment Act 1987.

Such Agreement must covenant that:

- (a) The owner will maintain each detention or quality system and not modify it without prior written approval from the responsible authority.
- (b) The owner shall allow duly authorised officers of the responsible authority to inspect the systems at mutually agreed times.
- (c) The owner will pay for all costs associated with the construction and maintenance of the system.

The agreement must be prepared and registered by the City's solicitors at the cost of the applicant/owner.

### **13. PUBLIC ASSETS**

Before the development starts, the owner or developer must submit to the responsible authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb and channel, footpath, seal,

streetlights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to any public infrastructure caused as a result of the development or use permitted by this permit.

**14. CONSTRUCTION MANAGEMENT PLAN**

Prior to commencement of works the owner or applicant must submit a Construction Management Plan (CMP) for approval by the responsible authority. This plan shall include, but not be limited to:

- (a) A site-specific plan showing proposed erosion and sedimentation control works.
- (b) Techniques and intervention levels to prevent a dust nuisance.
- (c) Techniques to prevent mud and dirt being transported from the site to adjacent streets.
- (d) The protection measures taken to preserve any vegetation identified for retention.

During construction of works associated with the subdivision, the applicant must employ and provide the protection methods contained in the CMP to the satisfaction of the responsible authority and the Environment Protection Agency.

**NATIVE VEGETATION REMOVAL CONDITIONS:**

**15. NOTIFICATION OF PERMIT CONDITIONS**

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

**16. PROTECTION OF VEGETATION TO BE RETAINED**

Before works start, a native vegetation protection fence must be erected around all patches of native vegetation and scattered trees to be retained on site. This fence must be erected around the patch of native vegetation at a minimum distance of 2 metres from retained native vegetation and/or at a radius of  $12 \times$  the diameter at a height of 1.3 metres to a maximum of 15 metres, whichever is greater. The fence must be constructed of star pickets with affixed para webbing to the satisfaction of the responsible authority. The fence must remain in place until all works are completed to the satisfaction of the responsible authority. Except with the written consent of the responsible authority, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:

- (a) Vehicular or pedestrian access;
- (b) Trenching or soil excavation;
- (c) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;

- (d) Entry and exit pits for underground services;
- (e) Any other actions or activities that may result in adverse impacts to retained native vegetation.

17. OFFSET REQUIREMENT

To offset the removal of 0.387 hectares of native vegetation as shown in Native Vegetation Removal Report LVR\_2023\_017, the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)* as specified below:

*General offset*

A general offset of 0.137 general habitat units:

- Located within the North Central Catchment Management Authority boundary or Greater Bendigo City Council municipal district
- With a minimum strategic biodiversity score of at least 0.080

18. OFFSET EVIDENCE AND TIMING

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

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

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

19. MONITORING AND REPORTING FOR ONSITE OFFSET IMPLEMENTATION

In the event that a security agreement is entered into as per condition 15, the applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

**REFERRAL AUTHORITY CONDITIONS:**

20. COLIBAN WATER

- (a) The owner is required to reach agreement with Coliban Water for the provision of reticulated water supply and sewerage services to Lots 1-3 within the subdivision and comply with any requirements arising from any effect of the proposed development on Coliban Water assets.

Services are to be provided and where necessary, amendments will be required to the existing potable water supply service pipes and property service drains, in accordance with our specifications.

- (b) The reticulated sewer main extension required to service the proposed lots within this subdivision, must be designed, constructed and must be finalised in accordance with Coliban Water's Developer Installed Works process. Sewer mains are required to provide full lot control.

Agreement is required to be reached with Coliban Water for the existing DN100 sewer main that currently services this development site, to be upgraded to a DN150 sewer main for the provision of sewerage services for Lots 1-3 within this subdivision.

- (c) Applications to amend the existing water supply services and/or connections to Coliban's water supply will need to be made through our consent to connect process. For new connections, Coliban Water's approved contractor is to install the water tapplings, meter assemblies and digital data devices (water meters) which will be located in an accessible location within 2.0 metres but no closer than 600mm, inside a title boundary line of each lots fronting a road reserve.
- (d) Applications to amend the existing property service drains and/or connections to Coliban's sewerage services will need to be made through our consent to connect process, prior to the property service drains (sewerage service), being amended and/or connected to Coliban Water assets in accordance with our conditions.
- (e) All private works for water supply and sanitary drainage must be constructed in accordance with the National Plumbing and Drainage Code of Australia being AS 3500, the MRWA Water Metering & Servicing Guidelines 2022 and or any relevant requirements of Coliban Water.
- (f) Before the issue of a Statement of Compliance for any stage of a subdivision under the Subdivision Act 1988, the owner of the land must make payment to Coliban Water of New Customer Contributions (NCCs). These contributions are based upon the number of additional allotments connected (or to be connected) to Coliban Water's water, sewer or recycled water networks. A quote will be supplied to the owner on the referral of the Certified plan of subdivision.
- (g) All Coliban Water assets within the subdivision existing and required, are to be protected by easements created in favour of Coliban Region Water Corporation.
- (h) Please note Under section 165(5) of the Water Act (1989), Coliban Water is not required to ensure that the water pressure is adequate for firefighting. It is important to note that Coliban Water does not guarantee fire flows.

## 21. POWERCOR

- (a) This letter shall be supplied to the applicant in its entirety.
- (b) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
- (c) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

**Notes:** Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

- (d) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

**Notes:** Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

## 22. TELECOMMUNICATIONS

- (a) The owner of the land must enter into an agreement with:

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

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

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

## 23. AUSNET SERVICES (GAS)

The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with section 8 of the Subdivision Act 1988.

## 24. FIRE RESCUE VICTORIA – ENDORSEMENT OF BUSHFIRE MANAGEMENT PLAN

The Bushfire Management Plan prepared by Living Rural, Version 1.2, dated 05/12/2023 must be endorsed by the Responsible Authority, be included as an annexure to the section 173 agreement prepared to give effect to clause 44.06-5 of the Planning Scheme and must not be altered unless agreed to in writing by CFA and the Responsible Authority.

**EXPIRY CONDITION:**

25. EXPIRY OF THE PERMIT

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

The responsible authority may extend the time for certification of the plan if a request is made in writing before the permit expires or within six months afterwards.

**NOTES**

**CONSENT FOR WORK ON ROAD RESERVES**

The applicant must comply with:

- (a) The Road Management Act 2004.
- (b) Road Management (Works and Infrastructure) Regulations 2005.
- (c) Road Management (General) Regulations 2005.

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

**Attachments**

Nil

## 16.2. 206 Nankervis Road, Mandurang - Extension to Existing Dwelling and Construction of an Outbuilding (Amended Plans to Allow for Design Changes)

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

### Summary/Purpose

Application No:	AM/43/2018/B
Applicant:	Marion Blake
Land:	206 Nankervis Road, Mandurang
Zoning:	Rural Living Zone
Overlays:	Bushfire Management Overlay Environmental Significance Overlay – Schedule 1
No. of objections:	Nil
Consultation meeting:	Consultation was not undertaken on the basis that notice of the amended application was not conducted..
Key considerations:	<ul style="list-style-type: none"> <li>• What is able to be considered in an amendment application.</li> <li>• Whether the proposed dwelling design is consistent with planning policy relating to urban design and building design in relation to the site context.</li> <li>• Whether the proposed dwelling design has appropriate regard to the existing and preferred rural residential character of Mandurang.</li> </ul>
Conclusion:	<p>The amended dwelling design for the subject site is inappropriate in respect of the site context and neighbourhood character in that it has failed to appropriately address Nankervis Road.</p> <p>The proposed design would result in a dwelling that ‘turns its back’ on Nankervis Road that is inconsistent with the rural residential character of Mandurang.</p> <p>The proposal is an unacceptable outcome as it does not accord with the decision guidelines of the Rural Living Zone and the broader planning policy framework as it relates to building design and neighbourhood character.</p> <p>It is recommended that Council determine to refuse to grant an amendment to permit AM/43/2018/A. A refusal on this application will not result in the cancellation of the parent permit, with the current endorsed plan set remaining able to be acted upon by the landowner.</p>



## **Recommended Motion**

That Council issue a Notice of Decision to Refuse to Grant an Amendment to a Permit for the 'extension to existing dwelling and construction of an outbuilding (amended plans to allow for design changes)' at 206 Nankervis Road, MANDURANG VIC 3551, on the following grounds:

1. The proposal is inconsistent with the relevant policy relating to urban design and building design contained within the Planning Policy Framework and the purposes and decision guidelines of the Rural Living Zone in the following manner:
  - a. The dwelling design fails to appropriately address Nankervis Road which is inconsistent with the objective and strategies contained within clauses 15.01-1S: Urban design and 15.01-2S: Building design as the design fails to:
    - i. Provide a dwelling entry from Nankervis Road
    - ii. Provide habitable room windows orientated to Nankervis Road.
    - iii. Provide garage access directly from Nankervis Road.
    - iv. Locate services away from public interfaces.
  - b. The dwelling design fails to appropriately respond to the established and preferred character of Mandurang as detailed within clauses 15.01-5S: Neighbourhood character, 15.01-6S: Design for rural areas, and 16.01-3L: Rural residential development – Greater Bendigo As the design fails to:
    - i. Provide appropriate landscaping treatment to the Nankervis Road frontage.
    - ii. Providing a dwelling entry from Nankervis Road.
    - iii. Provide habitable room windows orientated to Nankervis Road.
    - iv. Locate services away from public interfaces
  - c. The dwelling design in effect turns its back on Nankervis Road.

## **MOTION**

That the recommended motion be adopted.

Moved: Cr O'Rourke  
Seconded: Cr Penna

## **Resolution No. 2024-34**

**CARRIED**

## **Background Information**

### Approval History

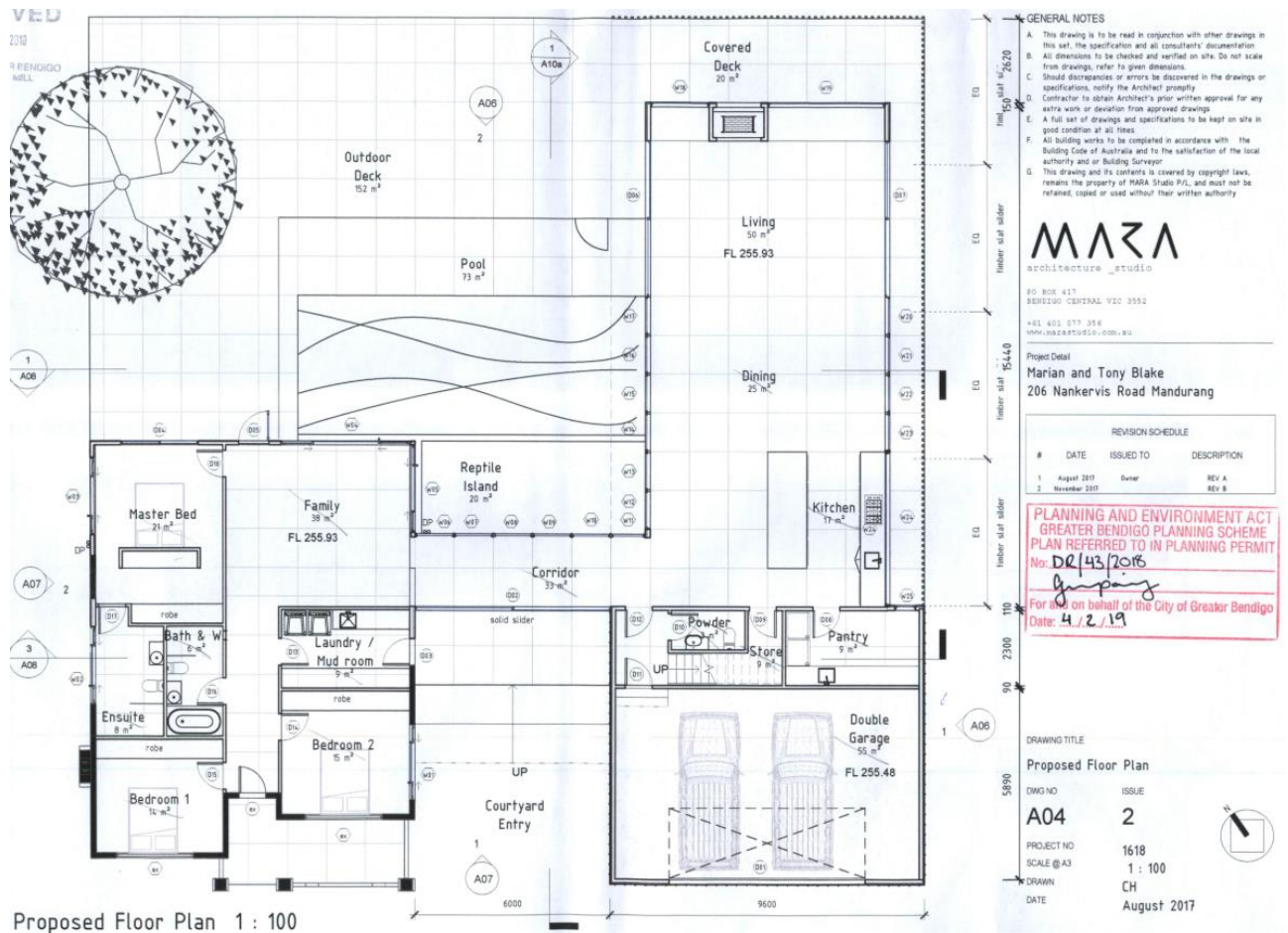
The subject site currently benefits from planning permit DR/43/2018, which was issued on 18 October 2018. This permit provided approval for the 'extension to existing dwelling and construction of an outbuilding'. This permit was amended on 16 April 2021, identified as AM/43/2018/A. The current expiry date for this permit requires development to be completed by 18 October 2024.

These permits are generally described as follows:

#### *DR/43/2018*

The original permit application that applies to the subject site was initially lodged with the City on 31 January 2018. This application sought to extend the existing weatherboard dwelling on the site and to construct a new shed. The assessment of this application culminated with a planning permit being issued under delegation on 18 October 2018.

This approval provided for an extension to the southeast of the existing dwelling, as shown in the endorsed floor plan shown at Figure 1 below. This layout retained the existing dwelling's presentation to Nankervis Road, whilst facilitating a new crossover connecting to a double garage presenting to Nankervis Road.

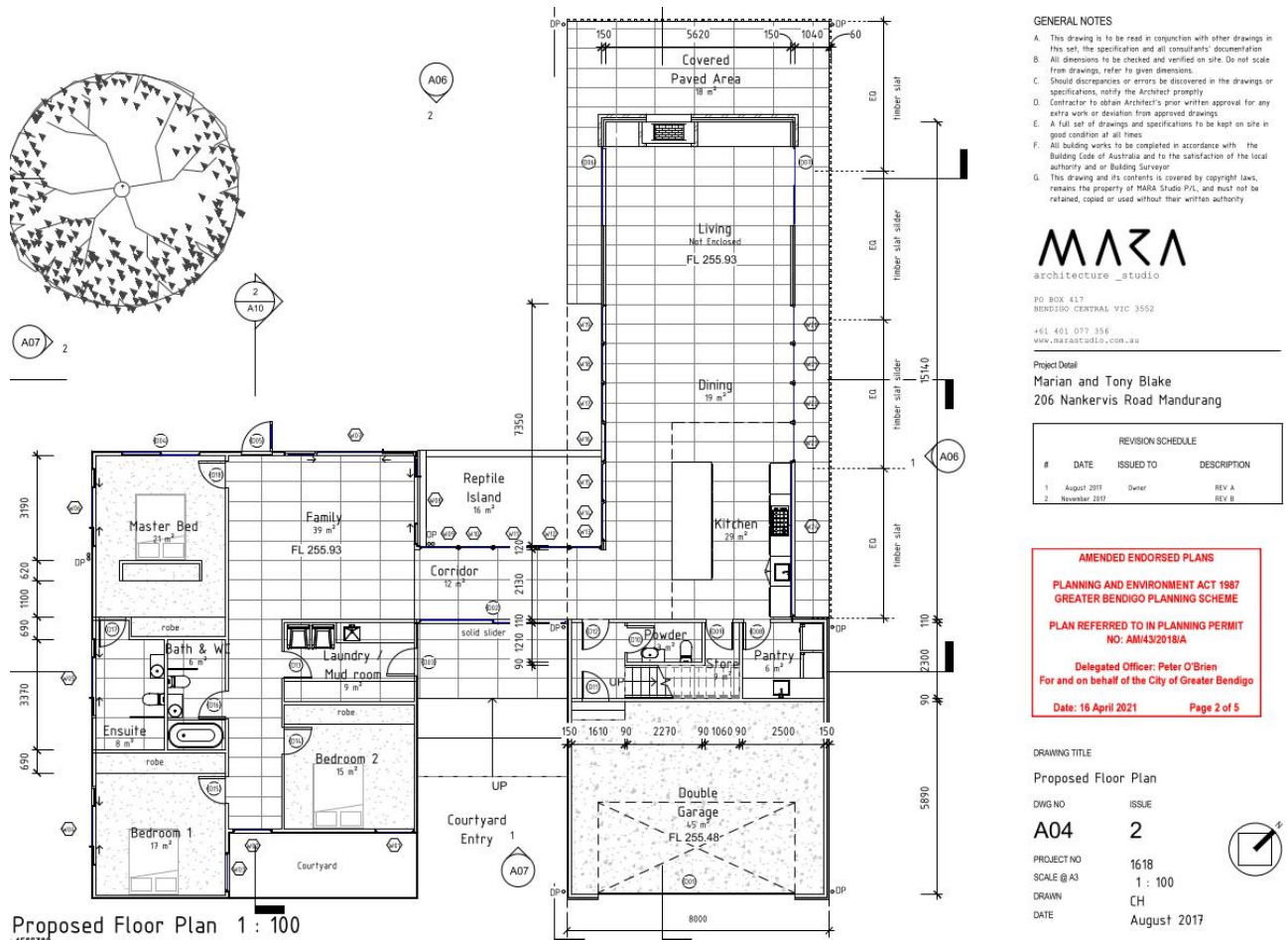


**Figure 1:** Endorsed Proposed Floor Plan – DR/43/2018

AM/43/2018/A

The first permit amendment application was received by the City on 9 March 2021. This application sought to amend the plans endorsed under the original permit. This amendment was premised on the existing dwelling on site not meeting current building requirements, resulting in the need for its demolition before any works could commence on site. As a result, the proposed dwelling design was altered to facilitate a full dwelling rebuild (knock down, rebuild). The assessment of this amendment culminated with the endorsement of amended plans under delegation on 16 April 2021.

These amended plans generally used the same building footprint as the original approval. The dwelling retained its frontage to Nankervis Road, including direct access from the proposed double garage to Nankervis Road via a new crossover. Figure 2 below shows the endorsed proposed site plan.



**Figure 2: Endorsed Proposed Floor Plan – AM/43/2018/A**

Concurrent with assessment of this amendment, the applicant sought an extension of time to the permit expiry. This application was approved, with the current expiry requiring that development be completed by 18 October 2024. It is expected that an extension of time request will be lodged in due course for consideration outside of the current amendment application.

### AM/43/20218/B

The current amendment application was received by the City on 15 May 2023. This amendment application seeks to amend the endorsed plans as a result of a redesign of the proposed dwelling. The specifics of these changes are described below. In essence, these changes seek to remove the dwelling's orientation to Nankervis Road and provide this primary frontage to an internal driveway area.

Should the outcome of this application be refusal, the landowner would still be able to act on planning permit AM/43/2018/A.



## Report

### Subject Site and Surrounds

The site is a regular shaped allotment located on the northwestern side of Nankervis Road, Mandurang. The allotment is 8,094 square metres in size and contains a single storey weatherboard dwelling in the southern portion of the site, which is setback 6.04m from the front boundary. Two outbuildings are located immediately adjacent to the dwelling. A dam is located in the northern portion of the site, with the balance of the land largely cleared of vegetation. The northern portion of the site has been extensively landscaped and now presents as a manicured lawn area to the north of the proposed dwelling site. Earthworks have been undertaken along the east and west boundaries of the site to create earth bunds of approximately 1.0-1.2m in height. These have been further planted out with indigenous plants to create a private yard area that has no connection to Nankervis Road to the east whilst also increasing privacy to the private land to the west. The result of this landscaping is to provide a private yard for the dwelling, framing views to the north from the proposed dwelling location across manicured lawns to the dam at the northern end of the site. Figure 3 (below) shows an aerial image of the subject site.



**Figure 3:** Aerial image of subject site (Nearmap.com dated 20 October 2023)

Figure 4 (below) shows the current presentation of the dwelling to Nankervis Road.





**Figure 4:** Photo of existing dwelling as it presents to Nankervis Road (Image date 2 February 2024)

The surrounding area is characterised by rural residential style development, with large dwellings constructed in a semi-rural style with large shedding. Most lots are in the vicinity of 8 hectares in size, which results in the subject site being small in comparison. Most dwellings are well setback from Nankervis Road, contributing to the rural residential character of the area. Figure 5 shows the broader context for the site.



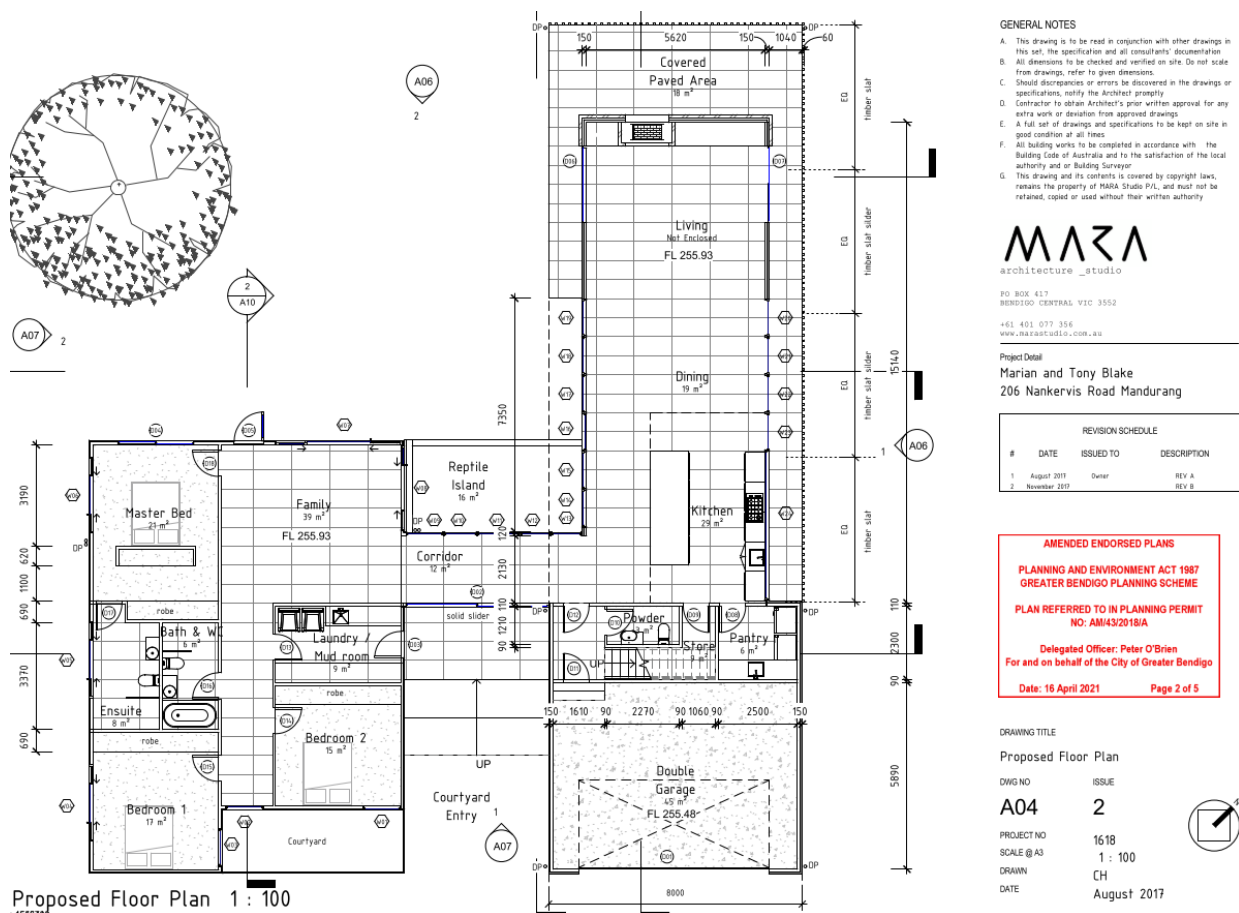
**Figure 5:** Aerial image of the site and surrounding area (Nearmap.com dated 20 October 2023)

## Proposal

The application seeks to amend the plans endorsed under planning permit AM/43/2018/A.

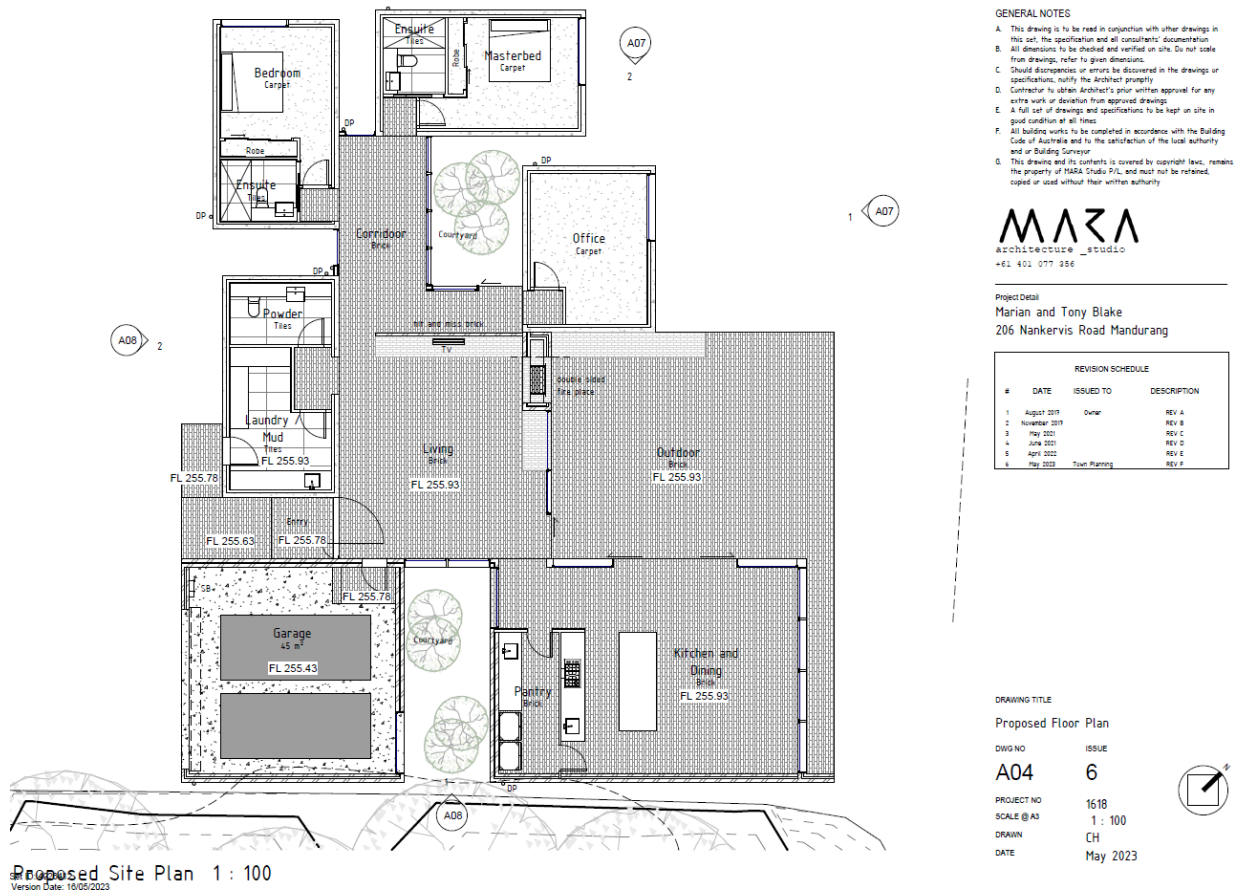
The changes are substantial in scale, in effect redesigning the proposed dwelling. Notably, the dwelling has been reorientated 90 degrees to provide entry from the internal driveway to the southwest of the dwelling rather than fronting onto Nankervis Road to the southeast. All internal spaces have been relocated to further preference northerly solar access.

These changes are shown in Figures 6 and 7 below. Figure 6 shows the endorsed plans under AM/43/2018/A and Figure 7 shows the proposed plans submitted with this layout.



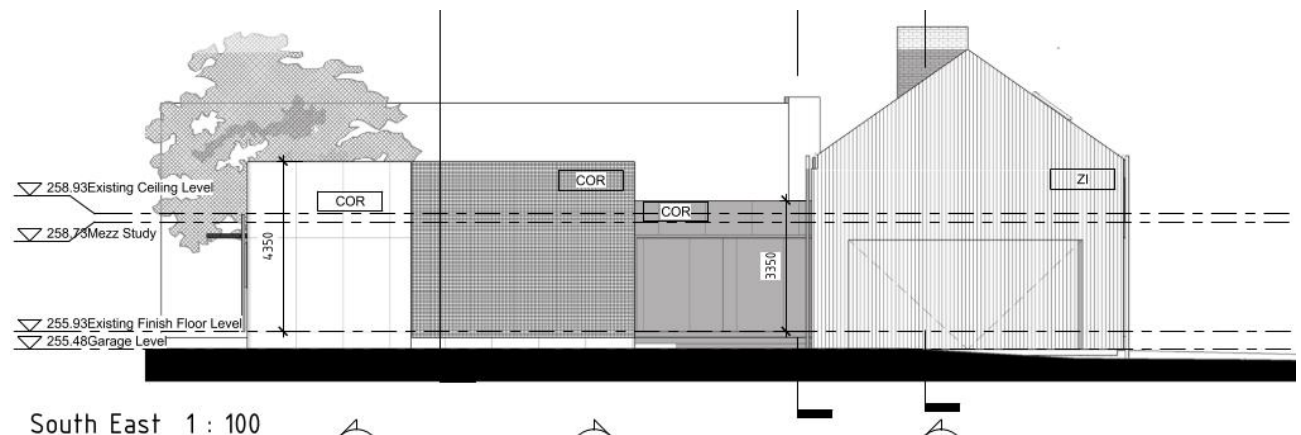
**Figure 6:** Endorsed Proposed Floor Plan – AM/43/2018/A





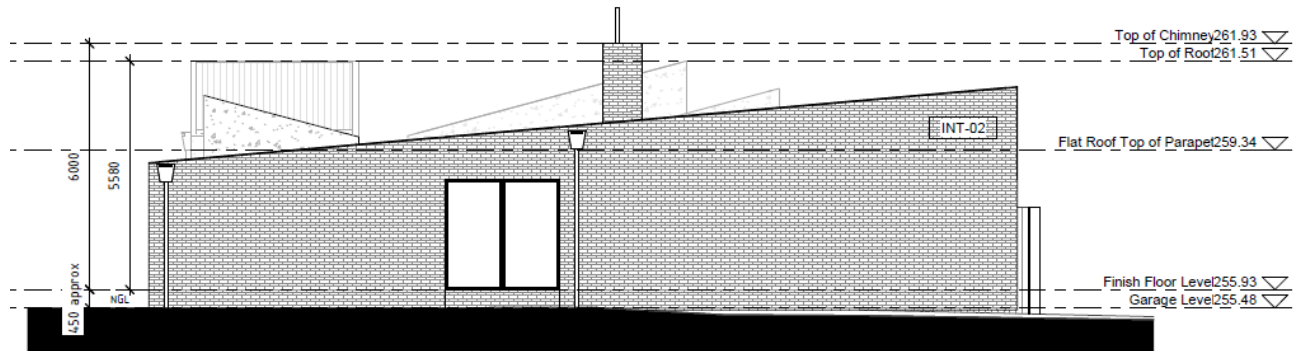
**Figure 7:** Proposed Floor Plan submitted under AM/43/2018/B

The key elevations for the proposed dwelling are to the south towards Nankervis Road. The changes to this elevation are shown in Figure 8 (endorsed south elevation) and Figure 9 (proposed south elevation) below.



**Figure 8:** Endorsed south elevation – AM/43/2018/A





South Elevation 1 : 100

**Figure 9:** Proposed south elevation under AM/43/2018/B

## Planning Controls - Greater Bendigo Planning Scheme

### Why is a permit needed?

The following table lists all the planning permit triggers that applied to the original application (DR/43/2018). These planning permit triggers remain unchanged since this original permit was assessed.

Clause	Permit Trigger
Clause 35.03-4 Rural Living Zone	<ul style="list-style-type: none"> <li>Construct a building or construct or carry out works associated with a section 2 use.</li> </ul>
Clause 44.06-2 Bushfire Management Overlay	<ul style="list-style-type: none"> <li>Construct a building or construct or carry out works associated with accommodation.</li> </ul>

The following clauses are relevant in the consideration of this permit amendment application:

### Municipal Planning Strategy

- 02.03: Strategic directions
- 02.03-3: Environmental risks and amenity
- 02.03-5: Built environment and heritage

### Planning Policy Framework

- 11.03-6S: Regional and local places
- 15.01-1S: Urban design
- 15.01-2S: Building design
- 15.01-5S: Neighbourhood character
- 15.01-6S: Design for rural areas
- 16.01-1S: Housing supply

16.01-3L: Rural residential development - Greater Bendigo

Other Provisions

35.03: Rural Living Zone

Clause 65: Decision Guidelines

**Policy Context**

***Primary Council Plan Reference***

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

Outcome 2 – Healthy, liveable spaces and places

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

Goal 7 – Sustainable population growth is planned for

## Consultation/Communication

### Referrals

The following internal department has been consulted on the proposal:

Referral	Comment
Urban Design	<p>Current dwelling design not supported.</p> <p><u>Design response to the neighbourhood character</u> The proposed design does not respond appropriately to the existing neighbourhood form and character.</p> <p>Dwellings proposed within proximity to a major road must address the street frontage to ensure that the residential nature of the building is easily understood.</p> <p>This could be achieved by making the following changes:</p> <ul style="list-style-type: none"><li>• Relocate the garage door to face the street.</li><li>• Provide additional or larger windows to the street facing elevation.</li><li>• Provide a pedestrian entrance facing the street with a roof overhang to protect from the weather.</li><li>• Provide landscaping with an entrance path and planting.</li><li>• Include identification of the building such as a street number.</li></ul> <p><u>Building services</u></p> <ul style="list-style-type: none"><li>• Please relocate the mechanical services to ensure they are not visually dominant when seen from the street.</li><li>• Screening the mechanical services would be an acceptable alternative.</li></ul>

### Public Notification

The application was not advertised.

City officers have fundamental concerns with the proposal which result in the proposal not being supported on policy grounds. Opportunity was provided to the applicant to amend the submitted plans to meet local and State policy, with the applicant indicating that they did not wish to amend the plans. The applicant indicated a preference that the plans as submitted be assessed, with the ultimate decision on the merits of the design to be made by Councillors at a Council meeting.

As a result, notice was not undertaken.

## Planning Assessment

In considering this amendment application, the following matters must be considered:

- What is able to be considered with this amendment application.
- Whether the proposed dwelling design an appropriate response in relation to the existing rural residential character of the area.

What is able to be considered with this amendment application.

Section 72 of the *Planning and Environment Act 1987* provides for a landowner to seek an amendment to a permit from the responsible authority. The assessment for an application to amend a permit must focus only on the amendment itself. It is not able to consider the aspects of the proposal that have already been considered under the original approval and subsequent amendments.

In relation to this application, the following items are not able to be considered:

- **Use of land for a dwelling** – Whilst the site is under the minimum lot size threshold of 8 hectares for which the use of the land requires a permit, the site benefits from existing use rights due to the existing nature of the dwelling on site.
- **Demolition of the existing dwelling** – Under the Rural Living Zone and the Bushfire Management Overlay, there is no provision that requires a planning permit be issued for the demolition of the dwelling.
- **Consideration of Bushfire Management Overlay** – The suitability of the site for development of a dwelling under the BMO was considered under the original permit. The site was deemed to adequately manage bushfire risk, subject to compliance with relevant bushfire mitigation measures detailed within the endorsed Bushfire Management Plan.
- **Consideration of Environmental Significance Overlay** – All proposed works are located outside the extent of the Environmental Significance Overlay that affects the site. As such, no planning permit was triggered under the original planning permit or any subsequent amendment application.

The focus of this application relates to the proposed design changes to the dwelling. These changes are considered solely under the controls of the Rural Living Zone. The appropriateness of these changes is assessed below.

Whether the proposed dwelling design is an appropriate response to the existing and preferred rural residential character of the area.

The site is located within the Rural Living Zone. The purpose of the Rural Living Zone is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for residential use in a rural environment.*
- *To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.*
- *To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

To ensure these purposes are met, the Decision Guidelines of the Rural Living Zone require (amongst other things) to consider the following:

- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*

These decision guidelines lead to two general aspects of the amendment application that must be considered. These relate to the building design in its urban context and the appropriateness of the design in the existing rural residential character of the area.

### *Building Design*

There are a range of policies within the Greater Bendigo Planning Scheme that must be considered in designing a dwelling within a rural residential setting. These primarily are drawn from the following clauses:

#### **15.01-1S: Urban design**

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *Ensure the interface between the private and public realm protects and enhances personal safety.*
- *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*

- Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.
- Promote good urban design along and abutting transport corridors.

#### **15.01-2S: Building design**

- Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.
- Ensure development responds and contributes to the strategic and cultural context of its location.
- Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- Improve the energy performance of buildings through siting and design measures that encourage:
  - Passive design responses that minimise the need for heating, cooling and lighting.
  - On-site renewable energy generation and storage technology.
  - Use of low embodied energy materials.
- Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
- Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
- Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.
- Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.

(emphasis added)

This list of policy objectives is comprehensive and provides a framework for how a building should be designed to integrate with the wider area in which it is located.

It is noted upfront that there is direction within the Planning Scheme for improving energy efficiency of buildings. This application has been primarily designed by the applicant to produce a house that is highly energy efficient, utilising solar passive design principles. A predominate northerly aspect has been sought, with living spaces designed with large windows to the north. The orientation of the site results in these northern windows being directed away from Nankervis Road, running along the site's southeastern boundary.

Whilst this energy efficient design response is encouraged, it must not be to the detriment of how the dwelling will integrate with the public realm, given the need to balance competing policy objectives. This is best reflected through the policy statement of:

*Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*

The public realm associated with this location relates to Nankervis Road. Nankervis Road is a local road, which provides access between Mandurang and Mandurang South, providing a key transport corridor for the area. The road is a typical rural road providing two-way vehicle movements along an 80 km/h speed-controlled road. The site is located 600m to the south of the main intersection within Mandurang of Nankervis Road with Mandurang/Sedgwick Road.

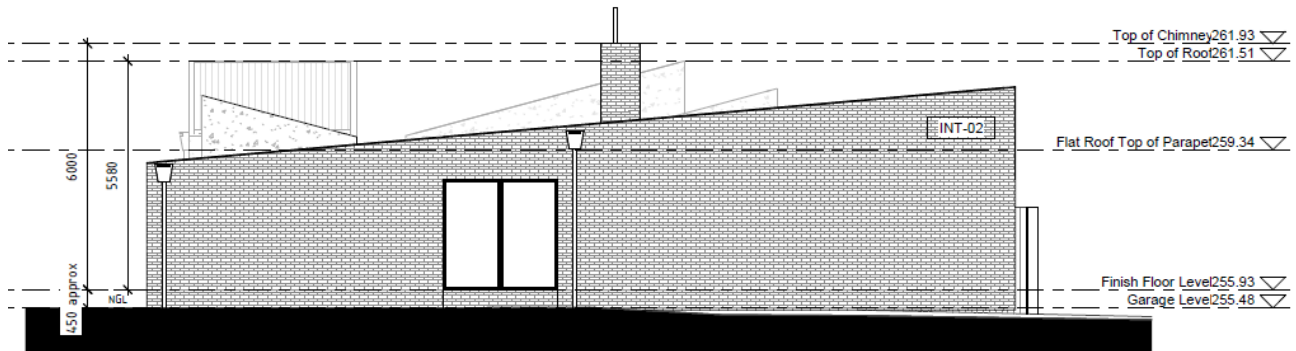
This stretch of Nankervis Road contains the main area of residential development associated with the Mandurang township. As a key transport corridor, good urban design outcomes are sought by policy. Good urban design is detailed within the *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017)*. This document, under objective 1.5.1, requires:

*Provide for a level of active frontage and lot access appropriate to the street function and building use patterns.*

In applying this principle to the subject site, this is intended to result in windows from habitable rooms and front door access from the Nankervis Road frontage. This would result in the dwelling presenting to Nankervis Road with an active frontage, which is completely missing in this design.

The plans endorsed under AM/43/2018/A were designed with these principles in mind. A courtyard entryway is provided centrally along the road frontage, with a double garage orientated to the road to the right and bedrooms to the left.

The plans submitted under this amendment application seek to relocate the dwelling entry and the double garage to the southwest elevation of the building, which presents to the internal driveway. The new design in effect turns its back on Nankervis Road, instead proposing a solid brick wall. This wall is not moderated by any articulation other than a recessed courtyard. A skillion roof is proposed, which slopes from right to left when viewed from Nankervis Road. The side of the roof is obscured by the brick wall presenting to the road. This results in the elevation shown in Figure 9 above and replicated at Figure 10 below.



South Elevation 1 : 100

**Figure 10:** Proposed south elevation under AM/43/2018/B

This outcome is contrary to good urban design outcomes, resulting in a building that has no interaction with the public domain along Nankervis Road. This is an undesirable planning outcome.

The applicant has acknowledged that this outcome is not a good outcome and has proposed to soften this interface with landscaping. As the dwelling is only setback 8.4m from the Nankervis Road boundary, this treatment would likely result in a screening hedge that further reduces any activated connection. Further to this, landscaping should not be relied upon as there are no guarantees that it will be retained.

The application was referred to the City's Urban Designer for comment (see response above). The design in its current form was not supported due to its lack of address to the street frontage to ensure that the residential nature of the dwelling is easily understood. Design changes were suggested that would result in an acceptable urban design outcome (see above).

These changes were suggested to the applicant as a way of putting forward a potential solution to the concerns raised. The applicant advised that they were unwilling to consider these changes, advising that they wished for the plans in their current form to be considered. The applicant was advised that this would result in officer support not being given to the proposal, with the ultimate decision on the application to be made in the Council chamber. The applicant indicated a preference for the merits of this proposal to be decided by Councillors, informed by officer assessment.

Officer assessment is that the proposed dwelling design is unacceptable from an urban design perspective as it does not result in an activated frontage to Nankervis Road in accordance with policy within the Greater Bendigo Planning Scheme.

### *Neighbourhood Character*



In relation to neighbourhood character considerations, the policies within the Greater Bendigo Planning Scheme that must be considered are drawn from clauses 15.01-5S: Neighbourhood character, 15.01-6S: Design for rural areas, and 16.01-3L: Rural residential development – Greater Bendigo.

These policies all reinforce each other, with the local policy detailed at clause 16.01-3L: Rural residential development – Greater Bendigo providing a clear direction for what is to be achieved on the site. This requires that development:

*Design the dwelling to fit in with the surrounding rural living or rural residential character or preferred character of the area.*

This clause requires the responsible authority to consider:

*Whether the dwelling and associated buildings fit into the character of the surrounding area.*

The surrounding area is characterised by three distinct development eras. The first relates to the initial agricultural development of the area to support Bendigo's initial development. This development era resulted in the agricultural land development pattern of the area. This is evidenced through the farm dwellings dating from the turn of the 19<sup>th</sup> century and their associated outbuildings. The existing dwelling on site is associated with this initial development character. The dwellings that resulted from this era of development are a mix of well setback dwellings and dwellings that are positioned immediately adjacent to the road network (such as the 6.04 metre setback of the existing dwelling on this site). In the instances where a dwelling is located in close proximity to a road corridor, these dwellings all directly address the road corridor.

The second character type is associated with rural residential development that occurred throughout the 1980s and 1990s. This typology is generally characterised by large single storey brick veneer dwellings on large allotments (generally of 8 hectares in size). These dwellings are generally well setback from the road network and are set in well-established garden settings.

The third character type results from recent rural-residential development. This phase has occurred over the last 10 years. These dwellings are generally architecturally designed, contemporary dwellings. These dwellings are predominately well setback from road corridors and are a result of further subdivision of the land surrounding Mandurang over recent years. Due to the recent nature of these dwellings, garden settings have yet to be established.

The proposed dwelling is consistent with this third character type, with the design being contemporary in nature. However, this site does not benefit from the deep setback that exists for all other instances of this development type.

In the context of this development, the contemporary nature of the proposed building is in keeping with the third character type discussed above. What is not in keeping is the orientation of the dwelling. In all character types discussed above, where a dwelling is in proximity to a road corridor, dwellings all directly address the road corridor. This occurs through the positioning of the front door having direct connection to the road corridor in addition to a number of windows from habitable rooms (either bedrooms or living spaces). Front verandahs are also widely expressed.

The dwelling proposed here does not have any of these features. It instead proposes a blank brick wall to Nankervis Road. An attempt to soften this has been made through the provision of some minor articulation through the placement of a courtyard. This approach is unsatisfactory in creating the required connection needed to assimilate the dwelling into the existing character of the area.

To further reduce the connection of the site to Nankervis Road, it is expected that the landscaping treatment that has occurred to the north along the side of the balance of the lot will extend along the side of the proposed dwelling. This will result in the site being totally obscured from the public domain. The resultant site interface will be an earthen wall, planted out with indigenous native vegetation, which largely obscures the proposed dwelling from view. The only connection would be via the driveway crossover at the southern extremity of the site.

This would result in an enclosed site, which is not in keeping with the predominate rural residential character that exists throughout the surrounding area. Officer assessment is that the proposal is not in keeping with the established and preferred character for Mandurang.

## **Conclusion**

The Greater Bendigo Planning Scheme seeks to encourage appropriately located residential development that is consistent with the established and preferred character of the area.

This amendment application seeks to amend the endorsed plans for the site by extensively redesigning the proposed dwelling. The outcome of this redesign would be a dwelling that has no connection to the immediately adjacent Nankervis Road. This outcome is not consistent with established building design principles and does not accord with the established character for Mandurang.

It is recommended that Council determine to refuse to grant an amendment to permit AM/43/2018/A as the proposal presents an unacceptable response with regards to the decision guidelines of the Rural Living Zone and the broader planning policy framework as it relates to building design and neighbourhood character.

Refusal of this application will ensure that the rural residential character of Mandurang is supported and protected from inappropriate dwelling development.

### **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

**16.3. Excision and transfer of part of Council's Reserve on Strathfieldsaye Road to Coliban Water for sewer pump station**

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

**Purpose**

To respond to a request for the excision, re-reservation and transfer of a 560m<sup>2</sup> part of the City of Greater Bendigo (City) freehold parcel (Reserve 3\PS540789) located on Strathfieldsaye Road, to facilitate construction of a Coliban Water sewer pumping station.

**Recommended Motion**

That Council:

1. Note that under section 116 of the Local Government Act 2020 (Vic) (the Act), Council may transfer or exchange land, without public notice, to any public body. A public body means any government department, municipal Council or body established for a public purpose by an Act of Parliament. For this purpose, Coliban Water is considered a public body.
2. Note that a market valuation, for the purposes of the transfer of this Council owned asset, was obtained from qualified independent valuer.
3. Approves the excision, re-reservation and transfer of a 560m<sup>2</sup> parcel of land from Reserve 3\PS540789 (as shown on the attached plan of subdivision PS918015U) (the Land) to Coliban Water, conditional upon:
  - a. The City receiving payment of \$83,000 from Coliban Water, with the funds raised to be returned to the City's Land and Building Reserve.
  - b. The City receiving reimbursement from Coliban Water of all administration and legal fees associated with the transfer of the Land.
  - c. The City approving a landscape plan prior to the construction of the proposed sewer pump station, or other development upon the Land.

## **MOTION**

That the recommended motion be adopted.

Moved: Cr O'Rourke

Seconded: Cr Fagg

## **Resolution No. 2024-42**

**CARRIED**

## **Report**

In 2004 the City acquired an area of land located between Axe Creek and Mannes Lane along Strathfieldsaye Road, Strathfieldsaye (see Attachment 1). The acquired land is comprised of Crown Allotments 13, 14 and the Reserve. These parcels were acquired to support future development of new recreational facilities to service the expanding Strathfieldsaye Township, as subsequently reflected within the Strathfieldsaye Township Plan 2010.

The Reserve has been created for the purposes of future public open space with the intent that it would ultimately be developed to provide additional sporting/recreational facilities for the expanding Strathfieldsaye Township.

Planning for the development of the Reserve has not yet commenced, however consideration is being given to its potential future use.

The City has been requested to consider the excision and transfer of a 560m<sup>2</sup> component of Reserve 3\PS540789 (the Land), to accommodate construction of a Coliban Water Sewer Pumping Station (SPS). The SPS would service land which is subject to future residential development within the nearby Strathfieldsaye Urban Growth Boundary (UGB).

A primary consideration of the proposal is that provision of a single SPS at the proposed location achieves significant operational efficiencies through alleviating the requirement for construction of several independent pump stations within the confines of nearby active and future development sites.

The concept of amalgamating multiple pump station facilities into the single SPS has been developed in collaboration between Coliban Water, the City and relevant developers. This proposal is considered to offer a varying level of benefit to all parties involved, including:

- Reduced upfront capital costs for single SPS construction versus the requirement to construct several smaller satellite SPS facilities.
- Reduced ongoing SPS operational and maintenance costs.

- Increased residential lot yield through condensed SPS footprint.
- Ability to accommodate future development connections from peripheral land.
- Improved residential amenity and environmental outcomes through SPS rationalisation and positioning.
- Facilitation of further residential growth and development within the UGB.
- Capacity to cater for future Reserve development.

A concept design for the SPS and associated reticulated mains network has been prepared by Tomkinson (see Attachment 2). This layout identifies the proposed location of the SPS and the associated land, contained within the existing UGB, which would benefit from this facility. Further connections to the SPS may be possible should the UGB be expanded, or ancillary areas of land beyond the current UGB be identified for future development.

Once constructed, the SPS is expected to have capacity to support development of up to 1152 new residential allotments, dispersed across the area within the UGB as shown within Attachment 2.

The requested 560m<sup>2</sup> area of the Reserve as shown within Attachment 3, will accommodate a primary underground pump station, Surface control systems and an ancillary underground 200KL storage system. This additional holding capacity is required for network balancing, to avoid potential downstream overflow events, via controlling/regulating the rate of effluent discharge to downstream pump stations during peak times.

At the time of its acquisition in 2004, all three allotments (CA13, 14 and the Reserve) were subject to a lease back arrangement, permitting their use by the former landowner for agricultural purposes. The lease agreement will require amendment to reflect the reduced land area available for this activity as well as an appropriate notice period ahead of the transfer of the Land.

Under section 116 of the Act, Council may transfer or exchange land, without public notice, to any public body. A public body means any government department, municipal Council or body established for a public purpose by an Act of Parliament and includes Coliban Water. A market valuation, for the purposes of the transfer of this Council owned asset, was ascertained by a qualified independent valuer. Any funds raised through the transfer of the Land would be returned to the City's Land and Building Reserve, and the City will require reimbursement of all legal and administrative costs incurred in association with the transfer.

***Previous Council decision dates:*** Council resolved to acquire the Reserve at its ordinary meeting on 16 August 2004.

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

A decision regarding the positioning and/or configuration of the new SPS facility(s) is a high priority in the context of active residential developments within this precinct, given the anticipated lead time to complete required detailed design and subsequent construction.

The inability to identify a preferred SPS arrangement will likely contribute to further delays in commencement of new residential developments within the UGB.

### **Options Considered**

Three options were considered in response to the request for excision and transfer of part of the Reserve to accommodate the proposed SPS. These included:

#### ***Support the requested transfer of the Land and construction of a single combined SPS:***

- Reduced upfront capital costs for single SPS construction versus requirement to construct several smaller satellite SPS facilities.
- Reduced ongoing SPS operational and maintenance costs.
- Increased residential lot yield through condensed SPS footprint.
- Ability to accommodate future development connections from peripheral land
- Improved residential amenity and environmental outcomes through SPS rationalisation and positioning.
- Facilitation of further residential growth and development within the UGB.
- Capacity to cater for future Reserve development.

#### ***Refusal to transfer the Land but seek to establish the proposed SPS on an alternate site:***

- Coliban Water and developers may seek to acquire an alternate parcel to accommodate the proposed SPS facility for the precinct. This site would most likely be further isolated from the Reserve, hence may result in additional costs being incurred in the future if/when a sewerage connection for the Reserve is pursued.
- Depending on where this SPS facility may ultimately be located, future connection of surrounding parcels within the UGB may also be impractical. This may therefore lead to additional pump stations being required in association with future development in this precinct.

#### **Separate pump stations servicing individual development(s) stages:**

- Individual developments within the UGB may be able to proceed through utilisation of independent pumping systems within the confines of their

development boundary. This may result in several pump stations being constructed within this precinct. Such construction carries a significantly increased capital cost (for developers) as well as a higher ongoing operation, maintenance and renewal costs for Coliban Water, once these assets are inherited.

- The requirement to set aside areas of developable land to accommodate these multiple pump station facilities will result in a reduced yield within the defined UGB.

### ***Timelines***

This decision materially impacts planning and/or commencement of future stages of residential development within this precinct. Subject to Council support, Section 35 transfer of the land to Coliban may be completed within six months, following preparation of a formal plan of subdivision.

Once the Land is transferred, design and construction of the SPS facility is likely to take 6 to 18 months.

### **Communications/Engagement**

In response to the requested Land acquisition, internal consultation has been undertaken between City's Engineering, Active and Healthy and Property Units.

Pursuant to section 116 of the Act, no public consultation regarding the proposed transfer of land to Coliban Water is required.

Subject to Council's decision, notice will be required to be given to the current lease holder regarding the reduction in land over which current agricultural and grazing activity may be conducted.

### **Financial Sustainability**

All costs associated with the City's valuation of the Land and its subsequent excision, acquisition and transfer will be met by Coliban Water or the lead developer who may be selected to deliver this project on their behalf. Costs associated with subsequent construction of the sewer pump station will also be met by Coliban Water or a lead developer.

In addition to reimbursement of its legal and conveyancing costs, the City will receive payment of the agreed land value (currently \$83,000). Any funds raised through the transfer of the Land would be returned to the City's Land and Building Reserve.



The estimated lost lease revenue is negligible (i.e. \$9.38 per annum).

### **Risk Assessment**

Excision of the subject land will not jeopardise or adversely impact the future development of the balance of the Reserve or provision and configuration of facilities therein.

The process for considering transfer of the Land has been undertaken in accordance with the statutory requirements outlined within the Local Government Act 2020.

### **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)***

Local Government Act 2020

Strathfieldsaye Township Plan 2010

### **Conflict of Interest**

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

### **Attachments**

1. Plan of Subdivision No. P S 540789 M [**16.3.1** - 2 pages]
2. Coliban Water Sewerage Pumping Station and Connection design extract [**16.3.2** - 9 pages]
3. Attachment 3 - Proposed Plan of Subd Sec 24 A V 2 [**16.3.3** - 2 pages]

## **17. STRONG, INCLUSIVE AND SUSTAINABLE ECONOMY**

### **17.1. Development Contributions Policy and Governance Framework**

Author:	Rob Anderson, Coordinator Development Contributions and Infrastructure Planning
Responsible Director:	Rachel Lee, Director Strategy and Growth

#### **Purpose**

To consider and endorse a new Council policy and governance framework for the implementation and management of development contributions schemes across the City of Greater Bendigo, subject to community consultation.

#### **Recommended Motion**

That Council:

1. Endorse the draft Development Contributions Policy and Development Contributions Governance Framework for the purposes of community consultation;
2. Support the commencement of community consultation on the Development Contributions Policy and Development Contributions Governance Framework; and
3. Note that the Development Contributions Policy and Development Contributions Governance Framework will be presented back to Council for adoption following community consultation.

#### **MOTION**

That the recommended motion be adopted.

Moved: Cr Fagg

Seconded: Cr O'Rourke

**Resolution No. 2024-43**

**CARRIED**

## **Executive Summary**

- The City of Greater Bendigo is a recognised regional growth municipality and as part of the City's long-term growth there is a need for a transparent and consistent approach to infrastructure planning and funding for new development.
- A development contributions scheme is a tool used by local government to collect funds for the delivery of future infrastructure that services new development.
- City officers have been assessing how best to guide the selection, implementation and management of development contributions schemes for new development.
- A Development Contributions Policy (the Policy) and a Development Contributions Governance Framework (the Governance Framework) have been prepared to support City staff and the development industry, and to facilitate sustainable urban growth.
- The new Policy and Governance Framework has been prepared based on government and industry best practice, engagement with other growth councils and targeted consultation with the local development industry.

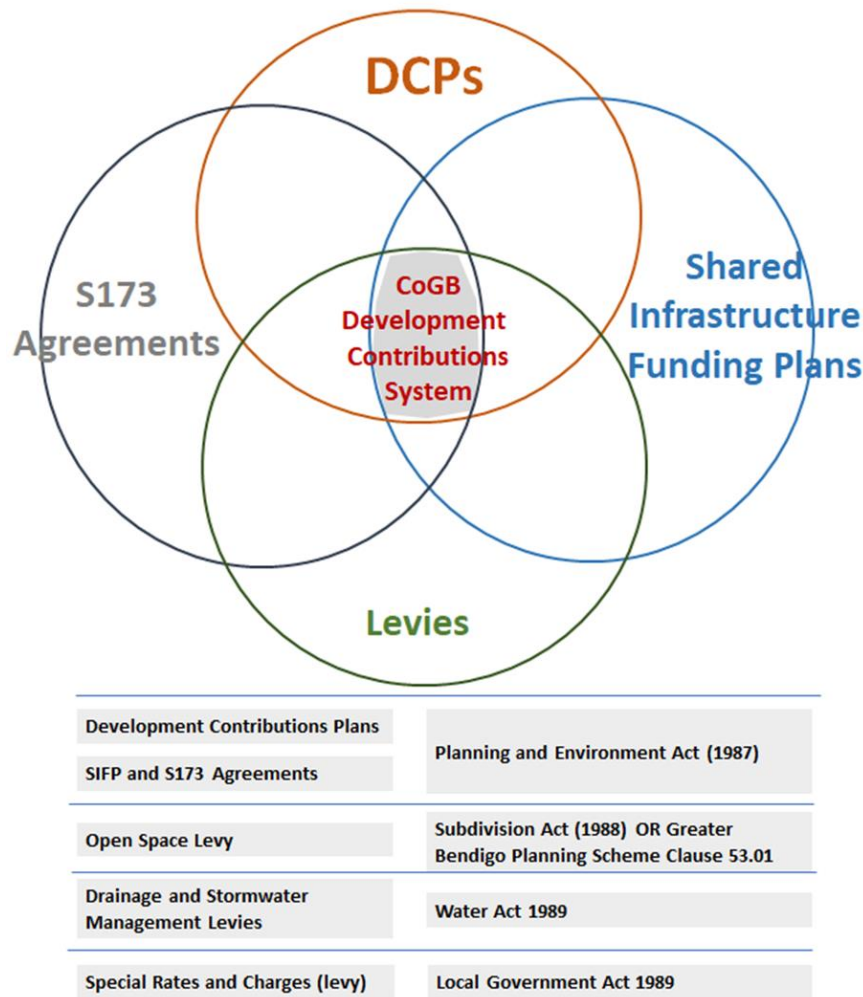
## **Background**

Development contributions are a tool utilised by local government and other infrastructure authorities to ensure the delivery of essential shared infrastructure that is required to service new urban development or areas of significant change.

Development contributions play an important role to ensure this infrastructure burden doesn't fall on existing residents and business, but instead is funded by the beneficiaries of new development and the source of new service demand.

Development contributions do not fund all required infrastructure and services that are generated from new development but fund the 'essential' shared infrastructure required to support the new development. Major infrastructure and facilities that service much larger catchments are either funded directly by local and State governments or the Commonwealth Government, or in some cases development contributions can 'contribute' a portion of the overall costs where there is a strong relationship (nexus) between the infrastructure and the new development.

The different development contributions schemes are shown in Figure 1 below, together with a table showing how they respectively relate to legislation.



*Figure 1 – Development Contributions Schemes*

The development contributions schemes available to local government include:

- Development Contributions Plans (DCPs);
- Shared Infrastructure Funding Plans (SIFP) and legal agreements (e.g.: Section 173 Agreement as allowed under the Planning and Environment Act 1987);
- Public Open Space Levies;
- Drainage / Stormwater Management Schemes / Levies; and
- Special Rates and Charges.

To effectively manage these various development contribution schemes and ensure their appropriate use and management, there is a need for policy direction and guidance across internal departments and the development industry. This will ensure the use of fit-for-purpose development contribution scheme and more effective decision making.

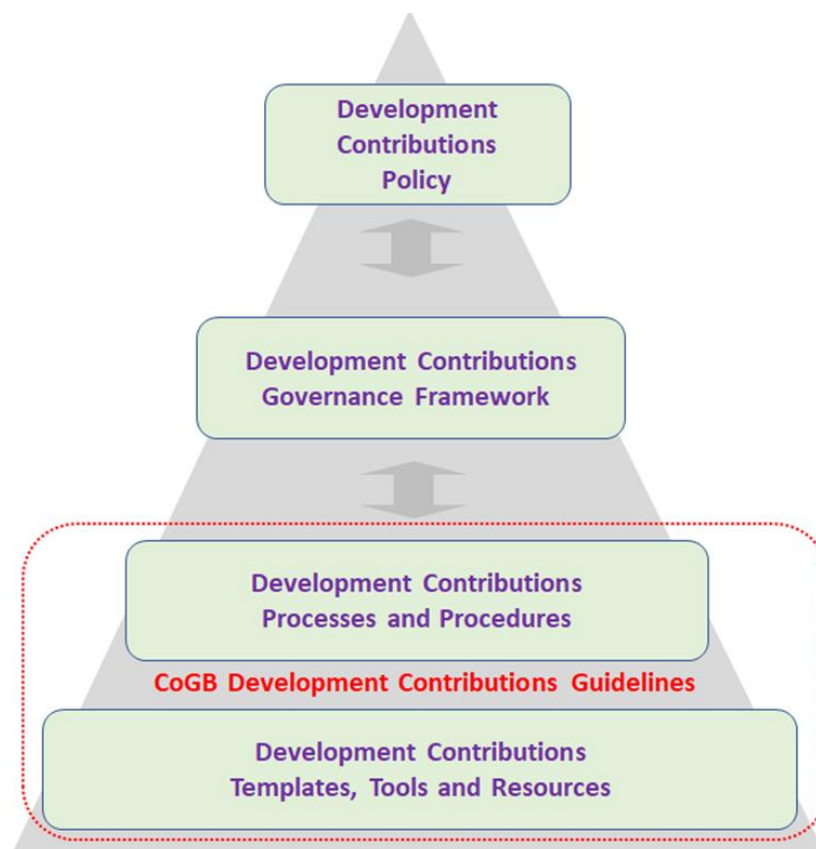
## Report

In 2023, the City commenced the development of a Development Contributions Framework that aimed to effectively guide the preparation and implementation of various development contributions schemes across the municipality.

The outcome of the process was a framework that:

- Defines the Policy Principles and Objectives that govern the City's development contributions schemes;
- Defines the City's opportunities for funding shared essential infrastructure as part of new development and change areas;
- Ensures the City's development contributions schemes are fit-for-purpose;
- Outlines the structure for decision making relating to new development contributions schemes; and
- Provides clarity on the roles and stakeholders involved in development contributions schemes.

A diagram summarising the Development Contributions Framework is shown in Figure 2 below.



*Figure 2 - Development Contributions Framework*

The adopted Policy Principles that will underpin the City's development contributions schemes and ensure their fairness, ease of implementation, and ultimately their success, are detailed below in Table 1. These policy principles have been a foundation of the development contributions system for over 30 years and ensure a balanced approach is taken on the collection of development contributions, the livability of the new communities and the financial viability of new development.

Table 1 – City of Greater Bendigo Development Contributions Policy Principles

Principles	Description
<b>NEED</b>	Clearly established need for the infrastructure.
<b>NEXUS</b>	Clear nexus between the infrastructure and the land it services.
<b>EQUITY</b>	Fair and equitable distribution of funding obligations.
<b>TRANSPARENCY</b>	Justification for the infrastructure and the selected scheme.
<b>ACCOUNTABILITY</b>	Ensure obligation are monitored and achieved by all parties.

The Development Contributions Framework also adopts four Policy Objectives relating to the City's role as a regional growth council and how best to implement development contributions within our regional development environment. These objectives can be seen below in Table 2.

Table 2 – City of Greater Bendigo Development Contributions Policy Objectives

Objectives	Description
<b>EQUITABLE COST RECOVERY</b>	Maximising the recovery of infrastructure costs that have a clear nexus with new development (be it through direct works or through development contribution schemes).
<b>MAXIMISE LIVABILITY OF NEW DEVELOPMENT</b>	Maximising the livability of the City's new development areas and change areas through the timely provision of essential infrastructure.
<b>MINIMISE FINANCIAL RISK</b>	Minimising the financial risk to the Council, its rate payers and development landowners.
<b>DEVELOPMENT FACILITATION</b>	Implementing development contributions schemes that focus on development facilitation and being fit for purpose.

The foundation of the proposed Development Contributions Governance Framework includes seven key stages that are critical to the success of a fit-for-purpose and best practice development contributions scheme. These stages are reflected as a common thread across the City's full development contributions framework, including various guidelines, internal procedures and templates.

These seven (7) stages are:

1. **Selecting** a development contribution scheme;
2. **Preparing** a development contribution scheme;
3. **Implementing** a development contribution scheme;
4. **Managing** a development contribution scheme;
5. **Project Delivery**;
6. **Reporting and Forecasting**; and
7. **Governance, Reviewing and Audits**.

The development of the Policy and Governance Framework has been guided by the *Regional Development Contributions Plan Toolkit – Development Contributions Manual (2020)* that provides guidance to regional councils on the implementation of consistent and practical development contribution schemes for new development areas (predominately focus on DCPs, SIFPs and Section 173 agreements). The Toolkit was a collaboration project between 16 regional councils and the Victorian Planning Authority.

The Policy also complements the *Public Open Space Contributions Policy (2024)* that guides the collection and expenditure of open space contributions collected under the Subdivision Act 1988 and the Greater Bendigo Planning Scheme (Clause 53.01).

### ***Options Considered***

The options that were considered as part of the City's total development contributions framework included:

1. A standalone Policy,
2. A Development Contributions Manual;
3. A governance package that included a new policy and companion governance framework.

Option 1 was not supported due to a concern that too much detail would be required in the policy to appropriately inform practitioners and staff, which is not the role of a Policy.

Option 2 was not supported due to the existing Regional Council DCP Toolkit that provides much of the detail contained within a manual. A council policy is also a

recommendation of the toolkit that has been supported by regional councils and is already in place for many metropolitan councils.

Option 3 was seen as the most appropriate solution, as it provides a clear overarching policy to guide decision making, while a supporting governance framework can assist practitioners and staff with the selection and development of new development contributions schemes, relevant for the Greater Bendigo municipality.

### **Communications/Engagement**

The Development Contributions Policy and Governance Framework have gone through an extensive engagement and development process to ensure it appropriately captures the needs of the City and industry.

The consultation and engagement process has included:

- Regular engagement with the City's Development Contributions Steering Committee;
- Internal engagement with key departments involved in various stages of the development contributions system;
- Engagement with other councils to share development contributions learnings and understand issues and/ or emerging trends that may need to be considered as part of the City's Development Contributions Framework;
- Targeted consultation with key local developers and development consultants during December 2023 / January 2024; and
- Presentation to the Bendigo chapter of the Urban Development Institution of Australia (UDIA) (note: the City is expecting a formal submission from the UDIA, however, verbal feedback to date has been in support of the Policy and Governance Framework).

To further support the development of the Policy, an Equity Impact Assessment (EIA) was undertaken to test any blind spots or inadvertent impacts the policy may have on members of the community.

### **Financial Sustainability**

The aim of the new Development Contributions Policy and its companion Governance Framework, is to facilitate sustainable urban development across the municipality while also ensuring new development does not place unreasonable financial burden on the Greater Bendigo community.



As part of the Development Contributions Framework, two Policy Objectives specifically cover the issue of responsible financial management and equity, these being:

- Maximising the recovery of infrastructure costs that have a clear nexus with new development (be it through direct works or through development contribution schemes); and
- Minimising the financial risk to the Council, its rate payers and development landowners.

## **Risk Assessment**

City officers regularly conduct risk assessments and audits on the City's development contribution system, including an external audit conducted in 2022.

These assessments reinforced the need for a clear framework that guides development contributions decision making, supported by various internal processes and procedures to maximise consistency, efficiency and knowledge management.

The key development contributions risks for the Council include:

- Under collection of justifiable development contributions;
- Increased delivery costs for development contributions projects;
- The use of the wrong development contributions scheme that may result in an unnecessary administration burden; and
- Poor integration between strategic land use planning and infrastructure planning.

These general risk areas are captured within the City's corporate risk register and monitored regularly. These risks are also addressed within the development contributions framework.

## **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)***

Public Open Space Contributions Policy (2024)

**Conflict of Interest**

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

**Attachments**

1. Draft Development Contributions Policy FINAL [**17.1.1** - 6 pages]
2. Draft Development Contributions Governance Framework FINAL [**17.1.2** - 32 pages]

## **18. ABORIGINAL RECONCILIATION**

Nil

## **19. A CLIMATE-RESILIENT BUILT AND NATURAL ENVIRONMENT**

### **19.1. Annual Environment Report 2022/23**

Author:	Michelle Wyatt, Manager Climate Change and Environment
Responsible Director:	Stacy Williams, Director Healthy Communities and Environments

#### **Purpose**

To provide Council with an overview of the Annual Environment Report 2022/23.

#### **Recommended Motion**

That Council receive the Annual Environment Report 2022/23.

#### **MOTION**

That the recommended motion be adopted.

Moved: Cr Sloan

Seconded: Cr Alden

#### **Resolution No. 2024-44**

**CARRIED**

#### **Executive Summary**

Each year officers aim to prepare an Annual Environment Report (the Report) which provides a status update on progress towards achieving the organisation's environmental goals and objectives. The Report also provides a snapshot of how the organisation is progressing with implementing relevant environmental strategies and plans.

The Report uses the *Climate Change and Environment Strategy 2021-2026* themes, goals and indicators as the framework for reporting. For 2022/23 these indicators were reviewed and updated to ensure they are measurable and help build a picture of Council's progress towards achieving its environmental goals.

Key achievements, areas for improvement and a summary of current priorities is outlined in this report and in the Annual Environment Report itself.

Overall Council is progressing well with reducing organisational emissions, reducing waste collected per capita including waste sent to landfill, increasing sustainable

land management practices, increasing recreational cycling and establishing a strategic direction for biodiversity conservation. Areas for improvement include facilitating a mode shift from car use to walking, cycling and public transport for travel such as commuting, accelerating council and the community's decarbonisation and improving water quality and flood mitigation outcomes through strategic stormwater management.

A number of indicators were not able to be reported on for 2022/23 due to the lack of monitoring or data collection. This will be improved in 2023/24 as Council starts implementing its biodiversity monitoring program and establishes more consistent data collection processes.

The Annual Environment Report 2022/23 as well as a Summary Document are attached.

## **Background**

This Annual Environment Report provides an overview of Council's environmental performance against:

1. *Greater Bendigo Climate Change and Environment Strategy 2021-26*
2. *Greater Bendigo Biodiversity Strategy and Action Plan 2023-33*
3. *Greater Bendigo Zero Emissions Roadmap*
4. *Zero Carbon: Net Zero Emissions Plan for City Operations 2023-2030*
5. *Be the Change Action Plan*
6. *Greater Bendigo Walking and Cycling Strategy* (outcomes only)
7. *Greening Greater Bendigo* (outcomes only)

Implementation of other relevant documents such as the Greater Bendigo Food Systems Strategy will be assessed separately.

The report provides an assessment of Council's environmental performance against the indicators, goals and targets contained in these documents. All indicators have been mapped to the *Climate Change and Environment Strategy 2021-26* themes.

The body of the report includes a summary of achievements, areas for improvement and current priorities for each theme. The full table of goals and indicators is provided at Appendix 1 of the Report. A snapshot of progress with implementation of the abovementioned strategies is provided at Appendix 2 of the Report.

## **Report**

The Annual Environment Report highlights the following achievements, areas of improvement and current priorities:

### Achievements

- Reduction in landfill emissions by 11,500 tCO<sub>2</sub>e due to the reduction in general waste received at Eaglehawk Landfill, including a reduction in commercial and industrial waste.
- Reduction in greenhouse gas emissions by 430 tCO<sub>2</sub>e due to the progressive electrification of buildings and fleet.
- Removal of gas from 6 Council facilities to make them all electric.
- Increase in Council's electric passenger fleet from 6 to 10 vehicles.
- Delivery of a Climate Summit through the Greater Bendigo Climate Collaboration which was attended by approximately 680 community members.
- Development of the draft *Greater Bendigo Zero Emissions Roadmap* which was since adopted in September 2023.
- Development of the draft *Biodiversity Strategy and Action Plan* which was since adopted in September 2023.
- Planting of 3,376 urban trees.
- Reduction in removal of native vegetation from Council operations.
- Adoption of the *Zero Carbon – Net Zero Emissions Plan for Council Operations 2023- 2030*.
- Installation of 18.5km of footpaths.
- Participation of approximately 168 landholders in the Healthy Landscapes: Practical Regenerative Agricultural Communities Program.
- Establishment of soft plastics recycling drop off points.
- Introduction of a 24-hour cat containment requirement.

### Areas for Improvement

- Data collection processes and practices.
- The speed of electrification of Council facilities.
- Facilitating a mode shift from car use to walking, cycling and public transport use through investment in strategic infrastructure, programs and advocacy.
- Developing a strategic approach to managing stormwater to achieve water quality and flood mitigation outcomes.
- Developing a strategic approach to management of Council's natural reserves.
- Reducing waste from Council facilities and increasing use of reused and recycled content, products and materials in Council operations.
- Supporting the community to adapt to climate change.

## Current priorities

### Zero carbon

- Delivery of a program of electrification works for Council facilities.
- Development of feasibility studies and detailed design for electrification of Council's larger facilities such as the Bendigo Library and Council's aquatic centres.
- Development of a fleet transition strategy as a part of the Fleet Asset Management Plan.
- Participation in the North Central CMA's Community Carbon local carbon offsets program.
- Development of a Public Electric Vehicle Charging Framework and Implementation Plan in collaboration with other councils in the Central Victorian Greenhouse Alliance (CVGA).

### Active and Public Transport

- Development of a Zero Emissions Transport Framework and Implementation Plan that identifies the most cost efficient interventions that will achieve the highest mode shift to walking, cycling and public transport use.
- Progression of the "Low Line" shared trail along Bendigo Creek.

### Biodiversity and regeneration

- Delivery of a biodiversity engagement program.
- Delivery of the Rural Regeneration Grants program.
- Delivery of a Sustainable Land Management Program comprising workshops and individual on-farm advice as well as the Healthy Landscapes regenerative agriculture program.

### Water

- Development of a Stormwater Management Strategy.
- Development of an implementation plan for Reimagining Bendigo Creek in collaboration with Djandak.

### Circular economy

- Continued establishment of Circular Economy Hubs.
- Installation of glass drop off points across the municipality.
- Continued waste education across industry and the community.
- Changes to kerbside collection schedules to facilitate the continued reduction in waste to landfill – i.e. collection of recycling weekly and general waste fortnightly.

### Other

- Exploration of opportunities to represent Council's environmental data on an interactive online porthole.
- Working with the community to build their resilience to the changing climate, including across the areas of heat waves, natural disasters, extreme weather events and drought.

#### Future priorities

- Continuing Council's **sustainable land management** and **biodiversity engagement** programs.
- Establishing a formal **environmental planning** function to ensure appropriate assessment of native vegetation removal from new development.
- Continuing to support emissions reductions across the community, including through the **Greater Bendigo Climate Collaboration**.
- Establishing an **integrated transport planning** function within Council to facilitate delivery of new low cost infrastructure solutions and advocacy that support a mode shift to walking, cycling and public transport use.

#### Status of actions

A review of actions across Council's key strategic environmental plans and strategies indicates that most actions are still "in progress" given that these strategies and plans were only adopted between 2021 and 2023.

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

High – reporting on Council's environmental progress is important to ensure the organisation is meeting its goals and delivering on its adopted strategies and plans.

#### ***Options Considered***

Not applicable

#### **Communications/Engagement**

The Annual Environment Report 2022/23 was produced in collaboration with staff from across the organisation.

#### **Financial Sustainability**

Not Applicable



## **Risk Assessment**

Not Applicable

## **Policy Context**

### ***Primary Council Plan Reference***

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

Outcome 5 - A climate resilient and healthy landscape

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

Goal 1 - Zero carbon

Goal 2 - Circular economy

Goal 3 - Thriving landscapes and ecosystems

Goal 4 - Water Sensitive Bendigo

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

Not Applicable

## **Conflict of Interest**

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

## **Attachments**

1. Annual Environment Report 2022 - 2023 [**19.1.1** - 50 pages]
2. Annual Environment Report 2022-2023 - Summary Document [**19.1.2** - 4 pages]

**20. A VIBRANT, CREATIVE COMMUNITY**

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:

- Spoke at opening of the new Salvos Thrift Shop in Pall Mall.
- Met with Gaelle Broad MP, Member for Northern Victoria.
- Inaugural 2024 Water Industry Operations Association of Australia Chairman's reception.
- Presided at the Citizenship Ceremony attended by 80 new citizens.
- Spoke at the Invicta Estate - Hickory Soil Turning Event.
- Official opening of the Dumawul Creative Art and Cultural Tourism Hub.
- Discovery Centre Special Brand Launch Party held at the Discovery Science & Technology Centre.
- Spoke at the International Women's Day Dinner "Devine Grace" hosted by The Entertainment Experts.
- Spoke and laid wreath at the Sandakan Commemorate Service held at the Sandakan Memorial, Crook Street Park.
- Re-Opening Celebration Kangaroo Flat Uniting Church.
- Clean Up Australia Day.
- Media briefing for World Heritage Bid.
- Zonta International Women's Day Dinner.
- Budget Workshop.
- Community Recovery BBQ at Heathcote.
- International Women's Day Breakfast 2024.
- Bendigo Trust Board Members morning tea at new Tram Café.
- Official Opening of the BCHS Endometriosis and Pelvic Pain Clinic.
- Spoke at the Netball Victoria State Titles.
- Met with Bendigo East Pool Committee & Triathlon Club members.
- Regional Cities Victoria Executive Management Group online meeting.
- Participated in media opportunity for Bonjour Bendigo campaign.
- Spoke at the launch of Bendigo Pride Festival and Flag Raising in the Library Gardens.
- Onsite meeting with residents and community members regarding Planning Application DS/207/2019 Saade Street, Epsom.
- Chaired the Gastronomy Advisory Committee meeting.
- Attended the Interfaith Council meeting.
- Dinner with the Intercultural Ambassadors.
- Met with Maree Edwards MP, Member for Bendigo West.
- Paris Exhibition Opening at the Bendigo Art Gallery.
- Participated in the Eaglehawk Dahlia and Arts Parade.
- Spoke at the Bendigo Sustainability Festival held at the Garden for the Future, and held a Councillor Engagement activity during the festival.
- Budget Workshop.
- Onsite meeting with residents regarding planning application 21-25 Shelley Street, Spring Gully.
- Chaired the Bendigo Regional Employment Precinct Steering Committee.
- Councillor advocacy meetings held with Ministers at Parliament House, Melbourne.
- Regional Cities Victoria advocacy meetings held at Parliament House, Canberra.

- Spoke at the National Municipal Works & Engineering Conference.
- Hosted visit by the Consul General of India, Dr Sushil Kumar.
- Spoke at the Holi Festival (Festival of Colours) held at the Golden Square Swimming Pool.
- Spoke at the Latin Festival held at the Garden for the Future.
- Bendigo Iftar Dinner with the Bendigo Muslim community.
- Assisted with presentations at the Boys and Girls FC Tournament held at Epsom Huntly Recreation Reserve.
- Wong Loong Blessing of the Dragon held at the Bendigo Dragon Museum.
- 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 Chief Executive Officer, Andrew Cooney, provided an update on recent meetings and attendances which included the following:

The second **Citizenship Ceremony** for 2024 was held on Wednesday 28 February. 78 residents became Australian Citizens.

Attendance at official opening of **Dumawul Creative Art** and Cultural Tourism Hub in Hargreaves Mall.

**International Women's Day** 8 March - breakfast hosted by Women's Health Loddon Mallee and launch of Women of Gold Event.

**Paris - exhibition opening.**

**Advocacy trip to Melbourne** meeting with State Government Ministers and Department Secretaries

The Hon Steve Dimopoulos - Minister for Tourism and Environment

The Hon. Harriet Shing - Minister for Housing, Minister for Water, Minister for Equality

The Hon. Sonya Kilkenny - Minister for Planning

The Hon. Melissa Horne, Minister for Local Government and Roads and Road Safety

Tim Ada - Secretary Department of Jobs, Skills, Industry and Regions

The Hon Jacinta Allan, Premier

The Hon Maree Edwards, Member for Bendigo West

The Hon Gayle Tierney, Minister for Regional Development

Mayor and I visited **Canberra as members of the Regional Cities Victoria** executive management group. Another opportunity to advocate for fund for the Regional Councils in Victoria.

Lisa Chesters MP

The Hon Dan Tehan - Shadow Minister for Immigration

The Hon Catherine King - Minister for Infrastructure, Transport, Regional Development and Local Government.

The Hon Michael Sukkar - Shadow Minister for Housing/Homelessness, Social Services, NDIS

The Hon Kristy McBain - Minister for Local Government

The Hon Tanya Plibersik - Minister for Environment and Water

Advisors to The Hon Julie Collins - Minister for Housing

Advisors to the Hon Brendan O'Connor - Minister for Skills and Training.

Sam Birrell MP - Member for Nicholls

The Hon Bridget McKenzie - Shadow Minister for Infrastructure, Transport and Regional Development

The Hon Andrew Giles - Minister for Immigration, Citizenship and Multicultural Affairs

The Hon Darren Chester - Shadow Minister for Regional Development, Local Government and Territories, Regional Education.

**Visit to Bendigo by Consul General of India, Dr Sushil Kumar.**

In Bendigo to attend the Holi Festival which was held at the Golden Square pool on Saturday 23 March.

Tour of Galkangu, Bendigo Heritage Attractions - Tram Depot, La Trobe University, Australian Turntable Company.

**Enjoy Easter.** Travel safely if going away. If staying in Bendigo, enjoy all that Bendigo offers during Easter.

**26. CLOSE OF MEETING**

There being no further business, this Council Meeting closed at 7:51 pm.